



An
Bord
Pleanála

Inspector's Report ABP-306894-20.

Development

Planning permission is sought for the construction of a detached single storey dwelling house, the construction of stable facilities for between sixteen and eighteen horses (to be used as part of a proposed equine livery business), along with an agricultural store and tack room. The proposed development would also include the installation of a packaged effluent treatment system and a percolation area which will serve the proposed dwelling house; the drilling of a well (for both domestic and equestrian activities proposed); alterations to an existing agricultural entrance to serve both residential and equine traffic; the construction of a driveway; the provision of equestrian waste storage facilities and the creation of a trotting track, along with ancillary works including landscaping and all associated site works and services.

Location

Clonfane & Oakstown, Trim, Co Meath.

Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	TA200002.
Applicants	Tom & Elaine Lynam.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellants	Tom & Elaine Lynam.
Observer(s)	None.
Date of Site Inspection	2 nd day of July, 2020.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular rectangular shaped appeal site has a stated 9.45ha (23.5acres) area and it is located on the southern side of the heavily trafficked Athboy Road (R154), in the Townlands of Clonfane and Oakstown, c3.4 to the north west of Trim's town and c7.5km to the south east of the N51 as well as the settlement of Athboy, as the bird would fly, in County Meath.
- 1.2. The main site area is comprised of agricultural grassland that is of a gentle sloping nature. At the time of inspection there were no animals grazing on it. Its side boundaries contain several mature trees and hedgerows and its roadside boundary is mainly comprised of a native maintained deciduous hedgerow and is perforated by an agricultural entrance which provides the sole access to the parcel of land. It also contains one mature tree towards its northern end. The site is bound alongside its roadside boundary by detached residential dwellings to the south and north. The remaining site boundaries adjoin agricultural land.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey dwelling house which is described as containing four bedrooms. In addition to this planning permission is also sought for the construction of stable facilities which is described as catering for between sixteen and eighteen horses and to be used as part of a proposed equine livery business. The facilities would include an agricultural store and tack room. The proposed development works also includes:
 - The installation of a packaged effluent treatment system and a percolation area to serve the proposed dwelling house;
 - The provision of a well;
 - Alterations to an existing agricultural entrance to serve the dwelling and equine facilities proposed;
 - The construction of a driveway;
 - The provision of equestrian waste storage facilities and the creation of a trotting track; and,

- All other ancillary works including landscaping and all associated site works and services.

2.1.1. According to the planning application form the combined gross floor space of works proposed is 437m².

2.1.2. Documentation provided with this application include but is not limited to:

- A covering letter prepared by the applicant's agent.
- Town Planning Report.
- A Business Plan.
- Contract for the Purchase of Lands dated to 2018.
- Registration of Business Name (Lynam Equine) by Elaine Lynam, dated 24th day of July, 2019, with principal place of business indicated as Clonfane, Trim, Co. Meath.
- Registration with the Department of Agriculture, Food, and the Marine, dated the 22nd day of July, 2019, with a premises address of Clonfane, Trim, Co. Meath.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 25th day of February, 2020, the Planning Authority decided to refuse planning permission for the development for the following stated reason:

"In order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads through the creation of excessive levels of individual entrances and to secure the investment in non-national roads, it is policy of the County Development Plan, 2013-2019, to restrict new accesses for one-off dwellings where the 80km per hr speed limit currently applies to identified Strategic Corridors. Having regard to the site's location accessed off an identified Strategic Corridor, it is considered that the proposed development would endanger public safety by reason of traffic hazard and be contrary to the policy of the County Development Plan."

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

- **Transportation:** Refusal recommended. This report includes the following comments:
 - This development is accessed off the R154 which is identified as a 'Strategic Corridor' in the Development Plan.
 - The equine livery business proposed will create more traffic than a single dwelling.
 - This development should be refused as it would be at variance with the policies of the Development Plan unless the applicant complies with its exemptions.
 - If this application is to be considered further then the applicant should be required to set the gates at least 12m back from the roadside edge and the entrance design should include a driveway that is straight in its alignment for the first 15m inside the roadside entrance gate. In addition, its alignment should be perpendicular to the public road.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site

P.A. Reg. Ref. No. TA190339: Planning permission was **refused** for a development consisting of the construction of a 2-storey domestic dwelling, detached domestic

garage, waste water treatment system, upgrade of an existing agricultural entrance to a domestic entrance together with all associated site works and services.

The first reason for refusal essentially related to restricting individual accesses on a regional road identified as a 'Strategic Corridor' where the 80km speed limit applies for one-off dwellings through to preventing premature obsolescence of regional roads and it was considered that the proposed development would endanger public safety by reason of a traffic hazard.

