



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306412-20

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<b>Development</b>	Changes to previously approved Reg.Ref: NA/110438; revised site layout, new house type with garage and associated site works
<b>Location</b>	Borrowaddy Road, Rathfeigh, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA191457
<b>Applicant(s)</b>	Etienne Pinot
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Denise Merriman & Michael Byrne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> of May 2020
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The site is located in the rural area in the townland of Proudstown to the west of Rathfeigh and the N2. Access is via the local roads L-5004-5 in Rathfeigh and the site is located on the southern site of the road. Under Reg.Ref. NA/110438 the development was permitted access to this local road and this is existing. This road has been subject to a high degree of ribbon development. There is a boarding kennels for dogs to the east on the opposite side of the road 'Happy Hounds'.
- 1.2. The application site is in agricultural use. As shown on the Site Layout Plan submitted there is a road to the north and the south of the landholding, the site is to be taken off the frontage of the road to the north. There is an existing field gated access. There are a number of mature trees on site, located within the mature hedgerows to the west and east boundaries. There is a hedgerow and a ditch along the road frontage boundary. There is an existing agricultural building 'sheephouse' to the rear (south of the site). Sheep were seen grazing on the landholding to the rear of the site, from the road to the south of the landholding on the day of the site visit.
- 1.3. There is a single storey dwelling to the immediate east. Electrical power lines are located to the west of the site. A 240kv power line running north-south is located some 60m west of the western boundary. The pattern of development along this road is predominantly detached one-off dwellings, farms and agricultural buildings. There is a field gate opposite the existing entrance to the site and a dwelling on the opposite side of the road with an access further to the east.

## 2.0 Proposed Development

- 2.1. This is to consist of permission to amend previously granted permission Reg.Ref. No. NA/110438 and this includes the following:
  - A revised site layout and new house type, incorporating a garage;
  - Changes proposed include new locations for: well for potable water, wastewater treatment system and percolation areas, along with enhanced landscaping, all ancillary infrastructure and associated site development works.
- 2.2. Documents submitted with this application include the following:

- A Design Statement by Wain Morehead Architects
- A Site Characterisation and Assessment for the proposed dwelling house.
- Details on the Installation of Pumped Polishing Filter Systems – Ash Environmental Technologies.
- Drawings including a Site Layout Plan, Floor Plans, Sections and Elevations.
- A letter from Rosemary Madden being the land owner of the site, giving consent to allow the Applicant to apply for planning permission on this site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 12<sup>th</sup> of December 2019, Meath County Council granted permission for the proposed development subject to 11no. conditions. These conditions include provisions for restriction of occupancy - a written agreement under Section 47 of the Planning and Development Act 2000 (as amended), landscaping, external finishes, regard to the construction phase of the proposed development and development contributions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planner's Report**

This has regard to the locational context of the site, planning history and policy and to the inter department reports and submissions made. Their Assessment included the following:

- The site is not within or directly adjoining any Natura 2000 site. They conclude that a Stage 2 NIS is not required.
- The site is not within an identified flood risk zone.
- They have regard to Condition no.2 of NA110438 (S.47 agreement) and note that the current applicant is not the same and must be assessed under current housing settlement policy.

- The application site is located in an area of strong urban influence and they refer to the local need criteria in Section 10.4 of the Meath CDP.
- They consider that based on the information submitted the applicant has demonstrated a genuine need for a dwelling at Rathfeigh on the basis of his full time occupation as a sheep farmer and his significant involvement in agriculture in this location.
- They consider that the applicant has demonstrated a local need in compliance with Section 10.4 of the Meath CDP.
- They consider that the proposed dwelling will be less visible than the dwelling permitted originally on site. The design and siting of the proposed dwelling is in keeping with the Meath Rural Design Guide.
- They note that the applicants are not proposing any changes to the permitted entrance under NA110438. As this is an application for amendments, they have no concerns in this regard.
- They note the details submitted relative to water services including the pwmts proposed and do not object.
- They conclude that the proposed development is in compliance with the policies and objectives of the Meath CDP and would not negatively impact on the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

### 3.3. Other Technical Reports

#### Water Services Planning Report

They have no objections subject to recommended conditions.

#### Environment Section

They have regard to the details on the SiteCharacterisation Report submitted. They have no objections subject to recommended conditions.

