



An
Bord
Pleanála

Inspector's Report ABP 306631-20

Development	Construction of a two-storey detached dwelling house, garage and all associated site works.
Location	Blackhall Big, Kilcloon, Co Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA191574
Applicant	Ann Marie Doyle
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellants	Sinead O'Leary Dublin Airport Authority
Observer(s)	None
Date of Site Inspection	30 th June 2020
Inspector	Brendan Coyne.

1.0 Site Location and Description

1.1. This site (0.4 ha) is located on the eastern side of the local road L2214, in the rural townland known as Blackhall Big, approx. 6 km to the north-west of Dunboyne in County Meath. The site is accessed via an existing shared vehicular entrance serving 2 no. detached two storey dwellings, located on adjoining lands to the south of the site. The subject site is currently undeveloped and comprises part of a large open field. The main part of the site as outlined has a road frontage width of 98m and a maximum depth of c.108m. The ground level of the site rises is relatively flat. The roadside boundary comprises a timber post and rail fence, with a large grassed margin and a watercourse ditch to its front along the public road. Mature deciduous trees, hedgerow and a ditch define the northern boundary and the rear / eastern boundary is undefined. The boundary shared with the neighbouring dwelling to the south is defined with a timber post and wire fence. Lands adjoining the site to the east and north are agricultural in use. The surrounding area is characterised by agricultural land and dispersed rural one-off housing. The L2214 is subject to an 80kph speed limit to the front of the site.

2.0 Proposed Development

2.1.1. Permission sought for the following;

- Construction of a detached 2 storey 4-bedroom dwelling (270 sq.m.),
- Detached garage,
- New wastewater treatment system and percolation area,
- Access driveway via the existing shared entrance,
- Landscaping and Associated site works.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the proposed development subject to 16 no. Conditions. Noted Conditions include:

Condition No. 5(a) The existing hedgerows and trees which define the northern site boundary shall be preserved. New site boundaries shall consist of timber fencing back planted with hedgerow of species native to the area.

Condition No. 6(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of at least seven years thereafter. The applicant shall enter into a written agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 (as amended) to this effect.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.2. Basis for the Planning Authority's decision. Includes:

- Based on the information submitted, the applicant has demonstrated a local housing need in compliance with Development Plan policy.
- The siting and design of the proposed dwelling is generally in accordance with the Meath Rural Design Guide.
- The applicant is not proposing to remove any trees or hedgerow. A Condition should be attached requiring the retention of the trees and hedgerow along the northern boundary.
- It is not considered necessary to require the applicant to install a post and rail fence along the northern boundary.
- The items raised in the Dublin Airport Authority's report with regard noise mitigation measures can be dealt with by way of Condition.
- The use of the existing shared entrance along the public road and the sightlines provided at this entrance are acceptable.

3.2.3. Other Technical Reports

Roads Section: No report received.

Environment Section: No report received.

3.3. Prescribed Bodies

3.3.1. *Dublin Airport Authority:*

- Although the proposal is not located within the Outer Noise Zone, the proposal is located within the newly proposed Noise Zone C, of the revised airport noise zones, under Variation No. 1 of the Fingal Development Plan 2017 – 2023.
- The Planning Authority may wish to request the following requirements be implemented by way of a request for Further Information or planning Condition, as appropriate;
 1. The existing and predicted noise environment of the site be fully assessed.
 2. Demonstrate that internal noise levels appropriate for habitable rooms within the proposed dwelling can be achieved and maintained.
 3. The provision and implementation of appropriate noise mitigation measures.

4.0 Planning History

None for subject site.

4.1.1. *Adjoining sites to the south:*

P.A. Ref. RA/151317 Permission **granted** in 2016 to Siobhan O'Brien & Shane Langton for the construction of a dwelling house, O'Reilly Oakstown BAF waste water treatment system and percolation area, domestic garage, new shared entrance onto the public road, removal of existing roadside hedge and bank to improve sightlines and safety for all road users, landscaping and all ancillary site works to service the dwelling.

