



An
Bord
Pleanála

Inspector's Report ABP-310200-21

Development	Construction of a single storey dwelling with septic tank and percolation area, domestic entrance, including all associated site works
Location	Fletcherstown, Wilkinstown, Navan, Co Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	KA202028
Applicant(s)	Niamh Birmingham.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Edward Kenny
Observer(s)	None.
Date of Site Inspection	29 th May 2021.
Inspector	Sarah Lynch

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1.0 Site Location and Description

- 1.1. The site is located at Riverstown Crossroads to the east of St.Colmcille Church which is a Protected Structure (ref: MH018-101), in the townland of Fletcherstown which is c. 2km west of Wilkinstown village. The site comprises an area of c. 0.202ha and is rectangular in shape, bounded by a mature hedgerow and relatively flat in terms of topography.
- 1.2. The site is within an area identified within the Meath LCA as the North Navan Lowlands Landscape Character Area with moderate value and moderate sensitivity to development changes.
- 1.3. The surrounding landscape is sparsely developed, and the general area comprises a picturesque rural landscape, predominately utilised for agriculture. A farm complex is located within the lands directly north of the appeal site.

2.0 Proposed Development

- 2.1. The development will comprise a single storey dwelling, septic tank and percolation area, domestic entrance and all associated development.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council determined to grant permission for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report was consistent with the decision of the planning authority, further information was requested in relation to the following items:

- Local Needs
- Revised layout positioning the house further back from the public road
- Address the third party submissions.

The applicant's response to the further information request is summarised as follows:

- The townland has been reviewed and noted as Dowdstown.
- Family home is located 3km from site. Local ties to the area have been demonstrated by documentation.
- Applicant is familiar with rural activity and does not foresee any issues with regards to farming.
- The proposed dwelling will allow the applicant to remain in the community.

3.2.2. Other Technical Reports

- MCC Conservation Officer – no objection
- MCC Transportation Section – applicant has not demonstrated sightlines from entrance and proposed roadside piers and gates are too close to the edge of the road.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One submission was received, the issues raised are outlined in the grounds of appeal.

4.0 Planning History

There is no recorded history for the appeal site, and no relevant decisions within the immediate vicinity of the site.

5.0 Policy Context

5.1. Development Plan

Meath County Development Plan 2013-2019

The application site is located on unzoned rural lands directly abutting the boundary of lands identified as being under strong urban influence and within a Strong rural area, 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 a transition area abutting a rural area under Strong Urban Influence (Area type 1) but within a ‘Strong Rural Area’ (Area Type 2) as identified within Map 10.1 of the Meath County Development Plan.

- Rural Areas under Strong Urban Influence are described as follows within the County Development Plan: “This area exhibits the characteristics of proximity to the immediate environs or close commuting catchment of Dublin, with a rapidly rising population and evidence of considerable pressure for development of housing due to proximity to such urban areas.”
- Strong Rural Areas are described ‘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 a traditionally strong, agricultural, economic base and the level of individual housing development activity in these areas tends to be lower than that within Area Type 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 this area:

- RD POL 4 To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- RD POL 5 To 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. **National Planning Framework**

5.6. 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'.

5.7. Regional Economic Spatial Strategy for the Eastern and Midland Region

5.8. 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.

5.9. 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.

5.10. Natural Heritage Designations

5.11. 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.5km south of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted by Edward Kenny and can be summarised as follows:

- The address of the appeal site is incorrect, the application should have been deemed invalid.
- Applicant did not know address and attended school in Navan Town, she is not a local.
- Applicant is not involved in any rural based activity and has no site specific need for a house at this location.
- The applicant works in Dublin c. 62km away from the site, the application is an urban generated rural development.
- It is a policy of the County Development Plan to encourage development in rural areas such as graigs. The local villages of Castletown and Wilkinstown are closer to the applicants family home and would be a more suitable location for the applicant to build.
- The LCA has low potential capacity for one off housing and residential development should focus on consolidating urban edges and improving urban landscape condition.
- Site is located in a Strong Rural Area where Government policy is to discourage one off housing.
- Application is of a speculative nature.
- The development would set an undesirable precedent for similar development.
- Development will impact setting of the Fletcherstown Church which is a protected structure.
- House does not meet design guidelines within Development Plan.
- Site is too narrow to accommodate a house.

- Development will be overbearing and dominant.
- Site is 0.2ha which is less than the required size for a one off.
- House is not set back enough to allow a car to turn.
- Sightlines cannot be achieved.
- Entrance is located c. 50 metres from junction.
- House will affect the flora and fauna of the area.
- A dairy is located adjacent to the house and the proximity of the house would curtail the operation of the dairy and the spreading of slurry as the house will be on a well.
- Unnecessary sporadic one off housing has a detrimental effect on legitimate rural based activities.
- The location of the house will interfere with an annual pheasant shoot.

6.2. Applicant Response

The applicant responded to the grounds of appeal as follows:

- Address of site was clarified in further information received.
- Applicant lives in family home 3km from site, proof of residence was substantiated by documentation submitted to MCC
- Applicant states she complies with Meath Rural Housing Policy
- House design accords with MCC Rural Design Guide
- Relationship with Fletcherstown Church was considered carefully at design stage, and is respectful of setting of Protected Structure.
- Site is not too narrow and can comfortably accommodate a dwelling
- Access is set back from junction by 50 metres and can be accommodated adequately.
- Applicant is habituated to farm activities and does not foresee any issues in this regard.

