



An
Bord
Pleanála

Inspector's Report ABP-306286-19

Development	House, garage and proprietary sewage treatment system.
Location	Waynestown, Dunboyne , Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	190884
Applicant	Denis Beirne
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Residents of L62221 Cul-De-Sac
Date of Site Inspection	25 March 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. This site is located on the southern side of a local road which runs east from a local road all of which are cul-de-sacs off regional road R156, which is close by to the north. The site is in the rural townland of Waynestown, c. 4.5 north-west of Dunboyne. The site is a mainly rectangular portion of a large level open field, currently used as pasture; it also extends as a strip along the laneway for the entire extent of the landholding to facilitate the removal and setting back of the roadside boundary. The site is flat and the land appears to be good agricultural land. The roadside boundary comprises dense hedgerow, the remaining site boundaries are undefined. There are dwellings further along the cul-de-sac to the east and south east and along the adjoining cul-de-sac to the west. Opposite the site there is a derelict land commission dwelling and a farmyard. One-off rural housing of recent origin is a notable feature of the surrounding area.
- 1.1.2. This site is given as 0.437 ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of a detached 2 storey, 8m high 3-4 bedroom dwelling of 250 sq.m. floor area; a detached garage of 48 sq.m. floor area; a wastewater treatment system and percolation area, and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the proposed development subject to 11 no. conditions, including:
- 9) development contribution of €4,950 towards roads
 - 10) development contribution of €3,600 towards social infrastructure
 - 11) development contribution of €450 towards surface water.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- The application site is located in a rural area under strong urban influence. Based on the documentation submitted, the applicant has established a local housing need for the proposed dwelling and therefore complies with Meath County Council rural housing policy.
- Two adjacent planning applications RA/181363 and RA/181364 have been withdrawn and therefore are not assessed in conjunction with the subject application.
- The proposed site is the 5th permitted/existing within 250 metre of the same frontage, however the DoEHLG recommends the need to arrive at a balanced and reasonable view on ribbon development. Further information is required.
- The removal and setting back of the hedgerow along the roadside will achieve adequate sightlines. This is acceptable to the Transportation Section, subject to Conditions.
- A Site Characterisation Report was submitted which indicates poor percolation characteristics in the topsoil. A treatment system is to be installed. The proposal is considered acceptable to the Environment Section.
- It is proposed to connect to the public mains water supply.
- Recommending FI on two points, which issued 28/8/2019:
 - Justifying why an additional dwelling on a holding belonging to an unrelated third party should be permitted in an area under strong urban influence, should be permitted.
 - Address issues raised in observations.
 - Republishing may be required.

3.2.3. Other Technical Reports

Environment Section: The proposal is for a raised polishing filter, clearing the winter groundwater table by the minimum requirement of 900mm. Conditions.

Transportation Section: No objection subject to Conditions. Removal of entire roadside boundary and setting back at least 3m.

3.3. Further Information

- 3.3.1. The response to the Further Information request received 15/11/2019 includes:
- 3.3.2. The applicant's parents moved to Kilcloon 39 years ago. They have a genuine rural need. They do not own a house. They want to build in the area where he was born and reared and close to where she works in the school in Kilbride.
- 3.3.3. A map showing a straight line distance of 2.94km between the applicant's home and the subject site is provided.

3.4. Further Reports

- 3.4.1. The second planning report, following the further information response, includes:
- 3.4.2. The proposal does not constitute ribbon development, as it is not located within a 250 metre continuous road frontage of five or more houses.
- 3.4.3. The applicant has adequately demonstrated housing need.

3.5. Third Party Observations

- 3.5.1. Third party observations on the file have been read and noted.

4.0 Planning History

ABP Ref. 305338 PA Reg Ref. RA181500 Board refusal, on foot of a third party appeal against the planning authority's decision to grant permission, for construction of dwelling and detached garage.