### 3.4. Prescribed Bodies

Irish Water They have no objections subject to conditions.

### 3.5. Third Party Observations

A Submission from local residents is noted in the Planner's Report. Their concerns including relative to local need and design and layout are considered further in the context of their subsequent Third Party Appeal and in the Assessment below.

### 4.0 Planning History

The Planner's Report and the Design Statement submitted with the application have regard to the Planning History of the site. This includes the following:

- AA/180816 – Permission refused to Etienne Pinot & Rosemary Madden to amend previously granted permission Reg.Ref. NA110438 consisting of a revised site layout; new house type, incorporating garage; and replacement of proposed stable facility with a sheep house facility. Changes proposed include new locations for: well for potable water, wastewater treatment system and percolation areas, along with enhanced site landscaping, all ancillary infrastructure and associated site development works above and below ground level at a site of approx. 2.532ha at Borrawaddy Road, Proudstown, Rathfeigh, Co. Meath. The permitted site entrance was not being amended.

The Council's reason for refusal was as follows:

*The application site is located in a rural area outside any designated settlement and in a Rural Area under Strong Urban Influence as defined in the Meath CDP 2013-2019 where development which is not rurally-generated should be more properly located in settlement centres, It is the policy of the CDP 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 applicants have not established a site specific rural generated housing need for a dwelling in this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- Reg.Ref. AA/160201 – Extension of Duration of Planning Permission granted to Francis & Niamh Woods of planning reference no. NA/110438 for an additional 5 years. The new expiry date is 04/08/2021.

- Reg.Ref. NA/110438 – Permission granted to Francis & Niamh Woods for a new two storey dwelling with detached domestic garage, new site entrance, proprietary effluent treatment system and all associated site works. This application also included an American style stable building with 6no. stables, 2no. foaling boxes, a feed store & office, a hay barn, 2no. stallion boxes in a separate stable, a horse walker & dung shed.

Permission was granted subject to conditions. Condition no.2 is of note:

*Prior to the commencement of development the owner of the property shall enter into an agreement with the Planning Authority, pursuant to Section 47 of the Planning and Development Act, 2000 or any amending or replacement Statutory provision, providing that the premises to be constructed pursuant to this permission be occupied for a period of five years from the date of first occupation (which date is to be agreed in writing with the Planning Authority) by the applicant.*

- Reg.Ref. NA/901987 – Permission refused to Francis & Niamh Woods for a similar type development to that noted above for reason of lack of established local need in a Rural Area under Strong Urban Influence.

## 5.0 Policy Context

### 5.1. National Policy and Guidelines

- National Planning Framework – Project Ireland 2040
- Sustainable Rural Housing Guidelines for Planning Authorities (2005)
- Rural Housing Policies and Local Need Criteria in Development Plans - Circular Letter SP/5/08
- Development Management Guidelines (2007)
- Code of Practice Wastewater Treatment Disposal Systems serving Single Houses (October 2009)
- Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

## 5.2. Meath County Development Plan 2013-2019

Meath County Development Plan, 2013 to 2019, is applicable Development Plan.

The appeal site is located on un-zoned lands and in an area designated as being a 'Rural Area under Strong Urban Influence' in the Development Plan (Section 2.7 and Map 10.1 refer).

*Chapter 10 refers to Rural Development.*

Section 10.2 sets out the Rural Settlement Strategy. The Goal seeks to:

*To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.*

Policies RUR DEV SP 1 & 2 apply.

Section 10.3 sets out the Rural Area Types

Area 1 – Rural Areas under Strong Urban Influence The following Development Plan policies relate to this type of rural area: -

- **RD POL 1:** To ensure that individual house developments in rural areas satisfy the relevant housing requirements, subject to compliance with normal planning criteria.
- **RD POL 2:** To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages.
- **RD POL 3:** To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development.

Section 10.4 refers to Persons who are an Intrinsic Part of the Rural Community and sets out the criteria under which applicants can demonstrate their local housing need and their need to live in the countryside. These include in summary where it can be clearly demonstrated applicants are significantly involved in: Agriculture, the Bloodstock and Equine Industry, Forestry, Agri-Tourism or Horticultural Sectors.

