



An
Bord
Pleanála

Inspector's Report PL 17 248461.

Development

Two-bedroom demountable dwelling unit (Circa 50 square metres), septic tank, metal sliding gate to entrance and four pressed steel sheds and associated site development works.

Location

Rathdrinagh, Beaupark, Navan, Co. Meath.

Planning Authority

P. A. Reg. Ref.

LB/170162

Applicant

Annette Simpson.

Type of Application

Permission for Retention.

Decision

Refuse Permission for Retention.

Type of Appeal

First Party against Refusal

Appellant

Annette Simpson

Date of Site Inspection

6th July, 2017

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1.1. The site of the proposed development is formed from an original field which has been subdivided, the application site being the eastern half with frontage onto the N2, a short distance south of Slane. At the site frontage, there is a vehicular entrance with high double timber gates, high timber fence splays and a dark fabric on adjoining fences at the front and side boundaries. Access to the site was not possible at the time of the inspection, the entrance gates being padlocked. Some lighting and possibly some CCTV equipment was also within the site. However hard surface with gravel, relatively new steel sheds and two vehicles were sighted within the site.
- 1.1.2. Block walling is located along the rear boundary of the site separating it from the western half of the original field which has frontage onto a minor road linking (L-50561-13) the R150 and the N2. There is a bungalow and outbuilding on this site the entrance gate to which were padlocked at the time of inspection and the surface within the site was covered in overgrown vegetation.
- 1.1.3. Along the local road (L-50561-13) to the west linking the R150 with N2 there are several road frontage dwellings. At the southern end of continuous road frontage dwellings on the west side of the road there is vehicular access and track to property at the rear of the road frontage dwellings which would appear to have a commercial or storage use.
- 1.1.4. The planning authority holds an enforcement file in the name of Patrick Maughan in relation to the unauthorised development on the site. (UD 4256 refers.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 17th February, 2017 indicates proposals for permission for retention of a single storey metal clad demountable structure in use as a dwelling unit which has a stated floor area of fifty square metres and has a height of 3.8 metres. Some sheds are also located within the site and are shown on the lodged plans and included in the notice descriptions along with a septic tank and percolation area. According to the application form the site area is 2,107 square metres and the applicant is the owner.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated, 11th April, 2017 the planning authority decided to refuse permission for retention for four reasons which are outlined in brief below:

- (1) Lack of rural housing need, the location being outside a designated settlement in the rural development plan;
- (2) Inconsistency with the Rural Housing Design Guide for the county, visual obtrusiveness resulting in serious injury to the visual amenities of the area and undesirable precedent for similar development;
- (3) Insufficient information to demonstrate consistency with the EPA Code of Practice for Waste water treatment for single houses resulting in the development being prejudicial to public health.
- (4) Material contravention of national and development plan policies to restrict additional access points outside the 60 kph zone on strategic national routes, and adverse impact on carrying capacity and public safety by reason of traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Officer

The planning officer in her report who also states that the site was inaccessible at the time of her inspection notes the lack of evidence to satisfy the local rural housing need criteria, lack of consistency with the Meath Rural Design Guide incorporated in the development plan and lack of evidence to demonstrate suitability of the septic tank and percolation area and consistency with the EPA Code of Practice, national policy with regard to accesses onto strategic national routes and concerns about traffic hazard.

3.3. Other Technical Reports

- 3.3.1. The report of the Transportation Department notes the location of the entrance on a section of the N2 where the 100 kph limit applies and indicates that the proposed development would generate additional turning movements.

3.4. Prescribed Bodies

- 3.4.1. The report of Transportation Infrastructure Ireland, notes that the proposed entrance onto the N2 is at variance with national policy for control of development on national routes provided for in section 2 of *Spatial Planning and National Roads: Guidelines for Planning Authorities* (2012) (DOECLG) due to adverse impact on the national route and control of frontage development, avoidance of new access points and endangerment of public safety due to traffic hazard and obstruction of road users.

4.0 Planning History

- 4.1. There is no record of a planning history for the appeal site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Meath County Development Plan, 2013-2019.

The site location is within a rural area outside any designated settlements. It is the policy of the County Council to restrict housing development in these areas to applicants who are intrinsically part of the rural community or have a predominantly rural community based occupation.

The plan incorporates a Rural House Design Guide (section 10.7) providing for design guidance and standards for development of dwellings within rural areas. (The Rural House Design Guide therefore has a statutory basis.)

Policies relating to National Routes which reflects national strategic policy provides for avoidance of creation of additional entrances for new development and intensification of traffic at existing entrances opening onto

national routes including the N2 outside areas where the 60 kph speed limit applies are set out in chapter 6.

