



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311433-21

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<b>Development</b>	Construction of new two storey dwelling house with single storey detached garage.
<b>Location</b>	Philpotstown, Garlow Cross, Navan, Co Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	211344.
<b>Applicant(s)</b>	Alannah Lynch.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Alannah Lynch.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> day of December, 2021.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. The irregular shaped appeal site has a stated 0.5ha site area and it is located in the Townland of Philpotstown c0.16km to the east of the L1000-0 junction with the heavily trafficked R147 and c8km to the south of Navan, in County Meath. This junction is known as 'Garlow Cross' and in its vicinity there are a number of bus stops. Garlow Cross is located c0.6km to the north of Junction 7 of the M3. The site is accessed from an agricultural entrance gate that opens directly onto a public park and ride facility which is located on the north eastern side of Garlow Cross. This public park and ride facility opens onto the L1000-0 and like the site itself occupies higher ground levels with the ground levels appearing to rise to the north and north east. The site as demarcated in the Site Layout Plans lies c37 meters to the east of the aforementioned agricultural entrance and forms part of a larger agricultural field that appears to be in use for mainly grazing and also contains a gallop track around the entirety of its perimeters. The site boundaries consist of mature hedging.

## 2.0 Proposed Development

2.1. Planning permission is sought for the construction of a two-storey part single storey contemporary in architectural style 4-bedroom dwelling house (290m<sup>2</sup>), a single storey garage, a waste water treatment plant, well, new vehicular entrance onto the L1000-0 and all associated site works. According to the documentation accompanying this application the proposed dwelling has a maximum ridge height of 6.9m and its single storey glazed link has a maximum ridge height of 5.35m. The proposed garage is gable shaped with a maximum ridge height of 4.6m; a length of 6m and depth of 6m.

2.2. This application is accompanied by:

- Meath County Council Local Need Form.
- A Cover Letter from the Applicants Architects.
- Planning Report.
- Drainage Report.
- Visual Impact Assessment Report.
- Arboricultural Assessment and Impact Report.

- Various supporting documentation relating to demonstrating local need.
- Letter from the applicant.
- Letter of consent from the land owner.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On the 2<sup>nd</sup> day of September, 2021, the Planning Authority issued a notification to refuse permission. The single reason for refusal reads:

*“It is considered based on the information submitted with the application that the application has not demonstrated that the proposed development by virtue of its design, scale and siting on an elevated site would not be visually obtrusive and detrimental to the visual amenities of the area, most notably Protected View No. 44 of the Meath County Development Plan 2013-2019 (as varied) panoramic views from the Hill of Tara and would therefore materially contravene objective LC OBJ 5 which seeks: “To preserve the views and prospects and the amenity of places and features of natural beauty or interest listed in Appendix 12 and shown on Map 9.5.1 from development that would interfere with the character and visual amenity of the landscape”. It is considered that the proposed development would interfere with the character of the landscape, would seriously injure the visual amenities of the area, and depreciate the value of property in the vicinity, would set an undesirable precedent for similar future developments in the rural area and would be contrary to the proper planning and sustainable development of the area.”*

#### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The Planning Officer’s report dated the 1<sup>st</sup> day of September, 2021, is the basis of the Planning Authority’s decision. It includes a history of planning applications for similar applications by the applicant in the immediate area and sets out relevant planning provisions. It includes the following comments:

- It is concludes that the applicant has demonstrated a local need.

- An overview of the site context and landscape setting is provided.
- It notes that there are no dwellings on either side of the subject site and that the site is located in proximity to the R147.
- The site would still be visible from the Hill of Tara at intermittent views.
- The proposed development would be better sited on alternative family lands or at the neighbouring Lismullen 'Graig'.
- There is a lack of existing on-site landscaping.
- The proposed development, if permitted, would negatively impact on the National Protected View, would be contrary to objective LC OBJ 5 of the Development Plan and would set an undesirable precedent.
- The proposed landscaping would not be in foliage all year round.
- The adverse visual impact that would arise from the proposed development on Viewpoint 44 is considered to be unacceptable.
- No Stage 2 Appropriate Assessment is required.
- No EIS/EIAR is required.
- Concludes with a recommendation of refusal.

### 3.2.2. Other Technical Reports

**Transportation:** No objection subject to the imposition of a recommended condition.

**Architectural Conservation Officer:** In a report dated the 31<sup>st</sup> day of August, 2021, the following comments are made:

- Having inspected the site from Hill of Tara it is considered that the proposed development would be visible from various locations and certainly when the trees are not in full bloom.
- The traditional nature of the modern design and the use of materials would help to integrate the proposed development into the landscape but at another less sensitive location.
- Reference is made to a number of Development Plan provisions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. In the Vicinity:

**P.A. Ref. No. 21/4:** The applicant subject of this appeal case was **refused** planning permission on the same parcel of land for a two-storey dwelling house with single storey detached garage, waste water treatment plant, well, new vehicular entrance and associated site works (Notification date: 24.02.2021). The site subject of this particular application was located in close proximity to the eastern boundary also proposing access onto the same local road. The stated reason for refusal is the same as that given for this current application.

