



An
Bord
Pleanála

Inspector's Report ABP-308951-20

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| Development | Permission for the construction of a single storey dwelling and domestic garage. |
| Location | Clonard Old , Clonard, Enfield, Co. Meath. |
| Planning Authority | Meath County Council |
| Planning Authority Reg. Ref. | TA200888 |
| Applicant(s) | Niamh McNevin |
| Type of Application | Permission. |
| Planning Authority Decision | To grant with conditions. |
| Type of Appeal | Third Party |
| Appellant(s) | Trudy McGuinness. |
| Observer(s) | None. |
| Date of Site Inspection | 28 th April 2021. |
| Inspector | Deirdre MacGabhann |

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1.0 Site Location and Description

- 1.1. The 0.36ha appeal site is situated approximately 3km west of the village of Longwood, c. 10km north west of Enfield, in the townland of Clonard Old, Clonard County Meath. It lies to the west of a county road (L-80302-0) and comprises the southern-most part of an existing agricultural field. Immediately south of the site, alongside the adjoining public roads is a small cluster of one-off houses and agricultural development. To the north east of the site is the appellant's property.
- 1.2. The flat agricultural field in which the site lies is bounded by mature hedgerows and hedgerow trees. At the time of site inspection the appeal site was dry underfoot. The mature hedgerow alongside the public road is setback by c.3m from the edge of the road. Width of the public road in the vicinity of the site was c.4m. There was a low volume of traffic observed on the road.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of significant further information on the 14th of October 2020 (advertised on the 31st of October 2020), comprises:
 - Construction of a single storey dwelling house and detached domestic garage.
 - A wastewater treatment system with polishing filter to the north of the proposed dwelling.
 - A new entrance from the public road with 90m x 2.4m x 1.05m sightlines in each direction.
 - Landscaping along the new site boundary to the agricultural field.
 - Associated site works.
- 2.2. Water supply is proposed from a new connection to a private well. Surface water will be disposed of into a soakpit. Accompanying the planning application is a site suitability report. Groundwater protection response is R1. Mottling was observed at 1.2m and the water table at 1.6m.
- 2.3. The following points are made by the applicant in an unsolicited further information to observations made (12th August 2020 & 16th November 2020):

- Applicant has strong local connection/needs and has lived in Clonard since birth.
- PA ref. TA191358 and PL17.240800 are not related to the development.
- The landowners both have one house that fill their planning needs.
- No desire to remove hedging, except to form a gateway. Small portion of site lies opposite to appellant's agricultural gate.
- Wastewater treatment plant approved by reputable Engineer. Development will not create a risk of contamination.
- Development will not create noticeable increase in traffic on local roads.
- Development complies with Rural Design Guide.
- Blue line boundary amended to reflect application site and changes of interest which had been expressed in purchasing land.
- Site notice was erected in correct location.
- Access to field has a functional gate.

3.0 Planning Authority Decision

3.1. Decision

On the 25th of November 2020, the planning authority decided to grant permission for the development subject to 17 standard conditions. These include an occupancy condition (C5).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 27th August 2020 – Considers the merits of the development under design and siting, rural housing need, waste water treatment and access. The report raises concerns that the development would create a gap site to the south and requires the applicant to explore a more suitable site on the landholding that makes use of an existing field boundary, submit a full landholding map and details of ownership of lands immediately south of the site.

- 20th November 2020 – Considers that the proposed development, on land to the south of the original development, making use of an existing field boundary and eliminating a potential gap, is acceptable. Considers sightlines and arrangements for the disposal of wastewater to be acceptable. Recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. The following third party observations have been made by the appellant in the course of the application:

- Incorrect location of original site notice (further north than actual position).
- Over development of lands (PA ref. TA130854, TA60370 same folio, MH51054F).
- Unoccupied dwellings owned, and speculative developments, by landowners.
- Precedent set by and TA120116 (PL17.240800) and PA ref. TA/191358.
- Likelihood of future sites on landholding being brought forward for development (sites previously advertised for sale).
- Incomplete/inaccurate information on landholding (extent of MH51054F not indicated in initial application) and other lands owned in the area.
- Loss of substantial hedgerow to provide sightlines. Impact on biodiversity.
- Proliferation of waste water treatment plants in the area and pollution of groundwater/wells.
- Increase in traffic on traffic volume on narrow, local road. Proximity to observers agricultural entrance, opposite the application site.
- Absence of secure boundary to agricultural field.