Policies relating to drainage arrangements for individual development are set out in chapter 10.

6.0 The Appeal

6.1. First Party Appeal

- 6.1.1. An appeal was received from PDC Architectural on behalf of the applicant on 8th May, 2017.
- 6.1.2. With regard to reason 1 for refusal of permission for retention on the basis of lack of rural generated housing need for a dwelling at the location it is submitted that the site is within “a rural residential cluster” comprising one off housing units and no farmhouse dwellings and there is no link to a rural community
- 6.1.3. With regard to reason 2 for refusal of permission for retention on the basis of material contravention of section 10.7 of the development plan (and specifically the Meath rural house design guide) it is stated that the applicant is a member of the travelling community a formally recognised ethnic minority, that the dwelling design is part of traveller culture and that and no allowance is made for travellers’ style of housing in the Meath County Development Plan.
- 6.1.4. With regard to reason 3 for refusal of permission for retention on the basis of lack of satisfactory evidence that the septic tank and percolation area satisfies the standards and recommendations with the EPA Code of Practice for Waste water treatment and disposal systems serving single houses (2009) a layout sketch is provided in which separation distances between the demountable unit, percolation area and septic tank is provided.
- 6.1.5. With regard to reason 4 for refusal of permission for retention on the basis of material contravention of TRAN Policy 40 in the development plan relating to the creation of entrances and intensification of use of existing entrances on national strategic route outside the 60 kph zone and endangerment of public safety by reason of traffic hazard and potential precedent, it is submitted that there is no evidence that an additional entrance would cause intensification of traffic and precedent has

already been set. Some photographs of a vehicular entrance a short distance north of the appeal site are included.

6.2. Planning Authority Response

- 6.2.1. In a letter received from the planning authority on 7th June, 2017 it is stated that the issues in the appeal were addressed in the assessment the application.

7.0 Assessment

- 7.1. The application with regard to the issues in the four reasons for the decision to refuse permission by the planning authority are reviewed below under the following four subheadings:

Settlement policy

Dwelling design

Drainage arrangements

Entrance arrangements.

7.2. Settlement policy

- 7.2.1. The site location is outside any designated settlements in the development plan settlement strategy, the nearest of which is Ashbourne to the south. In the rural areas (of which there are three categories) it is policy under RUR DEV SP 1 and 2 to adopt a tailored approach to rural housing that distinguishes between rural generated and urban generation housing and to ensure that the housing requirements for rural development is satisfied. The application and appeal does not include any information about the applicant's circumstances having regard to the criteria for eligibility on the basis of rural generated housing need. It is agreed with the planning authority that it is not demonstrated in the application that the applicant is a person is intrinsic to the rural community in the area of the site location and/or has a predominantly rural community based employment at the location. There is no additional information in the appeal that would address this issue. It is therefore considered that the proposed development does not satisfy Policy RD POL 1.

Section 10.4 provides elaboration on this policy with references to genuine need whereby an applicant would need to demonstrate satisfaction of the policy primarily by way of predominant involvement in agriculture including the equine industry, having been based for substantial periods of their lives in the rural area and have close family ties and have substandard housing scenarios.

7.2.2. There is a cluster of road frontage developments at the site location, primarily along L 50561-12 to the west of the N2 and the point made in the appeal that this development is not rural generated development is reasonable and is acknowledged. Nevertheless, the current proposal does not satisfy the strategic policies and qualifying criteria for eligibility with regard to rural generated housing need as provided for in the current development plan to enable the proposed development to be considered. There is no basis whereby these policies can be set aside to facilitate the proposed development.

7.3. Dwelling Design.

7.3.1. It is agreed with the planning officer that the proposed development does not satisfy Section 10.7 of the development plan. The dwelling type and design for the metal clad demountable structure subject of the proposal does not satisfy and Policy RD PL 9 with the requirement for compliance with standards and guidance and specifically the Meath Rural House Design Guide.

7.3.2. Furthermore, it is considered that the dwelling, for which the applicant appears to seek permission for retention on a permanent basis is substandard with regard to size and other considerations such as private open space provision for single dwelling units. The structure would suggest that the dwelling design is such that it is not intended for use as a dwelling unit for permanent habitation. Although it is agreed that the travelling community is a recognised ethnic minority there is no scope within the development plan that would allow for acceptance of the proposed development having regard to the interests of proper planning and sustainable development.

7.3.3. It is acknowledged that the proposed development is not visible from the public road but it is not accepted that standards with regard to visual impact and residential amenity can be set aside. The entrance to the site is somewhat insensitive to the

rural location and obtrusive in views from the public realm namely the N2 by virtue of the considerable height and solid timber splays and gates and supplementary screening material at the boundary on the outer side of the hedgerows. This element of the development is seriously injurious to the visual amenities of the area.

