



An
Bord
Pleanála

Inspector's Report

ABP-309695-21

Development	Development of a single story dwelling house.
Location	Faughanhill, Bohermeen, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	KA201978
Applicant(s)	Louise Murtagh.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Louise Murtagh.
Observer(s)	None.
Date of Site Inspection	14 th May 2021.
Inspector	Sarah Lynch

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Faughanhill to the north of Bohermeen, Navan Co. Meath. The site is roughly square in shape and has a stated area of 0.3319 ha. The gradient of the site is relatively flat and the site is described within the application documentation as being in agricultural use. A drainage ditch occurs along the sites northern and eastern boundaries.
- 1.2. Access to the site is provided via an existing agricultural gated entrance from the cul de-sac roadway to the north of the site. This road encloses the northern and eastern boundaries of the site which are defined by hedgerow and mature trees. The southern and eastern boundaries of the site are enclosed by a post and rail fence.
- 1.3. The area in which the site is located is semi-rural in nature. Existing development in the vicinity of the site includes one – off rural dwellings to the north and east of the site at the opposite side of the cul de sac road, agricultural buildings to the east of the site and agricultural lands to the south and west.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of a single storey dwelling house, the installation of a wastewater treatment plant and soil polishing filter, the modification of an existing site entrance gate and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a decision to refuse planning permission for the following reasons:

1. The site of the proposed development is located in a rural area under strong urban development pressure, as set out in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of Environment, Heritage and Local Government in April 2005, wherein it is the policy to distinguish between urban generated and rural generated housing need. 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 viability of smaller towns and rural settlements.

Having regard to the documentation submitted with the planning application, the existing proliferation of one-off housing in this rural location, and to the number of similar developments permitted within the family landholding, it is considered that the applicant has failed to demonstrate an economic or social need to live in the rural countryside and has not demonstrated that their housing needs could not be satisfactorily met in established nearby settlements of Navan or Kells

Furthermore, it is considered that the proposed development would contribute to, and exacerbate, the encroachment of random rural development in an area of open countryside where there is a proliferation of one off dwellings, which would set an undesirable precedent for further development 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.

2. The proposed development would give rise to an excessive density of development in a rural area lacking certain public services public service and community facilities and would establish an undesirable precedent for further development of this type. In addition, the proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2013-2019 as varied which seeks to provide more sustainable formats of development within the rural area, through supporting the vitality of lower order centres and existing local community facilities including policies / objectives RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 10 and RD OBJ 1. The development would therefore be contrary to the proper planning and sustainable development of the area.
3. The development contravenes materially conditions attached to existing permissions for the development namely, condition number 3 attached to the

permission granted by Meath County Council under planning register reference number KA/40653.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planners report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- None

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

- None

4.0 **Planning History**

Appeal Site

- ABP306950-20: permission was refused to Louise Murtagh for a new single story dwelling house, the installation of a waste water treatment plant and soil polishing filter, the modification of an existing site entrance gate and all associated site works for the following reasons:

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 and in a ‘Strong Rural Area’ according to the Meath County Development Plan 2013-2019. Taken in conjunction with existing development in the vicinity, it is considered that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation

of the rural environment. The proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would establish an undesirable precedent for further development of this type. In addition, the proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2013-2019 (as varied) which seek to provide more sustainable formats of development within the rural area, through supporting the vitality of lower order centres and existing local community facilities including policies/objectives RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 10 and RD OBJ 1. Such policies and objectives are considered to be reasonable. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The design of the proposal, particularly the dominant hipped roof, is considered to be contrary to the guidance for new dwellings in rural areas set out within the Meath Rural Design Guide, Appendix 15 of the Meath County Development Plan 2013-2019 (as varied). The proposal is considered to be at variance with the rural building traditions, would establish an undesirable future precedent, and as such would be contrary to the proper planning and sustainable development of the area.
 3. The development contravenes materially conditions attached to existing permissions for development namely, condition number 3 of KA/40669 and condition no 3 of KA/40653 which provide for the sterilisation from any housing or non-agricultural development on the entire remainder of the landholding of which the appeal site forms part. The requirements of such conditions are considered reasonable having regard to the existing level of development in the area.
- KA/60405: Planning permission refused to current applicant in September 2006 for a dormer dwelling, detached domestic garage, effluent treatment system with percolation area and vehicular entrance. Reasons for refusal related to excessive density of development, excessive concentration of waste water treatment systems in unserviced rural area, material contravention of

Conditions attached to P.A. Ref KA 40669 and concerns relating to the site assessment and suitability of site to accommodate disposal of effluent.