P.A. Ref. RA/151316 Permission **granted** in 2016 to Cormac O'Brien & Amy Kerr for the construction of a dwelling house, O'Reilly Oakstown BAF waste water treatment system and percolation area, domestic garage, new shared entrance onto the public road, removal of existing roadside hedge and bank to improve sightlines and safety for all road users, landscaping and all ancillary site works to serve the dwelling.

Adjacent site to the north-east:

P.A. Ref. RA/150276 Permission **granted** in 2015 to Fiona O'Brien for the construction of a dwelling house which is a change of house design from that previously granted permission under planning reference no. RA/140566 and no. DA/901621 and maintain permission for previously granted O'Reilly Oakstown BAF wastewater treatment system and percolation area, domestic garage, new entrance onto public road, landscaping and all ancillary site works to serve the dwelling subject of change of design.

5.0 **Policy and Context**

5.1. **Meath County Development Plan 2013-2019**

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

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

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

RD POL1 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

RD POL2 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RD POL3 To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

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

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

RUR DEV SP 2 To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria. An assessment of individual rural development proposals including one-off houses shall have regard to other policies and objectives in this Development Plan

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

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter,

son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;

- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

The Planning Authority also recognises that exceptional health circumstances may require a person to live in an environment or close to family support. In such cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. In the absence of any significant environmental, access or traffic reasons for refusal and the proposal adheres to sensitive design and siting criteria, the Planning Authority will consider granting planning permission, subject where appropriate to conditions regarding occupancy.

WS POL 25 To protect, maintain and improve the natural character of the watercourses and rivers in the county Meath.

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.

Section 11.17 Development in Proximity to Approach Zones/Noise Zones of Airports

Developments shall be restricted (and where appropriate, prohibited) in public safety zones and approach zones of airports and airfields, and in noise zones associated with airport flight operations as illustrated on map no. 11.1. In the assessment of such

applications regard shall be had to the relevant policy documents and consultation shall take place with the relevant authorities.

Appendix 15 Rural Design Guide

5.2. Other Relevant Government Guidelines

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

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

5.2.2. 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.

5.1. **Eastern Midland Region – Regional Spatial Economic Strategy**

RPO 8.19: Spatial planning policies in the vicinity of the airport shall protect the operation of Dublin Airport in respect to its growth and the safe navigation of aircraft from non-compatible land uses. Policies shall recognise and reflect the airport noise zones associated with Dublin Airport. Within the Inner Airport Noise Zone, provision of new residential and/or other noise sensitive development shall be actively resisted. Within the Outer Noise Zone, provision of new residential and/or other noise sensitive development shall be strictly controlled and require appropriate levels of noise insulation in all cases.

5.2. **Natural Heritage Designations:**

- 5.2.1. The appeal site is located 5.7km to the north of the Rye Water Valley / Carton SAC (Site Code 001398).

5.3. **EIA Screening**

- 5.4. 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. Two third party appeals against the decision of the Planning Authority were received from;
- Sinead O’Leary who is the owner of lands adjoining the site to the north.
 - Dublin Airport Authority

The grounds of appeal of both appellants are synopsised below accordingly.

6.1.2. **Appeal by Sinead O'Leary**

- The Appellant expresses concern with regards the ditch along the northern boundary of the site.
- The Appellant refers to a previous application for a dwelling on adjacent lands permitted under P.A. Ref. RA/150276 whereby the boundary drainage ditch was filled in. Site Plans submitted to the Council under this application stated that the 'existing boundary would remain'.
- The appellant has concerns that the same could happen to the ditch along the northern boundary of the subject site.
- The ditch along the northern boundary is part of a drainage system, where excess water from the appellant's lands drains into this ditch.
- The boundary ditch creates a habitat for native wild animals and provides an important stock proof barrier for livestock.
- Meath County Council have included as part of their consent that the existing hedgerow and trees which define the northern site boundary be preserved. These trees and hedgerow are within the appellant's landholding.
- For the avoidance of any doubt and in the interest of good drainage practice, environmental requirements, balancing the needs of farmers and new housing, the Appellant requests the Board to make an additional Condition that the northern boundary ditch is retained and remains undisturbed as part of this planning consent.
- The Appellant requests that a post and rail fence is erected on the applicant's side of the boundary ditch.
- The Appellant considers the proposed garage is too close (2 metres) to the northern boundary and requests that it is relocated to the southern side of the site.