The Plan also 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 and a number of relatively specific criteria are included: These include in summary persons who are part of the established community, who do not own or who have not previously possessed a dwelling, persons originally from the rural area living in substandard or unacceptable housing scenario, returning emigrants who have lived a substantial part of their life in rural areas and have a need to return and persons with locally based rurally based employment. Also, exceptional health circumstances which may require a person to live in a particular environment or close to family support.

Section 10.5.1 provides the Development Assessment Criteria – matters to be considered in assessing individual proposals for one-off rural housing.

Section 10.5.2 refers to Ribbon Development.

Section 10.5.3 refers to Occupancy Conditions.

Policy RD POL 7 – to Section 47 of the Planning and Development Act 2000 (as amended) restricting occupancy to a period of 7 years from the first date of occupation.

Section 10.7 refers to Rural Residential Development: Design and Siting Considerations.

Policy RD POL 9 seeks: To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

#### *Other issues*

Policy NH POL 13 seeks to encourage retention of Woodlands, Hedgerows and Trees.

Policy RD POL 43 refers to One Off Houses: Sight Distances and Stopping Sight Distances.

Section 10.19.2 refers to Groundwater Protection and the Planning System.

Policies RD POL 44 and 45 refer.

Section 10.19.3 refers to Wastewater Disposal. Policy RD POL 46 refers.

Chapter 11 provides the Development Management Standards & Guidelines.

Appendix 15 refers to the Rural Housing Design Guide.



### 5.3. **Natural Heritage Designations**

The appeal site is located 6.5km to the south-east of the River Boyne and River Blackwater SPA and SAC (Site Codes: 004232 and 002299).

### 5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ 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**

The owners of the adjoining house and property Denise Merriman & Michael Byrne have submitted a Third Party Appeal to the proposed development. Their grounds of appeal include the following:

- They have lived in the area for the last 25 years and question the applicant's local need in relation to Section 10.4 of the Meath CDP.
- They refer to the previous application refused to the applicant on this site - Reg.Ref. AA180816 refers. This was made in the names of Etienne Pinot and Rosemary Madden.
- They provide details of the applicant's previous ownership and rental of property.
- They argue that the applicant is not a member of the established rural community nor seeks to build his first home.
- The majority of the acreage farmed by the applicant is located in Dunshaughlin, which is outside the settlement area of the site in Rathfeigh.

- As per the application form the legal owner of the site is Rosemary Madden who was not the applicant.
- They note discrepancies regarding the siting of the dwelling and refer to the dimensions.
- They consider that conditions restricting the use of the garage as ancillary to the domestic dwelling and relative to construction related issues including hours of operation, should be included if permission is to be granted.
- They refer to their submission made at planning application stage and include copies of Planner's Reports relative to AA/180816 and the current application.

## 6.2. Applicant Response

The Planning Partnership have submitted a First Party response to the grounds of appeal on behalf of the Applicant Etienne Pinot. This includes the following:

- Details are given of the context of the planning application and of the personal circumstances of the applicant.
- They provide details of the applicant's landholding at Proudstown and in Dunshaughlin and provide he has chosen this location in which to base his farming enterprises on the basis of the quality and workability of the lands.
- The Applicant has successfully found a niche market, in the form of pedigree sheep breeding, which allows him to engage in his agricultural enterprise as his sole economic activity.
- At present the Applicant is living in accommodation, which is detached from the farmyard in Proudstown, which has significant implications for both the safety and security of his livestock and other assets and by extension, the viability of his enterprise.
- The Applicant's primary focus is on breeding pedigree sheep and there is a need to reside in proximity including during lambing season.
- They refer to National Policy and Guidelines and consider that this proposal complies with National Policy Objective 19 as the applicant has demonstrated

that he has an economic need to live at this location for his expanding agricultural enterprise.

- They provide a summary of the Third Party Grounds of Appeal and seek to address this under the following headings:

#### *Compliance with the Criteria of Local Housing Needs*

- The documentation submitted demonstrates clearly that the applicant is engaged in an economically viable and sustainable agricultural business which is primarily focused on lands located in the townland of Proudstown immediately adjacent to the subject site.
- On this basis they consider that the applicant satisfies the relevant criteria relating to local housing need within an area that is defined as being an *Area Under Strong Urban Influence*.