3.4.2. Six observations have been made supporting the proposed development.

4.0 **308951**

5.0 **Planning History**

5.1.1. Reference is made to the following planning applications:

- PA ref. TA120116 (PL17.240800) – Planning permission refused in 2012 by the Board for a residential dwelling on land to the north of the appeal site (at northern end of the agricultural field). Reasons for refusing permission included that the Board were not satisfied that the applicant (Bernard Reilly, landowner Dermot McNevin) had not demonstrated a rural housing need at the location in accordance with the requirements of the County Development Plan and the degree of development that had already taken place on the landholding.
- PA ref. TA130854 - Planning permission granted in 2014 for a dwelling on land to the south of the appeal site, facing the adjoining county road (same landholding).
- PA ref. TA60370 – Permission granted on land to the south west of the appeal site, facing the adjoining public road (same landholding).
- PA ref. TA191358 – Planning permission refused in 2019 for a two storey dwelling and detached garage on land to the west of the appeal site on an adjoining public road. Reasons for refusing permission were having regard to the location of the development in a Strong Rural Area and policies of the County Development Plan for housing in such areas and information submitted with the planning application, a site specific rural generated housing need had not been established.

6.0 Policy Context

6.1. National Planning Framework

- 6.1.1. Sets out a strategic planning framework for the country to 2040 including strategic policies which focus on compact growth, reversing the decline of rural towns and villages and supporting the sustainable development of rural areas, including by managing the growth of areas that are under strong urban influence to avoid over-development.

6.2. Meath County Development Plan 2013 to 2019

- 6.2.1. The appeal site lies in a Strong Rural Area (map 10.1). The core strategy of the plan sets out the following policies for the development in the area:
- RD POL 4 - To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
 - RD POL 5 – To facilitates the housing requirements of the rural community while directing urban generated housing to areas zoned for new housing development in towns and villages.
- 6.2.2. In Strong Rural Areas applicants for housing must demonstrate that they are intrinsic members of the rural community in which the development is proposed (strategic policy RUR DEV SP 2) by reference to:
- Significant involvement in agriculture,
 - Significant employment in rural resources with a need to live in the area of the employment,
 - Links to the rural area (e.g. substantial periods of lives in the area, not in possession of dwelling in the area, originally from the area and in unacceptable housing, returning emigrants, rural based occupation), or
 - Exceptional health circumstances.
- 6.2.3. In section 10.5.1 it is stated that the PA will consider the following in assessing individual proposals for one off housing '*The degree of existing development on the original landholding from which the site is taken including the extent to which*

previously permitted rural housing has been retained in family occupancy. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused’.

- 6.2.4. The appeal site lies in the South West Lowlands Landscape Character Area, which is describe as being of High Value and High Sensitivity.
- 6.2.5. All applications for rural housing are required to comply with the Meath Rural Design Guide (RD POL 9) and other policies of the Plan which protect the environment and traffic safety.

6.3. Natural Heritage Designations

- 6.3.1. The appeal site lies c.1.2km to the east of the River Boyne and Blackwater Special Area of Conservation (SAC) and c.4km to the south east of Mount Hervey Bog SAC.

6.4. EIA Screening

- 6.4.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition). However, the appeal site is not situated in an environmentally sensitive area and the development is not of a scale likely to give rise to significant environmental effects to warrant environmental impact assessment.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Third party grounds of appeal are:
- Appellant lives on family farm (130 acre, Ashfield, Longwood) and wishes to preserve the rural character of her dwelling at Old Clonard and maintain the quiet and peaceful surroundings at the curtilage of the dwelling (raised family at the home, and will retire here).
 - Statutory requirements in respect of validation have not been adhered to (newspaper and site notices, ownership of lands not indicated on original plans, drawings).