The second reason for refusal essentially related to the failure of the house design to comply with Appendix 15 of the document titled 'Meath Rural House Design Guide'; it was considered that the proposed development would be a visually obtrusive feature in its landscape setting; through to it was considered that the proposed development would establish an undesirable precedent.

P.A. Reg. Ref. No. TA181182: Planning permission was **refused** for a development consisting of the construction of a 2-storey detached dwelling, detached domestic garage, wastewater treatment system, new site entrance, together with all associated site works and services. The reasons for refusal correlate with those given for P.A. Reg. Ref. No. TA190339 as indicated above.

4.2. In the Vicinity

The Planning Authority's Planning Officer's report sets out an overview of several planning applications in the immediate vicinity for developments relating to the provision of one-off dwellings which were all indicated as being refused.

I note that the reasons for refusal included similar road concerns to those cited in the reasons for refusal for P.A. Reg. Ref. No. TA190339 and P.A. Reg. Ref. No. TA181182.

Other concerns that formed the basis of reasons for refusal for the developments sought included concerns relating to the proliferation of waste water treatment systems; the excessive density of development in un-serviced rural area served by a poor road network; these developments being contrary to the Planning Authority's policy of securing comprehensive urban development of the settlement of Trim through to various visual amenity concerns.

5.0 Policy and Context

5.1. National Planning Policy Provisions

- National Planning Framework – Project Ireland 2040:
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005):
- Code of Practice Wastewater Treatment Disposal Systems serving Single Houses; (2009).
- Implementation of new EPA Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).
- Spatial Planning and National Roads - Guidelines for Planning Authorities, 2012.

5.2. Local Planning Policy Provisions

5.2.1. The Meath County Development Plan, 2013 to 2019, is the applicable Development Plan for the area. Map 10.1 of the Development Plan indicates that the site forms part of a rural area “*under strong urban influence*” (Area 1) that surrounds the settlement of Trim and Section 2.7 of the Development Plan in relation to such areas states that: “*this area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of considerable pressure for development of housing due to proximity to such areas. This area includes the commuter belt and peri-urban areas of the county, and the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county*”. The Development Plan also includes the following policies for such areas:

- RD POL 1: 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 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 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. It also seeks to maintain the identity of these urban centres.

5.2.2. Section 10.5.1 of the Development Plan sets out the assessment criteria for proposals for one-off rural housing.

5.2.3. Due to the location of the appeal site and the proposed developments dependence on access onto a regional road the following Development Plan policies are relevant:

- RD POL 38: Seeks to ensure that all development accessing off the country's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.
- RD POL 39: Seeks to identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points which would prejudice the carrying capacity and ultimately, the function of the road.
- RD POL 40: Seeks to restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific functions and to avoid premature obsolescence of identified regional and important county link roads as identified under Map 10.6 through the creation of excessive levels of individual entrances and to secure the investment in non-national roads.

5.2.4. The exceptions to RD POL 38; RD POL 39 and RD POL 40 are also set out under Section 10.16.3 of the Development Plan.

5.2.5. Policy RD POL 9 of the Development Plan requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

5.2.6. Policy NH POL 13 of the Development Plan seeks to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas.

5.2.7. RD POL 46 of the Development seeks to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided.

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are within 15km of the appeal site:

- Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299) is located c1.8km to the south west at its nearest point.
- Special Protection Areas: River Boyne and River Blackwater SPA (Site Code: 004232) is located c1.9km to the south west at its nearest point.
- Special Area of Conservation: Girley Bog SAC (Site Code: 002203) is located c12.5km to the north west at its nearest point.

5.4. EIA Screening

5.4.1. Having regard to the nature, scale and extent of the proposed development, the fact that the site is not in nor does it adjoin any Natura 2000 site, the absence of any connectivity to any sensitive location due to the lateral separation between the site and the nearest Natura 2000 site, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and 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. The grounds of appeal can be summarised as follows:

- Reference is made to Section 10.16.2 of the Development Plan.
- Reference is made to polices RD POL39 and RD POL40 of the Development Plan.
- Reference is made to Section 10.16.3 of the Development Plan and the exceptions that it includes.
- It is contended that policy RD POL 40 of the Development Plan seeks to cover circumstances which relate to the opening of new gateways on protected routes, no part of this provision seeks to prevent the use of a longstanding agricultural entrance for residential purposes.

