



An  
Bord  
Pleanála

## Inspector's Report ABP-311029-21

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<b>Development</b>	Construction of 5 holiday cottages comprising; conversion of agricultural buildings to a two-storey house, 3 single storey houses, and refurbishment of cottage to a single storey house.
<b>Location</b>	Crumpstown or Marshallstown, Kilmessan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21967
<b>Applicant(s)</b>	Michael Corcoran.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Corcoran.
<b>Observer(s)</b>	Brian & Catriona Flaherty. Tom & Kay Madden. Rory & Anna Flaherty.

**Date of Site Inspection**

18<sup>th</sup> January 2021.

**Inspector**

Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 3.75ha and is located on the south-eastern side of a local road which links the R154 Trim/Clonee road with the village of Kilmessan in County Meath. It is approximately 2.6km from Kilmessan village and is located in a rural area characterised by dispersed one-off houses and agricultural land.
- 1.2. The site is accessed from the public road through a double gated access and a long driveway which leads to a central yard with a thatched house and a number of farm buildings facing onto the house and the yard. To the rear of these buildings is horse walker and a fenced off sand arena. To the north of the yard is an open barn structure with a barrel-vaulted metal roof. The remainder of the landholding comprises open fields which are bounded by hedges on all sides.
- 1.3. To the rear of the site and to the east is an agricultural yard with a number of large sheds in place along the site boundary. Within the field to the north of the site is a detached house with associated commercial dog kennels. Directly to the south of the site is a detached house with a commercial food business to the rear. Access to the house and the business is from a double gate and laneway positioned directly beside the entrance to the subject site. Both access lanes are separated by a row of trees and hedges.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the development of an equestrian holiday centre which would comprise 5 holiday homes for short-term letting, a parking area for 6 cars with horse boxes or trailers, the replacement of the existing sewage system with a modern sewage treatment plant and the installation of a surface water drainage system. Additional landscaping and planting would also be provided throughout the site.
- 2.2. The holiday homes would be provided by refurbishing existing buildings on the site and would include the conversion of a barn to a two storey, three-bedroom dwelling, the conversion of two stable buildings, each to a one-bedroom single storey dwelling,

the conversion of a shed to a two bedroom, single storey dwelling and the refurbishment of a stone cottage to a two bedroom single storey dwelling.

- 2.3. Access would be from the existing entrance onto the L2205. The existing gate would be recessed by 15m from the edge of the public road to allow sufficient space to pull-in.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission was refused by the PA for the following two reasons:

1. Based on the lack of any detailed planning justification for the proposed development submitted with the application, showing how the proposed development adheres to the relevant policies and objectives of the Meath County Development Plan, 2013 to 2019, as varied, (Rural Enterprise Policies: ED POL 17, ED POL 20, ED POL 21, ED POL21, ED POL 22 and Tourism Infrastructure Policies ED POL 34, ED POL 38 and ED POL 42), it is considered that the applicant has not sufficiently demonstrated that the proposed development is appropriate and in accordance with the proper planning and sustainable development of the area. The proposed development therefore, if permitted, would be contrary to the proper planning and sustainable development of the area.
2. The Applicant has not sufficiently demonstrated that the proposed wastewater treatment system can adequately manage the disposal of wastewater from the site. In the absence of this information in order to properly assess the impact on the local environment, to permit the said development could be prejudicial to public health due to the risk of pollution and would not be in accordance with the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The decision of the PA was informed by the report of the PO dated the 13<sup>th</sup> July 2021, which raised the following points:

- The applicant has not demonstrated sufficient compliance with the Rural Enterprise policies in the Development Plan, i.e. ED POL 17, ED POL 20, ED POL 21 & ED POL 22 in terms of an onsite equestrian centre.
- The site layout plan indicates the intention of the applicant to construct stables on the site that fall within the scope of exempted development.
- Owing to the location of the stables, within 100m of residential dwellings, (recently permitted under PA Reg. Ref. TA201606 and TA201607), it appears that they would not meet the conditions and limitations of Schedule 2, Part 3, Class 6 of the Planning & Development Regulations 2001. Notwithstanding this the commercial nature of the equestrian centre would require planning permission.
- Reference is made to an existing equestrian centre at Brownstown, however no planning reference or documentary evidence has been submitted regarding this.
- The applicant has not sufficiently demonstrated compliance with the provisions of Development Plan policies in relation to Tourism, i.e. ED POL 34, ED POL 38 & ED POL 42.
- The design proposal for each of the structures to be repurposed allow for the retention of the integrity and character of the rural vernacular structures and would not harm the residential or visual amenity of the area.
- The applicant has not demonstrated that the proposed wastewater treatment system can adequately manage the wastewater from the site.