#### *The Location of the Applicant's Farming Enterprise*

- The matter of the ownership of the lands upon which his agricultural enterprise is focused is not a material consideration to this appeal, given that he has demonstrated his ongoing commitment to that enterprise on the lands through significant investment.
- The dispersed nature of his lands is not unusual and the choice of the applicant to centre his enterprise in Proudstown is both logical and understandable given the quality and flexibility which these lands provide and the access to peer support locally.

#### *The Design and Character of the Proposed Development*

- The built form encompasses elements which are reminiscent of Irish rural vernacular. They consider the proposal is acceptable from a design perspective and is appropriate to the rural location where it is proposed.
- They have regard to the proposed siting and note separation distances to the neighbouring property to the east and consider the proposal will not impact adversely on adjoining property.
- They contend that the proposal will integrate successfully into the receiving environment without impacting negatively on the character or the visual

amenity of the area or the established residential amenity of properties in the vicinity.

#### *Ancillary Matters*

- They provide details relative to the proposed garage and the usage being ancillary to the main dwelling house.
- They provide that should permission be granted that it will be implemented by way of a comprehensive Construction Management Plan.
- They are agreeable to having conditions relative to these matters.

#### *Other Matters*

- They provide a more detailed response to each of the issues raised above, referring to planning policy and guidelines and the documentation submitted.
- They note that Proudstown is the Focal Point of the Applicant's Agricultural Enterprise. It is also adjacent to the applicant's sheep shed.
- A list of documentation submitted both at planning stage and in their response to the appeal is given. Photographs and mapping and Figures in support of the application are also provided.
- They also refer to the Design Statement submitted with the application. They consider that the proposal is an appropriate design response to a rural location and integrates well into the physical environment.
- The proposal will not impact adversely on the established residential amenity including the neighbouring property and will be acceptable in terms of traffic safety and convenience. They request the Board to uphold the Council's decision and to grant permission.

### **6.3. Planning Authority Response**

The Council's response to the grounds of appeal includes the following:

- The Planning Authority is satisfied that all matters outlined in the submission were considered in the course of their assessment of the planning application as detailed in the Planning Officer's Report.

- The proposed development is considered to be consistent with the policies and objectives of the Meath CDP 2013-2019.
- They consider that the Applicant has demonstrated a genuine local need for a dwelling at Rathfeigh on the basis of his full time occupation as a sheep farmer and his significant involvement in agriculture at this location.
- They have regard to the details submitted and provide that it is considered that the applicant has demonstrated an economic local need in compliance with Section 10.4 of the CDP 2013-2019.
- They consider that the proposed design complies with the Meath Rural Design Guide.
- If the Board decide to grant permission they are agreeable to attaching conditions relative to the hours of construction and the use of the garage and loft area. They request the Board to uphold their permission for the said development.

## 7.0 Assessment

### 7.1. Rural Settlement Strategy - Local Needs

7.1.1. The site is located in a Rural Area under Strong Urban Influence as identified in the Meath CDP, Map10.1 relates. The key challenge for such areas is indicated in the Development Plan as facilitating the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the Development Plan. It is noted that the site is in an area under pressure for one-off housing and there is ribbon development along the road frontage to the west of the small settlement of Rathfeigh. Rural Development Policies RD POL 1 - 3 seek to restrict urban generated development in such locations. Section 10.4 has regard to the criteria relative to *Persons who are an Intrinsic Part of the Rural Community* and has been noted in the Policy Section above.

7.1.2. Regard is also had to the Sustainable Rural Housing Guidelines 2005 where the strategy indicates that there should be a presumption against urban-generated one-

off housing in rural areas adjacent to towns. It is put forward that the applicant has a proven local need and there should not be a blanket ban on genuine applicants in the area. Note is also had of Circulars SP 5/08 and PL2/2017 relative to these Guidelines and to the assessment of Local Needs Criteria and in Development Plans.