**P.A. Ref. No. 21/4:** The applicant subject of this appeal case was **refused** planning permission on the same parcel of land for a two-storey dwelling house with single storey detached garage, waste water treatment plant, well, new vehicular entrance and associated site works (Notification date: 09.11.2020). The stated reasons for refusal read:

"1. *It is considered based on the absence of information submitted with the application that the Applicant has not demonstrated that the proposed development by virtue of its design, scale and siting on an elevated site would not be visually obtrusive and detrimental to the visual amenities of the area, most notably Protected View No 44 Meath County Development Plan 2013 panoramic views from the Hill of Tara and would therefore materially contravene objective LC OBJ 5: To preserve the views and prospects and the amenity of places and features of natural beauty or interest listed in Appendix 12 and shown on Map 9.5.1 from development that would interfere with the character and visual amenity of the landscape. It is considered that the proposed development would interfere with the character of the landscape,*

*would seriously injure the visual amenities of the area, and depreciate the value of property in the vicinity, would set an undesirable precedent for similar future developments in the rural area and would be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the siting of the proposed dwelling, in particular the elevated nature of the site, the scale, height and length of the dwelling it is considered that the proposed development would be unduly prominent and obtrusive in this rural landscape and would be contrary to the provisions set out in the Meath Rural House Design Guide and Section 10.7.1 of the Meath County Development Plan, 2013-2019. The proposal therefore would not be in the interest of the visual amenities of the area, would set an undesirable precedent for future development of this kind and would be contrary to the proper planning and sustainable development of the area.”*

## **5.0 Policy & Context**

### **5.1. Development Plan**

### **5.2. Development Plan - Meath County Development Plan 2021-2027**

- 5.2.1. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019. The Meath County Development Plan, 2021-2027, was adopted by Meath County Council on the 22nd of September 2021 and came into effect on the 3rd of November 2021. I have therefore assessed the proposal under the provisions of the operative Development Plan, namely the Meath County Development Plan, 2021-2027.
- 5.2.2. Chapter 9 of the Development Plan sets out the rural settlement strategy. This outlines that the planning authority recognises the long tradition of people living in rural areas and promotes sustainable rural settlement as a key component of delivering more balanced regional development. It sets out that rural development should be consolidated within existing villages and settlements that can build sustainable rural communities as set out in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (RSES). The Development Plan seeks to accommodate rural generated housing needs where they

arise, subject to local housing need criteria and development management standards. The following strategic policies are of relevance:

- 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 8 Section 8.6.1 UNESCO World Heritage Site of Brú na Bóinne.

5.2.3. The site is located within an area identified within a Rural Area Under Strong Urban Influence as indicated on Map 9.1 of the Development Plan. The Development Plan sets out the following guidance in respect of the area:

*Area 1 - Rural Areas under Strong Urban Influence*

*“Key Challenge: To facilitate the housing requirements of the rural community while directing urban generated housing development to areas zoned for new housing in towns and villages in the area of the 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. This area includes the commuter- belt and peri-urban areas of the county and are the areas that are experiencing the most development pressure for one-off rural housing. These areas act as attractive residential locations for the inflow of migrants into the county”.*

5.2.4. The following policies are of relevance:

- RD POL1: Seeks 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.

- RD POL2: Seeks 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.

5.2.5. Section 9.4 of the County Development Plan relates to: *“persons who are an Intrinsic Part of the Rural Community”*. It outlines that the Planning Authority recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. Of relevance to this appeal, persons local to an area are considered to include:

- *Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside.*

5.2.6. Section 9.5.1 – Development Assessment Criteria – outlines criteria that the planning authority shall also consider in assessing individual proposals for one-off rural housing. These criteria include the following:

- The housing background of the applicant in terms of employment, social links to rural area and immediate family.
- Local circumstances and the degree to which the area surrounding area has been developed.
- The degree of existing development on the original landholding from which the site is taken.
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this Plan.
- The degree to which the proposal might be considered as infill development.

5.2.7. Section 9.5.4 of the Development Plan relates to Rural Nodes. This outlines that: *“the housing needs of those members of the rural community who are not part of the agriculture/horticulture community as set out in Section 9.4 will be facilitated in the*

*extensive network of rural nodes*". Lismullin is designated as a rural node within the Table 9.2. The Plan outlines that: *"the Council will support infill development on appropriate sites in rural nodes which make the most sustainable use of serviced land and existing public infrastructure"*. The following policies and objectives are of relevance:

- RUR DEV SO 5: Seeks to support the vitality and future of rural Nodes.
- RD POL 8: Seeks to ensure that the provision of housing in all rural Nodes shall be reserved for persons who are an intrinsic part of the rural community.
- RD OBJ 1: Seeks to support rural Nodes located across the County in offering attractive housing options to meet the needs of the established rural communities and to support existing local community facilities through to recreational amenities.