- KA/60187: Planning permission refused to current applicant in May 2006 for dormer dwelling, domestic garage and effluent treatment system with percolation area and vehicular entrance. Reasons for refusal cited inadequate provision for treatment of effluent from the development and the proposed design would be at variance with the rural character of the area and would materially contravene the design guidance set out within the Meath County Development Plan.

Site to the west of appeal site

- KA40154 –Application by Paddy and Susan Clarke (Murtagh) for an entrance from public road, dormer style dwelling, garage, septic tank and percolation area. Request for further information issued in June 2004. Application withdrawn in July 2004.

Site to the north west of appeal site

- KA/40653: Planning permission granted to Orla Murtagh and Karl Brady in June 2005 for domestic dwelling, vehicular entrance and effluent treatment system and percolation area. The development description outlines that the decision relates to a revised site layout from that previously submitted. Condition 3: Condition relating to a legal agreement in relation to the sterilisation of the larger landholding in which the site is located from future residential development.
- KA/40270: Permission refused to Orla Murtagh and Karl Brady, July 2004, for dormer style dwelling. Reasons for refusal relate to over development of land holding, excessive density of development in an unserved rural area and detrimental to the rural character of the area.

Existing residential dwelling to the north of appeal site

- KA/40669 Planning permission granted to Aoife Murtagh and David Reilly in June 2005 for construction of a domestic bungalow, garage, waste water treatment system. Condition 3 related to a legal agreement in relation to the sterilisation of the larger landholding in which the site is located from future

residential development in order to ensure a density of development appropriate to the rural area and to protect agricultural land.

- KA/40248: Planning permission refused to Aoife Murtagh and David Reilly in July 2004 for dormer bungalow, garage and waste water treatment system. Dwelling to the north east of appeal site
- ABP.223673 - Planning permission refused to Michael Murray by Meath County Council in May 2007 and An Bord Pleanala in December 2007 for retention of 2 storey dwelling, waste water treatment system. Reasons for refusal related to the scale, height and design of dwelling being out of character with the area, excessive concentration of effluent treatment systems in the area, excessive density of development in the rural area and that the proposed development would be contrary to planning condition no. 3 of both ref: KA/40669 and KA/40653.
- ABP 231881 – Planning permission refused to Michael Murray for retention of 2 storey dwelling and demolition of single storey living area and car port area. Reasons for refusal in accordance with those cited under P.A. Ref KA/70152, PI 17.223673.
- KA/121025 – Application by Rose Murray for planning permission for retention of 2 storey house to a ridge height of 9.248m and ancillary residential facilities deemed invalid by Meath County Council in November 2012.
- KA/130051 - Application by Rose Murray for planning permission for retention of 2 storey house to a ridge height of 9.248m and ancillary residential facilities deemed invalid by Meath County Council in February 2013.

Site to south west of appeal site

- ABP 223053: Planning permission refused to Sinead Murtagh for dwelling, entrance and wastewater treatment system on grounds of excessive density of development, traffic hazard and concerns relating to soil conditions and concentration of the waste water treatment systems in area.
- KA/70777: Planning permission refused to Sinead Murtagh in January 2008 for dwelling, entrance and wastewater treatment system.

5.0 Policy Context

5.1. Development Plan

Meath County Development Plan 2013-2019 5.1.1. The application site is located on unzoned rural lands, outside of any identified settlement in the Meath County Development Plan 2013.

- Section 10.2 refers to the Rural Settlement Strategy. This outlines that “rural development should be consolidated within existing villages and settlements that can build sustainable rural communities”.
- The Goal of the Strategy seeks: ‘To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process’.

5.2. Strategic Policies and Objectives include:

- 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.
- RUR DEV SO 5 - To support the vitality and future of Graigs for rural development and ensure a functional relationship between housing in Graigs and the rural area in which they are located.

- Three categories of rural area are identified within the County Development Plan. The application site is located within the Strong Rural Area (Area 2) as identified within Map 10.1 of the Meath County Development Plan.
- Area 2 is described as follows within the County Development Plan: “This area is underpinned primarily by relative levels of residential stability compared to Area Type 1 within a well developed town and village structure and in the wider rural area around them. This stability is supported by traditionally strong, agricultural, economic base and the level of individual housing development activity in these areas tends to be lower than that within Area 1 and confined to certain areas”.
- Chapter 10 identifies that the Key Challenge for this area is “To maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area”.
- The following policies relate to Area 2:
 - 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 10.5.1 – Development Assessment Criteria

5.3. Meath Rural House Design Guide is set out within Appendix 15 of the County Development Plan. Policy RD POL9 seeks “to ensure all applications for rural houses to comply with the “Meath Rural House Design Guide”.