- 7.1.3. As noted in the Planning History Section above, this proposal is for an amendment to that previously granted permission (Reg.Ref. NA110438 and as subsequently extended by AA/160201 refers). That development was never constructed, and this proposal relates to a different applicant, so therefore a new assessment of local needs criteria relevant to current policies and guidelines applies.
- 7.1.4. The Third Party Grounds of Appeal have been noted. They consider that it has not been demonstrated that the applicant would comply with local needs policy in Section 10.4 of the Meath CDP. They note discrepancies relative to the past history and consider that the applicant is not a member of the established rural community for a period in excess of 5 years and that note he has previously owned a house which was sold in 2009. As noted in the Planner's Report and according to the local needs form the applicant has lived at Macetown, Tara from 2010 to the present in his brother in laws house and also owns an investment property in Blanchardstown. They also have regard to the fact that the landholding is dispersed with the applicant owning 50 acres of land, 22 of them at Rathfeigh, where the application site is located and 28 acres in Dunshaughlin.
- 7.1.5. Details of the applicant's local need have been submitted with the planning application and in response to the Third Party grounds of appeal. Appendix A of this response provides Land Registry details. Appendix C includes a Personal Statement from the Applicant and Appendix G his Business Statement. This includes regard to his farming enterprise and notes that a 200sq.m sheep shed and concreted yard area has been erected along with an agricultural roadway on the landholding. He provides that the size of the shed gives the space required for his flock now and into the future as outlined in the business plan. Also, that he needs to reside in close proximity to his flock for their security and during lambing season. He is currently living in his relation's, Joseph's Madden's house in Macetown, Tara. He provides that this arrangement is not sustainable and he wishes to apply for permission for a home on the farm at Barrowaddy Road, Rathfeigh, Tara. Also, that the nature of his

farming enterprise requires him to reside full time on the farm and the proposed dwelling is adjacent to the applicant's farmyard.

- 7.1.6. It is noted that the Planning Authority consider that the applicant has a demonstrated genuine local need as per Section 10.4 of the Meath CDP and this criterium includes in summary i.e: *Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture.* Documentation has been submitted (Section 2.1.3 of the Response to the Appeal refers) includes relative to the applicant being an intrinsic part of the rural community and regard to his Business Enterprise, letters from Teagasc and details of his membership of the IFA and the Irish Texel Sheep Society in support of the sheep farming enterprise. A detailed Business Plan setting out the applicant's objectives for his farming enterprise during the course of 2019 has been included. It is also stated that the applicant' primary economic activity is his agricultural enterprise in which he is engaged in on a full time basis.
- 7.1.7. Regard is also had to National Policy Objective 19 of Project Ireland 2040. This provides: *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 the 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.*
- 7.1.8. In this case, having regard to the documentation submitted at planning application stage and in the First Party response to the appeal, I would consider that it has been demonstrated that the applicant complies with the criteria relative to National Policy Objective 19. Also, that it has been demonstrated that the Applicant in view of his significant agricultural enterprise fulfils the aforementioned local needs criteria in Section 10.4 of the Meath CDP 2013-2019. This is subject to the siting and design criteria, the suitability of the site for the disposal of effluent and environmental issues, which are addressed further in this Assessment below. Having regard to these issues if the Board decides to permit I would recommend that a condition regulating the development and use of the land restricting occupancy, relative to Section 47 of the Planning and Development Act 2000 (as amended) and similar to Condition no.3 of the Council's permission be included.

## 7.2. Consistency with Rural Design Guidelines

- 7.2.1. The Rural Design Guide sets out guidelines on rural housing in County Meath, for example, from orientation and site layout to building design. The Guide recommends positioning a dwelling on a site having regard to existing shelter, topography and vegetation and design which draws from traditional forms of development and good design practice.
- 7.2.2. A Design Statement has been submitted with the application. This provides that the project is to consist of a sustainably designed farmstead including a dwelling and garage. The Site Layout Plan shows the proposed 'L' shaped dwelling and linked garage set back c. 26m from the public road. It is to be sited off centre on the eastern part of the site, with the proposed garage adjoining to the east. The garage is shown sited c.15m off the eastern site boundary.
- 7.2.3. As per the application form the area of the proposed house is 296sq.m plus 90sq.m for the linked adjoining proposed garage. The Floor Area Schedule as provided on the Floor Plan drawings shows that the proposed dwelling is to be 212sq.m on the ground floor and 58sq.m on first floor plus 26sq.m of storage area. The dwelling is shown 7.23m to ridge height. Access to the house is from the northwest and it is provided that it has been designed to avail of solar access, light and views to the south over the sheep shed and pastures beyond. 3D Views have been submitted showing the proposed dwelling in the context of the rural area.
- 7.2.4. The dwelling is proposed to be of contemporary design but also to reflect more traditional form. It is provided that the dwelling has been designed to meet current Passive House standards. It is to be of timber frame construction, with burnt timber cladding to the walls and a dark coloured slate/tile to the roof. Windows are to be aluclad timer units. Roof lights and solar panels are included.
- 7.2.5. It is provided that the residence is part of a fully functioning sheep farm and requires connectivity between the living and working areas. The garage is to be an integral part of the sheep farming facility and hence, they have provided a transition space/mud room between the dwelling and garage. This is to be a single storey flat roofed construction with a covered pergola area for shelter. The garage is to be of masonry constructed and finished to corrugated metal cladding to both walls and roofs. In the interests of visual amenity, and in view of the scale and location of this



