



An  
Bord  
Pleanála

## Inspector's Report ABP 309276-21

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<b>Development</b>	Construction of private residence, percolation area and proposed stables.
<b>Location</b>	Clontail, Drumconrath, Navan, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	LB201281
<b>Applicant</b>	Ian Kearney
<b>Type of Application</b>	Residential
<b>Planning Authority Decision</b>	Grant Permission with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mathew and Sophie Nicholson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> July 2021
<b>Inspector</b>	Brendan Coyne

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## 1.0 Site Location and Description

1.1. This site (0.6 ha) is located on the western side of the L74102 local road, in the rural townland known as Clontail, c. 10.5 km to the south-west of Ardee town in County Louth, c. 4.5 km to the south of Drumconrath village and c. 4.5 km to the south-east of Nobber village in County Meath. The site as outlined, comprises part of a larger open field and has a road frontage width of c. 72 metres and a depth of c.135 metres. Its eastern roadside boundary is defined with a hedge and the western boundary is defined with a dense belt of mature trees, vegetation and a stream which flows in a north-easterly direction towards the River Dee, located c. 640m downstream. The northern and southern boundaries are undefined. A disused quarry is located c. 35m to the south of the site and a detached single storey dwelling is located a further 137m to the south. A two storey dwelling is located c. 62m to the west of the site. The ground level of the site slopes in a north-westerly direction from 54m OD along the roadside boundary to 48m OD along the western boundary. The immediate surrounding area is characterised by agricultural land and one-off rural housing. The N52 national road is located c.850m to the south.

## 2.0 Proposed Development

2.1. Permission sought for the following;

- Construction of a detached two storey 5-bedroom dwelling (292 sq.m.),
- Stable Building (74 sq.m,)
- Installation of a septic tank and a percolation area,
- New entrance onto the public road,
- Associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Meath County Council GRANTED permission for the proposed development subject to 19 no. Conditions. Noted Conditions include:

- C.2 Occupancy Condition - The dwelling when completed shall be occupied as a place of permanent residence by the applicant for a period of at least seven years thereafter. The applicant shall enter into a written agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 (as amended) to this effect.
- C. 4 The vehicular access, including visibility splays of 2.4m x 90m x 1.05m shall be provided prior to commencement of development.

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

#### **3.2.1. First Report (10/11/2020)**

- The site is located in a 'Strong Rural Area' (Area 2).
- According to the Local Needs Form submitted, the applicant is originally from Navan town but has lived in rented accommodation at Mitchelstown Castletown since 2014 for six years.
- The rented house in which the applicant resides and the proposed site both belong to the same landowner, David and Lorna Lucas (letter of consent submitted).
- The site is not located on family owned land and is being purchased subject to planning permission.
- No details of any formal rental agreement have been submitted and the location of the rented house has not been identified on a map.
- It is not clear who owns the rental property at Mitchelstown Castletown, where the applicant has lived for the last six years. No ownership details for this property have been provided.
- It is stated that the applicant does not own and has never sold property.
- The applicant states that he works at the Department of Justice in Navan, located 15 miles to the south of the application site.
- A letter from David Lucas states that the applicant assists on the farm on which the proposed dwelling is located.

- Mr. Lucas does not live on the farm himself but resides as Cootehill in County Cavan.
- The applicant has not fully demonstrated a local housing need at this location and intrinsic links to the local area.
- The site is positioned between the lower lands in Flood Zone A to the north and lands just to the south on higher ground which is within the boundary of the N52 Grange to Clontail Road Realignment Scheme.
- Most of the remaining landholding to either side of the site is severely restricted in terms of potential development and would not be suitable for a new dwelling.
- The overall design of the proposed dwelling is acceptable and in keeping with the Meath Rural House Design Guide (Appendix 15) in the Development Plan.
- The proposed dwelling will not impact on the residential amenity of neighboring dwellings.
- The proposed dwelling would not create or contribute to ribbon development along this part of the road as there is currently only one other dwelling located c. 130m to the south of the site, on the same side of the road.
- Re. Appropriate Assessment - the proposed development would not be likely to have a significant effect on European sites.