- The site includes a longstanding agricultural entrance and concern is raised that the Planning Officer at no point considers its presence.
- Section 10.16.3 of the Development Plan states that exceptions to policy RD POL 40 will be considered on their merits and it is considered that the Planning Authority was mistaken in its interpretation of this provision of the said plan.
- The site does not front onto a county/minor road.
- It is not accepted that the house cannot be served by an existing access because the *'applicant did not demonstrate that the site was family owned and that the site was the only one available to him for development'*.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The appellants submission is based on the single reason for refusal which relates to the regional road.
- This application was assessed having regard to Section 10.16.2 of the Development Plan which deals with the matter of regional and county roads. It indicates that it is vitally important that new housing in rural areas that is located along non-national routes is located in such a manner as to avoid endangering public safety by way of a traffic hazard. There are a number of regionally and locally important functions of certain regional and county road type routes that act as particularly important transport links that traverse Co. Meath.
- Reference is made to policies RD POL 38; RD POL 39 and RD POL 40 of the Development Plan.
- The applicant did propose to use an existing agricultural entrance, the existing entrance is not suitable for residential use and for use as a business as the traffic generated would be substantially increased from what currently enters and exits the site.
- Reference is made to Section 10.16.3 of the Development Plan which sets out exceptions.

- The applicants have recently purchased this site and it is not within a family landholding.
- The submitted information does not clearly demonstrate a specific rural housing need to construct a dwelling on this site.
- All matters outlined by the appellant in their submission were considered in the determination of this application.
- The Board is requested to uphold its decision.

6.3. **Observations**

6.3.1. None.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise.

7.1.2. I consider that the issues can be addressed under the following headings:

- Principle of Proposed Development.
- Compliance with Rural Settlement Strategy.
- Planning History.
- Access.
- Water Supply & Drainage.

7.1.3. In addition, the matter of 'Appropriate Assessment' also requires examination.

7.2. **Principle of Proposed Development**

7.2.1. By way of this application planning permission is sought for a development which essentially consists of the construction of a detached dwelling house and stable facilities for between sixteen and eighteen horses (to be used as part of a proposed equine livery business), along with an agricultural store and tack room.

- 7.2.2. The appeal site is located within an area zoned for agricultural use in the current Development Plan. Therefore, the Planning Authority's rural housing policy applies.
- 7.2.3. In relation to the proposed dwelling house, I note that the appeal site is located in an area that lies outside of a designated settlement and in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005 (Note: Map 1: Indicative Outline of NSS Rural Area Types). It is similarly identified under Map 10.1 of the Development Plan. However, I note to the Board that the Planning Authority's Planning Officer in their report considered that the site was located in a low development pressure area which I do not consider to be the case having closely examined this map.
- 7.2.4. I further observed a strong prevalence of one-off residential developments in the surrounding hinterland, including but not limited to a one-off dwelling house adjoining either side of the roadside boundary with the R154. I consider that there are locational factors evident that would support that this area is under strong urban influence. This includes the areas close proximity to a number of strong urban structures including Navan, Ashbourne, Drogheda, and Mullingar. It is also located c40mins journey to Dublin Airport and the outer urban area of Dublin city.
- 7.2.5. The National Planning Framework states that the: *"Irish countryside is, and will continue to be, a living and lived in landscape focusing on the requirements of rural economies and rural communities, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities"*.
- 7.2.6. It also recognises that there is a continuing need for housing provision for people to live and work in the countryside and it indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns.
- 7.2.7. In this regard it advocates focusing on the elements required to support the sustainable growth of rural economies and rural communities.
- 7.2.8. It goes on to state that: *"it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns"*, with this being subject to site, and design considerations.
- 7.2.9. In keeping with this National Policy Objective 19 states inter alia: *"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 areas 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 addition, National Policy Objective 3a sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.

- 7.2.10. In relation to the local planning policy provisions Chapter 10 of the Meath County Development Plan, 2013 to 2019, sets out the planning policy approach for rural development with it setting out its key strategic objectives as including RUR DEV SO 6 which seeks: *“to protect and enhance the visual qualities of rural areas through sensitive design”.*
- 7.2.11. It also includes strategic policies such as RUR DEV SP 1 under which the Planning Authority advocates a tailored approach to rural housing in order to distinguish between rural generated and urban generated housing alongside recognising the individual rural area types.
- 7.2.12. In relation to rural area types, the site is located in an area that the Development Plan recognises is under ‘Strong Urban Influence’.
- 7.2.13. The relevant policies for this area include policies RD POL 1 which seeks to ensure that individual house developments satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to normal planning considerations; RD POL 2 which essentially seeks to direct urban generated housing to towns and villages in the area of the Development Plan; and, RD POL 3 which seeks: *“to protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development”*; alongside: *“maintaining the identity of these urban centres”.*
- 7.2.14. In a manner consistent with national planning policy provisions there is a general presumption against the principle of such developments on un-serviced lands outside

of settlements except in limited circumstances alongside subject to design and other safeguards being satisfied.

