



An
Bord
Pleanála

Inspector's Report

ABP-306253-19

Development	Retention of works carried out to existing agricultural buildings, the renovation and extension to the existing dwelling and removal and erection of roadside boundary
Location	Churchtown, Dunderry , Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA190870
Applicant(s)	Mary & Alan Matthews
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party
Appellants	Mary & Alan Matthews
Observers	Doreen & Dermot Dempsey Michael & Siobhan White Kevin Conaty Ramona Mulligan

Angela Farrelly
Peter & Dervilla McKeever
Eamonn Booth
Patrick Mulligan

Date of Site Inspection

13th May 2020

Inspector

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1.0 Site Location and Description

- 1.1.1. The site is located at Churchtown, Dunderry, Navan, Co Meath. The site is located on a local road, the L4024, about 2km north east of the village of Dunderry and less than 1km south of the N51, which connects with the M3 at junction 9 nearby. The site is located on a relatively narrow winding rural road, bounded by hedges. There are signs of wear along the side of the road. On the opposite side to the subject site, a rut along the side indicates overrunning on that side. Similarly along the front wall of the residential property to the north, (opposite side of road), the road surface has been extended and a drain cover is now within the road, rather than alongside it. The road at this point is c5m in width. The reserve on the western side is less than 80cm wide. To the south of this section of road and towards the N51, there is a noticeable amount of one-off houses.
- 1.1.2. The subject site is occupied by a land commission type, mid twentieth century, single storey farm house and associated outbuildings. A hayshed type building, is nearest the road and running parallel thereto. It is a high portal frame structure with a curved roof and partial cladding from roof level to about 2m above ground, which includes translucent panels, and concrete block walls from ground to meet the panels. A lower linear building with a double pitched roof runs parallel to the hayshed separated from it by a yard. Both are roofed in corrugated steel. Recent refurbishment work has included adding the cladding and block walling to the hayshed, and the partial blocking up of doorways in the older shed to form windows and the insertion of clear panels in the roof. These buildings are north of the dwelling and separated from it by a hard surfaced area, to the rear, east, the hard surfaced area continues and forms the base for a mobile home and two steel containers.
- 1.1.3. There is a road access north of the outbuildings, which was recently altered by widening and creating a setback, and these alterations have been partly reversed. The existing access has virtually no setback from the road. Steel columns set back from the road, remain from the recent access alterations. The current gateway is allegedly wider than it's former state. Available sightlines are poor.
- 1.1.4. To the west of the southern end of the dwelling there is an attractive vehicular access with double gates and a small setback formed by curved masonry walls, finished in pebble dash to match the dwelling and with piers at the gate entrance and

at the ends of the curved walls. Sight distances available from this entrance are poor.

2.0 Proposed Development

- 2.1.1. The proposed development is the retention of works carried out to existing agricultural buildings, the renovation and extension to the existing dwelling and removal and erection of roadside boundary. As described in the notices the development will consist of: (1) The retention of works carried out for the maintenance and improvement of the existing outbuildings/ agricultural buildings that include replacement floors, building/rebuilding of walls, renewal of gutters and rainwater pipes, renewal of the paved farmyard area. (2) The renovation and extension of the existing dwelling including, demolition of section of the building. The removal of the existing roadside boundary, the erection of new roadside boundary to facilitate provision of revised sight lines, the consequent repositioning of the existing domestic entrance and the existing farm entrance. Widening and upgrading of the domestic entrance. The installation of BAF sewage treatment system with polishing filter and to carry out all other necessary ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission for three reasons which can be summarised as:
- The removal of the roadside hedge and repositioning of the farm entrance could lead to commercialisation of the site and intensify the use of the entrance with heavy machinery causing traffic hazard and impacting on the rural character of the area.
 - The removal of hedge and trees to provide the required sightlines would be in material contravention to NH POL 16 and NH POL 13, injure amenities and be a risk to wildlife.
 - Spoil heaps in proximity to a watercourse, identified on a site layout, have not been addressed in response to a further information request, and the planning

authority are not satisfied that such would not be prejudicial to public health and a risk to the environment.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending a further information request, includes:

- Reference to invalidated application.
- Reference to development plan policies.
- Access – reference to traffic report submitted with the application; and in the submissions; and that further information is required by the Roads Section. The long term use of the agricultural sheds is unclear. The applicants should demonstrate that they are either farmers or are renting the sheds to a farmer and submit supporting documentation and evidence in this regard.
- Design and layout – they are satisfied with the house extension. There are two agricultural buildings located to the north of existing dwelling. The applicant is also applying for the retention of renovation of works carried out for the maintenance and improvement of the existing outbuildings/agricultural buildings that include replacement floors, building/rebuilding of walls, renewal of gutters and rainwater pipes, renewal of the paved farm yard areas. The applicant has submitted a letter from Mr Tom Nally which states that the application site was originally part of the lands which he farmed and for the foreseeable future the applicants have agreed to allow him to use the farm sheds in connection with his farming activity. No rental agreement or signed affidavit has been submitted. FI required.
- Water Services – BAF sewage treatment system with polishing filter proposed. T value of 79.68 and P value of 40.50 were achieved and therefore compliance with CoP 2009. Wells to be shown on revised layout.
- AA – River Boyne and River Blackwater SPA (004232) and SAC (002299), PA consider that impact can be screened out.

- FI on 7 items recommended, which issued:
 - Confirm the long term and short-term use of the two agricultural buildings.
 - A farming enterprise would not appear to be viable. Submit detailed justification for two entrances or proposals for the permanent closing of the agricultural entrance and use of the residential entrance for dual use.
 - Demonstrate sightlines of 90m x 2.4m from road edge at the residential entrance and 90m x 3.5m at the agricultural entrance, in accordance with TII document DN-GEO-03060. Consent from landowners re lands outside the site; revise red line boundary to include these works; remove entire roadside boundary hedge and set it back at least 4 metres from the existing road edge. Liaise with SE Roads Engineer.
 - Residential entrance to be recessed 7m from road edge and agricultural entrance to be recessed 12m from road edge.
 - Proposals for replacement of hedgerow with semi-mature hedge and tree planting. Submit a scheme.
 - Demonstrate compliance with minimum separation distances to private wells per Table B.3 Recommended Minimum Distance Between a Receptor and a Percolation Area or Polishing Filter as detailed in the EPA CoP.
 - Review submissions and address issues raised, in particular confirm that the existing agricultural buildings will not be used for the storage of heavy engineering machinery associated with applicant's business.

3.2.3. Other Technical Reports

3.2.4. Transportation –

- Demonstrate sightlines of 90m x 2.4m from road edge at the residential entrance and 90m x 3.5m at the agricultural entrance, in accordance with TII document DN-GEO-03060. Consent from landowners re. lands outside the site; revise red line boundary to include these works;
- Remove entire roadside boundary hedge and set it back at least 4 metres from the existing road edge. Liaise with SE Roads Engineer;

- Residential entrance to be recessed 7m from road edge to allow a vehicle to pull in fully off the road prior to opening the gate; and
- Agricultural entrance to be recessed 12m from road edge to allow an agricultural vehicle to pull in fully off the road prior to opening the gate.

3.2.5. Water Services Planning Report

- Conditions re surface water –
 - Complete BRE 365 result for the proposed soakaway, details of winter ground water level. Infiltration system to be a minimum of 1m above winter water table. Design of attenuation system, suitable for ground conditions, and acceptable to Meath County Council Water Services Engineer, to maximise the opportunity for onsite infiltration.
 - Permeable paving to be incorporated in driveway.
 - Works to comply fully with Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, New Developments.

3.3. Response to Further Information Request

- Affidavit and signed lease agreement with adjoining land owner Thomas Nally re. use of agricultural building.
- Revised layout and Road Transport Engineer's report.
- Landscaping plan.
- Environmental Scientist report re. well locations.
- In response to the third party submissions the applicants wish to point out that they are aware that any material change in the use of the land is subject to planning approval.

3.4. Further Reports

3.4.1. The second Transportation Department report:

No objection subject to condition:

The applicant shall complete all works identified on Drg. Ref AM/2019/902A, dated 14th October 2019 required to achieve the required sightlines prior to commencement of the development.

