



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308781-20

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<b>Development</b>	Retention of single storey demountable dwelling, Retention of Metal Sliding gate to Entrance, Retention of 4 Pressed Steel Storage sheds.
<b>Location</b>	Rathdrinagh, Beauparc, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	LB201247
<b>Applicant(s)</b>	Annette Simpson.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2021.
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site is located at Rathdrinagh, between Slane and Ashbourne, and is accessed from the N2 National Road. It has a stated area of 0.21ha and contains a dwelling and a number of outbuildings. Access to the site was not available to me at the time of my inspection, as was noted by previous Inspectors.
- 1.2. The site is effectively enclosed behind a timber fence and metal gates, which range between c.2-3m in height.
- 1.3. There is a cluster of dwellings in the area, which has developed around the junction of the N2 and the minor link roads. Other properties in the area are accessed both from the N2 directly and the local roads.
- 1.4. The subject site backs immediately onto the rear garden of a detached property to the west.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following: -
  - Retain an existing demountable 2-bed house with a gross floor area of 50sqm;
  - Retain a metal sliding entrance gate;
  - Retain 4 No. pressed steel storage sheds;
  - Permission for decommissioning and replacement of an existing septic tank with a new effluent treatment system and sand polishing filter; and
  - Associated site works are included.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Meath County Council refused permission on 2<sup>nd</sup> November 2020, for the following reasons:

*'1. The site of the proposed development is located in a rural area outside any settlements designated for additional development in the Meath County*

*Development Plan 2013-2019. According to Section 10.3 and Policy Objective RD POL 1, it is the policy of the planning authority to direct development into these designated settlements and to restrict residential development in rural areas outside these settlements to those applicants who can demonstrate an intrinsic link to the rural community such as agriculture or the equine industry. The Planning Authority is not satisfied, based on the information provided in connection with the application, that the applicant has genuine rural housing need in accordance with this policy. The proposed development would, therefore, materially conflict with the rural housing policies of the Meath County Development Plan, 2013-2019 and would be contrary to the proper planning and sustainable development of the area.*

*2. The location of the entrance to the proposed development is directly onto the N2, a national strategic route at a location which is within an area where the speed limit of 100km/h applies. It is the policy of the 'Spatial Planning and National Roads: Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in January 2012, as reflected in the Meath County Development Plan. (Policy TRAN PL 40) to prevent creation of additional individual entrances and intensification of movements at existing entrances which open directly onto national routes at locations outside the 60km/h zone to facilitate the efficiency and effectiveness of the national strategic road network. The proposed entrance and the additional turning movements created by the proposed development would interfere with the unobstructed, safety and free-flow of traffic on the route and would, therefore, materially conflict with the policy objective of the Meath County Development Plan, 2013-2019, would be contrary to the Section 28 Guidelines referenced above and would be contrary to the proper planning and sustainable development of the area.*

*3. The design, form, finishes, site layout, private open space and landscaping, and entrance and boundary treatment for the proposed development do not accord with the provisions set out in section 10.7 and Policy RD 9 of the Meath County Development Plan, 2012-2019, specifically the proposed development does not comply with The Meath Rural House Design Guide. Therefore it is considered that the proposed development would materially contravene policy RD POL 9 to require all applications for rural houses to comply with the 'Meath Rural House Design*

*Guide' of the County Development Plan and would also be contrary to the proper planning and sustainable development of the area.'*

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

3.2.1. Planning Report dated 29<sup>th</sup> October 2020, which stated that the subject site is located in rural area under strong urban influence, where the development plan requires demonstration of a rural housing need. The report outlined that no information was provided with the application, to demonstrate a rural housing need. The demountable house proposed to be retained was considered non-compliant with the Rural House Design Guide and concerns were expressed in relation to size and scale of the sheds proposed to be retained. Regarding access, the report outlined that Transportation Infrastructure Ireland had advised that the development would be at variance with national policy in relation to control of frontage development on national roads. The report recommended that permission should be refused for 3 reasons, which are generally in accordance with the Planning Authority's decision to refuse permission.

#### **3.2.2. Other Technical Reports**

The Planning Report outlines that the Transportation and Environment Departments were consulted on the application, but responding reports were not provided.

