



An
Bord
Pleanála

Inspector's Report ABP 305411-19

Development	Construction of a two-storey detached dwelling house and all associated site works.
Location	Bedfanstown, Drumree, Co Meath
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA190422
Applicant(s)	Susanne Corry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Susanne Corry
Observer(s)	None
Date of Site Inspection	17 th January 2020
Inspector	Brendan Coyne.

1.0 Site Location and Description

- 1.1. This site (0.32 ha) is located on the northern side of the local road L22099, approx. 220m to the north-east of the Merrywell roundabout junction of the R125 and the R154. The site is located in the rural townland known as Bedfanstown, approx. 3 km to the south-west of Dunshaughlin. The site is accessed via an existing agricultural entrance and comprises part of a large open field, currently used for the grazing of cattle. The site as outlined has a road frontage width of 16.3m and a depth of 110m. The ground level of the site rises in a north-westerly direction.
- 1.2. The roadside boundary of the site comprises dense hedgerow to the west of the entrance and mature deciduous trees at the south eastern corner. The north-eastern side boundary is defined with mature trees and hedgerow. The remaining site boundaries are undefined. A horse training stable, outdoor arena, horse walker and paddocks yard are located on lands adjoining the site to the east. The surrounding area is characterised by agricultural land and dispersed rural one-off housing. The L22099 is subject to a 60kph speed limit to the front of the site.

2.0 Proposed Development

- 2.1.1. Application as lodged on the 10th April 2019 - Permission sought for the following;
- Construction of a detached 2 storey 4-bedroom dwelling (259.6 sq.m.),
 - New wastewater treatment system and percolation area,
 - Access driveway via existing gate,
 - Associated site works.
- 2.1.2. Further Information was submitted on the 22nd July 2019. Documentation submitted includes the following;
- A landholding map outlining all lands within family ownership.
 - Map showing the location of the family home located c. 2km to the south west of the site (adjacent the Merrywell roundabout).
 - Bank Statements and correspondence from a Letting Agent confirming proof of the applicant's current residence in Ballsbridge, Dublin 4.

- Drawing and photographs showing sightlines at the entrance to the site and that of adjacent permitted development.
- Photographs of proposed external finishes.
- Correspondence and supporting information putting forward a case for the applicant need to live close to her parents who live in Crosskeys, Drumree.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council refused permission for the proposed development. The 2 no. reasons for refusal were as follows;

1. The application site is located in a rural area outside any designated settlement and in a Strong Rural Area as defined in the Sustainable Rural Housing Guidelines for Planning Authorities and 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 site specific rural generated housing need for a dwelling in this location. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2013 - 2019 and would, therefore, be contrary to the proper planning and sustainable development of the area and would establish a very undesirable future precedent.
2. It is considered that the proposed development would give rise to a serious traffic where adequate sightlines have not been accurately demonstrated from the proposed entrance. It is considered that the proposed development would endanger public safety by reason of a serious traffic hazard and therefore is contrary to the proper planning and development of the area.

3.1.1. **Planning Reports**

3.1.2. Summary of issues raised in the initial planning report (31/05/2019) and the second planning report (15/08/2019).

- The applicant has not submitted documentation to demonstrate a rural housing need at this location. The applicant has never resided at Crosskeys as her parents moved to this location while the applicant was residing in Spain. The applicant has stated that she wishes to reside at this location to take care of her ageing father. Based on the information submitted, the applicant has not established a rural housing need at this location.
- The applicant is currently living in rented accommodation in Dublin.
- The applicant has not demonstrated adequate sightlines are available from the proposed entrance. The sightlines are drawn incorrectly through the centreline of the road. Permission should be refused on this basis.

3.1.3. **Other Technical Reports**

Transportation Section: No report received.

Environment Section: No report received.

4.0 **Planning History**

4.1.1. **P.A. Ref. RA160705** On the 23rd August 2016, Meath County Council granted permission to Catherine Corry for an agricultural gate to provide for vehicular access to an existing field for agricultural use.