### 3.2.2. **Further information was requested requiring the following:**

- In order to assess the applicant's compliance with local housing needs criteria, in accordance with the Meath County Development Plan 2013-2019, submit the following information regarding the rental property at Mitchelstown, Castletown;
  - (i) Rental agreement or other appropriate legal/formal documentation demonstrating the applicant has rented the property over the period stated in the application.
  - (ii) Written clarification and/or other appropriate documentation, showing the ownership of the rented property.
  - (iii) A map showing the exact location of the rented property and its distance from the application site.

- Submit a cross-section drawing through the site from north to south, indicating existing and proposed ground floor levels and the extent of any soil excavation required.
- Submit a detailed landscape plan, showing the site enclosed by new native species planting.

### 3.2.3. **Second Report (11/01/2021)**

- Documentary evidence was submitted including a copy of rental agreement / lease.
- Land Registry documents submitted show that the rented property is in the ownership of David and Lorna Lucas, and the site location map submitted shows the location of the rented property and its distance from the subject site.
- The evidence submitted shows that the applicant has established links to the rural area and complies with the local housing needs criteria, in accordance with Section 10.4 of the Meath County Development Plan.
- The relatively modest extent of proposed excavation work is considered acceptable in this instance.
- The landscape plan submitted is acceptable.

### 3.2.4. **Other Technical Reports**

#### **Flood Risk**

- The site is situated in Flood Zone C i.e. the probability of flooding is less than 0.1% and therefore at a low risk of flooding.
- No objections.

#### **Transportation**

- No objection subject to Condition requiring that the timber post and rail fence along the roadside boundary be removed and replaced with a concrete post and wire fence.

## 4.0 Planning History

With Landholding as outlined in Blue

**P.A. Ref. 95/967** Permission GRANTED in December 2015 by Meath County Council to Mr. Ivor McKeever for the construction of a house and septic tank at lands c. 140 metres to the south - within the landholding of the subject application, as outlined in blue. This house has been built. Condition No. 1 of this permission required the following;

1. Prior to the commencement of any development the owner of the land holding of which the site forms part as shown outlined in blue on the location map submitted on 20/10/95, shall have entered into a legal agreement with the Planning Authority under the provisions of Section 38 of the Local Government (Planning and Development) Act 1963 providing further sterilization from any housing or any non-agricultural development on the entire remainder of this land holding.

**Reason:** To ensure a density of development appropriate to this rural area and to protect agricultural land.

## 5.0 Policy and Context

### 5.1. Development Plan

**Meath County Development Plan 2013-2019** is the statutory plan for the area. The following provisions are considered relevant:

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

**Rural Area Type** The application site is situated within a 'Strong Rural Area' – as indicated on Map 10.1 of the Development Plan (Volume 3).

Policies for 'Strong Rural Areas' are set out in Chapters 2 and 10 of the Development Plan and include:

**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 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.

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

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

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

**Section 10.4** refers to '**Persons who are an Intrinsic Part of the Rural Community**' and states that the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority 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 the Planning Authority 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.



- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the 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. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture 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.

The Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;
- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which

they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

**Section 10.5.1** refers to '**Development Assessment Criteria**' and states that the Planning Authority will also take into account the following matters in assessing individual proposals for one off rural housing:

- The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 10.4 Persons who are an Intrinsic Part of the Rural Community;
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped;
- 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;
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan;
- The degree to which the proposal might be considered infill development.

## **Section 10.5.2 Ribbon Development**

### **Appendix 15 Rural Design Guide**

**Policy RD POL 43** To ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside.

## **5.2. Natural Heritage Designations**

The River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) is located c. 13.5 km to the south-west of the site.

The Stabannan-Braganstown SPA (Site Code 004091) which is located 15.7km to the north-east of the site.

The Killyconny Bog (Cloghbally) SAC (Site Code 000006) is located c. 18km to the west of the site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

- 6.1.1. A third-party appeal was received from Matthew and Sophie Nicholson, who reside at a dwelling adjacent the site, against the decision made by the Planning Authority to grant permission for the proposed development. The following is a summary of the grounds of appeal.

- The site is located in a rural area outside any designated settlement.
- The site is located in a Strong Rural Area as defined in the County Development Plan where development which is not rural generated should be located in settlement centers.
- It is the policy of the County Development Plan to restrict housing in this area to those who are intrinsically part of the rural community or who have an occupation predominantly based in a rural community.
- The applicant, having only rented a house in the area for the last five years, does not meet the local housing needs criteria as set out in the County Development Plan.
- The applicant is from Navan town and is not from the area.

