



An
Bord
Pleanála

Inspector's Report PL17.249416

Development	Construction of a house
Location	Derrypatrick, Drumree, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA/170957
Applicant	Frank Farrell
Type of Application	Permission
Planning Authority Decision	REFUSE
Type of Appeal	First Party
Appellant	Frank Farrell
Observer(s)	None
Date of Site Inspection	9 th January 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated site area of 0.191 ha, is located on the western side of the L-2207-44 local road in the townland of Derrypatrick, c. 6km north east of Summerhill and 7.5km west of Dunshaughlin in Co. Meath. The appeal site is wedge-shaped and is currently undeveloped. It is bounded by hedging to the south and east, a fence to the north and mature trees to the west.
- 1.2. The site is accessed from an existing access point on the L-2207-44, which serves a house to the north of the appeal site and farm lands to the west of the appeal site. An access laneway to the neighbouring house to the north runs along the eastern part of the site, parallel to the public road, from which it is separated by a grassed embankment. There are a number of one-off rural houses located to the north of the appeal site, on both sides of the local road.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a storey and half three-bedroom detached house with a stated gross floor space of 136.4 sq m, as well as a wastewater treatment system and sand polishing filter.
- 2.2. The proposed house is T-shaped in plan, with a relatively simple cottage-style appearance. It has a ridge height of 6.63m, and features a nap plaster finish with raised bands around windows, slate/tile roof and precast concrete parapet capping on the gable elevations. The house features skylights on its front (east) and side (north) roof elevations.
- 2.3. A land ownership map submitted with the planning application indicates that the appeal site is located within an overall landholding of 33.9 acres, extending to the west of the appeal site.
- 2.4. The planning application was accompanied by a local needs form, landholding map, a Site Characterisation Report and a copy of a letter from the Department of Agriculture, Food and the Marine dated 3rd August 2017 regarding the granting of an application for a new herd number/re-activation of a dormant herd number.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council decided to refuse permission for one reason, as follows:

- The site is located in a rural area outside of any designated settlement as defined in the Meath County Development Plan 2013-2019 where development which is not rurally-generated should be more properly located in settlement centres. It is the policy of the County Development Plan to restrict housing in this area to those who are intrinsically part of the rural community or who have an occupation predominantly based in the rural community. It is considered, based on the information submitted, that the applicant has not established a rural generated housing need for a dwelling at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Site is within an area under strong urban influence.
- A Stage 2 Appropriate Assessment is not required.
- Proposed dwelling design is acceptable and in accordance with the Meath Rural House Design Guide.
- No overlooking or adjoining residential property would occur.
- Based on the information submitted, the applicant does not have a rural housing need at this location.
- The proposed wastewater treatment system and sand polishing filter is acceptable.
- Adequate sightlines are achievable in both directions from the entrance.
- The site is not within a flood zone area.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. A representation was made by Councillor Maria O’Kane objecting to the planning application.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any relevant planning history on the appeal site.

4.2. Adjacent Sites

4.2.1. **ABP Ref. PL17.242191:** Permission refused for a single storey dwelling and effluent treatment system on a site to the north of the appeal site. The reasons for refusal can be summarised as follows:

1. The Board is not satisfied that the applicant has established a rural generated housing need for a dwelling at this location.
2. Having regard to the design of the proposed dwelling and particularly the large projection feature within the front elevation, it is considered that the proposed development would be visually obtrusive and be contrary to the provisions set out in the Meath Rural House Design Guide.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005

5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require

that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Meath County Development Plan 2013-2019

5.2.1. The appeal site is located on unzoned lands, in an area designated as being a 'Rural Area under Strong Urban Influence' in the Development Plan. The key challenge for such areas is stated as follows:

- To facilitate the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the development plan.

5.2.2. The following Policies relate to this type of rural area:

- **RD POL 1:** To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.
- **RD POL 2:** To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.
- **RD POL 3:** To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

5.2.3. Section 10.4 sets out the criteria under which applicants can demonstrate their local housing need. It states that the "Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to

the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.”

- 5.2.4. For persons not engaged in significant agricultural or rural resource related occupations, the Development Plan states that persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in rural area as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.
- 5.2.5. Section 10.5.1 sets out the ‘Development Assessment Criteria’ which the Planning Authority will take into account. This includes housing need as defined in Section 10.4, local circumstances, suitability of the site, the degree to which the proposal represents infill development and the history of development on the original landholding. Where there is history of speculative sale of sites, permission may be refused.
- 5.2.6. Section 10.5.2 sets out the Planning Authority’s criteria for determining whether a development proposal will exacerbate ribbon development, which is defined as “high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage”. In assessing whether a given proposal will exacerbate such ribbon development, the Planning Authority will consider: the type of rural area; the circumstances of the applicant; the degree to which the proposal might be considered infill development; and the degree to which the proposal would cause existing ribbon development to be extended or coalesce.

