



An
Bord
Pleanála

Inspector's Report

ABP-309572-21

Development	Construction of a 2-storey dwelling and single storey domestic garage.
Location	Clonardran, Tara, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA201856
Applicant(s)	Paul Conway.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Paul Conway.
Observer(s)	None.
Date of Site Inspection	24 th May 2021.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.3ha and is located within the rural townland of Clonardran, approximately 10km to the south-east of Navan. It is located on the L-10002-0, local access road, and is on the eastern side of the narrow lane. The laneway is a cul-de-sac that terminates at a private property approximately 220m to the north of the subject site. It has grass verges, hedgerows and mature planting on either side for its length. There are 6 detached dwellings in place on the lane with a seventh under construction across from the site.
- 1.2. The appeal site forms part of a larger open green field with mature planting and hedgerows along the boundaries. Along the southern boundary of the field, is a large agricultural style building with a yard or storage area to the front. This area has its own vehicular entrance with a gate. A second informal entrance to the field is located on the north-western corner of the site.
- 1.3. Lands surrounding the site are agricultural in nature with large open green fields on either side of the lane. The site is also located within Tara Skryne Hills Landscape Character Area, which is designated as 'highly sensitive' and of 'exceptional value'. Whilst the appeal site is somewhat shielded by the mature planting along the boundary, there are very attractive views from the site across the open fields to the west.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a detached, two storey, 4 bedroom house of 209 sqm and a detached garage of 41.25 sqm on a site of 0.3ha. Additional site works include a new vehicular entrance and boundary wall to the front of the site, a new wastewater treatment system and percolation area, connection to the mains water, and a soakaway for surface water treatment. A new fence would be installed along the northern and eastern boundaries.
- 2.2. Under the grounds of appeal the applicant has put forward an alternative design for the roof and has proposed the removal of the side hips to the rood and their replacement with straight gable ends.

3.0 Planning Authority Decision

3.1. Decision

The PA issued a decision to refuse permission for the following reasons;

1. The site is located in a rural area outside any designated settlement and in an area under Strong Urban Influence as defined in the Meath County Development Plan 2013-2019 where development which is not rurally generated should be more properly located in settlement centres. 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 and do not currently own a property or who have an occupation predominantly based on the rural community.

The applicant's family home is located within the urban area of Kentstown, Co. Meath, as defined by the Land Use Zoning Objectives Map in Volume 5 of the County Development Plan and their housing need is considered to be urban generated as set out in strategic policy RUR DEV SP 1. The proposed development, in the absence of any demonstrable rural housing need, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. It is considered that the proposed development, if permitted, would be contrary to the Ministerial Guidelines and contravene County Development Plan strategic policy RUR DEV SP 2. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The design of the proposed dwelling is considered to be contrary to the 'Meath Rural House Design Guide' and would be out of character with the Tara Skryne Hills Landscape Character Area. The development would therefore, form a visually obtrusive feature, which would not respect and integrate with surrounding landscape. Consequently, it is considered that the proposed development would establish an undesirable future precedent, would be contrary to the proper planning and sustainable development of the area and the provisions set out in the Meath CDP 2013-2019.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 28th January 2021 informed the decision of the PA and includes the following;

- The application site is located in a rural area under strong urban influence. The applicant is seeking planning permission as a person who has 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.
- Based on the information submitted to demonstrate local need the PO was not satisfied that the applicant complies with the local need policy. The applicant has spent 17 years living within the town boundary of Kentstown and has submitted no information linking him to the area where the site is located. Therefore, the application should be refused.
- The site could be considered to be an infill site based on the presence of dwellings to the north and south.
- The site is located within Tara Skryne Hills which has a 'High Sensitivity and Exceptional Value' as per the Landscape Character Area Sensitivity.
- It is generally considered that the proposed dwelling is not consistent with the principles of the Meath Rural House Design Guide and therefore the dwelling should be refused.
- Sightlines are considered to be acceptable.
- There are number of views from the Hill of Tara towards the site. However, it is unlikely that the proposed dwelling would have a negative impact o the Hill of Tara. A landscape assessment should be carried out.

3.2.2. Other Technical Reports

- No reports from the internal departments of the PA were attached to the appeal file or appear on the public record.

- The report of the PO states that a report was received from the Transportation Department, who have no objection to the proposal.

3.3. Prescribed Bodies

- No reports on file or on the public record.

3.4. Third Party Observations

- None received.

4.0 Planning History

No planning history for the subject site.

Recent planning history in close proximity to the site;

AA190400 – Planning permission granted by the PA on the 14th January 2020 for the construction of a two-storey detached house with waste water treatment unit and percolation area and new entrance onto the public road.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

The subject site is located on unzoned land as it is outside of the development boundary of any designated settlement.

Landscape Character:

The site is located just inside the boundary of the Tara Skryne Hills Landscape Character Area, (Map 01, Landscape Character Types). This area is defined as Hills and Upland Areas and is categorised as having 'Exceptional Value' and 'High sensitivity'.