- The applicant is not involved in any rural based activity and has no site-specific need for a house at this location.
- Urban generated rural housing such as this is unsustainable.
- The appellants query how Meath County Council, who normally impose strict criteria for rural housing, decided to grant planning permission for the proposed development, given the applicant has only rented a house in the area for a few years and has no intrinsic ties to the area.
- The proposed development would set an undesirable precedent and potentially lead to a proliferation of one-off houses in rural areas such as this.
- The Local Authority based their decision on a copy of a lease, submitted by way of Further Information, which could have been produced at any stage by anyone with access to a computer.
- The information submitted indicates that the applicant is renting a house off the same people who are selling him the site. The existing house is therefore surplus to the needs of the vendors and could be made available to the applicant.
- The location of the house being rented by the applicant and the address of the lease agreement do not match. The house is located in Clontail on the plans submitted and the lease states that a house is being rented in Mitchelstown.
- The site of the proposed dwelling is located on lands which are subject to a Section 38 Agreement providing for the sterilisation from any housing or any non-agricultural development on the entire landholding. This agreement was made as required by condition attached to planning permission P.A. Ref. 95/967. Any additional houses on this landholding is therefore not permitted.
- The site is located in the North Navan Lowlands.
- The Landscape Characteristic Assessment Map details a low likelihood of one-off housing being an indicative type of development for the area.
- The Landscape Character Assessment states that the North Navan Lowlands have a low potential capacity for one off houses as they are already common in this LCA. Residential development should focus on consolidating urban edges and improving landscape condition’.

- The site is located in a 'Strong Rural Area' where Government Policy, as outlined in the Sustainable Rural Housing Guidelines and the Meath County Council, indicates that one-off housing such as this is to be discouraged.
- Planning policy seeks to encourage development in rural areas within recognised development centers or Graigs.
- The local Graigs of Lobinstown, Castletown or the village of Nobber would be far more suitable location for the applicant to build a house.
- The farm on which the site is located is relatively small, being only about 50 acres. There are already two houses on this holding, the original farmhouse and a relatively new house permitted under P.A. Ref. 95/967.
- The proposed development would represent overdevelopment of the landholding and would be contrary to the Section 38 agreement.
- The owner of the lands on which the site is located does not live in the area.
- The two houses, which are located on the landholding, are currently rented out.
- This application would appear to be of a speculative nature as the applicant has no housing need.
- One of the houses on the farm holding is currently for sale. A housing option is therefore available to the applicant should the applicant wish to live in this rural area.
- The proposed house is located directly in front of Julianstown House, which is listed as a Protected Structure in the County Development Plan under Ref. MH006-103.
- The proposed house will have an adverse visual impact on the setting of Julianstown House.
- Both the views from Julianstown House and the views from the public road across the River Dee to Julianstown House will be seriously compromised by the proposed development.
- It is an objective of the County Development Plan to preserve Protected Structures and their settings.

- The appellants are surprised that the application was not referred to the Architectural Conservation Officer of the Local Authority.
- The proposed house is located on a very narrow country road with very narrow verges.
- It is not possible to achieve the required sight lines at the proposed entrance at a distance of 2.4m back from the road edge.
- The road is not wide enough for two cars to pass without pulling into the verge.
- Further development and the inherent increase in traffic that the proposed development would bring, would be detrimental to the local area and cause increased danger to the many people who use this road for exercise and amenity as well as vehicular access.
- The proposed entrance is located on a bend.
- The proposed house is a large two storey house set in a prominent location in the Dee Valley. The design, scale and massing of the house is inappropriate for this unspoiled rural area.
- The height of the proposed house is in contravention of the Meath Rural Design Guide.
- The proposed house will dominate its surroundings.
- The Dee Valley is a high amenity area which is very sensitive to unnecessary development such as this. The proposed development would set an undesirable precedent.
- The appellants operate a large commercial farm adjacent to the proposed house. A house at this location will severely restrict the operation of the appellant's farm, curtailing such activities as slurry spreading.
- A successful pheasant shoot operates over lands at Julianstown, to the rear of the site during winter months. A house in this location would severely restrict the operation of the shoot as well as represent a danger to the occupants.

## 6.2. **Applicant Response**

The applicant did not respond to the grounds of appeal.