### 3.2.2. Other Technical Reports

- Environment Section – The proposed system is undersized to cater for the proposed effluent generated. It is recommended that further information be requested.
- Transportation – No objection to the proposal subject to planning conditions.

- Conservation Officer – The report of the PO makes reference to comments received by email from the Conservation Officer. However, there is no record of the email on the appeal information.
- Water Services - No objection to the proposal subject to planning conditions.
- Public Lighting – No objection.

### 3.3. **Prescribed Bodies**

Irish Water – No objection subject to planning conditions.

### 3.4. **Third Party Observations**

5 third party observations were received by the PA during the public consultation phase. The following issues were raised:

- Over development of the rural area,
- Increase in traffic on a constrained road would create a hazard,
- An established business operates from the site and has planning permission to expand.
- Planning permission was granted for two houses next door to the site, which will add to the traffic.
- Increase in noise and nuisance,
- Inadequate sightlines for vehicular access,
- Lack of details on the business,
- Concerns regarding the effluent and waste generated from the proposal,
- No facilities shown for the equestrian element and where foodstuff will be stored etc.
- Concerns raised regarding the right of way over the entrance.

## 4.0 Planning History

### 4.1. On the subject site:

**PL.17.247586, (PA Ref. TA160073)** – Planning permission refused by ABP on the 29<sup>th</sup> March 2017 for the construction of a two-storey detached dwelling with detached domestic garage and new vehicular entrance. Three reasons for refusal are listed as follows:

1. The subject site is located in the open countryside, in an area which would correspond to the rural area type “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, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need. Furthermore, it is the overall goal of the planning authority, under section 10.2 of the current Meath County Development Plan, to ensure that rural-generated housing needs are accommodated in rural areas, subject to satisfying normal planning criteria, and that urban-generated housing needs are to be accommodated within built-up areas. On the basis of the documentation submitted in support of the application and the appeal, including the nature and locations of their employments and their existing ownership of a dwelling, it is considered that the applicants have not demonstrated that they come within the scope of the rural generated housing need criteria for a house in this rural location, and accordingly the proposed development would represent urban generated rural housing. The proposed development would consolidate a pattern of suburban type development in an unserviced rural area and would, therefore, be contrary to the Ministerial Guidelines, to the provisions of the County Development Plan and to the proper planning and sustainable development of the area.
2. The proposed development is located in an area designated in the current Meath County Development Plan as of high landscape value by virtue of its positive characteristics, sense of place or local associations. It is the strategic policy of the planning authority, as set out in this Plan, to protect the landscape character, quality and local distinctiveness of such landscapes. It is

considered that the proposed development, by reason of its scale and bulk, and by reason of its visual dominance within the landscape, would detract from the rural character of the area and from the quality and local distinctiveness of the landscape of the area. The proposed development would, therefore, be visually objectionable, would contravene the provisions of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

3. The site is located on a road which is substandard in terms of the lack of provision of median lines, public footpaths or public lighting, and where adequate sightlines cannot be achieved without the removal of 3 existing trees and hedgerows (as indicated in submitted documentation). It is therefore considered that the proposed development would endanger public safety by reason of traffic hazard arising from the additional traffic movements that would be generated on this substandard road, and, if sightlines were to be improved, would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**001690** – Planning permission granted by the PA on the 23<sup>rd</sup> November 2000 for the construction of a dormer extension and alterations to existing dwelling and outhouse to include a change of use of existing outhouse to provide a dormer dwelling.

- 4.2. On the adjoining site to the south:

**TA201419** – Planning permission granted by the PA on the 28th March 2021 for an extension to the existing commercial food production facility to include a new single storey production building, ancillary storage space and staff offices, new site wastewater treatment system and associated site works.

**TA151131** – Planning permission granted by the PA on the 29th June 2016 for the change of use of existing haybarn to a commercial kitchen and associated store.