5.4. Section 10.19 of the County Development Plan relates to technical requirements for new housing. The following policies are noted:

- RD POL 41 Roadside Boundaries
- RD POL 43 One Off Houses

5.5. Sustainable Rural Housing Development Guidelines 2005

5.6. With respect to sterilisation agreements the Guidelines state, “In areas where very significant levels of rural housing development have taken place on the edges of cities and towns and where such areas may be tending to become overdeveloped, such agreements have provided a useful tool in enabling planning authorities to support rural generated development on the one hand while avoiding over development of an area on the other. However, the inflexible nature of such agreements limits their usefulness except in highly exceptional circumstances.”

5.7. **National Planning Framework**

5.8. 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;

5.9. **Regional Economic Spatial Strategy for the Eastern and Midland Region**

5.10. The RSES recognises the major contribution that the rural areas make towards regional and national development in economic, social and environmental terms. The RSES aims to strengthen the fabric of rural Ireland, supporting rural towns and communities as well as the open countryside, improving connectivity, and supporting job creation, particularly in a more diverse range of sectors.

5.11. The RSES supports the consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the Core Strategies of the County Development Plans.

5.12. **Natural Heritage Designations**

5.13. There are no relevant designated areas within the vicinity of the site. Nearest Natura 2000 sites include the River Boyne and Blackwater SAC and River Boyne and Blackwater SPA c.2.7km to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of Meath county council to refuse permission for a dwelling. The grounds of appeal have been prepared by Strand Architects on behalf of the applicant and can be summarised as follows:

- Two applications were refused and unchallenged in 2006.
- A revised application was submitted in 2019 which sought to address the renewed county development plan and other changes such as EPA requirements.
- Floor area of house was significantly reduced, and pre-planning was entered into.
- The 2019 application was refused for three reasons and an appeal was lodged based on a number of grounds which are listed, the appeal was refused based on a number of reasons.
- In term of planning policy the Council had placed requirements on the applicant over and above the requirements within the development plan.
- Reference is made to the type of rural area the site lies within, reference is also made to area types identified within the Sustainable Rural Housing Guidelines.
- Reference is made to section 34(2) of the planning and development act.
- Reference is made to the NPF and it is stated that policies within should not be used by planning authorities to override the provision of existing development plans when deciding about individual applications for planning permission.
- It is therefore inappropriate for planning authority to cite the NPF when deciding the application.
- Site is located in a strong rural area not an area under strong urban influence as identified within the planner's report.
- The appeal site is not within commuter area of Navan or Dublin.
- Not correct to refuse application on economic or social need.

- The rural housing policy is cited.
- The applicant agrees that there is a requirement for her to demonstrate that she is an intrinsic member of the rural community but there is not a requirement on her to demonstrate an economic or social need.
- In placing such requirements on the applicant the Council erred in their judgement.
- The applicant has always lived in Faughanhill and works nearby.
- No dwellings have been added in this cul de sac since 2008.
- The site assessors report states that development surrounding the site would not be considered dense and all required separation distances can be achieved.
- The site is larger than the minimum size suggested in the Meath County Council's Rural Design Guide.
- The site has been in the ownership of her family for a number of generations.
- Applicant wishes to remain living close to relatives.
- Ministerial guidance does not advise that intrinsic members of rural communities such as the appellant should be caused by planning authorities to move from communities of which they are long term intrinsic members to live in established urban settlements with which they have no previous association.
- The development would not be considered as or contributing to ribbon development.
- No criteria outlined to reach the Council's conclusion in relation to density of development in the area.
- The site coverage, separation from other properties and scale of development is low, therefore it is reasonable to conclude that the proposed development would not lead to an excessive density of development when viewed in the context of the built environment of county Meath generally.
- Density of development was not mentioned in the Council's reasons for refusal of 2019 application or the 2006 applications.

- In failing to identify the criteria for the assessment of density the Council decision lacks transparency in the application and interpretation of development plan policy.
- Permissions have been granted on the lane through the period that the applicant has been applying.
- The site and area is well served by services which are listed.
- Development would allow for consolidation of rural area.
- The proposed development is rural generated.
- There will be an ongoing need for rural housing.
- It is a goal of the development plan to meet rural housing needs such as that of the applicants.
- No Section 47 agreement is in place with regard to the sterilisation of lands.
- MCC transportation section had no objection to the proposed access.
- A plan is submitted showing the applicant's mother's house.
- The scale and circumstances of an unauthorised development adjacent to the applicant's site should not have any bearing of the assessment of the applicants' application.