### **3.3. Prescribed Bodies**

3.3.1. Transport Infrastructure Ireland submission dated 6<sup>th</sup> October 2020, advising as follows:

- The development is at variance with official policy in relation to development affecting national roads, as outlined in *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, as the development by itself or the precedent it would set, would adversely affect the operation and safety of the national road network.
- The development would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.

- An Bord Pleanála has previously refused permission for retention of this development. These decisions remain relevant to the subject development.

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Report stated that no third party observations were received on the application.

## 4.0 **Planning History**

- 4.1.1. I encountered the following in my review of recent planning records for the site:

LB191409 - (ABP Ref. ABP-306481-20) Permission refused on 26<sup>th</sup> March 2020 for retention of an existing 2 bedroom, single storey demountable dwelling unit, 4 no pressed steel storage sheds, new entrance and associated works. Permission was refused for 2 reasons, related to failure to demonstrate an economic or social need to live at the site and where the site entrance is directly onto a national strategic route, where its use would endanger public safety and would be contrary to Ministerial Guidelines 'Spatial Planning and National Roads: Guidelines for Planning Authorities' (2012)

LB170162 - (ABP Ref. PL 17 248461) Permission refused on 15<sup>th</sup> September 2017 for retention of a demountable dwelling, septic tank, metal sliding gate to entrance, 4 no. pressed steel sheds and all associated site works. Permission was refused for 3 reasons, related to failure to demonstrate a rural housing need, failure to provide adequate arrangements for effluent disposal and treatment and where the site entrance is directly onto a national strategic route, where its use would endanger public safety and would be contrary to Ministerial Guidelines 'Spatial Planning and National Roads: Guidelines for Planning Authorities' (2012).

## 5.0 **Policy Context**

### 5.1. **National Planning Framework**

5.1.1. Policy Objective 19 is of relevance to the proposed development. It requires the following:

*‘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’.*

## **5.2. Sustainable Rural Housing Guidelines for Planning Authorities**

5.2.1. The Guidelines identify a number of rural area typologies including ‘areas under strong urban influence.’ In such rural areas, the Guidelines outline that the key objective should be to facilitate the housing requirements of the rural community, as identified by the planning authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

5.2.2. The Guidelines require a distinction to be made between urban and rural generated housing needs, in the different rural area types. In relation to the identification of people with rural generated housing needs, the Guidelines refer to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full-time or part-time in rural areas. Persons who are an intrinsic part of the rural community are identified as having “*spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes.*” Persons working full-time or part-time in rural areas are identified as being “*involved in full-time farming, forestry, inland waterway or marine related occupations,*

*as well as part time occupations where the predominant occupation is farming/natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.”*

### **5.3. Spatial Planning and National Roads: Guidelines for Planning Authorities**

- 5.3.1. Regarding accesses directly onto National Roads, the Guidelines require Planning Authorities to adopt a policy to avoid the creation of any additional access point from new development, or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. The provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

### **5.4. Development Plan**

- 5.4.1. The site is in a rural area, identified by the Meath County Development Plan 2013-2019 as a ‘Rural Area under Strong Urban Influence’. Relevant policies to control development in such locations include:

*‘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 and to maintain the identity of these urban centres.’*

- 5.4.2. Additional relevant policies include:

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

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

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

## **5.5. Natural Heritage Designations**

5.5.1. The site is not located within or adjacent to any Natura 2000 sites.

## **5.6. EIA Screening**

5.6.1. The proposal is for a single house, together with a number of domestic sheds, domestic effluent treatment system and controlled access. It is not of a scale for which mandatory Environmental Impact Assessment is required.

5.6.2. Regarding sub-threshold assessment, having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal;**

The grounds of appeal can be summarised as follows:

- The site is situated within a rural residential cluster, characterised by one-off housing development. There is no link to a rural community in the cluster.
- Neighbouring properties have accesses onto the N2 and there is no evidence that another access would cause intensification of traffic.



- A precedent for accesses onto the N2 in this area has been established.
- The applicant is a member of the travelling community and the style of the dwelling is part of the traveller culture. Travellers are recognised as an ethnic minority.
- There is allowance within the development plan for traveller culture / style. All housing should not be pigeon-holed into a certain style.