## 6.3. **Planning Authority Response**

The Planning Authority confirms the proposed development is consistent with the policies and objectives as outlined within the Meath County Development Plan 2013 – 2019.

## 6.4. **Observations**

None

## 7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Rural Housing Need
- Section 38 Sterilisation Agreement
- Visual Impact
- Roads / Access issues
- Screening for Appropriate Assessment

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issues for consideration are addressed below.

### 7.1.2. **Rural Housing Need**

7.1.3. The appellants object to the proposed development on the grounds that the applicant does not comply with the Meath County Development Plan local housing needs criteria by reason that;

- The applicant is from Navan town, is not from the area and is not involved in any rural based activity.
- The applicant has only rented a house in the area for the last five years.
- The applicant is renting a house off the landowner who is selling the subject application site.
- The owner of the lands on which the site is located does not live in the area and the two houses which are located on the landholding are currently rented out.
- One of the houses on the farm landholding is currently for sale. This housing option is available to the applicant to purchase should the applicant wish to live in this rural area.
- The application appears to be of a speculative nature as the applicant has no housing need.

7.1.4. The appellants put forward that the site is located in a rural area outside any designated settlement and a 'Strong Rural Area' as defined in the Meath County Development Plan where development which is not rural generated should be located in settlement centers.

7.1.5. In response to the Further Information submitted, the Planning Authority consider the applicant has established links to the rural area where the site is located and complies with the local housing needs criteria, as set out in Section 10.4 of the Meath County Development Plan 2013 - 2019.

7.1.6. The site is located is located on un-zoned rural lands c. 4.5 km to the south of Drumconrath village, c. 4.5km to the southeast of Nobber village, 10.5 km to the southwest of Ardee town and c.16 km to the north of Navan town. The site is located within a 'Strong Rural Area', as detailed on Map 10.1 of the Meath County Development Plan. 'Stronger Rural Areas' are defined in Section 3.2 of the Sustainable Rural Housing Guidelines for Planning Authorities (2005) as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. Policy for 'Strong Rural Areas'



are set out in Chapters 2 and 10 of the Meath County Development Plan 2013-2019 which include;

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

- 7.1.7. The Sustainable Rural Housing Guidelines distinguish between rural and urban generated housing. 'Rural generated housing' is described as housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. 'Urban generated housing' is described as housing in rural locations sought by persons living and working in urban areas, including second homes.
- 7.1.8. Policy Objective 19 of the National Planning Framework seeks to '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' and requires that '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'.
- 7.1.9. The siting and design of the proposed dwelling is assessed further below. Section 10.4 of the Development Plan refers to 'persons who are an intrinsic part of the rural community' and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas. Section 10.5.1 of the Development Plan sets out Development Assessment Criteria which the Planning Authority will also take into account in assessing individual proposals for one off rural housing. These criteria are detailed in Section 5.1
- 7.1.10. Having reviewed the documentation submitted with the application and appeal, I consider that the applicant does not come within the scope of the housing needs criteria as set out in Sections 10.4 and 10.5 of the Development Plan, given the close proximity of the site to the nearby villages and towns of Nobber, Drumconrath, Ardee

and Navan and the viability of this towns and villages. The applicant has not clearly demonstrated a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture or demonstrated their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors, as required under Section 10.4 of the Development Plan.

7.1.11. Documentation submitted with the application, putting forward the applicant's case for local / rural housing need, detail the following;

- The Meath County Council Local Needs Questionnaire Form, which refers to documents attached, detailed below.
- A copy of a residential tenancy agreement dated 28<sup>th</sup> September 2015, between the applicant Ian Kearney and David and Lorna Lucas for the rental of a property at a stated address of Mitchelstown Castletown, Navan, Co. Meath.
- Copies of extensions of the lease agreement, signed by above parties from the 29<sup>th</sup> September 2016 up to the 29<sup>th</sup> September 2021.
- Eircom bills dated May 2015, detailing the applicants address at Mitchelstown, Castletown, Co. Meath.
- Health insurance documents dated September 2014, March and August 2020 detailing the applicants address at Mitchelstown, Castletown, Co. Meath.
- Document from the Department of Agriculture and the Marine, dated October 2017, confirming the applicants address at Mitchelstown, Castletown, Co. Meath and that the applicant is an owner of a registered equine premises.
- Documents from Weatherbys Thoroughbred and Connemara Pony Breeders Society.
- A letter from David and Loran Lucas with a stated address at Gallonetra, Canningstown, Cootehill in Co. Cavan stating that the applicant Ian Kearney has rented their property at Mitchelstown, Castletown for the past 6 years and that the applicant has helped out on the farm on a regular basis and that they have agreed to sell a plot of land to the applicant.
- Letter of support from Castletown GFC dated September 2020 stating the applicant is involved in the club and has been living in the area for over 6 years.