ABP Ref. 304885 PA Reg Ref. RA190532 Board refusal, on foot of a third party appeal against the planning authority's decision to grant permission, for construction of dwelling and detached garage. Site at the junction of the laneway with the local road to the west.

RA190710 Permission granted (16th August 2019), for the construction of a 1.5 storey 3 bed family dwelling and detached domestic garage, proprietary effluent system, etc on land to the east.

RA190710 Permission granted (13th February 2020) for the construction dwelling etc to the west. Location similar to 304885.

5.0 Policy Context

5.1. National Policy

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. This area is identified as a rural area under strong urban influence, due to its proximity to the immediate environs or close commuting catchment of large cities and towns where strict control on housing development must be applied.

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. **Development Plan**

5.5. Meath County Development Plan 2013-2019, is the operative plan. Relevant provisions include:

- The site is located on un-zoned rural area.
- The site is in a 'rural area under strong urban influence'.
- Policies for Rural Areas under Strong Urban Influence are set out in Section 10.3
 - 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.

5.6. **Natural Heritage Designations**

5.6.1. The nearest Natura site is Rye Water Valley / Carton SPA (site code 001398) located 5.5km to the south.

5.7. **EIA Screening**

5.7.1. 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

6.1.1. A third-party appeal was submitted by the residents of the L62221 Waynestown, Dunboyne, County Meath (c/o JF Kellegher Solicitor, Dunboyne), which includes:

- They have had to submit two previous appeals against decisions by Meath Co Co on the L62221.
- The circumstances in this case is identical to those appeals.
- Their submission to the PA was not given due consideration.
- This is an area under strong urban influence.
- The Sustainable Rural Housing Guidelines for Planning Authorities, requires policy to distinguish between rural and urban generated housing need.
- Objective NPO19 of the National Planning Framework requires in such areas consideration of demonstrable economic or social need to live in the rural area.
- They request the Board to determine if the applicant comes within the scope of the housing need in the guidelines, or if his housing need could be met in a smaller village/settlement.
- They feel that applicant does not comply with the 'local needs criteria' as set out in national policy and guidelines and notwithstanding the policies in Meath County Development Plan, the development would be contrary to the proper planning and sustainable development of the area.
- The applicant is employed in an existing village settlement and the development is urban generated.
- Kilcloon is an existing settlement. There is 22 ac of land for sale in Kilcloon which Meath Co Co could develop as local need sites. Meath Co Co should become proactive in encouraging development in Kilcloon.
- Despite the destruction of 530m of existing hedgerow and serious impact on the L62221, there has been no consultation with prescribed bodies or the Council's Biodiversity Officer.

- The distance between the applicant's parent's house and Waynestown is 5.4 km. Dunboyne is less than 5km from Waynestown. Would a resident of Dunboyne be entitled?
- They are concerned at the many applications in this area and the precedent being established.
- Attached are copies of their submissions to Meath Co Co.

6.2. Applicant Response

6.2.1. A response to the third-party grounds of appeal was submitted Geraldine Fahy, Planning Consultant, on behalf of the applicant, which includes:

- The applicant has intrinsic links to this rural area based on the fact that he was born and reared in Kilcloon and is an active member of the rural community in Kilcloon. He is teaching in Navan. His wife is teaching in Kilbride.
- The National Planning Framework is cited.
- Sustainable Rural Housing Guidelines for Planning Authorities are cited.
- Meath County Development Plan 2013-2019 is cited.
- The applicant's rural housing need is based on the fact that he does not own and has never owned a house and is living in a sub-standard temporary housing situation and qualifies as having continuing close family ties to the rural area.
- The applicant does not own a house and has never owned a house.
- Kilcloon is not an existing village / settlement centre and is not designated as an existing village / settlement centre in the current development plan. It is identified as a Graig, which is the lowest order of settlement, and the local need requirements are the exact same as the surrounding areas.
- Hedgerows of 540m will not be removed. A revised site layout accompanying the response indicates a revised site and a reduced extent of hedgerow removal.
- Re. the appellant's submission in relation to the local need of a person in Dunboyne – this shows a complete lack of understanding of the difference between urban and rural generated housing need. The applicants do not live in an urban area and

therefore qualify as having rural housing need under the Meath County Development Plan and the Sustainable Rural Housing Guidelines.