- Design not in keeping with Meath Rural Design Guide (use of flat roof elements, extensive use of windows, poor design for solar gain, poor daylighting of rooms, use of random rubble stone, artificial slates, extensive weather boards, large, paved areas, no design statement).
- Appeal site (and site previously proposed in application) are in joint ownership of the applicant's family, with both owners having other landholdings. Planning history of land holding is therefore relevant to the appeal. Landowners own other property in the area (some of which is not occupied). Substantial grants of planning permission for rural housing on land holding of the applicant's family. Risk of future speculative development on landholding. Lands previously offered for sale. Appellant sought to purchase this and to enter into a covenant which would have restricted its use to agriculture.
- Low density of proposed development, for urban commuting, excessive plot size, loss and fragmentation of valuable agricultural land. Applicant works in urban area. Development will not serve housing need arising from rural economic activity and will lead to emissions which are avoidable.
- No documentation in application re cumulative development in townland over the last two decades or how these serve farming or natural resource based economic activity.
- Cumulative impact of development on River Boyne SAC complex. Issue of appropriate assessment not addressed.
- Cumulative impact on road network and need for Road Safety Audit.
- Precedent of decisions made by the Board to refuse other one off housing developments in Meath (PL17.223673, 240138, ABP306950, 306468, 301109).

7.2. Applicant Response

7.2.1. The applicant makes the following responses to the appeal:

- Newspaper, site notices and drawings. These have been accepted and deemed valid by the PA. It is not the role of the Board to assess the validity

of an application once accepted by the planning authority. The drawings are sufficient to warrant a full assessment.

- Landownership. The PA accepted the planning application and deemed it to be valid. All lands in the ownership of the application were shown in the details submitted to the PA.
- Map of relatives. The details submitted by the appellant indicate the applicant's close family ties to the area. All the applicants were entitled to build a house in the area. Only one site has been sold from the applicant's landholding and this was a long time ago.
- Relocation of dwelling. The application was readvertised in accordance with the requirements of the PA. All statutory requirements were met.
- Design. The development has been designed according to the Meath Rural Housing Design Guide and appropriately assessed by the PA.
- Many of the other points raised lie outside of the remit of the Board.
- Applicant works as a care assistant (essential front line service).

7.3. Planning Authority Response

- 7.3.1. In response to the appeal the PA state that the issues outlined in the appeal were considered in the course of the application. Request the Board to uphold their decision.

7.4. Observations/Further Responses

- None.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant planning policies, I consider that the main issues for this appeal are:
- Need for the development.
 - Impact on landscape/rural area.

- Compliance with Meath Rural Design Guide.
- Appropriate assessment (dealt with in section 8.0).
- Traffic/road safety.

8.2. In addition, parties refer to the following matters which I comment on briefly:

- Validation – The appellant refers to a number of matters regarding the validation of the planning application by the planning authority and compliance with the Planning and Development Regulations, 2001 (as amended). Validation is a matter for the planning authority and it has been determined that a valid planning application has been made. Further, the purpose of the statutory notices has been served and an appeal has been lodged with the Board where the substantive concerns of the applicant can be addressed.
- Precedents – The appellant refers to other planning applications in Meath, where the Board has refused permission for one-off residential dwellings. These cases each have a site specific context and will have been adjudicated on having regard to this context and prevailing planning policy at the time of decision making. They are not, therefore, directly relevant to the proposed development. The planning history of the appeal site and nearby lands are considered in this report.

8.3. **Need for the Development.**

- 8.3.1. The appeal site lies in a Strong Rural Area. Policies of the County Development Plan require applicants to demonstrate a need for rural housing at the location. Categories of acceptable need include persons who have spent substantial periods of their lives in the area as members of the established rural community, who do not and have not possessed a dwelling in the area or who possess a dwelling in which they do not reside.
- 8.3.2. The applicant has indicated that she has strong links to the local area, with the family home 1.7km to the west of the appeal site, attending a national school etc. in area (see Planning Report, dated 21st August 2020). The evidence presented has been accepted by the planning authority who consider that the applicant has demonstrated a rural housing need at the location. There is no information on file to support the

planning authority's assessment and the Board may wish to seek further information in this regard.

8.3.3. The appellant refers to other developments owned by the landowner/s in the area of the site, previous permissions granted on the same landholding as the appeal site (see Planning History above) and indications of the possible sale of sites. I note that the issue of residential development previously constructed on the landholding was raised by the Board in their decision to refuse permission for a residential dwelling on land to the north of the appeal site, within the same landholding under PL17.240800 (PA ref. TA120116). I am also mindful of section 10.5.1 of the County Development Plan which has regard to the degree of existing development on the original landholding.