5.2.7. Section 10.7 sets out design and siting considerations for rural residential development and includes Policy RD POL 9, which requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted by Frank Farrell. The issues raised in the appeal can be summarised as follows:

- Applicant has farmed land all his life (more than 50 years) and has earned income and paid taxes based on farming all those years.
- Applicant purchased this farm of 33.65 acres in 2016 and previously had a much bigger farm at Dunboyne with a house located thereon, both of which he sold.
- Applicant travels to the farm every day to work. He has built a shed and livestock facilities.
- Applicant intends to live in the house if granted permission, and currently has no cooking or toilet facilities.
- Applicant fears the day when he is no longer able to drive a car.

6.1.2. The appeal was accompanied by the following documentation:

- Tax and insurance discs for a tractor.
- Irish Farmers' Association membership letter.
- Invoices for animal feed.
- Correspondence from the Revenue Commissioners regarding VAT repayments for unregistered farmers.
- Farm insurance forms regarding lands at Derrypatrick, Drumree.

6.2. Planning Authority Response

6.2.1. The Planning Authority is satisfied that all matters outlined in the appeal were considered in the course of its assessment.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1.1. I consider that the key issues in determining this appeal are as follows:

- Compliance with rural housing policy.
- Ribbon Development.
- Access.
- Design and layout.
- Residential amenity.
- Wastewater treatment.
- Appropriate Assessment.

7.1.2. **Note:** With regard to the Planning Authority's assessment and decision, and the scope of the first party appeal, the Board may wish to consider the issues of ribbon development and access arrangements as new issues.

7.2. Compliance with Rural Housing Policy

7.2.1. As noted above, the appeal site is located in a 'rural area under strong urban influence' and the Development Plan states that it is the policy of the Planning Authority to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.

7.2.2. Section 10.4 sets out the various criteria under which applicants can demonstrate their local housing need. In this regard, it states that the "Planning Authority will support proposals for individual dwellings on suitable sites where the applicant can

clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture.” In such cases, the applicant is required to satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation.

- 7.2.3. The local need form submitted with the planning application states that the applicant’s place of residence since 1972 is Castleknock, Dublin 15, and that he has lived in that house for 45 years. However, a second place of residence is given as Knockudder, Dunboyne, Co. Meath from 2006 to 2016, and in his appeal the applicant states that he and his family lived there until the house was sold. The apparent inconsistency arising from these stated dates is not explained in the appeal.
- 7.2.4. I note that no documentary evidence was provided in relation to the applicant’s previous stated residence in Knockudder, Dunboyne and that all documentation submitted to the Planning Authority and the Board in support of the applicant’s case was addressed to his Castleknock, Dublin 15 address.
- 7.2.5. The applicant states that he is a full-time farmer at Derrypatrick, Drumree, having sold the house and farm at Knockudder, Dunboyne in 2016, and that he has farmed land for more than 50 years. He states that he travels to the farm at Derrypatrick every day and that he intends to live in the house if granted permission.
- 7.2.6. The Planning Authority, in making their decision to refuse permission, considered that the applicant had not established a rural generated housing need for a dwelling at this location.
- 7.2.7. Having regard to the relatively small size of the farm, which extends to c. 33 acres, the lack of information provided by the applicant regarding the intensity of its usage and the applicant’s stated continuous occupation of a house in Dublin since 1972, I am not satisfied that the applicant has demonstrated compliance with the Development Plan requirements for rural generated housing need. More particularly, while I accept that the applicant is involved in agriculture, I do not consider that sufficient supporting documentation has been provided to conclude that such usage is sufficient to support full time or significant part-time occupation of the site.

7.2.8. On the basis of the information before the Board, I therefore recommend that the Planning Authority's decision be upheld, and that permission be refused.

7.3. **Ribbon Development**

- 7.3.1. The Meath County Development Plan 2013-2019 seeks to control ribbon development, consolidate development into existing towns and villages and limit urban sprawl, while facilitating rural housing in certain cases, subject to normal planning criteria.
- 7.3.2. Ribbon development, as defined in the Development Plan and Rural Housing Guidelines for Planning Authorities, is considered to occur where there is a high density of almost continuous road frontage type development, for example where five or more houses exist on any one side of a given 250 metres of road frontage.
- 7.3.3. The L-2207-44 in the vicinity of the appeal site has experienced a significant level of one-off housing development, particularly on the eastern side of the road, which has resulted in the creation of a c. 600m long ribbon of development.
- 7.3.4. The proposed house would extend this ribbon of development in a southward direction, and result in six houses within a 250 metre stretch of road frontage along the western side of the L-2207-44. The proposed development would therefore contribute to the encroachment of random rural development in the area, would encourage and exacerbate the developing pattern of ribbon development along the L-2207-44 local road and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. I therefore recommend that planning permission be refused on these grounds.