- The issue of precedent does not arise.

6.3. **Planning Authority Response**

6.3.1. The planning authority has responded to the grounds of appeal which includes:

- The planning authority is satisfied that all matters raised in the ground of appeal were considered in the assessment of the planning application. The proposed development is consistent with the policies and objectives of the Meath County Development Plan 2013-2019 as varied.

6.4. **Further Responses**

6.4.1. Further to the applicant's submission, the appellants submitted a letter in response to the applicant response to their grounds of appeal, reiterating why they consider the applicant meets similar criteria to applicants recently refused by the Board.

7.0 **Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, rural housing need and hedgerow removal and the following assessment is dealt with under these 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. **Rural Housing Need**

7.4. The response to the grounds of appeal refers to the applicant's local housing need. It is stated that the applicant lives in this area and works as a teacher in Navan and his

wife teaches in Kilbride. He has intrinsic links to this rural area, based on the fact that he was born and reared in Kilcloon and is an active member of the rural community in Kilcloon. Kilcloon is not an existing village / settlement centre and is not designated as an existing village / settlement centre in the current development plan. It is identified as a Graig, which is the lowest order of settlement, and the local need requirements are the same as the surrounding areas.

- 7.4.1. A map showing a straight line distance of 2.94km between the applicant's home and the subject site was provided as part of the further information response. The third party appellants state the distance between the applicant's parent's house and Waynestown as 5.4 km, which they compare with the distance to Dunboyne less than 5km from Waynestown.
- 7.4.2. The parish of Kilcloon is an extensive rural parish west of the town of Dunboyne, which town is in a separate parish. The subject site is located at a considerable remove from the dispersed settlement where the applicant currently resides. Apart from the identification with parish, which organisations such as the GAA encourage, it is difficult to envisage any functional relationship between the rural area where the applicant and his family are located and the rural area where the site is located. It is equally difficult to see any functional relationship between the rural area where the applicant's wife works and the rural area where the site is located; Kilbride is located north east of Dunboyne and separated from the subject site by the M3.
- 7.4.3. In my opinion the applicant has not demonstrated a need to live in this rural area and the policy framework for rural housing in areas under strong urban influence, as set out in the Sustainable Rural Housing Guidelines, the National Planning Framework and the Meath County Development Plan 2013-2019, requires that such need must be demonstrated so that housing which would generate unsustainable demands for infrastructural provision and the ongoing provision of services and which would create unsustainable travel patterns is resisted.
- 7.4.4. In my opinion this is a reason to refuse permission.

7.5. **Impact on Hedgerows**

- 7.5.1. The appellants express concern that the proposed development, along with proposed development on adjacent sites, will result in the total removal and destruction of over

530 metres of existing rural hedgerows and that this will have a severe impact on existing wildlife habitats.

- 7.5.2. The applicant submitted a site layout plan, with the application, showing hedgerow removal and the setting back of the fence line along the entire frontage of the lands to the south of the roadway. The proposal indicated that new hedgerow would be planted behind a timber post and rail fence, set back behind the sightline.
- 7.5.3. In response to the appeal the applicant states that 540m of hedgerow will not be removed and has revised the proposal, submitting a revised site layout, which would reduce the extent of hedgerow removal.

8.0 Recommendation

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

9.0 Reasons and Considerations

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, including the stated employment locations of the applicant and his wife, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in the Guidelines, or has a demonstrable economic or social need to live in this rural area.

The proposed development would contribute to the encroachment of random development in a rural 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.

Planning Inspector

2nd April 2020

Appendices

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019, extract.