



An
Bord
Pleanála

Inspector's Report ABP-306481-20

Development	Retention permission for an existing 2 bedroom, single storey demountable dwelling unit , 4 no pressed steel storage sheds, new entrance and associated works
Location	Rathdrinagh, Beauparc, Navan Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB/191409
Applicant(s)	Annette Simpson.
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Annette Simpson
Observer(s)	None
Date of Site Inspection	13 th of March 2020
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site comprises of a dwelling, number of outbuildings/ shed and is located off the N2 road between Slane and Asbourne, Co. Meath. The site is located to the east of an existing one off rural dwelling and within a cluster of rural dwellings. The site is surrounded by 2m high timber fencing and mature trees and hedging. Access into the site is directly off the N2, via large double gates.
- 1.2. This retention application is similar to a recent development, refused by both the Planning Authority (PA) and the Board (PL17.248461). Access into the site was restricted as noted by the previous Inspector.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Retention for a 2 no. bed, single storey demountable dwelling (50m²),
 - Retention of 4 no. pressed storage sheds,
 - New effluent treatment system and sand polishing filter,
 - All associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for three reasons as summarised below:

1. The site is located within the rural area outside any designated settlements. Development is assessed under Section 10.3 and Policy Objective RD POL1 of the Meath County Development Plan 2013-2019. It is a policy of the plan to direct development to settlements only in the rural area where there is an intrinsic link to the rural community and agriculture or equine industry. The applicant has not provide sufficient evidence that there is an intrinsic need to live in this location and therefore the proposal is a material contravention of the development plan.

2. The location of the entrance directly onto the N2, a national strategic route, with a speed limit of 100km/h and the national policy for national roads. Policy TRAN PL40 restricts additional entrances which open directly onto national routes and areas over 60km/h. The proposed entrance would have a significant adverse impact of the traffic movements and be a material contravention of the development plan.
3. The design form and layout of the proposed development does not comply with the requirements as set out in Section 10.7 and Policy RD 9 of the development plan and the Rural House Design and therefore is a material contravention.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and the issues raised are summarised below:

- The site is located within an area designated a Rural Area Under Strong Urban Influence,
- The design proposals are not in compliance with rural house design guidance.
- The access is not in compliance with the development plan policy or national guidance.
- A site suitability assessment indicates percolation test values in the acceptable range.

3.2.2. Other Technical Reports

Environment Section- No objection to the proposal.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – Recommendation to refuse permission having regard to the adverse impact on a national road and the official policy as set out in the national guidance.

3.4. Third Party Observations

None received.

4.0 Planning History

PL17.248461 (Reg Ref LB191409)

1. The site of the proposed development is located in a rural area outside any settlements designated for additional development the Meath County Development Plan 2013-2019. According section 10.3 and Policy Objective RD POL 1, it is the policy of the planning authority to direct development into these designated settlement settlements and to restrict residential development in rural areas outside these settlements to those applicants who can demonstrate an intrinsic link to the rural community or an occupation that is predominantly based in the rural community such as agriculture or in the equine industry. The Board is not satisfied based on the information provided in connection with the application and the appeal that the applicant has genuine rural housing need in accordance with this policy. The proposed development is therefore in material conflict with the rural housing policies of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.
2. The Board is not satisfied on the basis of the information provided in connection with the application and the appeal that the proposed arrangements for effluent treatment and disposal accord with the standards set out in EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, (2009). The proposed development is therefore in material conflict with the polices of the development plan for effluent treatment, in particular Polices RD 47-51 of the Meath County Development Plan which provide for such requirements. The proposed development is therefore prejudicial to public health.
3. The location of the entrance to the proposed development is directly onto the N2, a national strategic route at a location which is within an area where the speed limit of 100 km/h applies. It is the policy of "Spatial Planning and National Roads: Guidelines for Planning Authorities" (2012) (DOECLG) as

reflected in the Meath County Development Plan. (Policy TRAN PL 40) to prevent creation of additional individual entrances and intensification of movements at existing entrances which open direct onto national routes at locations outside the 60 km/h zone to facilitate the efficiency and effectiveness of the national strategic road network. The proposed entrance and the additional turning movements created by the proposed development interfere with the unobstructed, safe and free flow of traffic on the route and is therefore in material conflict with this policy objective of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.

5.0 Policy and Context

5.1. National Guidance

- Spatial Planning and National Roads: Guidelines for Planning Authorities (DoECLG, 2012)
- EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, (2009)

5.2. Meath County Development Plan 2013-2019

Settlement Strategy

The site is located in area classified as Rural Area under Strong Urban Influence.

RD POL 1- The individual house developments in rural areas must 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 criteria.

RD POL 2- To facilitate the housing requirement 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 POL 3- To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain and identify the urban centres.

Rural Dwelling Design

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

Section 10.7 Rural Design and siting considerations.

- Positioning on the landscape,
- Sufficient enclosure of natural boundaries,
- Suitable design of dwelling for the site including scale and form.