3.4.2. The second planning report recommending refusal, includes, regarding the responses to the further information request:

- Item 1 - they are not proposing any material change of use.
- Item 2 - the response is that the agricultural entrance has been in existence for many years and therefore should not be closed. It is the intention of Mr Nally to continue farming the land behind the property to facilitate his farming activities. It would be intrusive on their privacy and enjoyment of their residential property to have agricultural vehicles entering their private driveway and traversing across their property. Mr Nally has agreed to lease the sheds for two years; otherwise stated as to 2024; the sheds and yard abut his land. They do not intend to develop this part of their property. Owing to the limited size of the landholding (0.7ha, 1.7ac), a farming enterprise would not be considered viable. It is difficult to envisage that there is a justifiable requirement for access of this nature. No justification for 2 entrances has been submitted. Mr Nally can access the buildings from the rear of the property. Re. concern expressed that the site could be used for commercial purposes, it is considered that the removal of the roadside boundary and works to the agricultural entrance, may lead to the commercialisation of the site, which is unacceptable, would intensify the level of heavy machinery traffic, endanger public safety and negatively impact on the rural character of the area and on residential amenity, and should not be permitted.
- Item 3 – Re. 90m sightlines, the revised layout shows removal of 100m of hedgerow, in material contravention of NH POL 16 and NH POL 13 and would impact on the visual character of the area and on residential amenity and should not be permitted.
- Item 4 - Re. setting back of the entrances, revised layout submitted, it would involve excessive hedgerow removal and should not be permitted.
- Item 5 – Re. landscape plan, same submitted, however the proposal would involve excessive hedgerow removal and should not be permitted.

- Item 6 – Environmental Services Consultancy states that the nearest well is further than 60m distance, no wells are down gradient, and the required separation distances can be met.
- Item 7 – it is stated that they are aware that any material change in the use of the land is subject to planning approval.

3.4.3. The refusal, which issued, reflects the planner's recommendation.

3.5. **Prescribed Bodies**

IW – conditions.

3.6. **Third Party Observations**

3.6.1. Third party observations on the file have been read and noted. The issues arising are largely covered in the grounds of appeal; with the exception of that from Cllr Fitzimons who supports the need to cut back the shrubbery and trees, to allow for greater visibility.

4.0 **Planning History**

NA190353 invalid.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Meath County Development Plan 2013-2019 is the operative plan. (The Development Plan review which commenced in 2017 was paused in accordance with the provisions of the Planning and Development (Amendment) Act 2018 pending the National Planning Framework (N.P.F.) and the requirement to develop and adopt a Regional Spatial & Economic Strategy (R.S.E.S.). Following the adoption of the RSES by the Eastern & Midland Regional Assembly on Friday 3rd May, 2019, Meath County Council recommenced the review of the Draft Meath County Development Plan.)

5.1.2. Relevant provisions include:

Section 11.2.4. Extensions

In assessing an application for a house extension, Meath County Council will have regard to the following items (12 in all) including:-

1. High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.

12. On unsewered sites, where an extension increases the potential occupancy of a house, the adequacy of the sewage treatment and disposal facilities should be demonstrated by the applicant.

NH POL 13 To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

NH POL 16 To seek to maintain the natural heritage and amenity of the county by promoting the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees.

WS POL 27 To ensure that proposed septic tanks and proprietary treatment systems, or other waste water treatment and storage systems, and associated percolation areas where required as part of a development, comply with the recommendations of the Environmental Protection Agency and that they are employed only where site conditions are appropriate.

RD POL 41 To avoid the removal of existing roadside boundaries where they are more than 3 m 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).

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura site is River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) which are in excess of 5 km, straight line distance, from the subject site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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

- 6.1.1. An appeal against the planning authority's decision to refuse permission has been submitted by Vincent JP Farry & Co Ltd, Planning & Development Consultants, on behalf of the first party. The issues raised include:
- The proposal consists of –
 - maintenance to farm buildings
 - alterations and extensions to dwelling
 - a wastewater treatment system, and
 - visibility improvements to two entrances.
 - The agricultural works probably fall within s.4(1)(h); there is no objection to the residential extension; and the final planning report raised no objection to the replacement sewage treatment system.
 - The extent of hedgerow removal to provide sightlines, the possibility that the site might be used for commercial purposes and the presence of a spoil heap are the subject of the concerns.
 - The entrances have nil visibility. The FI request sought sightline provision. Any analysis involves weighing up the competing issues of human safety and environmental amenity. The land will continue to be used for residential and agricultural uses and a denial of consent would not allay concerns. Protecting human life is more important than a hedgerow.