Appendices lodged with this appeal include the following;

- Photographs showing water entering and flowing through the northern boundary ditch, and a section of where the ditch has been filled in on adjacent lands.

- Site Layout Plans indicating the ditch along the northern boundary, adjacent ditch located further to the east, which was filled in and the proposed garage, requested to be relocated along the southern boundary.

6.1.3. ***Appeal by Dublin Airport Authority***

- The site is not located within the Outer Noise Zone identified in the current Meath County Development Plan. However, this plan does not reflect the new airport noise control zones.
- The site is located within Zone C of the revised airport noise zones, as set out under Variation No. 1 of the Fingal County Development Plan 2017 – 2023.
- It is understood that this may form part of an upcoming review of this plan.
- Dublin Airport Authority maintains that, as a noise sensitive development located within a noise zone, the planning decision as issued by Meath County Council should be modified to require adequate levels of noise insulation.
- The Dublin Airport Authority has no objections to the proposed development subject to appropriate mitigation measures.
- The Dublin Airport Authority requests that the Board modify the planning decision to request the following requirements be implemented by way of a planning Condition.
 1. The existing and predicted noise environment of the site be fully assessed.
 2. The Applicant demonstrate that internal noise levels appropriate for habitable rooms within the proposed dwelling can be achieved and maintained.
 3. Appropriate noise mitigation measures should be proposed by the Applicant and implemented.

6.2. **Applicant Response**

The response received from Ultan Blake Architect representing the Applicant, is as follows;

6.2.1. Re. Appeal by Sinead O’Leary

- The documentation submitted with the application did not show or propose works of any description to the existing ditch within the site.
- All existing mature trees and hedgerow are to be retained.
- Should the Board require it, the applicant would be willing to accept a Condition regarding the ditch.
- The applicant is of the belief that the existing hedgerow boundary is more than adequate to act as the boundary between the appeal site and the adjoining lands. If the Board consider it appropriate, the applicant would agree to erect a post and rail fence along the northern boundary.
- The proposed garage would be located 2 metres at its closest point, increasing to 4.5m, from the northern boundary. If the Board consider it appropriate, the applicant would be willing to locate the garage further away from the northern boundary, up to a distance of 1.5m.

6.2.2. Re. Appeal by Dublin Airport Authority

- The Dublin Airport Authority acknowledge Meath County Development Plan 2013-2019 does not reflect the new noise control zones. Therefore, the appeal site is not constrained by same.
- The site is located within Zone C of the revised airport noise zones, as set out under Variation No. 1 of the Fingal Development Plan 2017 – 2023.
- The site is not located within the Outer Noise Zone.
- There is no reference in the Meath County Development Plan to the new Noise Zone C and as such should form no part of planning regulations in County Meath.
- The proposed development is consistent with the policies and objectives of the Meath County Development Plan.
- The Dublin Airport Authority are overstepping their powers and demanding that policies of one County Development Plan (Fingal) are imposed in another jurisdiction which do not include those policies.

- A noise assessment prior to the completion of the additional runway would be of no benefit, as the additional noise will not be present until the new flight path is fully in use.
- Although there is no reference in the Meath County Development Plan to the Noise Zone map C, should the Board feel it would be a requirement of a grant of permission, the Applicant would be willing to implement noise mitigation measures, i.e. an appropriate level of noise insulation incorporated into the design of the proposed dwelling to minimise the adverse effects of aircraft noise.
- By conforming to BS8233 (in relation to noise insulation) the proposed dwelling will appropriately negate any risk of residential amenity from environmental noise elements. Proposed noise insulation measures are detailed.
- The Dublin Airport Authority have stated that they have no objection to the proposed development subject to appropriate noise mitigation measures being attached by way of Condition.