- 4.3. On the adjoining site to the south-east:

**TA201606** – Planning permission granted by the PA on the 4<sup>th</sup> May 2020 for the construction of a two storey, detached dwelling with wwts.



**TA201607** – Planning permission granted by the PA on the 3<sup>rd</sup> November 2020 for the construction of a dormer type dwelling with wwts.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3<sup>rd</sup> November 2021.
- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan.

The PA's decision to refuse planning permission for the development made reference to a number of Policies which were contained within the Meath County Development Plan 2013-2019. In the interests of clarity these policies are listed as follows:

#### Rural Enterprise Policies:

**ED POL 17** - To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises.

**ED POL 20** - To normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal

would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

**ED POL 21** - To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met: (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council; (ii) the development will enhance the strength of the local rural economy; (iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area; (iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations; (v) the proposal is in accordance with the policies, requirements and guidance contained in this plan; (vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network.

**ED POL 22** - To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This objective shall not apply to the National Road Network.

Tourism Infrastructure Policies:

**ED POL 34** - To enable, facilitate and encourage the growth and sustainability of the tourism sector through the provision of tourism enterprise developments in rural areas including open farm and integrated rural developments subject to the provision of adequate infrastructure and compliance with normal planning considerations.

**ED POL 38** - To facilitate the development of high-quality tourist accommodation such as hotels, hostels, B & Bs / Guesthouses, etc. at suitable locations, in both urban and rural settings throughout the County subject to ensuring a high standard of architecture, the provision of adequate infrastructure and compliance with normal planning considerations.

**ED POL 42** - To accommodate appropriately sited holiday home development, subject to normal planning considerations in relation to design, access and environmental matters.

5.1.4. The following sections of the **Meath County Development Plan 2021-2027** are relevant to the proposed development;

**Zoning** - The subject site is zoned objective RA – ‘Rural Area’, which has the objective, *‘To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage’*.

Within the RA zoning ‘Agri-Tourism’ is listed as a ‘Permitted Use’.

**Landscape** – The site is located within the Central Lowlands landscape, which is categorised as an area of High Value with Moderate Sensitivity. that is categorised as a ‘Lowland Landscape’.

## **Chapter 4 - Economy and Employment**

### **4.11.1 – Rural Enterprise**

**ED POL 18** - To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This policy shall not apply to sites accessed from the National Road Network.

**ED POL 23** - To support the development of activity tourism facilities, in appropriate locations, within the County subject to standard development management considerations being applied.

**ED POL 24** - To consider, on their individual merits, the reuse of redundant agricultural buildings and the development of new buildings to accommodate farm diversification / enterprise within an overall farmyard complex.

### **4.11.2 – Equine Industry**

**ED POL 28** - To support and promote the equine industry in the County as an economic and employment provider.

### **4.24 – Tourism**

**ED POL 43** - To promote the development of sustainable tourism and encourage the provision of a comprehensive range of tourism facilities, subject to satisfactory location, siting and design criteria, the protection of environmentally sensitive areas and areas identified as sensitive landscapes in the Landscape Character Assessment for the County.

**ED POL 45** - To encourage new and high-quality investment in the tourism industry in the County with specific reference to leisure activities (including walking, cycling, angling, equestrian and family focused activities) and accommodation in terms of choice, location and quality of product.

#### **4.29.2 – Holiday Homes**

**ED POL 69** - To facilitate, where appropriate, the conversion of former demesnes or estate dwellings and their outbuildings into tourism facilities subject to good Planning and architectural conservation practice.

**ED POL 70** - To ensure that the provision any accommodation (ED POL 69 refers) , shall not be occupied as permanent place of residence. This accommodation type will in any event only be considered favourably in the case of refurbishment and adaptation of a Protected Structure or group of structures within attendant grounds for tourism use.

**ED POL 73** - Holiday home / self-catering developments on a farm holding shall be provided by farmhouse extension or by the utilisation of other existing dwellings / structures on the property. Only where it has been demonstrated that these are not viable options, will permission be considered for new build development. Any new build development shall be in close proximity to the existing farmhouse.