There are a number of protected views in the surrounding area, to the north of the site the closest views are Ref. 34 - N2 between Slane and Balrath at McGruder's Cross Road, and Ref. 37 - Country road to the north of Brownstown Cross Roads on R153II.

To the south of the site the protected views are listed as Ref. 47 – Skryne Church – Panorama, 48 – On the M3 at Baronstown – view towards Skryne Hill and Ref. 49 – On the country road between Collierstown and Trevet – view towards Skryne Church.

Rural Area Type:

The site is also identified as a Rural Area under Strong Urban Influence, (Map 10.1 – Rural Area Types).

It is a strategic policy of Meath County Council to;

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, and in particular Chapter 9 Section 9.6.7 UNESCO World Heritage Site of Brú na Bóinne.

It is the policy of Meath County Council to;

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.

Section 10.4 – Persons who are an Intrinsic Part of the Rural Community

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 demonstrate local housing need based on;

- Involvement in agriculture,
- Employment in specific industry that requires the applicant to live in the rural area.

Additional local need can be considered where;

- Persons have spent substantial periods of their lives in the rural area,
- Persons originally from the area and in substandard or unacceptable housing scenarios,
- Returning emigrants with connections to the land,
- Persons with rural based employment,
- Exceptional health circumstances require housing at a specific location.

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

Meath Rural House Design Guide, (2009).

This document was prepared as a variation to the Meath CDP and sets out design guidance for single house developments in rural areas with particular reference to Site Layout, Building Design, Construction Details, Building Types and Sustainability.

5.1.1. Sustainable Rural Housing Guidelines for Planning Authorities, (DEHLG 2005).

The Guidelines confirm that development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) rural areas under strong urban influence (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure).

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

The subject site is identified as an Area Under Strong Urban Influence. In these areas the guidelines advise that the housing needs of the local rural community should be facilitated, but that urban generated housing demand should be met on zoned and serviced land within settlements.

5.1.2. **National Planning Framework - 2040;**

National Policy Objective 19 –

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. **Natural Heritage Designations**

No designations apply to the subject site.

5.3. **EIA Screening**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main grounds of appeal include the following;

- The applicant has strong links to the area and fulfils the Development Plan requirements, having lived and worked in the area for 30+ years. He is intrinsically part of the local community and does not own a property.
- The applicant has been gifted a site on the family lands and does not have the finance required to buy a site. There is a shortage of new build and rental accommodation in the area.
- There are a number of other houses in proximity to the site that are of similar design. The development has been designed in accordance with other approved applications in the area. However, the design can be adjusted to facilitate the Meath Rural House Design Guide if required.
- A proposal to alter the roof profile to remove the hipped sections is proposed as part of the appeal.
- The appeal documentation also includes the following documents;
 - A letter from the applicant's employer stating that he is employed by a local company,
 - A letter from the applicant's parents,
 - A letter from the applicant stating that he works in the yard beside the site and that he provides care for his parents,
 - A letter from a local GP stating that the applicant provides essential care for his parents,
 - A letter from Tara Athletic Club stating that the applicant is a member of the club and also trains the underage members.

6.2. Planning Authority Response

A response was received from the PA on the 24th March 2021 and includes the following;

- The application was assessed having regard to Section 10.4 of the Meath County Development Plan 2013-2019.

- The applicant is noted as living in the development boundary of Kentstown Village and has not demonstrated sufficient links or ties to the proposed site location.
- The additional information submitted as part of the appeal is not sufficient to demonstrate compliance with Meath rural housing policy.
- The revised roof type proposed is considered to be acceptable, however, additional minor changes would be required to comply with the Meath Rural House Design Guide.

6.3. **Observations**

- None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, following an inspection of the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Housing Need
- Design & Visual Impact
- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

The subject site is located on unzoned land in a Rural Area under Strong Urban Influence. The CDP allows for the development of individual houses in rural areas where a housing need can be demonstrated in accordance with Section 10.4 of the Development Plan. The proposed development will be considered under this principle and is assessed in detail below.

7.3. Housing Need

In order to demonstrate intrinsic links to the rural area in accordance with Section 10.4 of the CDP, the applicant submitted a 'Local Need Form' and supporting documentation as part of the application. The form states that the applicant has been living in Kentstown, Co. Meath for 17 years and works in the Leinster area. A letter from the local Parish Priest was also submitted in support of the application.

Additional information demonstrating links to the local area was submitted as part of the appeal and included the following;

- A letter from an agent of the applicant's employer stating that he is employed by a local company and works locally for approximately 3 days a week,
- A letter from the applicant's parents,
- A letter from the applicant stating that he works in the yard beside the site and that he provides care for his parents,
- A letter from a local GP stating that the applicant provides essential care for his parents,
- A letter from Tara Athletic Club stating that the applicant is a member of the club and also trains the underage members.

The subject site is in the ownership of the applicant's family, who reside in the village of Kentstown, which is approximately 8km by road from the appeal site. Kentstown is identified as a Village under the County Meath Settlement Hierarchy, (Table 2.1 of the CDP) and a Village Statement and zoning map was prepared to guide future development within the village.