## 6.2. Planning Authority Response

6.2.1. A submission was received dated 14<sup>th</sup> December 2020, the contents of which can be summarised as follows:

- The Planning Authority is satisfied that the matters raised in the appeal were considered in the course of the assessment of the planning application, as detailed in the Planning Officer's report.
- The Board is requested to refuse permission as the applicant has not demonstrated a local housing need at this location and the development results in the provision of an additional access onto the national road network, at variance with national and development plan policy. It is also considered the subject structure does not comply with the Meath Rural House Design Guide.

## 7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Compliance with the rural housing strategy,
- Design, layout and residential amenity,
- Access,
- Foul drainage,
- Appropriate Assessment.

## 7.2. Compliance with the Rural Housing Strategy

- 7.2.1. The subject site is located approx. 7km north-east of Navan, in an area identified by the development plan as being a 'rural area under strong urban influence'. In such areas the development plan provides for meeting the rural housing needs of persons who are an intrinsic member of the local community, whilst directing urban generated housing to the towns and villages.
- 7.2.2. The National Planning Framework was published subsequent to the development plan and, in rural areas under urban influence, it states that one-off housing should be facilitated 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.
- 7.2.3. Refusal reason No. 1 of the Planning Authority's decision related to a failure to demonstrate a genuine rural housing need in this location. I also note from planning records for the site that the applicant has been refused permission on two previous occasions, in 2017 and 2020, for similar development and in both instances the Board Orders to refuse permission identified a failure by the applicant to demonstrate a genuine rural housing need in this location.
- 7.2.4. The applicant has not provided any specific details to advance a claim that they are an intrinsic member of this local community. The grounds of appeal refer to an existing cluster of dwellings in the vicinity of the site and the applicant's membership of the travelling community, which is recognised as an ethnic minority. Concerns have also been raised regarding the absence of any allowance in the development plan for this community.
- 7.2.5. I do not consider that being a member of the travelling community is an argument for locating in a rural part of the county, or a necessity to live at this specific location. I also do not consider that the presence of a cluster of existing housing in the vicinity provides justification for further additional one-off rural housing.
- 7.2.6. The applicant has not demonstrated that they are an intrinsic part of the rural community or a person working full-time or part-time in a rural area and has not identified any demonstrable economic or social need to live in this rural area. I do not consider the applicant has provided any justification for the necessity to live at this

location and to permit this development would materially contravene the development plan.

### **7.3. Design, Layout and Residential Amenity**

- 7.3.1. The demountable house proposed to be retained has a stated gross floor area of approx. 50sqm and is identified as providing 2 No. bedrooms, bathroom, kitchen and living room. Details of the external finish of the house are not outlined on the application drawings and permission was not granted to me to access the site at the time of my inspection but, from the glimpsed views that were available to me it appeared to be metal clad.
- 7.3.2. Refusal reason No. 3 of the Planning Authority's decision outlined that the design, form, finishes, site layout, private open space and landscaping, entrance and boundary treatment do not accord with development plan requirements, in particular The Meath Rural House Design Guide.
- 7.3.3. The house measures 3.83m high, is set back from the road by 45m and it is contained behind an access gate which itself is a barrier to available views. The house is not prominent in available views and it has a limited visual impact, however I consider its metal clad appearance is inappropriate for a rural setting. Should the Board be minded to grant permission, I would recommend that a condition be attached requiring that revised external finishes should be incorporated, which are more suitable to the rural location. I note that previous refusals of permissions by the Board in relation to this site did not object to design.
- 7.3.4. I consider the design and layout of the sliding gate and boundary fence are industrial in appearance and are inappropriate in this location. Should the Board be minded to grant permission, I would recommend a condition be attached which requires that a revised access and gates should be provided, which are more in keeping with the rural character of the area.
- 7.3.5. The development also includes 4 pressed steel storage sheds, which are shown on the site layout drawings as being dotted around the site. The sheds are identified as having a cumulative floor area of 26sqm. As I could not access the site, I could not verify the location and extent of these additional structures on the site, however; available aerial photograph imagery for the site indicates that there are additional

structures on the site, in particular a large metal clad shed to the south side of the house, which is taller than it.

- 7.3.6. Notwithstanding the lack of clarity regarding the extent of additional structures on the site, I have concerns regarding the cumulative visual impact of such additional development on a residential property in a rural area. The Board may wish to clarify the extent of additional structures on the site, before making a decision on the appeal.