- National and local policy (Section 9.7.8, MH POL 13, 14 and 16) allow removal of hedgerows where required for traffic safety purposes (Sustainable Rural Housing Guidelines p34) and this is not a greenfield site. The new planting scheme would be mature in 4-5 years.
- There is no evidence that the householders plan on using this land for purposes other than farming. It is strange that the Council should link this to visibility improvements. It is unusual for planning authorities to refuse permission on the basis that unauthorised development might take place at some future stage. Kelly v ABP High Court IPLJ 1994 1 96, is cited, a decision to deny consent for a workshop, which decision included consideration that it could accommodate activities which fell outside the ambit of the proposal; quashed by the High Court.
- Re. the spoil heap – the pile was generated over a considerable period in connection with agricultural activity on the appeal site and on adjacent land, the applicant would accept a condition requiring its removal. This is not a reason on which permission might be withheld.
- The Board should conclude that in all the circumstances, including the replacement planting, the proposal is acceptable.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority have responded to the grounds of appeal, referring the Board to the planner's report where all the matters raised were considered. Concerns in relation to the potential use for commercial purposes were detailed in all the submissions received: 10 after the application was lodged and 8 post FI.

The need for such a large agricultural entrance has not been demonstrated, the landholding is not viable as a farming enterprise. No justification of the need for 2 entrances has been submitted. Mr Nally can access from the rear of the property.

The applicant owns a groundworks and excavation company. It could be reasonably envisaged that the removal of the entire roadside boundary and works to the agricultural entrance may lead to the commercialisation of the site, which is unacceptable at this rural location. Intensification of use by heavy machinery traffic

would endanger public safety by reason of traffic hazard, impact on the rural character of the area, injure residential amenity and devalue adjoining properties.

It would require the removal of 100m of hedgerow and mature trees to provide the sightlines, and would be in material contravention to NH POL 16 and NH POL 13.

The Planning Authority have concerns regarding the spoil heaps and potential impact from seepage on the watercourse and public health, and the impact for future use of the site.

6.3. Observations

6.3.1. Observations have been received on the grounds of appeal, from:

Doreen & Dermot Dempsey

Michael & Siobhan White

Kevin Conaty

Mrs Ramona Mulligan

Patrick Mulligan (made on his behalf by David Cooney Town Planning Consultant)

Angela Farrelly

Peter & Dervilla McKeever

Eamonn Booth (made on his behalf jointly by Tom Phillips & Associates, and Transport Insights).

6.3.2. The issues raised included:

- The development carried out is unauthorised.
- The farm entrance has not been returned to its original width, it remains wider.
- The site is likely to be used as part of the applicant's groundworks business.
- An excessive amount of hedgerow would be removed, impacting on the character of the area and on wildlife.
- The widening of the road will cause traffic accidents, currently traffic is forced to reduce speed going south, the road widening will give drivers the false impression that it is safe to drive faster.

- The standard sightline can not be provided within the landholding. No consent has been given by adjoining landowners.
- Alternative access to the farm buildings is available from the field to the rear for Mr Nally, or from the residential entrance.
- The details presented regarding distances for the effluent treatment system from wells is incorrect.
- The watercourse to the north is never dry.
- There is now a pipe, draining from the site to this watercourse, this is of concern.
- The applicant did not give an explanation re. spoil heaps.
- The business address for the applicant's ground works business has been moved to this address. He previously used the site where he lived for his machinery. It is of concern that this is likely to happen at this location, impacting on the character of the area, privacy of neighbours, and amenity.