4.1.2. **Adjacent Site to the South-West:**

P.A. Ref. 95670 On the 23rd August 1995, Meath County Council granted permission to Catherine Corry to renovate and extend the existing cottage, to install a new septic tank and percolation area and to provide a new entrance.

4.1.3. **Adjacent Site to the North-East:**

P.A. Ref. RA160394 On the 16th June 2016, Meath County Council granted permission for a two-storey dwelling, a detached domestic garage, a wastewater disposal system, a stable building with an area of habitable accommodation, upgrade of the existing site entrance and all associated site works.

5.0 Policy and Context

5.1. Meath County Development Plan 2013-2019

Zoning The site is located on un-zoned land, outside a zoned town.

Rural Area Type The application site is situated within a 'rural area under strong urban influence' – as indicated on Map 10.1 of the Development Plan.

5.1.1. Policies for **Rural Areas under Strong Urban Influence** are set out in **Section 10.3** of the Development Plan as follows;

RD POL1 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 POL2 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 POL3 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.

5.1.2. **Section 10.2** Rural Settlement Strategy - Policies are as follows;

RUR DEV SP 1 To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types.

RUR DEV SP 2 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. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan

5.1.3. Section 10.4 refers to '**Persons who are an Intrinsic Part of the Rural Community**' and states that the Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

- Persons who have spent substantial periods of their lives, living in rural areas 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;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;
- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

The Planning Authority also recognises that exceptional health circumstances may require a person to live in a particular environment or close to family support. In such

cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. 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.

RD POL 41 Roadside Boundaries - To avoid the removal of existing roadside boundaries where they are more than 3m from the road edge (edge of carriageway), except to the extent that this is needed for a new entrance, and where required for traffic safety reasons. (Please refer to policies contained in Section 9.7.8 Woodlands, Hedgerows and Trees in this regard).

RD POL 43 One Off Houses: Sight Distances and Stopping Sight Distances - 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 NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside.

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.3. **National Planning Framework – Project Ireland 2040**

NPO19 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.4. **Natural Heritage Designations:** The appeal site is located 5.5km to the north of the Rye Water Valley / Carton SPA.

5.5. **EIA Screening**

5.6. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first-party appeal was received from Jakkulla Architecture and Design Consultants representing the applicant Susan Corry, against the decision made by the Planning

Authority to refuse permission for the proposed development. The main grounds of appeal are summarised under the headings below;

6.2. ***Rural Housing Need - Planning Authority's Reason for Refusal No. 1***

6.2.1. The Applicant complies with the rural housing needs criteria as set out in Section 10.4 of the Meath County Development Plan, in particular the criteria emphasised in bold text below;

- Persons...**who have not possessed a dwelling in the past in which they resided.**
- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, **to care for older members of their family or to retire,**
- The Planning Authority also recognises that **exceptional health circumstances may require a person to live in a particular environment or close to family support.**

6.2.2. The applicant complies with these criteria and has a site specific rural generated housing need for a dwelling in this location, by reason of the following;

- The Applicant is currently living in rented accommodation in Dublin 4 and has never owned a dwelling.
- The Applicant intends to relocate to Drumree with her family to provide, support and care for her parents. The Applicant intends to look after her father in the short term and both her father and mother in the near future, due to their health condition and age.
- Since the applicant lodged the application, events have occurred whereby the Applicant's father is now unable to drive due to a serious deterioration in his eyesight. This presents new challenges for the applicant's parents in terms of mobility and their relationship with the community. This brings forward the need for the applicant to live in close proximity to her parents and to be able to assist them in their daily duties and commitments, e.g. drive them to shops, mass, doctor appointments and to meet friends etc. As the Applicant currently lives in

rental accommodation in Dublin 4, with her son going to school there, this is not an ideal situation.

- The Applicant's parents are an intrinsic part of the rural community where the Applicant is also proposing to become an active part of the rural community, if planning permission for the proposal is granted.
- The Applicant's parents came to reside in Crosskeys, Drumree in 1997 when they moved to a house on the farm which has been in the Applicant's mother's family for more than 150 years.