#### **Chapter 9 – Rural Development Strategy**

**RUR DEV SO 1** - To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development.

**RUR DEV SO 8** - To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism- related industries in rural areas.

**RD POL 33** - To consider the limited conversion of outhouses and other structures attached to large country houses or other heritage structures where acceptable conservation practice is observed in line with the other policies and objectives of this plan and where acceptable site suitability has been established in terms of access, car parking, open space, wastewater disposal and maintaining the setting and amenities of the main structure.

**RD POL 34** - To respect the sensitive restoration and conversion to residential use of disused vernacular or traditional dwellings or traditional farm buildings, including those which are Protected Structures, such proposals shall not be subject to the Rural Housing Policy (i.e. local need) that applies to new dwellings.

## 5.2. National Guidance

### 5.2.1. Project Ireland 2040 - National Planning Framework

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

The NPF is broadly supportive of facilitating tourism in rural areas that focuses on the unique characteristics of these areas without impacting them negatively.

- NPO 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

## 5.3. Natural Heritage Designations

No designations apply to the subject site.

## 5.4. EIA Screening

The proposed development is of a type that constitutes an EIA project (involving construction works and demolition) and falls within a class of development set out in

Schedule 5, P&D Regulations, 2001 (as amended), Infrastructure projects (construction of dwellings). However, the development is very modest in scale, well below the threshold for EIA and is a type of development which is not likely to use significant natural resources or the production of wastes, pollution or environmental nuisance. The site is not environmentally sensitive and comprises agricultural land which is abundant in the area. There is, therefore, no real likelihood of significant effects on the environment or need, therefore, for EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal relate to the two reasons for refusal and include the following:

- Both national and local planning policy encourage new tourism facilities, including housing for holidaymakers in the open countryside. The County Development Plan, (CDP), explicitly encourages such activity to combat the decline in agricultural employment, (i.e. RD POL 10). Therefore, the proposal is in accordance with adopted policy.
- The development is of a type that which is promoted by the Council and which is accepted by the planning code.
- The first reason for refusal is at variance with planning practice for not including any actual objection to the proposal. It is not necessary to justify a development that complies with adopted policy.
- The proposal would involve the re-use of existing buildings on the site and to that end would be compatible with the principles of sustainable development.
- The proposed development related to 386.31m<sup>2</sup> of the 634.37m<sup>2</sup> site. Depending on occupancy levels, the holiday homes would accommodate between 10-20 tourists. The development can therefore be categorised as a small-scale, low-profile development, which is commensurate with the longstanding use of the site.
- It is maintained that the existing agricultural activity and the tourist pursuits will co-exist without any undue negative impacts on either activity.

- The second reason for refusal relates to comments from the Environment Section that suggest that the applicant should be given an opportunity to respond to issues raised through a request for further information.
- As part of the grounds of appeal, the applicant has submitted a response to the queries raised in the report of the Environment Section.
- As shown on Map 4(a) and Map 4(b) of the appellant's submission, it is confirmed that the area is served by a mains water supply and that there are no wells/boreholes within a radius of 500m from the position of the proposed polishing filter.
- In line with the request from the PA, a drawing is attached showing a re-sized polishing filter of 1,500m<sup>2</sup>.
- As this feature can be accommodated on the site, the Board is invited to impose a condition which requires the technical details to be agreed with the Council prior to the commencement of development.

## 6.2. Planning Authority Response

- A response from the PA was received on the 2<sup>nd</sup> September 2021. The PA has no further comment to make and is satisfied that all matters were considered in the course of its assessment of the planning application, as detailed in the report of the Planning Officer.

## 6.3. Observations

Two observations were received. A joint observation was received from the neighbours to the south and north of the site.

- The proposal would constitute overdevelopment of the unzoned and unserviced rural area by effectively creating a small village setting.
- The proposal shows 12 new stables to be constructed under Exempt Development Regulations, Class 4, Agriculture. This exemption is not

accepted by the PA as a result of extant permissions for 2 no. houses within 100m of the proposed stables.