6.3. Planning Authority Response

6.3.1. *Re. Appeal by Sinead O’Leary*

- The Planning Authority is satisfied that all matters outlined in the submission were considered in the course of this assessment of the planning application, as detailed in the Planning Officer’s report.
- With regard the issue of the drainage ditch, the Applicant clarified in their submission response under the planning application that no works are proposed to the hedgerow or drainage ditch along the northern boundary.
- The Planning Authority attached a Condition that all existing hedgerows and trees which define the northern boundary be preserved.
- No works were proposed to the drainage ditch.

6.3.2. *Re. Appeal by Dublin Airport Authority*

- The Boards attention is drawn to the Dublin Airport Authority’s own acknowledgement of the fact that the Meath County Development Plan 2013-2019

(as varied), the statutory plan for the area, does not reflect the new noise control zones and therefore the site is not constrained by same.

- The Dublin Airport Authority are not objecting to the proposed development but rather are recommending that a Condition in relation to noise mitigation measures is attached to a grant of permission.

6.4. **Observations**

None

7.0 **Assessment**

- 7.1.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority is satisfied that the applicant complies with Development Plan policy regarding local / rural housing need, that the siting and design of the proposed dwelling accords with the Meath Rural Design Guide, that the proposed wastewater treatment system complies with the requirements of the EPA Wastewater Treatment Manual and that the sightlines at the vehicular access are acceptable.
- 7.1.2. Having regard to the Grounds of Appeal, the main issues for consideration relate to the attachment of Conditions regarding the northern boundary treatment of the site and noise impacts arising from the location of the site relative to Dublin Airport noise zones. However, having reviewed the documentation submitted and having regard to relevant policy in the Meath County Development Plan and relevant Government Guidelines, I consider that the issue of Rural Housing Need should also be addressed. These issues are addressed below.

7.2. **Boundary Treatment**

- 7.2.1. The Appellant has appealed the proposed development expressing concern with regard the ditch along the northern boundary of the site and the omission of its protection in the Conditions imposed by the Planning Authority. The Appellant puts forward that this ditch forms part of a drainage system where excess water from the appellant's lands drains into this ditch. Furthermore, the Appellant puts forward that this ditch creates a habitat for native wild animals and provides an important barrier

for livestock. The Appellant requests the Board to impose a Condition requiring that this ditch is retained and remains undisturbed.

- 7.2.2. Further to the above, the Appellant requests the Board to impose a Condition requiring the provision of a post and rail fence along the northern site boundary and that the proposed garage be relocated to the southern side of the site. The Appellant considers the proposed garage is located too close to the northern boundary.
- 7.2.3. With regard the ditch along the northern boundary, the Applicant confirms in the response to the Grounds of Appeal that the ditch is located within her landownership. The Applicant puts forward that the drawings and documentation submitted with the application make no reference to the infilling of this ditch. In an attempt to offer comfort to the Appellant, the Applicant has indicated to the Board, that she would be willing to accept a Condition in relation to this ditch.
- 7.2.4. As detailed in Section 3.1 above, the Planning Authority imposed a Condition requiring that the existing hedgerows and trees along the northern site boundary be preserved. No provision is made for the protection of the ditch along the northern site boundary. The photographs submitted by the appellant show that the ditch has a significant watercourse flowing through it. It is a requirement of Policy WS POL 25 of the Development Plan to protect, maintain and improve the natural character of watercourses in the County. Whilst the drawings and documentation make no reference to works to this ditch, it is my view that in the event of a grant of permission a Condition should be imposed requiring the retention of the ditch and watercourse along the northern site boundary and their protection from damage for the duration of construction works on site.
- 7.2.5. With regard the Appellants request for the provision of a post and rail fence along the northern site boundary, I do not consider this necessary. As put forward by the Appellant, the ditch and watercourse within provides a natural barrier for livestock and natural boundary treatment of the site. It is a requirement of Policy NH POL 13 to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Condition No. 5(a) of the grant of permission by the Planning Authority explicitly requires that the existing hedgerows and trees along the northern site boundary be preserved.