8.3.4. The matter is not addressed by the applicant i.e. there is no information to clarify the context for the proposed development within the wider landholding/s. Having regard to the current policy context for the development, set out in the County Development Plan and the National Planning Framework, which directs development that is not rurally generated to settlement centres and protects the landscape character of rural areas (see below), in particular from ribbon development, this omission is significant, and there remains a doubt regarding the rural housing need of the applicant.

8.4. Impact on landscape/rural area.

8.4.1. The appeal site is situated in the South West Lowlands Landscape Character Area. It is described as having High Value and High Sensitivity. Recommendations for the area, set out in Appendix 7 of the County Development Plan (Landscape Character Assessment), include to protect the existing rural nature of the area by integrating new development within existing settlements and providing design guidelines on the styles, scales and materials that suit the local vernacular. With regard to the capacity of the landscape to accommodate development, it is stated that the area has *'Low potential capacity to accommodate one-off houses depending on location and design because they are not a characteristic of this LCA but may be incorporated as part of existing areas of residential development provided the overall increase in ribbon development is minimal.'*

- 8.4.2. The appeal site currently comprises agricultural land. It lies in a rural area which is characterised by agricultural development and extensive road side development of one-off houses. In the vicinity of the appeal site, since 2005 development has occurred along the public road to the south of the site and along the public road that serves the appeal site (see attached OS maps). The proposed development introduces another one-off house to the area and the incremental loss of agricultural land (0.36ha) and to some extent erosion of the mature roadside boundary. (The existing hedgerow is set back but is likely to require some felling and trimming of trees to form the entrance and maintain the sightlines, respectively. If the Board are minded to grant permission for the development, damage to the hedgerow could be addressed through condition requiring detailed survey).
- 8.4.3. The development has the benefit of being situated alongside development that has been constructed to the south of the site but extends development away from the cluster extending ribbon development along local road L-80302-0. In the absence of a demonstrable rural housing need and overall context for the development in terms of the landholding, I consider that this effect is unwarranted.

8.5. Compliance with Meath Rural Design Guide

- 8.5.1. The proposed development is broadly consistent with the Meath Rural Design Guide. The proposed site area is sufficient to accommodate the proposed wastewater treatment system and the location of the dwelling takes advantage of the existing mature trees/hedgerows bounding the site. Design style is inconsistent with the clear, simple, unambiguous forms encouraged in the design guide and solar gain is not maximised. External finishes are consistent with the guidelines.

8.6. Traffic/Road Safety

- 8.6.1. The appeal site lies on a minor rural road where traffic levels were observed to be low. The width of the road is c.4m and sightlines in both directions are reasonable. With appropriate and limited trimming of the hedgerow, adequate sightlines could be provided to ensure safe access to the site (90m in each direction). I do not consider therefore that the proposed development raises a significant risk of traffic hazard or requirement for road safety audit.

9.0 Appropriate Assessment

- 9.1. The appeal site is c.2.5km to the west of the River Boyne and River Blackwater SAC and SPA. However, no watercourses are evident in the vicinity of the site to connect it to the European site. The nearest watercourse is a tributary of the River Boyne. It lies c.500m to the south of the site and discharges into the protected area c.2.5km to the south east of the site. As rivers in the area flow toward the River Boyne it is likely that groundwater also migrate towards the river. However, the development is very modest in scale (single dwelling) and in the absence of any mitigation measures, discharges from the site by way of foul or surface water are unlikely of themselves, or in conjunction with other development, to have any significant effect on downstream European sites (by virtue of attenuation, dissipation and biodegradation). No appropriate assessment issues therefore 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.

10.0 Recommendation

- 10.1. I recommend that, in the absence of further information, permission for the development be refused.

11.0 Reasons and Considerations

The site is located in a rural area outside of any designated settlement and in a Strong Rural Area as identified in the Meath County Development Plan 2013-2019. It is the policy of the planning authority as set out in the Development Plan to restrict houses in this area to those who are intrinsically part of the rural community. On the basis of the documentation submitted with the planning application and appeal, the Board is not satisfied that the applicant has demonstrated a rural housing need for a house at this location in accordance with the provisions of the Development Plan for houses in Strong Rural Areas, which include the degree of existing development on the original landholding from which the site is taken. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

13th May, 2021