6.2.3. Supporting documentation lodged with the appeal include the following;

- Notice of Rent Review, dated 07th September 2018, confirming the applicants rental address in Dublin 4.
- Bank statement of the applicant, dated April / May 2019, confirming the applicant's address in Ballsbridge, Dublin 4.
- Declaration from the Applicant stating her intention to relocate to Drumree with her family to provide, support and care for her parents.
- Letter from the priest of the Parish of Dunshaughlin-Culmullen confirming that Catherine Corry has lived in the parish for the past fifteen years and has been an active member of the community.
- Letter from Mr. Michael J. Gallagher, Consultant Ophthalmic Surgeon, confirming that James Corry of Crosskeys, Drumree does not fulfil the criteria set out by the Road Safety Authority for driving motorised vehicles.

6.3. ***Adequate Sightlines at the entrance to the site - Planning Authority's Reason for Refusal No. 2***

- No report was received from the Council's Transportation Department. Therefore, it is considered that the reason for refusal no. 2 was included by default (or mistake) with no technical grounds justifying it.
- The proposed access is via an existing permitted gate, as granted permission under P.A. Ref. RA160705.

- If the Board deem that the sightlines could be affected at times of the year due to potential overgrown hedgerow and grass verge to the west, then the Applicant would accept a Condition to reduce / trim hedgerows and cut / maintain the grass verge in order to improve sightlines at those particular times of the year.

Appendices lodged with the appeal include the following;

- Drawings and photographs showing sightlines at the entrance to the site.

6.4. **Planning Authority Response**

The Planning Authority is satisfied that all matters raised in the Grounds of Appeal were considered in the assessment of the planning application, as detailed in the Planning Officer's report.

6.5. **Observations**

None

7.0 **Assessment**

7.1. The main issues for consideration are as follows;

- Rural Housing Need
- Sightlines
- Screening for Appropriate Assessment

These are addressed below.

7.2. **Rural Housing Need - Planning Authority's Reason for Refusal No. 1**

7.2.1. The Planning Authority refused permission for the proposed development on the grounds that the application site is located in a rural area outside any designated settlement and in a Strong Rural Area as defined in the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2013 – 2019 where development which is not rurally generated should be more properly located in settlement centres. Based on the documentation submitted, the Planning

Authority considered that the applicant has not established a site specific rural generated housing need for a dwelling in this location and as such would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2013- 2019.

7.2.2. The applicant's Grounds of Appeal regarding this Reason for Refusal is detailed in Section 6.2 above. The applicant contends that she has a site specific rural generated housing need for a dwelling in this location and complies with the Meath County Development and the Sustainable Rural Housing Guidelines (2009). As detailed above, the applicant refers to rural housing needs criteria as set out in Section 10.4 of the Meath County Development Plan and emphasises that she complies with the following criteria, emphasised in bold text;

- Persons...**who have not possessed a dwelling in the past in which they resided.**
- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, **to care for older members of their family or to retire,**
- The Planning Authority also recognises that **exceptional health circumstances may require a person to live in a particular environment or close to family support.**

The applicant has submitted supporting documentation demonstrating that;

- The Applicant is currently living in rented accommodation in Dublin 4 and has never owned a dwelling.
- The Applicant intends to relocate to Drumree with her family to provide, support and care for her parents, who live in close proximity.
- The Applicant's father has health circumstances which prevent him from driving.

7.2.3. Policy RD POL 1 of the Development Plan states that it is policy of Meath County Council 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. Section 10.4 of the Development Plan refers to 'persons who are an intrinsic part of the rural community' and sets out specific criteria

whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas. These criteria are detailed in Section 5.1 above.