- No information is provided with regard to the equestrian business even though it is the cornerstone upon which the residential element is built. There is no detailed plan as to what equestrian activity will take place, who will run it and where the staff accommodation will be, (if any).
- The proposed equestrian facility is a commercial proposal which requires planning permission and not merely for the keeping of horses.
- The increased size of the percolation area is located directly adjacent to the boundary of the site to the north and presents a serious risk of health hazard. No Engineering report has been provided to validate the safety of this revised proposal.
- The provision of 6 parking spaces is insufficient for a proposal of this size and could lead to parking on the lane which would be a traffic hazard.
- The 90m sightline to the west cannot be provided without works to the adjoining site which is outside of the ownership of the applicant.
- It is of note that in PL17.247586, (PA Ref. TA160073), the Board determined that the road network in the area is substandard and that a new entrance would create further traffic congestion and hazard.
- The additional residential element would result in a loss of existing amenity by virtue of additional noise, nuisance and loss of privacy.
- The development has the potential to result in environmental issues which could impact on the existing food business directly adjoining the site to the south.
- There are two wells in place within 500m of the proposed polishing filter, which represents a potential health hazard.
- The initial Site suitability/characterisation form was incomplete and was not carried out by a chartered Engineer.
- No access is shown to allow for the servicing of the wwts.



- There is a right of way over the access laneway to allow for maintenance of the site boundary between the subject site and the property to the south. The proposal could hinder this right of way.
- There is a query regarding the ownership of a section of the site, (Folio 12968F), which forms an integral part of the development and seems to be in third party ownership.

## 7.0 **Assessment**

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

- Principle of Development
- Design & Appearance
- Impact on Existing Amenity
- New Issue - Access & Traffic
- Waste-Water Treatment
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. Planning permission is sought for an equestrian holiday centre which would include the conversion of existing buildings within the site to provide the short-term let holiday accommodation. The site is zoned objective RA, within which, 'Agri-Tourism' is listed as a 'Permitted Use'. The conversion of existing farm buildings to tourist accommodation is consistent with a number of policies in the Meath County Development Plan, (CDP), including ED POL 24, ED POL 43 and ED POL 73 and is acceptable in principle subject to the normal planning considerations.

7.2.2. In the grounds of appeal the applicant states that the development seeks to accommodate individuals and families looking for a holiday in a rural setting which

involves equestrian activities. Although the nature of the equestrian activities was queried by the PA and raised in third party observations, the applicant has not expanded on the exact nature of these activities. Instead, the grounds of appeal state that the definition of agriculture contained in Part 1 of the Planning & Development Act 2000 (as amended), does not distinguish between animals that are being kept for commercial or non-commercial purposes and, as such, planning permission is not required for the equestrian element of the proposal.

- 7.2.3. On the occasion of the site visit, the applicant stated that future guests of the accommodation would be able to bring their animals with them to be housed on site in stables. It is not clear if horses will be kept on the site on an on-going basis as well. If this is the case then the equestrian centre would relate only to the keeping of horses within the site, which, under certain circumstances, would be exempt under Part 3, Class 6 of the Planning & Development Regulations 2001, (as amended).
- 7.2.4. If the extent of the equine facilities on offer relates purely to keeping them on site, I would view the equine element, as ancillary to the holiday homes and the impact of the proposal should be assessed based on the potential impacts of the holiday homes rather than the equine element to the proposal, which appears to be minimal. I note that the subject proposal requires the conversion of the existing stables to habitable accommodation, thereby requiring new stables to be constructed on the site. A query was raised in third parties as to whether or not the new stables would be exempt under the conditions as set out in Part 3, Class 6 of the Planning and Development Regulations given the location of extant permissions granted under PA Ref. TA 201606 and TA 201607. The new stables are shown on the site layout drawing but do not form part of the appeal. As such they will not form part of the planning assessment.
- 7.2.5. Third party submissions also raised the issue of a potential impact on an existing right of way over the access lane and third-party ownership of a section of the site, (identified as Folio 12968F). A right of way over the access laneway is shown on the application drawings. The proposed development does not show any obstruction to this right of way. Any changes to this arrangement are a civil matter to be resolved between the parties, having regard to the provisions of S.34(13) of the Planning and Development Act.

7.2.6. With regard to the provision of third-party lands within the development site, (i.e. Folio 12968F), the applicant has stated that he is the owner of the site. I note that this issue was raised by third parties during the initial public consultation phase, but it was not queried by the PA. In terms of the legal interest, I am satisfied that the applicant has sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case this is a matter to be resolved between the parties, having regard to the provisions of S. 34(13) of the Planning and Development Act 2000 (as amended).