building, if the Board decides to permit, I would recommend that it be conditioned that the garage be constructed in materials to match the proposed dwelling.

- 7.2.6. The Design Guide provides it is proposed to use the existing vehicular entrance to the west, off the public road and the location of this entrance was approved as part of Reg.Ref. NA/110438 (as extended – AA/160201 refers). It is noted that the permitted site entrance is not being amended and it is stated that there are sightlines of 90m to the east and 120m to the west. Also, that both the dwelling and the sheep facility will utilise this entrance, with the driveway splitting to the south west within the site to provide vehicular access to both locations. The surface of the access road is proposed to be grit. It is also provided that the garage and its surrounding yard area are accessible from the dwelling driveway to the west and also from the sheep facility from the south. It is noted that the yard area is to be finished in tarmac.

### **7.3. Impact on Adjoining Property and the Character and Amenities of the Area.**

- 7.3.1. The Third Party is concerned that the proposal which is to be sited closer to the eastern site boundary than originally proposed and set back c. 22m from the rear of their property will be visible from and has the potential to impact them adversely and to cause overlooking. However, in view of the lower profile, set back and the 15m separation distance from the eastern site boundary, and boundary screen planting, I would consider the proposed siting of the house and garage will not have an adverse impact on the existing dwelling. Also, that provided quality external finishes are used that it will comply with the Meath Design Guide. It is recommended that if the Board decides to permit that a condition relative to external finishes for the proposed house and garage be included.
- 7.3.2. In addition, it is noted that a landscaping scheme has been submitted and it is recommended that this be implemented and that boundary hedges be retained and augmented. It is noted that the Landscaping Plan provides that all existing hedgerows are to be retained and strengthened with indigenous planting suitable for the location. In addition, all site fencing is to be timber post and rail with specialist fencing to the sheep house. I would consider it is visually important to establish an area of landscaping in front of the sheep house, to aid screening from the public road. The Council's Environment Section notes that the proposal requires the

removal of 99m of managed box cut hedging. In that event, regard needs to be had to the establishment of a replacement hedge along the road frontage. If the Board decides to permit, I would recommend that a landscaping condition be included.

7.3.3. The Third Party query the purpose of the proposed garage with loft area above. It is noted that at 90sq.m this is sizable. The First Party response provides it is intended that the garage to include a loft area will be used for storage ancillary to the main dwelling and that the ground floor will be used to store the Applicant's vehicle as well as for general storage. It is provided that the design of the proposed garage will be seen as integral to the dwelling house. It is recommended that if the Board decide to permit that it be conditioned that the usage of the proposed garage be ancillary to that of the dwelling house. Note has been had of the external finishes above.

7.3.4. The Third Party are also concerned about the implications of construction works and the impact on their residential amenities. The First Party response provides that if granted permission the proposal will be implemented in terms of a comprehensive Construction Management Plan, and they suggest that this be conditioned along with a condition restricting times of operation. If the Board decides to permit, I would recommend that such be conditioned.

#### 7.4. **Other Issues**

7.4.1. It is noted that the sheep shed, which is outside the red line boundary of the subject site, appears to have been recently constructed on these lands. Unlike the previous refusal Reg.Ref. AA/180816, this had not been included in the description of development for the current application. Details submitted with the Applicant's response to the Appeal (Appendix C refers) provide that a 200sq.m sheep shed and concreted yard has been erected along with an agricultural roadway. It is noted in the Planning History Section above, that the original permission on this site (Reg.Ref.NA/110438 as extended refers) related to a larger site area and granted permission for the access and a stable block etc on this site. The latter was never constructed. As stated, the sheep shed is c. 200sq.m and as shown on the drawings it is set back more than 100m from the public road. It is considered likely that it would be considered exempted development under Class 6 *Agricultural Structures*, Part 3 *Exempted Development – Rural*, of Schedule 2 of the Planning and Development

Regulations 2001 as amended. However, it is of note that any issues relative to unauthorised development or enforcement are not within the remit of the Board, rather the appropriate section of the Planning Authority.