- 7.2.4. The site is located c. 3km south west of Dunshaughlin town, on un-zoned rural lands. The site is located within a 'Rural Area Under Strong Urban Influence' as detailed on Map 10.1 of the Meath County Development Plan. The Planning Authority, in its Reasons for Refusal No. 1 incorrectly defines the area as a 'Strong Rural Area'. 'Rural Areas Under Strong Urban Influence' are defined in Section 2.7 of the Development Plan in accordance with Rural Area Types as set out Section 3.2 of the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- 7.2.5. 'Rural areas under strong urban influence' are defined in Section 3.2 of the Sustainable Rural Housing Guidelines as rural areas exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such areas and pressures on infrastructure such as the local road network. The Guidelines distinguish between rural and urban generated housing. 'Rural generated housing' is described as housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. 'Urban generated housing' is described as housing in rural locations sought by persons living and working in urban areas, including second homes.
- 7.2.6. For 'rural areas under strong urban influence', Policy RD POL 2 of the Meath County Development Plan seeks 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.
- 7.2.7. Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area, having regard to the viability of smaller towns and rural settlements.
- 7.2.8. Having reviewed the documentation submitted with the application and appeal, I consider that the applicant does not come within the scope of the housing needs criteria as set out in Section 10.4 of the Development Plan and does not have a

demonstrable economic or social need to live in this rural area, given the close proximity of the site to Dunshaughlin and the viability of this town.

- 7.2.9. The applicant has not presented evidence demonstrating that she spent a substantial period of her life living in the surrounding rural area or is originally from this rural area. As detailed in the documentation submitted, the applicant confirms that she currently lives in Ballsbridge, Dublin 4, which is c. 45 km from the subject site. The applicant has not provided details of her current place of employment. In the absence of this information, the applicant has not adequately demonstrated an economic need for a house at this location. I am not satisfied, therefore, that the applicant's need for a house at this location is not urban generated.
- 7.2.10. As detailed above, the applicant has put forward a case setting out a social need for a house at this location. Notwithstanding the case put forward by the applicant, given the close proximity of the site c. 3km from Dunshaughlin town and having regard to the viability of this town, I am not satisfied that the applicant's social need for a house in this location could not be satisfactorily met in the nearby fully serviced, urban area of Dunshaughlin or other nearby established smaller towns or village/settlement centres. The applicant's stated social need for a house in this location, is therefore not merited in this instance.
- 7.2.11. Given that the applicant does not have a demonstrable economic or social need to live in this rural area, and given the close proximity of the site to Dunshaughlin, I am not satisfied that the provision of a dwelling at this location complies with Policy RD POL 2 of the Development Plan, which seeks to direct urban generated housing to areas zoned for new housing development in towns and villages. Such development would, therefore, be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and National Policy Objective 19 of the National Planning Framework. The proposed development would, therefore, 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. For this reason, I recommend that the proposed development be refused permission.

7.3. Sightlines – Planning Authority's Reason for Refusal No. 2

- 7.3.1. The Planning Authority refused permission for the proposed development on the grounds that adequate sightlines have not been accurately demonstrated at the entrance to the site. The Planning Authority considered, therefore, that the proposed development would endanger public safety by reason of a serious traffic hazard.
- 7.3.2. The site is located on the northern side of the L22099 which is subject to an 60km/h speed limit to the front of the site. The applicant has submitted with the appeal a drawing and photographs showing sightlines at the entrance to the site.
- 7.3.3. Policy RD POL 43 of the Development Plan requires standards for sight distances and stopping sight distances for one-off houses to be in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB), specifically Section TD 41-42/09.
- 7.3.4. This Guidance Manual requires a sightline 'X' minimum setback of 2.4m from the edge of the public road and requires a 'Y' sightline distance of 90m for road design speed of 60kph. Drawings show that sightlines of 2.4m x 160m to the right when exiting and 2.4m x 90m to the left when exiting the site entrance would be provided. I consider, therefore, that the sightlines provided at the entrance to the site comply with these requirements. I recommend, therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

7.4. Screening for Appropriate Assessment

- 7.4.1. 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 11.3 km to the north-west of the site. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is the policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

Having regard to the documentation submitted with the planning application and appeal, it is considered that the applicant does not come within the scope of the housing needs criteria as set out in Section 10.4 of the Meath County Development Plan 2013-2019 and does not have a demonstrable economic or social need for a house at this rural area, having regard to the proximity of the site to Dunshaughlin and the viability of this town. The proposed development would, therefore, be contrary to Ministerial Guidelines and to over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

06th February 2020