### 7.3. Design and Appearance

- 7.3.1. The application states that the proposed holiday homes would be made up of *'the conversion of a barn to a two storey, three-bedroom dwelling, the conversion of two stable buildings each to a one bedroom single storey dwelling, conversion of a shed to a two bedroom single storey dwelling and refurbishment of a stone cottage to a two bedroom single storey dwelling'*. The principle of converting existing buildings on site for holiday homes or habitable use is in accordance with CDP policy as contained in ED POL 73 and RD POL 34.
- 7.3.2. Having visited the site, I accept that the existing buildings framing the yard to the front of the thatched house, and identified as Holiday Homes 1, 3 and 4 could be refurbished to provide holiday accommodation. The buildings are clustered around a yard to the front of the main house in a typical agricultural layout. Buildings 3 and 4 are former stable blocks and located to the south and east of the courtyard. The footprint and profile of these buildings would be retained, and internal works will be carried out to make them habitable. External alterations would be carried out to front and rear elevations to provide windows and doors, which would be installed into the existing stable door openings.
- 7.3.3. Building No. 2 is located on the northern side of the courtyard. It was formerly used for housing animals and has a sizeable internal volume. In order to provide habitable accommodation within this building, it need extensive refurbishment and a new roof.

- 7.3.4. Building No. 1 is located directly to the north of the thatched house and just outside of the courtyard area. It is described as a stone cottage which would be refurbished. However, in reality this structure is derelict with only the lower sections of the stone walls and the gable walls intact. In my view the works to this structure would constitute a replacement house rather than a refurbishment.
- 7.3.5. It is also proposed to convert the barn to the west. However, this structure comprises a metal frame with corrugated metal sheets forming the barrel-vaulted roof and two sides. The remaining two sides are open to the elements. In order to provide accommodation within this barn a new two storey house would be constructed within the footprint and volume of the barn. The agricultural form would be reflected by the provision of metal cladding on the roof and on the south-west and south-east elevations.
- 7.3.6. I note that none of the structures on the site are listed on the Record of Protected Structures or have any special conservation status. However, they do reflect a traditional agricultural setting. The general form and character of the stables and sheds would be retained and their setting around the central yard would read as ancillary to the main house on the site. I would have some concerns regarding the development of the barn on the site as this would involve the construction of a new two storey house on the site. The scale of the dwelling would also be much larger than the surrounding stables and would have a greater mass than the existing thatch building on the site. This construction of new dwellings within the site is not in accordance with Development Plan policy ED POL 73, which restricts new-build developments for holiday homes. Should the Board be minded to grant permission for the development, I would recommend that a condition be attached to omit the development of the barn to a two-storey holiday home.
- 7.3.7. An argument is made by the applicant that the proposal represents sustainable development by virtue of the reuse of the buildings on the site. However, the sustainability of the development is countered somewhat by the displacement of the existing stables to provide habitable accommodation, thereby necessitating the construction of additional stable on the site to accommodate the horses. However, I acknowledge that the structural requirements for stables would be considerably less than that required to provide new habitable accommodation.

#### **7.4. Impact on Existing Amenity**

- 7.4.1. The impact of the proposal on existing residential amenity was raised by third parties who have concerns regarding noise and nuisance from the development. Reference was also made to noise from balconies. No balconies are proposed for the development. Each of the holiday homes would have a terrace or patio area to the rear of the dwelling with a children's play area to the rear of the development.
- 7.4.2. The closest residential property to the subject site is a detached dwelling approximately 80m south-east of the development. To the rear of this house, and directly to the south of the proposed development, is a commercial food business which comprises a number of buildings and a parking area. The boundary between both sites comprises a low block wall in places with intermittent trees and hedgerows. The neighbouring house to the north would be c. 120m from the development and would be across two fields.
- 7.4.3. I am satisfied that, by the nature and scale of the proposal, and its location c. 80 m from the nearest house that it will not generate any undue noise and nuisance which would result in a significant negative impact on the existing residential amenity of the neighbouring properties. The commercial business would be closer in proximity but by its nature would not suffer from any impacts regarding noise or nuisance.