Transport Insights submission includes:

- The drawings submitted show seriously deficient sightlines from both the domestic and agricultural site accesses, which would compromise road safety. The sightlines submitted: for the domestic access of 90m to the nearside of the road from a setback of 3m northwards, no sightlines provided southwards (compared to a minimum of 90m x 2.4m in both directions per TII DN-GEO-033060); and the agricultural site access of 49m from a setback of 3.5m northwards, no sightlines provided southwards (compared to a minimum of 90m x 3.5m in both directions per TII DN-GEO-033060); and with no consent provided from third party landowners. It is apparent that sightlines required southwards cannot be achieved for the domestic entrance via works within the application site and the agreement of the third party landowner to the south would be required. It is apparent that sightlines either northwards or southwards cannot be achieved for the agricultural entrance via works within the application site. The agreement of the third party landowners to the north and south would be required. Meath County Council's Transportation

Department's report, which concluded that the proposed work will significantly improve sightlines at the two existing access points and should improve safety for all users, appears erroneous. The proposal instead represents a fundamental departure from national design standards and local policy and would represent a major safety risk to members of the public travelling on the road.

- The setting back of the boundary between the site and the adjoining L4024 would increase forward visibility along the road, and thereby induce higher traffic speeds, amplifying concerns relating to deficient sightlines at both the residential and agricultural accesses. By increasing the road's design speed more onerous sightlines' requirements would be necessitated. This would further reinforce deficiencies in sightlines and give rise to a deterioration in road safety compared to the present situation.
- TII Publications (Standards) provides detailed guidance in relation to stopping sight distances and visibility splay requirements at new accesses in 'Geometric Design of Junctions DN-GEO-033060 (June 2017)'. Section 5.6.3 sets out visibility sightlines based on design speeds for residential and agricultural accesses. Table 5.5 of DN-GEO-033060 is reproduced in the submission, the 90m sightline refers to a design speed of 60km/h (considerably less than the posted speed of 80km/h; 80km/h would require 160m). Section 1.1 states 'vehicle speeds vary according to the impression of constraint that the road alignment and layout impart to the driver'. The removal of the road boundary will result in a change in 'the impression of constraint', resulting in higher speeds and further reinforcing concerns relating to the failure to demonstrate that even the minimum 90m sightlines are achievable from either of the entrances. RD Pol 43 in the county development plan refers to DMRB, specifically Section TD 41-41/09; DN-GEO-033060 has replaced DMRB TD 41-41/09.
- The rationale for the modified entrance, which has not been given, is essential, particularly given the deficient sightlines. Traffic egressing the development site, would, if granted permission, give rise to a significant road safety risk to traffic travelling along the public road.

6.4. Further Responses

- 6.4.1. The submission from Eamonn Booth (made on his behalf jointly by Tom Phillips & Associates, and Transport Insights) was circulated to the parties for comment in the interests of natural justice, and responses were received.

6.5. The applicant

- 6.5.1. The applicant has responded to the observation noting that most elements of the proposal have been endorsed. The applicant's response includes:

Future use of the development – the site accommodates a longstanding dwelling and established agricultural outbuildings and is used for residential and farming purposes. As stated in the FI response the applicants are not seeking any material change of use of the agricultural buildings.

Entrance arrangements – the test which the Board should apply is whether the new arrangements are preferable to the existing entrances. The presence of the existing entrances and their shortcomings are downplayed in the observation. At no point do the letters conclude that drivers emerging from the accesses would endure reduced sightlines under the planned arrangements.

The letter from Tom Phillips seeks a justification test for the longstanding and lawful entrances. The fact that Mr Nally's farm boasts a separate access is not a factor in any determination of this appeal.

Although hedgerow removal is normally discouraged the need to improve road safety outweighs the need to protect vegetation.

Sightlines to south are shown traversing part of the neighbouring field, applicants cannot see any particular disadvantage from drivers continuing to look over this field, whilst emerging from the residential entrance. The chief obstacles to visibility comprise landscaping features in the corner of the subject property itself and these can be removed and replaced.

The observer intimates that the sightline might traverse his property. This is not the case, the contiguous tract of land forms part of the Nally farm and they attach a letter of consent to maintain the sightline over this land.

The concern that the proposed works might result in a change in 'the impression of constraint', is speculative and lacking in scientific detail. The High Court in *Wicklow County Council v Fortune (No 2)* envisaged a certain degree of practicality when considering road safety and a section of the judgement is quoted.

No part of the (observer's) letter explains why in exact terms the appeal proposal would create a greater risk to safety than the current arrangements.