- Bank Statements dated February 2015 to March 2017, confirming the applicants address at Mitchelstown, Castletown, Co. Meath.
- TV licence renewal notice dated December 2019, confirming the applicants address.
- Electricity Bills dated Oct 2019 and June 2020 confirming the applicants address at Mitchelstown, Castletown, Co. Meath.
- Site Location Map showing the site of the proposed development and the applicants current place of rented premises, within the landowners landholding as outlined in blue. This rented premises is located c. 430m to the south of the application site.

7.1.12. The applicant confirms in the Local Needs Form that their place of current employment is with the Dept. of Justice in Government Buildings in Navan, 15 miles from the subject site. It is my view that the documentation submitted does not clearly demonstrate a genuine need for a dwelling at this location on the basis that the applicant is not significantly involved in agriculture. Furthermore, given that the applicant's stated place of work is with the Dept. of Justice in Navan, I do not accept that the applicant is significantly employed in the bloodstock and equine industry. While the applicant has demonstrated that they have rented a property in the locality since 2015, evidence has not been presented demonstrating the need for an additional house at this location given that the applicant is currently renting a house from the owner of the landholding of the subject appeal site as outlined in blue, and that the landowner is living at Cootehill in Co. Cavan. On this basis, I am not satisfied that the applicant complies with the local housing needs criteria as set out in Section 10.4 of the Development Plan. Having regard to the proximity of the site to nearby towns and villages, the applicant has not demonstrated how their housing need could not be satisfactorily met in these urban settlements. I do not consider that the applicant's need for a house at this location complies with National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of single housing in rural areas based on the viability of nearby towns and villages. Such development would be contrary to Policy RD POL 5 which seeks to direct urban generated housing to areas zoned for new housing development in towns and villages in the area of the

development plan. For this reason, I recommend that the proposed development be refused permission.

#### 7.1.13. **Section 38 Sterilisation Agreement**

7.1.14. The appellants objects to the proposed development on the grounds that the site of the proposed dwelling is located on lands which are subject to a Condition under P.A. Ref. 95/967 whereby permission was granted by Meath County Council for the construction of a house and septic tank at lands c. 140 metres to the south, within the landowners landholding of the subject application, as outlined in blue. Condition No.1 of this permission required that prior to the commencement of development the owner of the landholding of which the site forms part of, shall enter into a legal agreement with the Planning Authority under the provisions of Section 38 of the Local Government (Planning and Development) Act 1963, providing further sterilisation from any housing or any non-agricultural development on the entire remainder of this land holding. The reason for this condition was to ensure a density of development appropriate to this rural area and to protect agricultural land.

7.1.15. The Planning Authority did not reference the development permitted under P.A. Ref. 95/967 in the planning report and details have not been provided by either the Planning Authority or the applicant on whether or not the terms of this Condition have been complied with, i.e. that the landowner entered into a legal agreement with the Planning Authority under the provisions of Section 38 of the Local Government (Planning and Development) Act 1963, providing further sterilisation from any housing or any non-agricultural development on the landholding. In the absence of evidence to demonstrate otherwise, it is reasonable to conclude that the terms of this Condition remain. On this basis, it is my view that the proposed development would materially contravene Condition No. 1 of P.A. Ref. 95/967 which required that the lands, of which the application site under the current application forms part of, be sterilised from further residential development. The proposed development, if permitted, would therefore conflict with the terms of a previous permission, and would act as a precedent to further such development elsewhere in the County. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. For this reason, I recommend that the proposed development be refused permission.