6.3. Planning Authority Response

- MCC have submitted a response which requests that the board uphold its decision to grant permission. The Council consider the proposed development accords with the relevant policies and objectives of the current Meath County Development Plan.

6.4. Observations

- None

7.0 Assessment

7.1. This is a third party appeal against Meath County Council's decision to refuse planning permission for a single storey dwelling within an area identified as a Strong Rural Area 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. The issues to be considered can be summarised as follows:

- Compliance with Rural Housing Policy
- Access
- Impact on Protected Structure
- Siting and design of the dwelling
- Impact on agricultural business practices
- 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.

- 7.3. The appellant contends within the grounds of appeal that the applicant's family home is closer to existing graigs than it is to the appeal site. It is also contended that the appeal site is urban generated and not appropriate to this rural site. The appellant states that the applicant attended school in the town of Navan commutes to work in Dublin thus having no economic ties to the rural area. It is further stated within the grounds of appeal that the overriding policy of the Meath Development plan is to consolidate urban areas and that national policy guidance in such areas seeks to prevent such speculative one-off housing development. I note that the applicant states within the application that she grew up in the area and is familiar with rural based activity. Compliance with the Meath Rural housing policy and national policy in relation to rural development will be examined hereunder.
- 7.4. The Development Plan as outlined within Section 5.1 above, 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.
- 7.5. 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. Nonetheless, one-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements.
- 7.6. 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.
- 7.7. The appeal site is located within an unzoned rural area removed from any town, village or Graig identified within the rural settlement hierarchy. Wilkinstown, which is

designated as a Graig, is the nearest designated centre within the settlement hierarchy and located c. 2.2km from the appeal site. I consider that based on the information submitted in which it is clear that the applicant is not engaged in any rurally based economic activity which would necessitate a dwelling at this location, the proposed development would serve to undermine the viability of the graigs and notion compact development.

7.8. 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.

7.9. 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.

Access

7.10. I note from the plans submitted that the proposed development, which is accessed via a single-track rural lane whereby vehicle speeds are significantly lower than that of the actual road speed, that visibility at the proposed entrance is restricted by existing hedging in both directions. However, I note that the road alignment is straight in both directions, and as such improved sightlines could be achieved through the removal and replanting of the existing hedgerow. Such works can be adequately dealt with by way of condition. Thus, whilst I note the appellants concerns in this regard, I do not consider the issue to be of such magnitude to warrant a refusal of planning permission.

Impact on Protected Structure

7.11. Concerns have been raised within the grounds of appeal in relation to the impact of the proposed development on the curtilage of Fletcherstown Church (St. Columcille's) which is included within the Record of Protected Structures within the Meath County Development Plan 2013-2019, (ref: MH018-101). I note that the Meath Conservation Officer within his referral response dated the 15th February 2021, stated that he had

no concerns in relation to the proposed development with regard to impacts upon the church. It is stated within this referral response that the proposed development would form a cluster with the existing church at the Riverstown Crossroads.

- 7.12. The proposed development will be located on the opposite side of the road to the Protected Structure and being of single storey in height and of modest design I consider that when viewed in conjunction with the church it would appear as a subservient building form which would not in any way impact upon the setting of this Protected Structure. I am therefore satisfied that the integrity of St. Columcille's Church would remain unaltered by the proposed development and no negative impacts to the visual setting of the church and surrounds would occur.

Siting and Design of the Dwelling

- 7.13. The appellant has raised concerns in relation to the design of the proposed dwelling, stating that the development would not meet the criteria set out within the Meath Rural Design Guidelines and would appear overly dominant and overbearing within the landscape.
- 7.14. I have reviewed the requirements of the Meath Rural Design Guidelines and note within Section 4.1 reference is made to the acceptability of a traditional single narrow plan cottage of simple form. The proposed development appears as a modern interpretation of this form of building and given its limited floor area and use of traditional material I am satisfied that the proposed dwelling is of acceptable design and proportions and is in accordance with the requirements of the Meath Rural Design Guide. Such simple yet eloquent design is reflective of traditional Irish dwellings and is appropriate to this rural setting.

Impact on agricultural business practices

- 7.15. I note from the grounds of appeal that the appellant has raised concerns in relation to the potential for the proposed development to impact the functioning of his dairy farm which is located directly to the north of the proposed development. It is contended that the presence of a dwelling at this location will inhibit the appellant from utilising his full landholding for slurry spreading, given the required separation distances from private wells. I have reviewed such distances and note that 25 metres is required from any water source for human consumption. I note that from the planning application form submitted with the application that the water supply to the proposed dwelling will be

from a proposed new well. However, the location of this well is not indicated within the layout plans submitted. Whilst I am not concerned about the implications of slurry spreading given the presence of a large mature hedgerow separating the development site to the field to the north which would inevitably provide for adequate separation from slurry spreading. The location of the well is required in order to ensure that adequate separation distances are provided for on site between the proposed on-site waste water treatment system and the proposed well. This would have to be addressed in any future application.

Appropriate Assessment

- 7.16. 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.

Conclusion

- 7.17. Having regard to the foregoing I consider the main issues of concern before the Board relate to the principle of the proposed development and as aforementioned the failure of the applicant to adequately demonstrate compliance with the rural housing policy of the Meath County Development Plan and would serve to undermine the notion of compact development and would serve to militate against the preservation of the rural environment and undermine the objective of the Council to provide more sustainable formats of development within the rural area, through supporting the vitality of lower order centres and existing local community facilities.

8.0 Recommendation

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

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 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.

Sarah Lynch
Senior Planning Inspector

11th June 2021