- 7.2.15. In relation to agricultural related developments, Section 10.8 of the Development Plan recognises the importance of this type of development within the county, including equine related enterprises. It indicates that Meath is the country's second most important centre for the bloodstock industry, after County Kildare and it indicates that the equine industry is important both economically and culturally. It sets out the following goal: *"to maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities"*.
- 7.2.16. In addition, policy RD POL 12 of the Development Plan indicates that the Planning Authority shall seek to: *"facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution"* and Section 10.9.1 of the said Plan indicated that the Planning Authority will support the provision of well located structures and facilities necessary for good and environmentally sound agricultural practice subject to demonstration of a compliance with a number of suitability criteria.
- 7.2.17. As such the general principle of agricultural related developments is deemed to be acceptable subject to safeguards.

7.3. Compliance with Rural Settlement Strategy

- 7.3.1. As set out in the previous section this appeal site is situated in a 'Rural Area Under Strong Urban Influence' and as such Policies RD POL 1 & RD POL 2 of the Development Plan apply to applications where dwelling houses are proposed. These particular Development Plan policies seek 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. Moreover, they seek to facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new development in towns and villages in the area of the Development Plan.
- 7.3.2. Section 10.4 of the Development Plan describes categories of persons who are considered an intrinsic part of the rural community. It states that the Planning Authority:

“will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources type employment” under a number of specified circumstances which I propose to examine individually as follows.

- 7.3.3. Firstly, where the applicant can: *“clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture”*. It further indicates that in these cases, *“it will be required that the applicant satisfy Meath County Council with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy Meath County Council as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted that, where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required”*.
- 7.3.4. In relation to the documentation submitted with this application it is clear that neither applicant has demonstrated a genuine need for a dwelling on the basis that they are significantly involved in agricultural, i.e. according to the Local Need Form accompanying this application Thomas Lynam gives his occupation as an ‘Operations Manager’ at the nearby business of O’Reilly Oakstown Ltd and his spouse as a ‘Home keeper/Stay at Home Mum’.
- 7.3.5. They have submitted a Business Plan, which is dated the 23rd day of October, for a proposed livery business at the appeal site alongside a smaller pocket of grazing land which it would appear is recently rented from Thomas Lynam’s employer, with a proposed commencement of the same in 2021. It would appear that Thomas Lynam’s spouse would be providing the early labour input for this business with some support where need from Mr. Lynam and supported by half-time, part-time, person in year 1 rising to 2 persons in year 5. While it would appear that both applicants put forward a keen interest in riding neither have any background in the day to day running of such an operation nor does the Business Plan indicate that any educational training or otherwise would be acquired prior to commencement of the livery business which is a specialist agricultural business.

- 7.3.6. Moreover the fields that make up this site were not in use for grazing of animals at the time of my inspection and there was no evidence that support that it has been used in recent times for the grazing of horses.
- 7.3.7. Though the appeal site may be of the size that has potential for future use as a small scale agricultural equine enterprise that could potentially support full time or significant part time occupation of one or both of the applicants it appears at this point of time an aspiration to further support the provision of a dwelling on land that is under strong urban influence and in an area that has a strong propensity for one-off dwellings.
- 7.3.8. Further, the parcel of land which appears to be very recently acquired by the applicants, i.e. 2019. Before that it did not form part of any family rural landholding of either applicants. Nor would it appear that either of the applicants are the son and/or daughter of farmers in this locality or that they are employed in a farming/natural resource related occupation in a part time to full time nature.
- 7.3.9. Secondly, where the applicant can in this case clearly demonstrate their significant employment is in the bloodstock and equine industry and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment to carry out their work.
- 7.3.10. As discussed above the documentation submitted with this application does not support that this is the case.
- 7.3.11. Thirdly, where an applicant can demonstrate that they are a person who has spent: *“substantial periods of their lives, living in rural areas as members of the established 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”*. The documentation submitted with this application appear to suggest that both applicants live in Oakstown in Thomas Lynam’s family home with his mother. A number of documents have been provided indicating a connection with the family home including bills, bank, and credit union statements. There are no bills relating to utilities and the like. Nor is there any affidavit that would support that neither applicant own a home nor have done in the past, in particular in recent years considering the applicants are a family of 5 persons. Notwithstanding, there are documents that do indicate that Thomas Lynam has intrinsic links with this rural locality but in my view

these links are not robust in supporting that the applicants have a genuine socio economic need for a rural dwelling house at this location.