#### 7.1.16. **Visual Impact**

7.1.17. The appellants object to the proposed development on the grounds that;

- The site of the proposed dwelling is located in a prominent location in the Dee Valley, which is a high amenity area, sensitive to unnecessary development.
- The design, scale and massing of the proposed house is inappropriate for this unspoiled rural area and would dominate its surroundings.
- The height of the proposed dwelling would be contrary to the Meath County Development Plan Rural Design Guide.
- The proposed development would have an adverse visual impact on the setting of Julianstown House, which is Protected Structure (Ref. MH006-103).
- The proposal would compromise the views from both Julianstown House and the public road across the River Dee to Julianstown House.
- The proposed development would be contrary to the Development Plan which seeks to preserve Protected Structures and their settings.

7.1.18. The site is located in the 'North Navan Lowlands' Landscape Character Area (LCA3), as identified on Map 1 of the Development Plan Landscape Character Assessment (Appendix 7). Such areas are identified as of 'Medium' Landscape Sensitivity and 'Moderate' Landscape Value. The Landscape Character Assessment describes the potential capacity of this LCA and describes the area as having a low potential capacity for one off houses, as they are already very common in this LCA and recommends that residential development should focus on consolidating urban edges.

7.1.19. There are no Protected Views or Prospects across or from the site, as detailed on Map 9.5.1 (Volume 3) of the Development Plan.

7.1.20. As referred to by the appellants, Julianstown House is located 0.9 km to the north-west of the site and is a Protected Structure (ID No. MH006-103). The Record of Protected Structures (Appendix 8 of the Development Plan) identifies Julianstown House as a 'Farm House' and describes it as a 'detached three-bay, two-storey over basement house with attic accommodation'. This house was not visible from the subject site on the date of site inspection by reason of intervening trees and vegetation.

- 7.1.21. The proposed development comprises a 2 storey 5-bedroom dwelling and stable building to its rear. The dwelling is centrally located on the site with a setback of 37m from the roadside edge. The FFL is c. 50.5m OD, which is c. 2m below the road level and requires some excavation to provide a finished level floor, given the sloping gradient of the site. The stated floor area of the proposed dwelling is 292 sq.m. The proposed house has a front elevation width of 12.7m and depth of 16.8m. Its front elevation faces in an easterly direction towards the public road. The ridge height of the dwelling is 8.7m and its roof profile is hipped. Elevation finishes are stated as comprising render finish, with natural slate roof tiles.
- 7.1.22. The proposed single storey stable building is located at the north-western corner of the site, at a lower ground level c.48m OD. The building has a stated floor area of 71sq.m., with an L-shaped footprint incorporating 4 no. stables and a tack room. The structure has a length of 11.7m, width of 10.2m and pitched roof height of 4.6m. Elevation finishes are stated as comprising render finish, with natural slate roof tiles to match the main dwelling.
- 7.1.23. The Rural Design Guide in Appendix 15 of the Development Plan sets out guidance and criteria on rural house site selection, site development, building design, construction & detailing and building types. Having reviewed the drawings submitted, it is my view that the scale, form and design of the proposed dwelling is generally acceptable and would be in keeping with the rural character of the area. Its design is largely consistent with the 'Meath Rural Design Guide' as provided in Appendix 15 of the County Development Plan. Given the gradient of the site and the positioning of the proposed dwelling into the hillside, the proposed development would not be visually obtrusive. Landscaping measures would further screen the proposed development. Having regard to the 0.9 km distance between the proposed dwelling and Julianstown House, the intervening mature trees and vegetation between both sites and around Julianstown House and in consideration of the proposed landscaping around the proposed dwelling, it is my view that the proposed dwelling would not adversely impact on the character and setting of the Protected Structure Julianstown House. The form, design and two storey nature of the proposed dwelling is similar to that of the house which the applicant is currently renting from the landowner of the subject site, located c. 430m to the south, as indicated on the map submitted by the applicant. During site inspection I noted other two storey houses in the surrounding vicinity, notably a two

storey dwelling c. 60m to the west. The Meath County Rural Design Guide does not recommend against the construction of two storey houses, as detailed in Section 4.2 of the Guide. On this basis, it is my view that the proposed development would not adversely impact the visual amenity of the surrounding rural area, would not be inconsistent with the pattern of development in the surrounding area and would not be inconsistent with the Meath County Rural Design Guide.

#### 7.1.24. **Roads / Access issues**

7.1.25. The appellants objects to the proposed development on the grounds that it would result in an increase in traffic along a very narrow rural road, thereby endangering public safety by reason of traffic hazard. Furthermore, the appellants express concern that required sightlines cannot be provided at the entrance to the site and that the site entrance is located on a bend in the road.