7.2.6. The proposed garage would be located 2m from the northern boundary at its closest point, increasing to 4.5m. Subject to a Condition being imposed requiring the retention of the ditch and watercourse along the northern site boundary and their protection from damage for the duration of construction works on site, I see no reason for the relocation of this garage.

7.3. Noise

7.3.1. The Dublin Airport Authority (DAA) have appealed the proposed development on the grounds that the site is located within noise Zone C of the revised airport noise zones, as set out under Variation No. 1 of the Fingal County Development Plan 2017 – 2023. The DAA acknowledge that while the site is not located within the Outer Noise Zone identified in the current Meath County Development Plan, this plan does not reflect the new airport noise control zones. The DAA put forward that this may form part of the upcoming review of the Meath County Development. The DAA request the Board to modify the planning decision requiring that a Condition be imposed requiring the following;

- (i) The existing and predicted noise environment of the site be fully assessed.
- (ii) The Applicant demonstrate that internal noise levels appropriate for habitable rooms within the proposed dwelling can be achieved and maintained.
- (iii) Appropriate noise mitigation measures should be proposed by the Applicant and implemented.

7.3.2. Section 11.17 of the Development Plan sets out the requirements for development in proximity to Approach Zones and Noise Zones of Airports. It is a requirement that in the assessment of such applications regard be had to relevant policy documents and consultation take place with relevant authorities. The imposition of controls on land and development within the zone of influence of the airport is accepted practise and is supported by national and regional policy guidelines. Having regard to infrastructural and runway developments at Dublin Airport, it is reasonable that these noise control zones would be subject to review and change over time. Given that the Meath County Development Plan is currently under review, it is considered reasonable to attach a Condition requiring that the proposed dwelling be provided with noise insulation to an appropriate standard, having regard to the location of the site within

the Dublin Airport Noise Zone C. Such Condition would protect the residential amenity of the occupants of the dwelling.

7.4. Rural Housing Need

- 7.4.1. While not raised in the grounds of appeal, I consider it appropriate to assess whether or not the proposed development complies with the Meath County Development Plan and Government planning policy and Guidelines regarding rural/local housing need.
- 7.4.2. The site is located c. 6 km to the north-west of Dunboyne, 6km north of Maynooth, 8.5km north-east of Kilcock and c. 13km from Blanchardstown in Dublin, on un-zoned rural lands outside any designated settlement. The site is located in a 'Rural Area under Strong Urban Influence', as identified on Map 10.1 of the Development Plan. Such areas are defined in Section 2.7 of the Development Plan in accordance with Rural Area Types as set out Section 3.2 of the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- 7.4.3. 'Rural areas under strong urban influence' are defined in Section 3.2 of the Sustainable Rural Housing Guidelines as rural areas exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such areas and pressures on infrastructure such as the local road network. The Guidelines distinguish between rural and urban generated housing. 'Rural generated housing' is described as housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. 'Urban generated housing' is described as housing in rural locations sought by persons living and working in urban areas.
- 7.4.4. For 'rural areas under strong urban influence', Policy RD POL 2 of the Development Plan seeks to facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.
- 7.4.5. Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area, having regard to the viability of smaller towns and rural settlements.