- 7.3.12. Fourthly, where an applicant can demonstrate that they are: *“persons who were originally from rural areas and who are in substandard or unacceptable housing scenarios 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 resident rurally for at least ten years”*.
- 7.3.13. This has not been demonstrated to be the case in the documentation submitted with this application.
- 7.3.14. Fifthly, where an applicant can demonstrate that they are: *“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”*.
- 7.3.15. The applicants have not demonstrated that this is the case; however, I note that the documentation indicates a desire to be close to family members of Thomas Lynam.
- 7.3.16. Sixthly, where an applicant can demonstrate that they are: *“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 are suited to rural locations such as farm hands or trades-people and who have a housing need”*. It would appear that the applicant Thomas Lynam works c.25km away from the appeal site at a local business; however, this business is arguably commercial through to industrial in its nature more so than rurally based despite it specialising in waste water treatment systems for which dwellings in un-serviced land like this are reliant upon for effluent treatment.
- 7.3.17. Having regard to the above considerations, alongside having regard to local through to national planning policy provisions. In particular, National Policy Objective 19, of the National Planning Framework which sets out the core consideration for the provision of single housing in the countryside to be based on demonstratable economic or social need to live in a rural area alongside siting through to design criteria. I am not satisfied that the applicants in this case have robustly demonstrated

that they have a genuine economic or social need to live and operate a livery business in this rural area as opposed to a desire and aspiration.

7.3.18. The Board may consider this a new issue in their determination of this application.

7.4. Planning History

7.4.1. Having regard to the planning history of the site, I note that the applicants have been refused permission for the construction of more substantial in size, height, and scale dwelling houses at this location on two recent occasions.

7.4.2. The most recent being P.A. Reg. Ref. No. TA/190339. This application was refused permission on the 16th day of May, 2019, with the reasons cited for refusal relating to access and the design of the proposed dwelling was considered to be contrary to the 'Meath House Design Guide'. The previous application P.A. Reg. Ref. No. TA/181182 was refused on the 30th day of November, 2018, for similar reasons.

7.4.3. Both of these applications related to a smaller site area. With P.A. Reg. Ref. No. TA/190339 having a site area of 0.99ha delineated in red and P.A. Reg. Ref. No. TA/181182 having a smaller site area of 0.91ha.

7.4.4. It would also appear that the lands to which this and the previous application relates were speculatively purchased c2019. This application seeks permission for a smaller scale dwelling with the current dwelling being a single storey 4 bedroom with a stated area of c250m² whereas the previous dwelling house was a two storey c312.6m² dwelling house with a substantial two level garage structure. Unlike the previous applications on this site the additional buildings proposed in this application consist of three additional structures for use as stables and associated ancillary uses. This is a new addition to the nature, extent and scope of development sought. In addition, the size of the site has substantially increased from previous applications. Previous applications like the current application sought access for the proposed development onto the public road network via the R154.

7.4.5. Having regard to the planning history of the site it is incumbent that any application seeks to overcome the concerns that resulted in refusal of previous developments sought.

7.4.6. In terms of the current dwelling house design I would share the Planning Authority's view that in general it accords with the Meath Rural House Design Guide and being

single storey and t-shaped in its built form with its nearest elevation being c49m from the R154 roadside edge its visual impact would in time subject to a high quality external palette of materials, finishes and treatments alongside more robust landscaping than that proposed would arguably be negligible. Of concern the proposal includes the existing hedge alongside the R154 to be removed and replanted to achieve required sightlines. This is indicated in the drawing titled 'Proposed Site Layout', yet this is contradicted by the drawing titled 'Planting Plan Clonfane' which indicates the "*existing boundary hedgerow to be maintained with the exception of the area which needs to be removed to improve sightlines*".

- 7.4.7. Whilst this shows that the majority of the existing hedgerow will be removed it provides no replacement trees where one mature trees would be lost towards the northernmost end of the roadside boundary and for the majority of this roadside which is c256m in length the removal of the existing hedgerow would result in the proposed dwelling house together with the equine related buildings proposed visible from the R154 until such a time that the proposed 'Crataegus monogyna' hedgerow matures.
- 7.4.8. Section 10.17 of the Development Plan on the matter of roadside boundaries recognises that these including hedgerows are important features that are elements of both the landscape and ecology of rural areas. It states: "*retention of such boundaries assists in absorbing new rural housing into its surroundings and should generally be encouraged*" and that applicants should consider locations that avoids the necessity for widespread boundary removal. Indeed, policy RD POL 41 seeks to avoid their removal of existing roadside boundaries; and, policy NH POL 13 states that the Planning Authority shall seek: "*to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible*".
- 7.4.9. As such the extent of roadside removal to achieve the required sightlines onto the R154 to serve the dwelling house and the livery business proposed does not accord with policies RD POL 41 and NH POL 13.
- 7.4.10. Of further concern whilst the hedgerow species proposed is indigenous it is deciduous so its ability to screen out in the proposed buildings in the absence of any back planting would be questionable in the short to long-term.