#### 7.4. Access

- 7.4.1. The applicant also to retain an access directly onto the N2, including a metal sliding access gate. Details of the scale and composition of the gate have not been outlined on the application drawings, but I estimated its height as approx. 3m.
- 7.4.2. The Spatial Planning and National Roads Guidelines for Planning Authorities, issued under Section 28 of the Act, requires planning authorities to guard against the proliferation of roadside developments accessing national roads. Section 2.5 outlines that it shall be the policy of planning authorities to *'avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply.'* Transport Infrastructure Ireland's submission on the application outlined that the development is contrary to the Spatial Planning and National Roads Guidelines and would endanger public safety.
- 7.4.3. The grounds of appeal refer to other existing accesses onto the N2 in the vicinity of the site and argue that there is no evidence that another entrance would cause intensification of traffic.
- 7.4.4. The volume or extent of additional traffic generated by the development is unclear, however; it is clear from the Guidelines that any additional access point onto a national road with a speed limit above 60km/h is unacceptable. The development contravenes these Guidelines and would set an undesirable precedent for developments which interfere with the safety and free flow of traffic on a national road.

#### 7.5. Foul Drainage

- 7.5.1. The development includes decommissioning and replacement of an existing septic tank and the inclusion of a sand polishing filter, adjacent to the site access. The application is accompanied by a Site Characterisation Form and a site suitability test, prepared by Arc Design Services.
- 7.5.2. The category of aquifer is identified as 'poor', with a vulnerability classification of 'low'. Table B.2 (Response Matrix for On-Site Treatment Systems) of the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses identifies an 'R1' response category i.e., acceptable subject to normal good practice.
- 7.5.3. A trial hole with a depth of 2.1m recorded 400mm topsoil and 1.4m of clay/gravel/boulders. The water table was encountered at a depth of 1.8m. In relation to the percolation characteristics of the soil, a T-test value of 66.21 min / 25mm was returned, which indicates that the site is not suitable for a septic tank but is suitable for the use of a polishing filter. A P-Test value of 39.33 min / 25mm was returned, which is within the acceptable range for a septic tank.
- 7.5.4. The Report outlined that, due to the high water table level and the presence of heavy clay in the trial hole, it is proposed to install an effluent treatment system and to carry out site improvement works, in the form of soil stripping to a depth of 1.5m below existing ground level and the installation of a sand polishing filter consisting of 300mm stone bed, 900mm sand polishing filter and 300mm topsoil.
- 7.5.5. No report was provided by the Environment Department on the application, however; the Planning Report noted that assessment of previous applications on the site by the Environment Department indicated that, subject to the addition of a sand polishing filter, the site could accommodate adequate percolation. I also note that previous refusals of permission on the site by the Board did not include an objection to the provision of an effluent treatment system on the site.
- 7.5.6. Having regard to the information contained in the site characterisation form and the proposal to install a sand polishing filter, I consider the site can accommodate a wastewater treatment system. I would highlight to the Board that as permission was not granted to me to access the site, I was not able to inspect the trial holes or to visually appraise site conditions.

## 7.6. **Appropriate Assessment**

- 7.6.1. The site is not located within or adjacent to any Natura 2000 sites. The River Boyne and River Blackwater Special Protection Area (Site Code 004232) and Special Area of Conservation (Site Code 002299) are located approx. 4.7km to the north.
- 7.6.2. There are no known waterbodies routeing through the site and, as such, I do not consider there is any source-pathway-receptor means by which potential pollutants could be transferred from the site to any Natura 2000 site.
- 7.6.3. Having regard to the location, scale and nature of the proposed development and absence of any hydrological connection, it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. The subject site is located in a rural area which is identified by the Meath County Development Plan 2013-2019 as being under strong urban influence. In such areas, National Policy Objective 19 of the *National Planning Framework* (2018) outlines that in such areas, single housing proposals shall be facilitated 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, and Policy RD POL 1 of the Development Plan also requires that individual house developments shall satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed. The applicant has not demonstrated an economic or social need to live in a rural area and has not demonstrated that they are an intrinsic part of the rural community in which the development is located. The proposed development, therefore, does not accord with National Policy Objective 19 of the *National Planning Framework* and materially contravenes the rural housing policies of the Meath County

Development 2013-2019 and is contrary to the proper planning and sustainable development of the area.

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

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Barry O'Donnell  
Planning Inspector

22<sup>nd</sup> March 2021.