7.4.6. Documentation submitted with the application, putting forward the applicant's case for 'local housing need', include the following;

- Correspondence from Ultan Blake, Architect, representing the Applicant, stating the following:
 - The applicant's family has lived in the Kilcloon area for many years and the applicant has many relatives in the immediate vicinity.
 - The applicant's grandparents were local farmers in the area since 1945.
 - The subject site is located on her uncle's landholding.
 - The applicant has lived in Blackhall Little, Kilcloon from birth until her adult years.
 - Details provided of the applicant's involvement in the local community over this time.
 - The applicant attended Kilcloon Primary School.
 - The applicant lives in the family home in Blackhall Little.
 - The applicant currently works in University College Dublin (UCD) in Dublin 4.
 - The applicant wishes to settle down in the same area where she grew up and to care for her father who may need her assistance in future years to come.

7.4.7. Appendices lodged with the application include the following:

- Local Need Form detailing the following:
 - The applicant lived in Dublin from 2015-2018 and currently lives in the family home in Blackhall Little, Kilcloon.
 - The applicant is currently employed in UCD (Belfield Campus in Dublin 4).
 - The applicant does not own any other property.
- Statement from Kilcloon Credit Union, dated June 2005, confirming the applicant's address at Blackhall Little, Kilcloon, Co. Meath.
- Letter from the priest of the Parish of Kilcloon confirming that the applicant grew up, attended school and celebrated all her sacraments in the parish of Kilcloon.

- Letter from Scoil Oilibhéir Naofa, Kilcloon confirming that the applicant attended this school from 1987 to 1996.
- Statement from the Office of the Revenue Commissioners, dated May 2005, confirming the applicant's address at Blackhall Little, Kilcloon, Co. Meath.
- Bank statements of the applicant, dated July 2007, 2009 and 2010 confirming the applicant's address at Blackhall Little, Kilcloon, Co. Meath.
- Letter from the applicant's Uncle Noel O'Brien giving consent to the applicant to apply for planning permission for the proposed dwelling on the subject lands.

7.4.8. It is noted that the Planning Authority Planning Report, based on the information submitted, considers that the applicant has a local housing need for the proposed dwelling and therefore complies with Meath County Development Plan policy regarding rural housing criteria.

7.4.9. Having reviewed the documentation submitted, I consider that the applicant has adequately demonstrated that she is linked to the rural area and complies with the rural housing needs criteria set out under Section 10.4 of the Development Plan, for persons who are not engaged in significant agricultural or a rural resource related occupation.

7.4.10. Notwithstanding the above, I consider that the proposed dwelling would comprise an urban generated residential development outside of a designated settlement in the County's settlement hierarchy. As detailed in the Local Needs Form submitted, the applicant confirms that she currently works in University College Dublin (UCD) in Dublin 4. This establishes that the applicant's need for a house is urban generated. Such development would be contrary to Policy RD POL 2 of the Development Plan, which seeks to resist urban generated residential development outside of designated settlements. I am not satisfied that the applicant's housing needs could not be satisfactorily met in an established town, village or urban settlement area. Given that the proposal would comprise an urban generated rural house and that the applicant does not demonstrate an economic or social need to live in this rural area, it is my view that the proposed development would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and National Policy Objective 19 of the National Planning Framework.

7.4.11. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. For this reason, I recommend that the proposed development be refused permission.

7.5. Screening for Appropriate Assessment

7.5.1. The closest Natura 2000 site to the appeal site is the Rye Water Valley / Carton SAC (Site Code 001398) which is located 5.7 km to the south of the site. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The site of the proposed development is located in a 'Rural Area Under Strong Urban Influence' as set out in Section 2.7 and Map 10.1 of the Meath County Development Plan and in accordance with Section 3.2 of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005), wherein it is policy to distinguish between urban-generated and rural-generated housing need. For such areas, Policy RD POL 2 of the Meath County Development Plan requires that urban generated housing be directed to areas zoned for new housing development in towns and villages in the area of the Development Plan. Furthermore, National

Policy Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, Planning Authorities should 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 application and appeal, it is considered given the location of the applicant's employment within an urban area, that the applicant's need for a house is urban generated and that the applicant's housing needs could be satisfactorily met in an established smaller town, village or urban settlement 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.

Brendan Coyne
Planning Inspector

01st July 2020