National Road

10.16.1 National Primary and National Secondary Routes

RD POL 36- To develop and maximise the opportunities of the county's national primary and secondary roads as key strategic infrastructure vital to the county's continued economic development and to protect this strategically important infrastructure from unplanned ribbon development or random one-off housing development

RD POL 37- To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads - Guidelines for Planning Authorities'.

5.3. **Natural Heritage Designations**

The site is located c. 4.7km to the south of the River Boyne and River Blackwater SPA (code 004232) and c. 4.7km to the south of the River Boyne and River Blackwater SAC (002299).

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development 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 grounds of appeal are submitted from the first party in relation to the refusal and the issues raised are summarised below.

Refusal Reason 1

- The site is located in a rural residential cluster.
- There are no farm house type dwellings and there is currently no rural community in this rural cluster.

Refusal Reason 2

- The location of the neighbouring access is noted and the precedence is already set.
- There is no evidence another entrance would cause intensification of traffic

Refusal Reason 3

- The applicant is a member of the travelling community and the style of the dwelling is part of their culture
- The travellers have been recognised as an ethnic minority and no allowance has been made in the Meath County Development Plan for this culture.

6.2. Observations

None received.

6.3. Planning Authority Response

A response from the Planning Authority was received and may be summarised as follows:

- The issues raised by the first party are noted.
- The reason for refusal should be upheld.
- The applicant has not demonstrated housing need at this location.

- The access onto the national road is at variance to the national and county policy.
- The proposed structure is not in compliance with the Meath Rural House Design Guide.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. I consider that the main issues in this case are as follows:

- Settlement Strategy
- Dwelling Design
- Waste Water
- Access onto the National Road (N2).
- Appropriate Assessment.

Settlement Strategy

7.2. The site is located outside any designated settlements in the development plan, in an area defined as a Rural Area under Strong Urban Influence. The Sustainable Rural Housing Guidelines refers to the need to direct new housing to villages and smaller settlements in areas defined as Areas Strong Urban Influence and the planning authority should use a criterion for assessing applications in relation to evidence of housing need and an applicant's links to the area in question. Policy RD POL 1 and RD POL 2 of the development plan emphasis the need for persons to live in the countryside only where they are an intrinsic part of the rural community and in general should be directed to those towns and villages for urban generated housing.

7.3. The first reason for refusal relates to the absence of any genuine rural housing need and therefore non-compliance with the development plan policy. The grounds of appeal refers to the existing cluster of dwellings in the vicinity of the site and the applicant's membership of the travelling community which is recognised as an ethnic minority and voices the absence of any allowance in the development plan for this

community. I do not consider the member of the travelling community an argument for locating in the rural area of the County or a necessity to live at this specific location. Whilst I recognise the different needs of the travelling community, I consider the provision of alternative locations a matter to be addressed during the review of any development plan. I do not consider it has been demonstrated in the application that the applicant is a person is intrinsic to the rural community in the area of the site location and/or has a predominantly rural community based employment at the location. The presence of an existing cluster of non-rural generated housing in the vicinity of the site, does not provide justification for further exacerbation and proliferation of one-off rural housing.

- 7.4. Having regard to the definition of Area Under Strong Urban Influence in the Sustainable Rural Housing Guidelines and the requirements for compliance with the policies of the development plan, I do not consider the applicant has provided any justification for the necessity to live at this location and to permit this development would materially contravene the development plan.

Dwelling Design.

- 7.5. The proposed development includes a demountable, single storey two bedroom dwelling (50m²). The exterior of the dwelling is metal clad. Section 10.7 of the development plan includes guidance for the appropriate design of housing and requires compliance with the requirement for compliance with standards and guidance and specifically the Meath Rural House Design Guide. General guidance relates to the appropriate location within the site, landscaping and assimilation, and the design and from respecting the site.
- 7.6. The third reason for refusal relates to the design, form, finishes, layout and open space of the site which is not in compliance with the Meath Rural House Design. The grounds of appeal refer to the applicant's links with the travelling culture and style which is considered appropriate at this site. I note the limited size of the dwelling is 50m², which is not considered excessive and the setback from the site, not visible from the surrounding area. Although the metal cladding finish would not be considered appropriate for a rural setting the general design is not excessive. I note the Board did not refuse the previous similar application for the design of the dwelling which was identical.

- 7.7. The proposed development includes the retention of 3 no. sheds on the site. As access was not granted correspondence with the submitted plans and particulars could not be verified. The presence of a large shed to the south west of the site was noted and visible from the rear and not evident on the plans. I have concerns relating to the size and scale of the sheds within the site although I consider the substantive issues of principle of development at this location and access into the site sufficient reasons for refusal for the proposed development.
- 7.8. Therefore, having regard to the previous Board decision (PL17.248641) and the limited scale and decision of the dwelling, I do not consider the proposed dwelling would have a significant negative impact on the surrounding area.