#### **7.5. New Issue - Access & Traffic**

- 7.5.1. The issue of access and traffic to and from the site was raised by third parties and did not form reason for refusal. The report from the Transportation Department of the PA noted that the applicant had proposed sightlines of 90m to the nearside edge of the road from a set-back of 3m which was considered to be acceptable.
- 7.5.2. Access to the site is through a double gate and laneway which opens onto the L2205 local road. Although this access is currently in use, the volume of traffic to and from the site would be intensified by the proposed development. This traffic would also include some larger agricultural vehicles and horse boxes.
- 7.5.3. Drawings submitted with the application show that sightlines of 90m can be achieved in both directions. Observations submitted by third parties state that these sightlines

cannot be achieved without works to be carried out on third party lands, which are outside of the control of the applicant.

- 7.5.4. The works to be carried out refer to the extent permissions on the neighbouring site to the south, the access to which is directly adjacent to the subject site. There are three extant permissions on the adjoining site; PA Ref. TA201419 is for the extension to the existing food business, PA Ref. TA201606 & TA201607 relate to two detached dwellings to the rear of the food business. In all three applications the PA required that sightlines of 90m be provided in both directions on the L2205. In order to achieve this, an FI request submitted TA201419, proposed to alter the site boundary to the south of the entrance by removing two trees and repositioning the existing hedgerow and earth bank to provide a wide grass verge to improve sightlines to the west. This was deemed acceptable by the PA and a planning condition was attached to the subsequent permissions granted under PA Ref. TA201606 & TA201607 to ensure sightlines of 90m are provided. On the occasion of the site visit, the works to improve the sightlines from the adjoining entrance had not been carried out.
- 7.5.5. Drawings submitted with the application show sightlines of 90m to the east and west. It is unclear from the site plan layout whether the boundary to the site to the south is the existing or proposed boundary. On the drawing submitted, (Drawing No. 6558-01), the site boundary to the south of the neighbouring gate appears to align with both access gates. This is not what I observed during the site visit where the site boundary to the south, (formed by hedges and planting), was positioned slightly forward of the gate. From my observations on site, the existing sightline does not achieve 90m but is more in the order of 70m to the east and west.
- 7.5.6. Whilst it is likely that sightlines would be improved by works proposed under permitted development on the adjoining lands to the south, these are outside of the control of the applicant. I am not convinced that the existing sightlines from the access would be sufficient to cater for an increased level of traffic to and from the site, some of which would include agricultural vehicles including horse boxes and trailers. I note that the access is currently in use to serve the existing dwelling and the agricultural lands surrounding it. However, the proposed development would intensify this use increase the traffic movements to and from the site and onto a narrow local road which provides a direct connection between Kilmessan village and

the R154 regional road which travels from Trim to the M3 to the south. As the issue of safe access and egress to the site is a new issue, the Board may wish to seek the views of the parties.

- 7.5.7. Parking for 6 vehicles with trailers/horse boxes would be provided within the site. This would be sufficient to accommodate parking for the 5 additional holiday homes. However, I note that the site layout plan shows vehicles to the front of the proposed stables but does not indicate how this area would be accessed. Should the Board be minded to grant permission for the development, I would recommend that a planning condition be attached to ensure that all access arrangements and parking areas within the site are agreed in writing with the PA prior to the commencement of development.

## 7.6. Waste-Water Treatment

- 7.6.1. The subject site is serviced by a mains water supply. It is proposed to decommission the existing septic tank on the site and to replace it with a packaged wastewater treatment system and polishing filter. A Site Characterisation Form from the *EPA Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses (EPA CoP), 2009* was prepared and submitted with the application. The form states that the maximum number of residents on the site would be 30. The EPA CoP 2009 sets out the methodology to be followed for the assessment of site conditions for wastewater systems for single houses with a population equivalent, (p.e.) less than or equal to 10. For dwellings with greater than 10 people, (i.e. guest houses or cluster developments), the relevant guidance is contained in the EPA manual, *Wastewater Treatment Systems for Small Communities, Leisure Centres and Hotels, (1999)*. The applicant did not refer to these guidelines in the application.
- 7.6.2. The subject site is mostly flat and comprises grassed fields that have been used for keeping animals. On the occasion of the site visit the trial holes were not evident but the soil was firm underfoot with no evidence of ponding. There were no open drains or watercourses in the area proposed for the polishing filter.
- 7.6.3. The site is located within a 'Locally Important Aquifer' with a moderate vulnerability. The bedrock type is Dination Upper Impure Limestones. The results of the trial hole test showed that the site did not have good percolation characteristics. The subsoil

comprised clay, gravel and boulders and groundwater was encountered at 1.8m. The poor percolation value was confirmed by the T test which returned a T value of 70.94. The results were assessed against Table 6.3 of the EPA CoP, which states that the site is not suitable for the safe disposal of domestic effluent through a septic tank system but may be suitable for a secondary treatment system with a polishing filter. A test was carried out to determine the percolation value for the proposed polishing filter. The P value returned was 36.81 which is within the range of suitability for a secondary treatment system with polishing filter.