Council's nationwide frequently undertake road upgrade works, including operations for the straightening of sinuous sections of carriageway and the observer's argument if true would militate against such projects.

6.6. Other Observers

6.6.1. Other observers have responded to the observation:

Mrs Ramona Mulligan,

Peter & Dervilla McKeever,

Kevin Conaty, and

Patrick Mulligan (in a submission made on his behalf by David Cooney Town Planning Consultant).

The responses support the observation.

Patrick Mulligan's submission includes photographs and maps in support of his submission that the road would suddenly narrow on a bend and that the proposed hedgerow removal would cause a traffic hazard; and, in addition, raises issues previously raised. A photograph of the farm entrance before its alteration is provided, and one showing it as it is now.

7.0 Assessment

7.1. The issues which arise in relation to this appeal are: appropriate assessment, traffic safety, loss of hedgerow and trees, development and use of the agricultural buildings and other issues, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Traffic Safety and Hedgerow and Tree Removal

- 7.3.1. The road fronting the site is a primary local road leading to the N51 about 500m to the north, and to the M3 at junction 9, a further c 800m east along the N51.
- 7.3.2. The L4024 is narrow and winding along this stretch, with a width of c 5m. As pointed out by an observer the surfaced carriageway has gradually widened and extends to 5m with virtually no grass reservation.
- 7.3.3. The site is located on the inside of a bend where visibility is very poor. There are two existing accesses to the site to either side of the hayshed which is located close to the roadside boundary. Neither access has adequate visibility and notwithstanding a request for further information which included three items related to the entrance arrangements (including requesting detailed justification for two entrances or proposals for the permanent closing of the agricultural entrance and use of the residential entrance for dual use, since a farming enterprise would not appear to be viable; and requesting sightlines of 90m x 2.4m from road edge at the residential entrance and 90m x 3.5m at the agricultural entrance, in accordance with TII document DN-GEO-03060, to be demonstrated, and consent provided from landowners re lands outside the site), the information provided did not demonstrate the requisite sightlines or achieve the closure of an entrance.
- 7.3.4. It did achieve the proposed setting back of the road boundary, by up to 7m, over the entire c100m of road frontage with the removal of hedgerow and trees, and sightlines were indicated, although not achievable within the subject property and not accompanied by the necessary consents.
- 7.3.5. The treatment of the very large roadside area, thus created, is unclear but it received the approval of the Transportation Department.

7.3.6. Two of the refusal reasons refer to the accesses and the hedge removal arising from sightline provision:

- The removal of the roadside hedge and repositioning of the farm entrance could lead to commercialisation of the site and intensify the use of the entrance with heavy machinery causing traffic hazard and impacting on the rural character of the area.
- The removal of hedge and trees to provide the required sightlines would be in material contravention to NH POL 16 and NH POL 13, injure amenities and be a risk to wildlife.

7.3.7. The grounds of appeal states that the entrances have no visibility. The further information request sought sightline provision. Any analysis involves weighing up the competing issues of human safety and environmental amenity. The land will continue to be used for residential and agricultural uses and a denial of consent would not allay concerns. It points out that protecting human life is more important than a hedgerow.

7.3.8. Many of the observations made in response to the appeal include concern about the removal of hedgerow and trees and the deficiency of the sightlines to be provided, and one observation includes a report from Transport Insights (transportinsights.com). This points out the deficiencies in the sightlines proposed for both the domestic entrance and the agricultural entrance and that consent would be required to achieve the sightlines shown, which has not been supplied. It also refers to the setting back of the fence line and the impact that would have on traffic using the road, by affecting driver perception. 'Vehicle speeds vary according to the impression of constraint that the road alignment and layout impart to the driver'. The removal of the road boundary will result in a change in 'the impression of constraint', resulting in higher speeds and further reinforcing concerns relating to the failure to demonstrate that even the minimum 90m sightlines are achievable from either of the entrances.

7.3.9. In my opinion the issue of traffic safety must be resolved before any development can be permitted on this site. I note that, as stated in the applicant's response to the observations, most elements of the proposal have been endorsed. However even the proposed house extension, which would be likely to result in more use being made of the residential property, must be provided with adequate access. The

existing residential access is extremely deficient, as is the second site access. Evidence, as presented, of the need for a separate agricultural entrance to this restricted landholding is not convincing. In my opinion the provision of a single access to serve the site at a location north of the existing domestic access is likely to be the best outcome achievable on this constrained site. The Board does not have before it the documentation which would be necessary to evaluate such an entrance and the application before the Board is specific to the entrances proposed.

