



An
Bord
Pleanála

Inspector's Report ABP-301109-18

Development	Single storey detached dwellinghouse, garage, onsite waste water treatment system and percolation area, new vehicular entrance and all associated site works
Location	Longwood, County Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA/171444
Applicant(s)	Priscilla Geraghty.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party
Appellant(s)	Priscilla Geraghty.
Observer(s)	None.
Date of Site Inspection	18 th September 2018
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.405ha appeal site lies c. 1.8km to the northwest of Longwood village, County Meath. It lies in the townland of Blackditch, to the south of a row of four one-off houses on the eastern side of the public road. A fifth property is accessed from a lane to the north of the group of houses, but it is set back from the public road. The site itself comprises part of a larger agricultural field to the rear and south of these existing properties.
- 1.2. The large, open agricultural field rises gently away from the public road. It is separated from the road by mature vegetation, which includes a number of substantial trees. The public road as it passes the site is straight, with good sightlines at the proposed entrance to the site. At the time of site inspection, the volume of traffic on the road was quite small, but traffic speeds were high.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey detached property (290sqm), separate detached garage (43sqm) and proprietary waste water treatment system, situated to the rear (south east) of the site. The existing hedge will be removed to provide 120m sightlines in each direction at the entrance to the site. It will be replaced by a grass verge with trees and shrubs to be planted behind a post and rail fence. Water supply will be via a new connection to the public mains. Accompanying the planning application is a Site Characterisation Form, letter of consent from the landowner and Local Need Form.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 8th February, 2018, the planning authority refused permission for the development on grounds that, (i) the applicant has not established a rural generated housing need for the development, and (ii) the development, with existing, would

constitute an excessive concentration and density of development, exacerbate the level of ribbon development, be injurious to visual amenity, establish an undesirable precedent and lead to demands for the uneconomic provision of public services and community facilities.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning report (8th February 2018) refers to the location of the site in an area under Strong Urban Influence and within a landscape of moderate sensitivity and high value (Central Woodlands) and to relevant rural housing policies of the Meath County Development Plan. It considers the merits of the application under a number of headings including planning policy, design, siting and layout, access, water services and appropriate assessment. The report states that arrangements for access and servicing are acceptable and that no significant effects on European sites are likely to arise. However, it considers that the applicant has not demonstrated exceptional health circumstances in compliance with rural housing policies of the County Development Plan and that the development would create ribbon development. The report therefore recommends refusing permission for the development.

Other Technical Reports/Reports by Prescribed Bodies/Third Part Observations

- 3.2.2. None

4.0 Planning History

- 4.1.1. None.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.1.1. These guidelines require the planning system to facilitate people who are part of the rural community, including in areas under strong urban influence. They state that planning authorities should recognise that *'exceptional health circumstances –*

supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning authority should consider granting permission, subject (where appropriate) to conditions regarding occupancy’. In Appendix 4 ribbon development is defined, by example, as 5 or more houses on any one side of the road, within 250m of road frontage.

5.2. Meath County Development Plan 2013 to 2019

5.2.1. The appeal site lies in a rural area that is identified as under Strong Urban Influence and within the ‘Central Lowlands’ landscape character area. This landscape is of high landscape character value and of moderate sensitivity to development.

5.2.2. The following policies are relevant to the proposed development:

- Rural Housing – These are set out in Chapter 10 of the Plan. The overall goal for rural housing is to ensure that rural generated housing needs are accommodated in the areas they arise, subject to good practice in site location, access, drainage and design (goal and strategic policy RUR DEV SP 2). Urban generated rural housing needs are directed to built-up areas or land identified through the development plan process. Within rural areas under Strong Urban Influence, policies RD POL 1 to RD POL 3 apply. These include that individual housing developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which the development is proposed. Section 10.4 of the Plan sets out criteria for applicants to demonstrate their rural housing need. It also recognises that exceptional health circumstances may require a person to live in a particular environment or close to family support, and states that in such circumstances, *‘In the absence of any significant environmental, access or traffic reasons for refusal and the proposal adheres to sensitive design and siting criteria, the Planning Authority will consider granting planning permission, subject where appropriate to conditions regarding occupancy’.*
- Ribbon development – Section 10.5 of the Plan sets out criteria for the assessment of applications for rural housing in all area types. Section 10.5.2

deals with ribbon development and defines this as a high density of almost continuous road frontage type development. It cites the same example as the Department's guidelines above. The Plan also states that whether a given proposal will exacerbate such ribbon development or could be considered will depend on a number of factors including the type of rural area and circumstances of the applicant, the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce.

- Design standards – These are set out in the Meath Rural Design Guide (Appendix 15 of Development Plan) and Policy RD POL 9 requires all applications for development to comply with it.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site lies c.3m to the north of the Royal Canal proposed Natural Heritage Area (site code 002103) and c.1.5km to the north east of the River Boyne and Blackwater SPA and SAC (site codes 004232 and 002299 respectively).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Grounds of appeal are:

- Context - The applicant is a young woman in her forties, who following an accident is confined to a wheelchair and who is currently living in a care home. The applicant wishes to get a home for herself, to pursue a life of independent living (with the assistance of a live in carer), and allow her children to live with her part of the week.
- Design – The dwelling is single storey and follows the parameter set out in the Meath Rural Design Guidelines and has been designed to meet the needs of the applicant.
- Sightlines – More than 120m are provided at the entrance to the site.
- Site assessment – Demonstrates compliance with the requirements of the planning authority.