7.4. **Access**

- 7.4.1. It is proposed to utilise an existing access point on the L-2207-44 to serve the proposed house. This access point currently serves a house to the north of the appeal site and the applicant's agricultural lands to the west of the appeal site. The site layout drawing submitted with the application shows 90m sightlines being achievable in both directions at the entrance, and the Planning Officer's report stated that adequate sightlines were achievable in both directions.

- 7.4.2. Having inspected the site, I concur with the Planning Authority that an adequate sightline is achievable to the north, but in contrast to what is shown on the site layout drawing, I do not consider that an adequate sightline is currently achievable to the south. A dense coniferous treeline runs along the roadside boundary of the adjoining field to the south and significantly obstructs the sightline. In order to provide an adequate sightline to the south it would be necessary to trim or remove some of this vegetation, however this would entail works on lands outside of the applicant's ownership or control.
- 7.4.3. Policy RD POL 43 of the Development Plan states that it is the Policy of Meath County Council to ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the Design Manual for Roads and Bridges when assessing individual planning applications for individual houses in the countryside.
- 7.4.4. Having regard to the inadequate sightline to the south, I consider that allowing for the more intensive use of this access point in an area of considerable ribbon development would be contrary to Policy RD POL 43 of the Development Plan, and I recommend that permission be refused for the reason that the proposed development would result in a traffic hazard.

7.5. Design and Layout

- 7.5.1. I consider the design of the proposed development to be generally consistent with the principles set out in the Meath Rural House Design Guide. It is a simple, storey-and-a-half cottage-style dwelling of modest proportions, which utilises vernacular detailing and materials and has restrained elevational treatments with a well-proportioned fenestration arrangement. The proposed house would sit well within the site, and would benefit from the existing mature treeline to the rear (west) and the grassed embankment to the east along the local road.
- 7.5.2. Apart from the issue of ribbon development which I have addressed above, I do not consider the appeal site and surrounding area to be particularly sensitive from a landscape and visual perspective and I note that there are no protected scenic viewpoints, routes, protected structures or recorded archaeological sites in the

immediate area. I therefore consider the design and layout of the proposed development to be acceptable.

7.6. Residential Amenity

- 7.6.1. Having regard to the nature and design of the proposed development, the characteristics of the appeal site and the separation distances with adjacent properties, I do not consider that the proposed development will result in a negative impact on residential amenity.

7.7. Wastewater Treatment

- 7.7.1. A wastewater treatment system and sand polishing filter are proposed and a Site Characterisation Report was submitted with the application. The report indicates that the soil in the area consists of grey brown podzolics and brown earths, with a limestone till subsoil. The area is designated as a 'Locally Important' (Lm) aquifer and is of 'Extreme' vulnerability. The groundwater protection response is 'R2.1', "acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised".
- 7.7.2. I note that the probable direction of groundwater flow is indicated as being in a south westerly direction, while the ribbon development along the local road has a north-south orientation, along the local road. A disused well is indicated as being located more than 45m from the proposed wastewater treatment system, and I note with regard to water supply that the applicant is proposing to connect to the Kiltale Group Water Scheme.
- 7.7.3. The trial hole encountered silt/clay with humus to a depth of 0.4m, with a gravelly mix of silt and clay with frequent pebbles and cobbles below to the full 2m depth of the trial hole. The soil and subsoil were blocky in structure with a high density of rootlets. The water table was encountered at a depth of 0.95m with evidence of mottling. With regard to percolation characteristics, a T value of 69 minutes/25mm and a P value of 43.89 minutes/25mm were recorded. On foot of the test results, a raised sand polishing filter with an area of 45 sq m is proposed. I note that the test results meet

the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses in circumstances where a secondary treatment system with a polishing filter is proposed.

- 7.7.4. On the basis of the information submitted by the applicant as part of the Site Characterisation Report, I am satisfied that the appeal site is suitable for the installation of a secondary wastewater treatment system discharging to a sand polishing filter.

7.8. Appropriate Assessment

- 7.8.1. The closest Natura 2000 site to the appeal site is the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299), which is located c. 7.5km to the north west.
- 7.8.2. Having regard to the nature and scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Meath County Development Plan 2013-2019, it is considered that the applicant does

not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current development Plan to control ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in a southerly direction.

Niall Haverty
Planning Inspector

23rd January 2018