- 7.4.11. The Board may consider this a new issue in terms of considering the visual through ecological impact of the proposed development on its landscape setting.
- 7.4.12. In terms of access, this proposal seeks to modify the existing agricultural entrance onto the public road on the northern boundary in order to serve the proposed development. In its current form this agricultural entrance opens onto the R154, a road that is designated a 'Strategic Corridor' under the Development Plan; at a point where the posted speed limit is 80kmph; where there is no hard shoulders; where the existing roadside boundaries have limited lateral separation distance from the edge of the carriageway as well as contains several telegraph poles with overhead cables; is a road that carries a significant volume of traffic; and, contains a proliferation of accesses points.
- 7.4.13. Section 6.10.2 of the Development Plan indicates that regional roads serve an important economic role and also have valuable social and community functions. *"These roads are often the sole means of access for local economic activity, for example, designated towns such as Trim".*
- 7.4.14. Section 10.16.2 of the Development Plan states that it: *"is vitally important that new housing in rural areas, that is located along non national routes, is located in such a manner as to avoid endangering public safety by way of a traffic hazard"*.
- 7.4.15. It also sets out a number of policies including RD POL 38 which seeks: *"to ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard"*; RD POL 39 which seeks: *"to identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and, ultimately, the function of the road"*; and RD POL 40 which seeks: *"to restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No. Map 10.6 through) the creation of excessive levels of individual entrances, and to secure the investment in non-national roads"*. In relation to the policy RD POL 40 I note that the R154 is identified in Map 10.6.
- 7.4.16. In relation to these particular Development Plan policies I firstly note that the proposed development includes a dwelling house which is a type of development for which

access onto an 80kmph road would be contrary to RD POL 40. I also raise concerns that the applicant is unable to provide the required sightlines in both directions from the modified entrance design proposed and that the required 160m sightlines in both directions would not be adversely hampered by any visual obstruction with this based on an accurate survey of the road conditions at this location.

7.4.17. Further, I share the views of the Planning Authority's Transportation Department in that the proposed development which consists of a dwelling house and a livery business would result in a volume of traffic that would be greater than that of a detached dwelling house of the size proposed.

7.4.18. Further, the design put forward for the access onto the R154 takes no account that such an operation would generate larger vehicles accessing and egressing from the modified entrance proposed.

7.4.19. As such the access has insufficient area for such larger vehicles to safely be accommodated off the carriageway should the gate be closed through too should they encounter another vehicle exiting from the modified access at the same time.

7.4.20. Moreover, the width of the proposed entrance through to the width of the driveway is quite restricted to safely accommodate the traffic the proposed development would generate and there is limited area proposed for parking associated with the operations of the livery business should the Board accept the business plan put forward and the level of growth it projects over a 5-year period.

7.4.21. Irrespective of the fact that this proposal seeks to modify an existing agricultural entrance, an entrance which generates little traffic volume having regard to its existing use as grazing land when compared with that of a dwelling house and a small scale livery business, the applicants have failed to demonstrate compliance with policies RD POL 38, RD POL 39 and RD POL 40 above. Notwithstanding Section 10.16.3 of the Development Plan sets out a number of exceptions to these policies which I shall examine individually as follows:

7.4.22. Firstly, for those who have a location specific, rural housing need on family owned lands and cannot provide access onto any other non-identified regional or country road, and therefore need to access one of the regional or country road identified on Maps 10.6. In this circumstance, the applicant will be encouraged to maximise the

potential of any existing entrance. The onus shall be on the applicant to demonstrate that they have no other access or suitable sites within their landholding.

7.4.23. As previously discussed in this assessment the applicant has not demonstrated that they have a location specific rural housing need on family owned lands. This is the primary requirement of this exception and whilst the appeal site appears to have been purchased recently by the applicants, the applicants have not identified other suitable land to make this application on instead so that they would avoid the need for access onto the R154. I do, however, acknowledge the latent merits of using an existing agricultural entrance. Notwithstanding I consider that this particular exception does not apply in this circumstance.

7.4.24. Secondly, *“where an existing dwelling with a vehicular entrance that is not considered a traffic hazard is to be demolished and replaced with a new dwelling”*. This is not the circumstance in this case.

7.4.25. Thirdly, *“avoiding unnecessary new accesses, for example, where access could be provided off a nearby country road”*. Again I acknowledge that the applicants seek to modify an existing agricultural entrance, this entrance is located on a regional road, where the maximum speed limits applies, it is a road that is heavily trafficked, it is a road that is strategic corridor through to the design of the revised entrance is substandard in terms of sightlines and the type as well as volume of traffic it would generate.

7.4.26. Fourthly, *“ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided”*. As discussed, the documentation submitted with this application has failed to demonstrate this.