6.2. Planning Authority Response

- The development would be inconsistent with the policies and objectives of the County Development Plan.

6.3. Observations

- None

7.0 Assessment

- 7.1. This is a first party appeal against Meath County Councils decision to refuse planning permission for a single storey dwelling within an area identified as being 'Under Strong Urban Influence' within the Meath County Development Plan 2013-2019. I am satisfied

that the issues for consideration before the Board can be limited to the grounds of appeal, no other substantive issues arise. It is of note that the grounds of appeal refer to wastewater in the context of the density of development. The issues to be considered can be summarised as follows:

- Compliance with Rural Housing Policy
- Condition 3 attached to KA/40669 and KA/40653
- Appropriate Assessment.

Compliance with Rural Housing Policy

- 7.2. The appeal site appears to be located within an “Strong Rural Area” within Map 10.1 of the Meath County Development Plan, however it is of note that the site is directly abutting the boundary of an area identified as being an ‘Area under Strong Urban Influence’. I note that the Council assessed the proposed development on the basis that the lands were located within Area type 1. I note that the Map 10.1 as referred to is of poor resolution but having carried out a site inspection I am satisfied that the site is located within lands identified as Area Type 2 – Strong Rural Area. The Development Plan states that it is the policy of the Planning Authority to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.
- 7.3. I note that the Council within the first reason for refusal refer to the policy requirements of the National Planning Framework in relation to demonstrable economic and social need. The applicant considers that the Council erred in their judgement in citing the National Planning Framework within their reasons for refusal.
- 7.4. Whilst I acknowledge the applicant’s frustrations in this regard, the National Planning Framework is the overriding higher tier policy document for development nationally, the Council are therefore obliged to demonstrate compliance with the NPF and are at liberty to refer to the policy requirements within it for the purpose of the assessment of development.
- 7.5. I note that the NPF recognises that there is a continuing need for housing provision for people to live and work in Ireland’s countryside. The document states that a more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are ‘not subject to urban development pressure’, this caveat is of

particular relevance to the appeal before the Board, given the location of the appeal site within a strong rural area as outlined above. This policy position is intended to assist in sustaining more fragile rural communities. One-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements.

- 7.6. The area in the vicinity of the site is semi-rural in nature and characterised by a number of one-off rural dwellings, agricultural buildings and open agricultural land. The planning history, summarised in Section 4 of this report, demonstrates that the appeal site and larger landholding which the appeal site forms part of has experienced significant development pressure.
- 7.7. I note that Planning permission has previously been refused for development of a dwelling on the site as outlined in Section 4 above. A Section 47 Sterilisation Agreement was a condition of two previous permissions in relation to dwellings to the north of the site (P.A. Ref. Nos. KA/40669 and KA/40653) which relate to the original landholding and are the subject of this appeal.
- 7.8. The existing level of development and planning history demonstrate that the area is under strong development pressure, which is not uncommon in such fringe areas of lands identified as being Under Strong Urban Influence. As such I consider that a flexible approach as referenced within the NPF is not applicable to the assessment of this development.
- 7.9. Section 10.4 of the county plan sets out the various criteria under which applicants can demonstrate their local housing need. In this regard, persons local to an area are considered to include “persons who have spent substantial periods of their lives, living in the rural area 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”.
- 7.10. It appears from the documentation submitted with the planning application and the response to the appeal that the applicant has strong and long-term family ties to the area, has and is residing in the family home, does not own any other property and is working as a cleaner in the local school.

- 7.11. Meath County Council's first reason for refusal also states that the applicant, in failing to demonstrate an economic or social need to live in the rural area has also not demonstrated that their housing need could not be satisfactorily met in nearby settlements. The appellant contends in this regard, that the policies in the Meath County Development Plan do not state that all residential development should be directed to serviced areas but rather that urban generated housing should be directed to areas zoned for new housing development. In this regard it is contended that the proposal would not contravene the policies of the County Development Plan.
- 7.12. In considering the above, I note that the policies and objectives of the Meath County Development Plan seek to provide more sustainable formats of development within the rural area through supporting the vitality of Graigs and existing local community facilities in offering attractive housing options to meet the needs of the established rural communities. Relevant policies and objectives in this regard include RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 10 and RD OBJ 1. 7.2.17.
- 7.13. The appeal site is located within an unzoned rural area removed from any town, village or Graig identified within the rural settlement hierarchy. Bohermeen, which is designated as a Graig, is the nearest designated centre within the settlement hierarchy and located c. 2km from the appeal site. I consider that the proposed development would serve to undermine the viability of the graigs and notion compact development. I also consider, that the proposed development, given its location significantly removed from any settlement centre and public transport networks would be heavily dependent on the private car, and as such would only further hamper Irelands attempts to move toward a low carbon economy and would only serve to exacerbate long term problems such as climate change.
- 7.14. I further consider that the development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and based on the foregoing I consider that the proposal would be contrary to the proper planning and sustainable development of the area. The proposal would therefore be contrary to the policy provisions of both the Meath County Development Plan 2013-2019 and the National Planning Framework in this regard.