The applicant is also residing in Kentstown and the information submitted with the application states that he is in employment in Kentstown and also uses the shed beside the site for work purposes.

Having reviewed the information submitted with regard to the local housing need of the applicant, I am of the opinion that, whilst the information demonstrates connections to the village of Kentstown, it does not demonstrate an explicit need to reside in the specific rural location in Clonardran for either economic or social

reasons. Given the applicant's connections to Kentstown, there is no overriding reason that he needs to reside in the townland of Clonardran.

The over-arching national and local planning policy, as set out in the NPF and the Sustainable Housing Guidelines, is to prevent the proliferation of one-off housing in rural areas under strong urban pressure, such as the subject site. Therefore, it is my view, that the applicant has not demonstrated an intrinsic local need to reside in the rural area for either economic or social reasons and for this reason planning permission should be refused.

7.4. Design & Visual Impact

The second reason for refusal in the PA's decision relates to the design and visual impact of the proposed dwelling, which was considered to be contrary to the 'Meath Rural House Design Guide'. However, the report of the PO did not state exactly how the building did not accord with the Design Guide.

The proposed development is for two-storey dwelling with a single storey annex on the southern elevation. It would be positioned to the rear of the site, approximately 41m from the front boundary with a single storey garage of 42 sqm located towards the rear of the site and in the north-eastern corner. The house would have a hipped roof profile with a projecting peak façade detail with a selected stone finish at the front entrance.

Under the grounds of appeal the applicant has presented an option to remove the side hips of the roof profile and to replace them with gable ends. It is also proposed to use contemporary detailing such as white render and flush gutters to comply with the Rural House Design Guide.

As noted above, the report of the PO gave no specific details as to why the design of the dwelling was contrary to the design guidance document. In my opinion the scale and built form of the proposed dwelling, including the alterations proposed as part of the grounds of appeal, would be in accordance with the design guidance as set out in Section 4.1 of the Rural House Design Guide. I note that Section 5.3 of the Design Guide sets out the guidance with regard to stone finishes and advises that the use of stone as a facing or cladding should be avoided and, where stone is to be

used it should be incorporated into the built form or structure. Therefore, should the Board be minded to grant planning permission, I recommend that a condition be attached, requiring all external details be agreed in writing with the PA prior to commencement.

The site is located within the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity. There are a number of protected views in the surrounding area, to the north of the site the closest are Ref. 34 – ‘N2 between Slane and Balrath at McGruder’s Cross Road’, and Ref. 37 – ‘Country road to the north of Brownstown Cross Roads on R153II’ and to the south of the site the views are concentrated around the area of Skryne at Ref. 47 – Skryne Church – Panorama, Ref. 48 – On the M3 at Baronstown – view towards Skryne Hill and Ref. 49 – On the country road between Collierstown and Trevet – view towards Skryne Church.

I note the presence of mature planting and hedgerows along the site boundary and, it is my view that the retention of this planting would reduce the visual impact of the proposal and as such would not result in any significant impact on the landscape character of the area. It is also unlikely that the protected views in the vicinity would be adversely impacted by the proposal given the direction of the views to be protected and, the distance of the site from the designated point. However, if the Board were minded to grant planning permission for the proposal, I recommend that a condition be attached requiring that the existing front boundary hedge / planting be retained except to the extent that its removal is necessary to provide for an entrance to the site.

7.5. Other Issues

Access

A new vehicular entrance of approximately 6m in width is proposed along the western boundary. The application drawings show that the driveway entrance would be set back from the road edge by approximately 4.5m and a new 800mm wall would be constructed along this line. The design of the entrance is in accordance with Section 3.3 of the Meath Rural House Design Guide.

The applicant has not demonstrated that adequate sightlines can be achieved for the new entrance. However, given the nature of the local access cul-de-sac, speeds will be restricted, and given the straight alignment of the road directly outside the site, I am satisfied that adequate sightlines can be achieved.

Drainage

The application states that the land is serviced by a local group water scheme and a letter has been submitted from Irish Water stating that the pre-connection enquiry can be facilitated.

A new wastewater treatment system would be installed on the site and would comprise an 'O'Reilly, Oakstown EN Treatment system' with percolation area which would be located to the front of the site, in the south-western corner.

Having assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010), I am satisfied that the that the results are in accordance with EPA guidance and that the system proposed will be adequate. I note that the application drawings show an open well on the site to the south of the appeal site. However, the required separation distances between the well and the polishing filter, as set out in the EPA CoP, can be achieved.

It is also proposed to install a soakaway to the rear of the site and in the south-eastern corner. The soakaway would be c45m from the percolation area and c20m from the proposed dwelling and as such are in accordance with EPA guidance.

7.6. Appropriate Assessment

The appeal site is neither within nor immediately abutting any European site. The closest designated site is the River Boyne & Blackwater SPA, (004232) & SAC, (002299), which is approximately 2.8 km from the subject site. However, there is no direct link or connection to this site.

Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have

a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in 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 an area that is designated under urban influence, 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, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal, it is not considered that the applicant has a demonstrable economic or social need to live in this rural area. It is therefore considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

11th June 2021