7.4.27. Fifthly, *“avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances”*. As discussed, the proposed development seeks to use an existing agricultural entrance which it seeks to modify to cater for the proposed development sought. Notwithstanding, the design is substandard in its nature and it fails to demonstrate that the increased traffic associated with the proposed dwelling and livery business together with their turning movements and lack of off road carriage safe waiting space that it would endanger the safety of other road users using this regional road and in turn together with the

significant proliferation of accesses along this road cumulative add to its premature obsolescence.

- 7.4.28. Based on the above considerations I am not convinced that the documentation submitted with this application demonstrate that the applicants satisfy one or more of the exceptions set out under Section 10.16.3 of the Development Plan. I therefore consider that to permit the proposed development would be contrary to the local planning policy provisions set out above. It would also endanger public safety by reason of a traffic hazard for road users of the R154, an identified Strategic Corridor route, at a point where the maximum speed limit applies and the design is substandard to cater for the nature, scale and extent of traffic the proposed development would generate alongside requires the removal of a significant stretch of existing roadside boundaries. The latter would be detrimental to the visual amenities and ecology of its landscape setting. I also refer to the Spatial Planning and National Roads - Guidelines for Planning Authorities, 2012, who indicate under Section 1.6 states that: "*the regional road network, provide essential links between the various Gateways and Hubs identified in the National Spatial Strategy and their rural hinterlands*"; and, that: "*for the future, the protection of such capacity and preservation of enhanced safety standards will be important in ensuring that such regional roads can continue to perform important local and regional transportation functions*". As such there is a public good in protecting regional roads like the R154 from unnecessary development.

7.5. Water Supply & Drainage

- 7.5.1. The appeal site is located in un-serviced rural area. As such a potable water supply is proposed by way of the provision of well on site with this serving both the dwelling and the livery business proposed. The documentation submitted with this application does not demonstrate a reliable and safe potable water from the well proposed. In turn it is unclear what level of treatment may be required to ensure it is of quality suitable for consumption.
- 7.5.2. I also note that the Site Characterisation Form accompanying this application recommends that the bored well on site should be located to the north east of the polishing filter by at least 60m. The drawing titled 'Site Layout Plan' indicates that the bored well would be provided c92m to the north west of the proposed polishing filter. The lack of clarity on the sites capacity to accommodate a safe and reliable water

supply for the proposed development could be considered as a new issue for consideration by the Board.

7.5.3. In relation to the effluent treatment a wastewater treatment system and polishing filter are proposed for the dwelling house. The accompanying Site Characterisation Report is dated September, 2018, and is out of date and appears to relate to a previous planning application on this site. Nonetheless, it appears to correlate with the general location of the proposed wastewater treatment system and polishing filter sought under this application but is for a larger 5-bedroom dwelling house. This report includes the following:

- That the soil is gleys of the Street Series and the subsoil is till derived chiefly from Lower Carboniferous limestones.
- The Aquifer Category is Locally Important.
- The site is not in a source protection area.
- Vulnerability is identified as 'High'.
- The Past Experience in the area: soils are generally poor draining, being hosted within moderate permeability till which often has the water table at a shallow depth; infiltration generally dominates over runoff; through to good deal of runoff in lower portion of the landscape.
- Potential targets at risk: surface water, groundwater, and wells (with surface water most likely at risk).
- On-site inspection comments include that conventional septic tanks serve the other houses in the locality and both have odour as well as ponding problems associated with them. There are drainage ditches ranging in depth of between 1.4m-2.9m flanking the majority of the fields around the site and rushes are profuse in the lower area of the field to the southeast of the site with some willow trees present along some of the hedgerows.

7.5.4. The trial holes encountered silt loam topsoil for the upper 0.1m-0.13m which is described as 'very dark greyish brown and is unmottled'; below this to c0.53m to 0.61m depth firm to stiff, subangular blocky, sandy silt with abundant gravels; with this underlain with to c1.1m/1.14m depth with slightly sandy silt/clay with abundant gravels

and occasional cobbles which is unmottled. Bedrock was encountered at c1.45m-1.55m.