- 7.6.4. Details of the proposed polishing filter have not been provided in the application. The Site Characterisation Form indicated that the surface area of the polishing filter would be 450m<sup>2</sup> but it is unclear what calculation was used to determine this figure. The minimum soil polishing filter areas for a domestic dwelling can be calculated using Table 10.1 of the EPA CoP. If the results of the T/P tests were to be extrapolated to cater for 30 persons as stated, the area required for the soil polishing filter would be 1,500m<sup>2</sup>, which is substantial.
- 7.6.5. This issue was raised by the PA and a drawing was submitted with the grounds of appeal indicating where a soil polishing filter of this scale would be located within the site. The revised polishing filter area would be approximately 70m to the south-west of the nearest neighbouring house and would be more than 4m from the road and site boundary, which is in accordance with the separation distances required by the EPA CoP. In consideration of the nature of the proposed development, it is of note that the keeping of animals within the soil polishing area would not be allowed. The applicant states that, based on the fact that the area is served by a mains water supply, there are no wells or boreholes within a radius of 500m. However, this is disputed by third parties.
- 7.6.6. No information was submitted with regard to the construction of the polishing filter such as its physical composition, the quantity and composition of topsoil to be imported or the invert level of the percolation pipes and the distance between the water table. Information on loading rates and the biological composition of the effluent was also not included. With regard to choosing a wastewater treatment system for holiday homes, both the EPA CoP 2009 and the EPA *Wastewater Treatment Systems for Small Communities, Leisure Centres and Hotels*, recommends that consideration be given to the selection of a system that can



adequately deal with periods of inactivity. I note that the technical details for the packaged system includes loading rates for the packaged system based on the p.e. of 30 persons. However, no information is provided on the composition of the polishing filter required to process this loading.

7.6.7. I note the extent and scale of the polishing filter proposed, and I am not satisfied that the applicant has adequately demonstrated that;

- The loading for the system has been calculated based on the requirements of Table 3 of the EPA manual on *Treatment Systems for Small Communities, Business, Leisure Centres and Hotels*,
- The system has been designed to address irregular loading due to extended periods of inactivity,
- The composition and design of the polishing filter would provide sufficient depths between the proposed outfall pipes and the water table.

7.6.8. I consider that the application has not demonstrated that effluent can be disposed of within the site without giving rise to a risk of ground water pollution and endangering public health. Details submitted regarding the proposed wastewater treatment system and polishing filter do not adequately demonstrate how the waste can be dealt with safely within the site, and as a result, the proposal would be prejudicial to public health.

## 7.7. **Appropriate Assessment**

7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.7.2. The proposed development is for the provision of an equestrian holiday centre which would involve the refurbishment and conversion of existing structures within an agricultural setting.
- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.7.4. The closest European sites are the River Boyne and River Blackwater SPA & SAC, (Ref. 004232 & 002299), which are approximately 3.25km to the north-west of the site as the crow flies. I observed a small dry ditch along the site boundary with the adjoining field to the south. However, I am satisfied that there is no direct or indirect hydrological link between the subject site and the European sites.
- 7.7.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, 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. It is considered that the proposed development would not 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 for the following reasons.

## **9.0 Reasons and Considerations**

1. The applicant has not demonstrated that the proposed wastewater system has been designed to adequately manage the safe disposal of wastewater from the site. Having regard to the soil conditions of the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can

be satisfactorily treated and disposed of on site. The proposed development would therefore be prejudicial to public health.

2. The site is located on a local road which is substandard in terms of the lack of median lines, public footpaths or public lighting and where adequate sightlines cannot be achieved from the existing access. It is therefore considered that the proposed development would endanger public safety by reason of traffic hazard arising from the additional traffic movements that would be generated by the development on this substandard road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Sullivan  
Planning Inspector

27<sup>th</sup> January 2022