7.1.26. The Local Authority's Transportation Section report details the following;

- The L74102 road serving the site is narrow but that there is a wide grass verge on the same side of the road as the site.
- The proposed entrance is on the inside of a sweeping bend on the road.
- Unobstructed sightlines of 90m have been illustrated in both directions at the proposed vehicular entrance, which is adequate for the design speed of the road.
- The applicant has indicated a timber post and rail fence along the field boundary of the site.
- The roadside boundary appears to consist of hedging however, due to traffic safety, a timber post and rail fence shall not be permitted along the roadside boundary.

7.1.27. In conclusion, the Transportation Section report outlines no objection to the proposed development subject to a Condition requiring that the proposed timber post and rail fence be removed and replaced with a concrete post and wire fence along the roadside boundary.

7.1.28. Section 10.19.1 of the Meath County Development Plan refers to 'Sight Distances and Stopping Sight Distances' for One Off Houses and requires under Policy RD POL 43 'To ensure that the required standards for sight distances and stopping sight distances

are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside'. The NRA document 'Design Manual for Roads and Bridges (DMRB)', requires a sightline 'X' minimum setback of 2.4m from the edge of the public road and requires a 'Y' sightline distance of 160m for road design speed of 85kph, 120m for road design speed of 70kph and 70m for road design speed of 50kph.

7.1.29. The subject site is located on the western side of a narrow rural road, which is subject to a 80 km/hr speed limit. The applicant has submitted a site layout plan which shows +2.4m x 90m vision splays in both directions at the proposed vehicular entrance, taking advantage of the bend in the road. As such, I am satisfied that the sightlines provided at the proposed new entrance to the site complies with the requirements of Policy RD POL 43 of the Development Plan.

7.1.30. Having regard to the above, and further to inspection of the site and the local road network, it is my view that the proposed development would not generate significant levels of traffic on the local rural road network to such an extent that it would create a traffic hazard by reason of the following;

- The nature of the proposed development which comprises a 5 bedroom house and stable building would not generate significant additional levels of traffic.
- The paved surface and reasonably good structural condition of the local rural road serving the site has the capacity to serve the additional traffic generated from the proposal.
- The 80km/h speed limit and the availability of pull-in points (albeit grassed) along the local road network which allow opposing vehicles to pass.
- The existing low volumes of traffic using the road network serving the site.

7.1.31. The location of the proposed dwelling accords with the requirements of Section 4.4 of the Rural Housing Planning Guidelines (2005) which recommends that access serving rural dwellings should be provided off local rural roads. In the absence of substantive evidence from the appellants demonstrating that the local rural road network serving the site does not have the capacity to accommodate the additional traffic generated from the proposal, it is my view that the proposal would not render the local road



network unsuitable to carry the increased road traffic likely to result from the proposed development.

#### 7.1.32. **Screening for Appropriate Assessment**

The closest Natura 2000 site to the appeal site is the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) which is located 113.3 km to the south-west of the site. The Stabannan-Braganstown SPA (Site Code 004091) which is located 15.7km to the north-east of the site and the Killyconny Bog (Cloghbally) SAC (Site Code 000006) is located c. 18km to the west of the site. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### 8.0 **Recommendation**

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

### 9.0 **Reasons and Considerations**

1. The site of the proposed development is located within a 'Strong Rural Area' as identified in the Meath County Development Plan and the 'Sustainable Rural Housing Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, the subject site is located in a rural area where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and the appeal, it is considered that the applicant has not adequately demonstrated compliance with the local housing

needs criteria as set out in Section 10.4 of the Development Plan and having regard to the proximity of the site to nearby towns and villages, the applicant has not demonstrated how their housing need could not be satisfactorily met in these urban settlements. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in national policy, Guidelines and the Meath County Development Plan for a house at this location. The proposed development would, therefore, be contrary to national policy, Ministerial Guidelines and the Meath County Development Plan 2013-2019 and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would contravene materially Condition No. 1 attached to an existing permission P.A. Ref. P.A. Ref. 95/967 which required under Section 38 of the Local Government (Planning and Development) Act 1963 that the lands, of which the application site under the current application forms part of, be sterilised from further residential development. Thus the proposed development would be contrary to the proper planning and sustainable development of the area.

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Brendan Coyne  
Planning Inspector

12<sup>th</sup> August 2021