- Rural housing need - The applicant has links to the local area and has spent considerable time in it (see attachments). Her sister currently lives in Longwood and her mother in Enfield, who will provide care, assistance and support to the applicant.
- Ribbon development – Due to the particular needs of the applicant, relaxation of the requirements of section 10.5.2 of the development plan should be considered on a special basis.
- Alternative provision – The applicant’s agent has viewed a number of site and houses in the Longwood area over the past 18 months, with none of the available stock being suitable to the requirements of the applicant or prohibitive to convert. It is important in the circumstances that the applicant live close to her family and neighbours.
- Assessment by the planning authority – No additional information on the status of the applicant was sought by the planning authority, despite the applicant’s stated willingness to provide this. The applicant more than meets the ‘exceptional health circumstances’ that would allow the planning authority to grant permission for the development (additional health information is attached to submission).
- Accommodation – The proposed development is designed to meet the specific requirements of the applicant (see section 7.6 of submission).
- Nature of the site – The proposed house would be located adjoining an existing cluster of four houses and would integrate visually with them over time. In this context the development would not appear out of keeping with the general pattern of development in the immediate and surrounding area.

6.2. Planning Authority Response

- 6.2.1. The planning authority respond to the appeal but make no additional or new comments.

6.3. Observations/Further Responses

- 6.3.1. None.

7.0 Assessment

7.1. Having regard to the nature of the proposed development, the technical information on file (e.g. the site assessment) and my inspection of the appeal site, I consider that the key matters in this appeal can be confined to those raised by the appellant:

- Rural housing need.
- Ribbon development.

7.2. Rural Housing Need

7.2.1. The government's Sustainable Rural Housing Guidelines and the County Development Plan refer to the need to consider exceptional health circumstances in assessing applications for rural housing, and within this context, the requirement of the applicant to live in a particular environment or close to family support.

7.2.2. The applicant has submitted substantial material to demonstrate her medical condition/health status, arising as a result of an accident, and it is evident that she has exceptional health circumstances.

7.2.3. The applicant's agent describes the applicant's living circumstances (page 3 of the appeal) and it is evident that she has lived principally in Enfield but attended secondary school in Longwood and has also lived and worked in Longwood for a long period (2002 until 2010), until the time of her accident. There is evidence on file to support these assertions.

7.2.4. The applicant currently resides in a care home in Trim and requires full-time care. Her agent argues that she wishes to reside where she has strong ties and community support, and to live near her sister in Longwood. Her agent also argues that no other properties are available or unsuitable to meet her needs. Having regard to the submissions on file, I would accept the applicant she has put forward reasonable and legitimate arguments to live in the Longwood area, close to community and family support. I would consider that she has demonstrated a genuine rural housing need. Further, in accordance with government and local planning policy, such a demonstrable need should be facilitated, despite the location of the development in a rural area Under Strong Urban Influence.

7.3. Ribbon Development

7.3.1. Appendix 4 of the Guidelines on Sustainable Rural Housing and section 10.5.2 of the County Development Plan, define ribbon development by way of example as 5 or more houses on one side of the road within a road frontage of 250m. In determining if ribbon development arises, both documents also have regard to:

- The type of rural area and circumstances of the applicant,
- The degree to which the proposal might be considered infill development, and
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

7.3.2. In view of the above, I consider that (i) as discussed above, a rural housing need that has been demonstrated, and (ii) the appeal site lies at the southern end of four houses facing the public road (the fifth house is not visible from the public road and does not therefore contribute to the creation of ribbon development). The frontage of these four properties and the frontage of the appeal site itself, together measure 250m. With the addition of the proposed development, the number of properties within 250m would be 5 i.e. within the government's guidelines for ribbon development. The effect of the additional dwelling would be to extend the length of roadside development, but it would not cause coalescence as there is no other property in the vicinity of the site that would 'read' with it. Loss of trees, in the longer term, would be offset by proposed planting along the frontage of the site (behind the sightline).

7.3.3. In view of the above, I do not consider that the development would result in serious or adverse ribbon development, and is acceptable, therefore in this regard.

7.4. Other Matters

7.4.1. The planning authority refers to the height and span of the bedroom block in their assessment. I comment on this and other matters of the development as follows:

- Height and span of bedroom block – This block has been designed to facilitate disabled access and its overall height is lower than the ride level of

the adjoining property. I do not consider it necessary, therefore, that the height and span of this single storey block be revised.

8.0 Appropriate Assessment

8.1. The proposed development is modest in scale and is physically removed from any nearby Natura 2000 sites. Surface water will be discharged via soakpits and wastewater via a proprietary effluent treatment system. The Site Characterisation Report indicates soils are capable of dealing with surface and wastewater arising. Having regard to these factors, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Screening for Environmental Impact Assessment

9.1. Having regard to the modest nature the proposed development (a single dwelling), the capacity of the soils on site to accommodate surface water runoff and wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1. Having regard to my assessment of the proposed development, above, I recommend that permission, subject to condition, be granted.

11.0 Reasons and Considerations

Having regard to the government's guidelines, Sustainable Rural Housing, 2005, and policies of the Meath County Development Plan 2013 to 2019 for rural housing, the information on file regarding the exceptional health circumstances of the applicant and the location of development to the south of a linear group of four properties, it is considered that the applicant has demonstrated a rural housing need and that the development, subject to compliance with the conditions set out below, would not give

rise to ribbon development, seriously injure the visual amenity of the area or establish an undesirable precedent. It would therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in

possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. Samples of the proposed materials for the external finishes (including roof tiles/slates and stone cladding) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The site shall be landscaped, in accordance with details submitted to the planning authority. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14th day of December 2017, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance

with the standards set out in the EPA document.

Reason: In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-carriageway parking facilities, maintenance and repair of the public road in respect of any damage caused and off-site disposal of waste arising.

Reason: In the interests of public safety and residential amenity.

6. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Deirdre MacGabhann

Senior Planning Inspector

25th September 2018