Water

- 7.9. The proposed development includes the decommissioning of an existing septic tank its movement north on the site, and the inclusion of a sand polishing filter. The application is accompanied by a Site Characterisation Form and a site suitability test.
- 7.10. The site is located in an area with low permeability (Shale and sandstone till) and is a poor aquifer. The groundwater vulnerability is classified as low (www.gsi.ie) representing a GWPR response of R1 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B3). The trial hole assessment submitted in the site suitability test encountered the water table at a depth of 1.8m. There were no trial holes available for inspection during a site visit as access was restricted. The submitted site characterisation records a T-Test Value of 70.00min/25mm indicating no suitable for a septic tank without a territory system. The P-test value of 39.33 min/25mm, which is within the acceptable range for a septic tank (Table 6.3) and would indicate good percolation.
- 7.11. The site characterisation form notes the presence of heavy clay in the trial hole and the high water table and considered works including a stone bed distribution under the sand polishing filter and works to the percolation area necessary to comply with the EPA guidelines. The report of the Environment Section of the local authority noted the poorly drained subsoil and the well-drained topsoil and considered, in addition to the sand polishing filter, the site could accommodate adequate percolation.

7.12. Having regard to the information contained in the site characteristic form and the proposed alteration to the location of the septic tank and the attenuation area, I consider the site can accommodate a wastewater treatment system. I have some concerns that I was unable to inspect the trail holes upon site inspection although note the low groundwater vulnerability as detailed in Geological Survey Ireland.

Access onto the National Road N2.

7.13. The proposed development includes the retention of a vehicular access onto the N2. Section 1.5 of the DoEHLG Spatial Planning and National Roads (2012), issued under Section 28 of the Planning and Development Act 2000 (as amended) states that;

“The creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users...”

7.14. The submission by Transport Infrastructure Ireland (TII) refers to the national policy DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and the need to control access onto national roads in order to prevent an adverse impact where the national speed limit applies.

7.15. RD POL 36 and RD POL 37 of the development plan require the protection of the national primary and secondary roads as key strategic infrastructure which includes protection from unplanned or random on-off housing. Compliance with the national guidance is required. The intensification of use on the site will cause additional traffic movements onto a national primary route. The significance of traffic is unknown at present although it is considered reasonable that all additional traffic generated at this location would give rise to an increase in traffic flow and the proposed development would have an undesirable precedent for future similar developments in the vicinity. The intensification of an access onto the N2 is not acceptable.

7.16. Therefore, having regard to the national guidance requiring protection of the national routes, the aim to preserve key strategic infrastructure and the intensification of development at this location, it is considered the proposed development is in material conflict with this strategic policy which facilitates free, unobstructed and safe flow of traffic on national strategic route and to permit development would set an

undesirable precedent for developments which interfere with the safety and free flow of traffic on a national road.

Appropriate Assessment.

- 7.17. The site is located c. 4.7km to the south of the River Boyne and River Blackwater SPA (code 004232) and c. 4.7km to the south of the River Boyne and River Blackwater SAC (002299). The site is not connected to any adjoining European Sites by any hydrology and I do not consider there is any source-pathway-receptor. The submitted site characterisation assessment indicates the wastewater can be accommodated on the site.
- 7.18. Having regard to the location, scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to location of the site is an Area Under Strong Urban Influence and the requirement to intrinsic links to the rural area, national policy, the current development plan, the design and location of access and proximity to a National Road, it is considered that, based on the reasons and considerations below, the proposed development would lead to an undesirable precedence for similar development at this location and an intensification of an access onto the N2. The proposed development would seriously endanger road users causing a traffic hazard and would be contrary to proper planning and sustainable development of the area.
- 8.2. It is recommended that the proposed development is **refused for** the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located in a rural area outside any settlements designated for additional development the Meath County Development Plan 2013-2019. According to Section 10.3 and Policy Objective RD POL 1, it is the policy of the planning authority to direct development into

these designated settlement settlements and to restrict residential development in rural areas outside these settlements to those applicants who can demonstrate an intrinsic link to the rural community or an occupation that is predominantly based in the rural community such as agriculture or in the equine industry. The Board is not satisfied based on the information provided in connection with the application and the appeal that the applicant has genuine rural housing need in accordance with this policy. The proposed development is therefore in material conflict with the rural housing policies of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.

2. The location of the entrance to the proposed development is directly onto the N2, a national strategic route at a location which is within an area where the speed limit of 100 km/h applies. It is the policy of “Spatial Planning and National Roads: Guidelines for Planning Authorities” (2012) (DOECLG) as reflected in Policy RD POL 36 and 37 of the Meath County Development Plan 2013-2019 to prevent the creation of additional individual entrances and intensification of movements at existing entrances which open directly onto national routes at locations outside the 60 km/h zone to facilitate the efficiency and effectiveness of the national strategic road network. The proposed entrance and the additional turning movements created by the proposed development interfere with the unobstructed, safe and free flow of traffic on the route and is therefore in material conflict with this policy objective of the Meath County Development Plan, 2013-2019 and is contrary to the proper planning and development of the area.

Karen Hamilton
Planning Inspector

16th of March 2020