Density of development

7.15. Within the second reason for refusal the Council contends that the proposed development would give rise to an excessive density of development in the rural area lacking certain public services and community facilities and by doing so would set an undesirable precedent for similar development in the area. The applicant in response to this reason for refusal refers to a report prepared by Dr. Robert Meehan, in which the density of development is referred to in the context of the proliferation of on-site wastewater treatment systems. It is stated within Dr. Meehan's report that the revised EPA Guidelines refer to a density of 6 houses to the hectare to be of concern and the proposed development is 2-3 houses per hectare. Whilst I acknowledge Dr. Meehan's contentions with regard to density issues pertaining to on-site wastewater treatment systems, it is important to note that the contentions of this reason for refusal pertain to the impact of development on the vitality and viability of adjacent lower order settlements and community facilities. The issue of such impacts has been adequately addressed in the foregoing paragraphs and will not be repeated hereunder.

7.16. **Contravention of Condition 3 attached to KA/40669 and KA/40653**

7.17. Meath County Council's 3rd reason for refusal refers to the contravention of the condition no. 3 attached to KA/40669 and KA/40653 which states:

7.18. *"Prior to the commencement of any development the owner of the landholding of which the land forms part as shown outlined in blue on the location map submitted on 23/12/05 shall have entered into a legal agreement with the Planning Authority under Section 47 of the Local Government (Planning and Development) Act 2000 providing for the sterilisation from any housing or non-agricultural development on the entire remainder of this landholding"*

7.19. The applicant states that other permissions were granted in the vicinity of the site during subsequent to her 2006 applications, it is also contended by the applicant that there are no Section 47 agreements to enforce these conditions and as such they are not relevant to the appeal site.

7.20. I note that these conditions relate to the larger landholding of which the subject site formed part. I further note that this issue was addressed within the previous appeal at this site (ABP 309650) in which reference is made to the guidance set out within the Sustainable Rural Housing Development Guidelines 2005 which outlines that "the

inflexible nature of such agreements limits their usefulness except in highly exceptional circumstances”.

- 7.21. On review of the planning history of the site, I note that such exceptional circumstances were deemed to relate to the landholding by both Meath County Council and An Bord Pleanála. On this basis, notwithstanding the case made within the first party appeal, it remains a fact that the sterilisation conditions were applied to a larger landholding of which the subject site forms a part and therefore relate directly to the appeal site.
- 7.22. The developments permitted under P.A. Ref KA/40669 and P.A. Ref KA/40653 were implemented. There is no evidence on the file to suggest that any steps were taken to remove these conditions. While I have considered the subject application on its individual merits, these conditions are a material consideration. While no details of such legal agreements have been provided by the appellant, I consider that further development on the landholding would be contrary to the intent of the conditions.
- 7.23. Having regard to the above reasons and considerations and the fundamental concerns in relation to the overall principle of the proposal I see no material evidence to warrant a change in decision by the Board in this regard. I therefore recommend that the planning authority’s third reason for refusal is upheld.

Appropriate Assessment

- 7.24. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is refused for the following reasons:

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 and in a ‘Strong Rural Area’ according to the

Meath County Development Plan 2013-2019. Taken in conjunction with existing development in the vicinity, it is considered that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment. The proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would establish an undesirable precedent for further development of this type. In addition, the proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2013-2019 (as varied) which seek to provide more sustainable formats of development within the rural area, through supporting the vitality of lower order centres and existing local community facilities including policies/objectives RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 10 and RD OBJ 1. Such policies and objectives are considered to be reasonable. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development contravenes materially conditions attached to existing permissions for development namely, condition number 3 of KA/40669 and condition no 3 of KA/40653 which provide for the sterilisation from any housing or non-agricultural development on the entire remainder of the landholding of which the appeal site forms part. The requirements of such conditions are considered reasonable having regard to the existing level of development in the area.

Sarah Lynch
Senior Planning Inspector

16th May 2021