7.4. Drainage arrangements

Although a site layout plan is provided in the appeal, it is not apparent whether the proposed septic tank and percolation is an existing private effluent treatment and disposal system, possibly serving an adjoining development or new facility specifically installed to serve the proposed development. Given the location there are several individual private effluent treatment and disposal systems serving the other dwellings in the cluster of road frontage development. There are no details of these facilities, and no evidence that a site characterisation form has been completed along with associated on site testing in the application or included with the appeal. The proposed development is not in accordance with the recommendations in EPA Code of Practice: *Wastewater Treatment and Disposal Systems Serving Single Houses*, (2009) and is therefore in material conflict with the policies of the development plan, in particular Policies RD 47-51.

7.5. Entrance Arrangements.

7.5.1. Notwithstanding the point made in the appeal as to precedent by virtue of existing entrances in the vicinity the proposed development is in conflict with national strategic policy as represented in “*Spatial Planning and National Roads: Guidelines for Planning Authorities*” (2012) (DOECLG) and in the Meath County Development Plan. Policy TRAN PL 40 accordingly provides for the prevention of creation of additional individual entrances and intensification of movements at existing entrances which open direct onto national routes at locations outside the 60 kph zone. Development of this nature at locations within the 80 kph and 100 kph zones is in material conflict with this strategic policy which facilitates free, unobstructed and safe flow of traffic on national strategic route. The proposed development would come within this description.

7.5.2. Use of the entrance serving the proposed development does result in intensification, or increased turning movements into and out of the site directly onto the national

route and therefore that argument that the proposed development does not constitute intensification of entrances or intensification of turning movements onto and off the national strategic route is rejected. The proposed development is therefore in conflict with national strategic policy for the national strategic road network.

7.6. Appropriate Assessment.

- 7.6.1. Having regard to the location, scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Conclusion and Recommendation.

- 8.1. In view of the foregoing it is recommended that the planning authority decision to refuse permission for retention be upheld and that permission be refused on the basis of the reason and consideration set out below.

9.0 Reasons and Considerations

- 1 The site of the proposed development is located in a rural area outside any settlements designated for additional development in the Meath County Development Plan 2013-2019. According to section 10.3 and Policy Objective RD POL 1, it is the policy of the planning authority to direct development into these designated settlement areas and to restrict residential development in rural areas outside these settlements to those applicants who can demonstrate an intrinsic link to the rural community or an occupation that is predominantly based in the rural community such as agriculture or in the equine industry. The Board is not satisfied based on the information provided in connection with the application and the appeal that the applicant has genuine rural housing need in accordance with this policy. The proposed development is therefore in material conflict with the rural housing policies of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.

- 2 The design, form, finishes, site layout, private open space and landscaping, and entrance and boundary treatment for the proposed development do not accord with the provisions set out in section 10.7 and Policy RD 9 of the Meath County Development Plan, 2012-2019, specifically the Rural House Design Guide. As such the proposed development detracts from and is incompatible with the visual and residential amenities of the area and the entrance and boundary treatment is visually obtrusive and seriously injurious to the visual amenities of the area in views from the N2 route. As a result, the proposed development is in material conflict with the policies set out in section 10.7 of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.
- 3 The Board is not satisfied on the basis of the information provided in connection with the application and the appeal that the proposed arrangements for effluent treatment and disposal accord with the standards set out in EPA Code of Practice: *Wastewater Treatment and Disposal Systems Serving Single Houses*, (2009). The proposed development is therefore in material conflict with the policies of the development plan for effluent treatment, in particular Policies RD 47-51 of the Meath County Development Plan which provide for such requirements. The proposed development is therefore prejudicial to public health.
- 4 The location of the entrance to the proposed development is direct onto the N2, a national strategic route at a location which is not within an area in which the maximum 60 kph speed limit applies. It is the policy of "*Spatial Planning and National Roads: Guidelines for Planning Authorities*" (2012) (DOECLG) as reflected in the Meath County Development Plan. (Policy TRAN PL 40) to prevent creation of additional individual entrances and intensification of movements at existing entrances which open direct onto national routes at locations outside the 60 kph zone to facilitate the efficiency and effectiveness of the national strategic road network. The proposed entrance and the additional turning movements created by the proposed development interfere with the unobstructed, safe and free flow

of traffic on the route and is therefore in material conflict with this policy objective of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.

Jane Dennehy
Senior Planning Inspector
14th July, 2017.