- 7.3.10. In my opinion although the refurbishment and extension of the residence and the provision of a wastewater treatment system would otherwise be acceptable, and the use of the former agricultural buildings for purposes incidental to the enjoyment of the dwelling as such, would also be acceptable, in the absence of a suitable proposal for an adequate / optimum vehicular entrance to the road, the proposed development would constitute a traffic hazard and this is a reason to refuse permission.

7.4. Loss of Hedgerow and Trees

- 7.4.1. The loss of hedgerow and trees is of concern to observers. The applicant's response is that protecting human life is more important than a hedgerow.
- 7.4.2. It is desirable to minimise the loss of hedgerow and trees but in the subject case some loss is inevitable in order to maximise the safety of a site entrance. It is again noted that, (per the Transport Insights submission), the removal of hedgerow and setting back of the fence line could result in a change in 'the impression of constraint', resulting in higher speeds and traffic safety impacts.
- 7.4.3. Traffic safety was referred to under the previous heading in this report and is an issue that remains to be resolved. In my opinion, in the circumstances of this case, the loss of hedgerow and trees per se, should not be a reason to refuse permission.

7.5. Development and Use of the Agricultural Buildings

- 7.5.1. The buildings were formerly used in connection with the farm which was attached to the subject property, until the applicants purchase of the property.

- 7.5.2. The development, the subject of this retention application, includes work to the buildings. In response to a request for further information regarding the use of these buildings, it is stated that the owner of the landholding to the rear, intends to use them for agricultural use.
- 7.5.3. Observers state that a field gate formerly connected these buildings with the landholding to the rear and could be re-used to facilitate the agricultural use of the buildings, and that the proposed widened road entrance is not required.
- 7.5.4. In my opinion, since this site has been severed from the associated agricultural land, its utility for agricultural use is now extremely limited and does not justify the proposed works to the entrance, in the context of the site constraints referred to earlier.
- 7.5.5. The concerns of observers regarding possible commercial use have been rebutted by the applicant. In my opinion possible uses which would require a further permission should not be a consideration of this appeal.

7.6. **Other Issues**

- 7.6.1. Spoil heaps indicated on the application drawings have given rise to concern. Observers point to concern that these could be used to justify importation of spoil etc. In my opinion some soil may have been heaped in that location arising from the work which had taken place to the agricultural entrance at the time of the survey and the site survey simply noted its existence. In my opinion the noting of spoil heaps on the drawings is not a reason to refuse or modify the development.
- 7.6.2. It is also of concern to observers that the proposed development would impact on the watercourse which flows along the northern boundary of the site. It is stated that there is now a pipe, draining from the site to this watercourse. No pipework is indicated on the submitted drawings and any such pipework would be a matter for the planning authority to address.
- 7.6.3. The proposed effluent disposal system is indicated as being designed in accordance with EPA standards and there is no issue of concern in relation to impact from same on the watercourse, on groundwater or wells, arising from the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be refused, for the following reasons and considerations.

9.0 Reasons and Considerations

1 The site is located on a bend on a narrow road which is currently impacted by traffic overrunning the carriageway, where the two vehicular entrances serving the site have very limited sightlines and in the absence of satisfactory proposals for the provision of a safe site entrance, the proposal to retain development and carry out further development on the site, would be likely to lead to increase in the usage of unsafe entrances and impact on traffic safety by reason of traffic hazard. The proposed retention and development would thereby be contrary to the proper planning and sustainable development of the area.

2 The Board is not satisfied that the proposal to widen and upgrade the two existing site entrances and the associated removal of the entire site boundary and its replacement at a greater setback from the road edge, demonstrate the provision of adequate sightlines within the control of the applicant, or that the proposed alterations to the public road would benefit public safety, accordingly the proposed retention and development would be contrary to the proper planning and sustainable development of the area.

Planning Inspector

20th May 2020

Appendices

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019, extracts

Appendix 3 Sustainable Rural Housing Guidelines, extract