## 7.5. Drainage

- 7.5.1. This is an unserviced site in the rural area and regard is had to the suitability of the site for the disposal of effluent. The Design Guide submitted provides that the on-site waste water treatment unit and polishing filter will be provided to meet the requirements of the proposed dwelling and the current EPA guidelines. This is shown to the west of the house. They refer to the Site Characterisation and Assessment and Wastewater treatment proposal, prepared by *TalamhIreland.ie*. This includes, that as shown on the drawings submitted the well for potable water will be provided at the north-east side of the site.
- 7.5.2. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and “in cases where  $3 < P < 75$  the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay...” The ‘T’ and ‘P’ test values given are within this range.
- 7.5.3. The Site Characterisation Assessment submitted notes that the site is within the area of a locally important Aquifer, with low vulnerability and the groundwater protection response is R1. The SCA notes that soils in this area are generally poorly drained, with runoff dominating over infiltration. Areas of bedrock close to the surface do occur, however, with consequently moderate percolation rates. It is noted that conventional septic tanks serve all houses in the locality and seem to work without any issues. They note that the site is of sufficient size to construct a polishing filter. There is a drainage ditch along the road frontage. This will be 10m from the polishing filter. Details are given of percolation tests and it was found that the average  $T=13.1$  and  $P =37$ . It was concluded that the site is suitable for discharge to ground as there exists 2.01m depth of permeable sandy silt/clay and details are given of the

composition of this. It is provided that all the minimum distances can be met on the site once the polishing filter is installed and the proposed well bored in the location specified.

- 7.5.4. The Council's Environment Section notes that it is recommended that an Oakstown BAF 6 p.e. Sewerage Treatment System and partially raised percolation area be installed. They do not object to the proposal subject to conditions. It is recommended that if the Board decides to permit that an appropriate condition relative to these issues be included.

## 7.6. **Screening for Appropriate Assessment**

- 7.6.1. 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 farm development in the intervening distance, 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 permission be granted subject to the conditions below.

## 9.0 **Reasons and Considerations**

Having regard to the applicant's demonstrated local need relative to his significant involvement in agriculture i.e. sheep farming in the location, to the nature and design of the proposed development to be constructed, to the general character and pattern of development in the area and to National Policy Objective 19 of Project Ireland 2040 National Planning Framework and the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 13th day of February, 2020, 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. 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.
- (c) 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3(a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling and garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The proposed garage shall be constructed in external finishes to match the proposed dwelling house.

**Reason:** In the interest of visual amenity.

- 4(a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed garage shall be restricted to domestic garage and storage with lofted storage space (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.
- (b) The domestic garage/storage space shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

**Reason:** To protect the amenities of property in the vicinity.

- 5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the landscaping scheme submitted as shown on Drawing no. 10733-106, submitted on the 4<sup>th</sup> of November 2019. This scheme shall include the following:

- (a) the establishment and augmentation of hedgerows along the boundaries of the site, and

- (b) existing boundary screening to be retained and the planting of trees and hedgerows within the site to include screening of the garage, drive and the sheep shed.

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.

Species such as cypress, escallonia, griselinia, leylandii, rhododendron and laurel shall not be used.

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

6. The vehicular access shall be constructed as permitted in Register Reference NA/110438 and in accordance with the requirements of the Council for such works.

**Reason:** In the interests of clarity and road safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

- 8(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

10. 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 and dust management measures; measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; location of the site and materials compound(s) including areas identified for the storage of construction refuse; off-site disposal of construction/demolition waste; details of how it is proposed to manage excavated soil; and, means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

11. The Applicant/Developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage forthwith to the satisfaction of the planning authority.

**Reason:** In the interests of proper traffic management of the area.

12. 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 within three months of the date of this Order 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.

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Angela Brereton  
Planning Inspector  
12<sup>th</sup> of May 2020