- 7.5.5. The assessor considered the absence of mottling shows that these zones are unsaturated throughout the year and that soil profile drains vertically or sub-vertically to the subsoil. It indicates that *“the rain water falling in this area of the site therefore infiltrates through 1.1m-1.14m depth of unsaturated topsoil and subsoil throughout the year and that it is able to flow through this material vertically through the site to the bedrock (and the water table) under the site. The water table rises and falls, and this sequence explains the absence of soft ground conditions in the immediate vicinity of the site, as well as the presence of wetland indicators and drains on the low ground to the south east”*.
- 7.5.6. The assessor concluded that the site was not suitable for a conventional septic tank, which requires 1.2m of unsaturated soil and subsoil above bedrock and the water table, but will be suitable for a mechanical aeration system and discharge to ground subject to achieving ‘P’ and ‘T’ values of between 3 and 75.
- 7.5.7. In relation to the percolation characteristics a ‘T’ value of 20.25 and ‘P’ value of 15 was recorded.
- 7.5.8. The conclusions of the site characterisation examination that the site is suitable for either a septic tank and intermittent filter system and polishing unit; or septic tank and constructed wetlands and polishing unit or a mechanical aeration system and polishing unit, is unsuitable for discharge to surface water but is suitable for discharge to ground water.
- 7.5.9. I consider that the test results recorded indicate that the site is suitable for the same in a manner that accords with the EPA Code of Practice 2009 and that there is no evidence on which to substantiate that this would not be the case or that this component of the proposed development has the potential to be prejudicial to public health. The Planning Authority also raised no particular concerns.
- 7.5.10. In relation to surface water I note that surface water is to be diverted from the proposed dwelling and stable buildings to separate soak pits. No surface water drainage or interceptors to capture pollutants are proposed for the driveway and other ancillary areas including in the vicinity of the stables where horsebox and vehicle parking are proposed in what appears to be a modest in area space relative to the nature and

scale of the livery business proposed. The Board may wish to address this matter by way of condition should they be minded to grant planning permission.

7.5.11. In the vicinity of the stable building 3 modest in size dung stead areas are proposed. The information provided with this application does not provide clarity on whether manure and other farm wastes would be dealt with in accordance with required standards so as to ensure no adverse environmental impacts. As all agricultural development that result in manure, soiled water, slurry and the like are required to comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 [S.I. No. 610 of 2010], as amended by European Communities (Good Agricultural Practice for Protection of Waters)(Amendment) Regulations 2011 [S.I. No. 125 of 2011] should the Board be minded to grant permission it may wish to attach a condition as a precaution ensuring the same with the details to be agreed with the Planning Authority prior to any commencement of the livery business.

7.5.12. In conclusion, whilst there is a lack of clarity in my view on the matter of potable water supply and treatment of manure arising from the proposed livery business these matters could be dealt with by way of additional information or by way of condition. Given the substantive reasons for refusal in this case, I do not consider that it is necessary to include this as a new / additional reason for refusal.

7.6. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment including the distance between the source of any impacts arising from the development and the nearest designated site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.7. Other Matters Arising

7.7.1. The drawings accompanying this application include a track to be installed for exercising horses running mainly around the perimeter of the site. The development description provided with this application does not include its provision.

8.0 Recommendation

- 8.1. I recommend that permission be **refused**. The Board may consider the first reason a new issue.

9.0 Reasons and Considerations

1. Having regard to the proliferation of one-off housing in this rural location, the location of the site within an area designated as an 'Area under Strong Urban Influence' in Meath County Development Plan, 2013 to 2019, to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities and to the National Policy Objectives of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that neither applicants come within the scope of the housing need criteria as set out in the relevant local through to national planning policy provisions.

The proposed development, in the absence of any identified locally based economic through to social need for a dwelling house at this location, would contribute to the encroachment of random rural development in an area of open countryside where there is a proliferation of such building types and it would militate against the preservation of the rural environment through to the efficient and sustainable provision of public services and infrastructure.

The proposed development would, thus, be contrary to the policies set out in the National Planning Framework and the Development Plan for this type of development, in particular National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of housing based on the core consideration of demonstrable economic or social need to live in a rural area. To permit the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development on unzoned land outside the boundaries of any settlement, with access to the public road network dependent on an existing

agricultural entrance which opens out onto the R154 at a point where the maximum speed limit of 80kmph, would as a result of the substandard design of the access onto this regional road, the additional traffic movements the proposed development would generate would interfere with the free flow of traffic on this regional road which is heavily trafficked and is identified as a 'Strategic Corridor' in the Meath County Development Plan, 2013 to 2019.

The proposed development would compromise the level of service and carrying capacity of this road at this location, would fail to protect public investment in the national road network, would give rise to additional traffic movements that would have the potential to endanger public safety by reason of a traffic hazard by way of access and egressing from the access conflicting with other road users.

For these reasons the proposed development would conflict with policies RD POL 38 which seeks to ensure that all development accessing off the county's road network is located and carried out in a manner which would not endanger public safety by reason of a traffic hazard and RD POL 40 which seeks to restrict new accesses for one-off dwellings where the 80km per hour speed limit applies in order to safeguard the specific functions of these roads and to avoid their premature obsolescence. These policies are considered reasonable.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

8th day of July, 2020.