5.2.8. Design Guidelines for Rural Houses are set out in Appendix 13 of the Development Plan.

5.2.9. Appendix 5 of the MCDP sets out landscape character areas for the County. The site is located just inside the boundary of the Tara Skryne Hills Landscape Character Area, (Map 01, Landscape Character Types). This area is defined as Hills and Upland Areas and is categorised as having '*Exceptional Value*' and '*High Sensitivity*'.

5.2.10. Protected Views and Prospects are identified in Map 8.6 of the MCDP. Protected View no. 44, Hill of Tara Panorama is of relevance. View 44 is identified as being of national significance and described in Appendix 10 of the MCDP as: *"views across settled landscape with visible development including foreground powerlines, agricultural buildings, houses, quarries and roads. View to the west: other prominent hilltops visible at great distance. Foreground contains extensive areas of hedgerows and woodland. View to the south: Wicklow and Dublin Mountains visible on horizon. Relatively little development visible. Substantial woodland in the foreground. View to the east: across settled working landscape with a variety of structures and development visible including historic structures such as Skryne. Distant industrial plants. View to the north: panoramic views into very distant horizons. Encompassing a settled landscape with many buildings and structures visible in near and middle distance. Note areas immediately below hill to the north and south are obstructed by topography at variance with protection plan"*.

5.2.11. Local Other - '*Meath Rural House Design Guide*', (2009).

5.2.12. This document is set out within Appendix 13 of the Development Plan and provides guidance for single house developments in rural areas with particular reference to Site Layout, Building Design, Construction Details, Building Types and Sustainability.

### 5.3. National Planning Framework

5.3.1. Policy Objective 19 is of relevance to the proposed development. It requires the following:

*'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'.*

### 5.4. Sustainable Rural Housing Guidelines 2005

5.4.1. A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas.

5.4.2. The site is located within an Area Under Strong Urban Influence as identified within the Guidelines as illustrated within the attached presentation document. The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.

5.4.3. Examples are given of the types of circumstances for which '*Rural Generated Housing Need*' might apply. These include '*persons who are an intrinsic part of the rural community*' and '*persons working full time or part time in rural areas*'.

5.4.4. Section 3.3.3 deals with 'Siting and Design'.

## 5.5. Natural Heritage Designations

5.5.1. This appeal site is not located within or directly adjacent to any Natura 2000 sites. The nearest sites are:

- The River Boyne and River Blackwater SAC (Site Code 002299) which is located c1.6km to the west at its nearest point.
- The River Boyne and River Blackwater SPA (Site Code 004232) which is located c1.7km to the west at its nearest point.

## 5.6. EIA Screening

5.6.1. Having regard to the nature, scale and extent of the proposed development, the fact that the site is not in, nor does it adjoin any Natura 2000 site, the absence of any connectivity to any sensitive location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for environmental impact assessment can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- The Planning Authority raised no objection to the proposed development on the matters of rural housing needs, flooding risk, traffic safety or other technical perspective. The reason for refusal relates only to the potential impact of the proposed dwelling on a protected view from Tara Hill.
- The Landscape Visual Impact Assessment (LVIA) found that the proposed development would not be visible in the long-distance range of View Points 44 and 47.
- When assessing the potential impact of the proposed development regard must be had to the receiving environment. The landscape which the Protected View No. 44

overlooks to the north is predominantly agricultural in nature with residential clusters and one-off housing evident. This landscape is not a pristine landscape and is an evolving landscape modified by human interactions.

- A well-designed dwelling c2.5km from the Hill of Tara in the context of its receiving environment would have no discernible impact.
- Both previous applications made by the applicant were for sites to the east of the current site on slightly higher ground and with a lower overall height.
- There is intervening vegetation in the landscape that would have a significant effect in winter.
- The site selection, the design and the landscaping have been informed by the LVIA.
- The availability of sites for the applicant is constrained by road frontage and it is preferable to limit the length of access roads and landscaping in order to minimise potential visual impacts.
- It is submitted that there are no other suitable sites within the family's ownership.
- A discussion is given on the matter of the reason for refusal referring to material contravention of objective LC OBJ 5.
- There is a housing crisis and whilst a single house may not be deemed strategic in and of itself. It does assist in contributing to the national housing supply.
- The proposed development is respectful of the pattern of development in the area and since the adoption of the Development Plan in 2013, 13 dwellings have been permitted in this townland.
- The applicant is happy to comply with a condition stipulating that the EPA 2021 Code be utilised in relation to the wastewater treatment system.
- The proposed development would be barely visible from the Hill of Tara by reason of distance and intervening topography. It would therefore have no discernible impact on any protected view.
- It is sought that the Planning Authority's decision is overturned.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the grounds of this appeal can be summarised as follows:

- The proposed development will have a negative visual impact on the protected views from the Hill of Tara.
- The Hill of Tara is listed on the World Heritage Tentative list, and it is appropriate that it is safeguarded from any potential negative visual impacts on its protected views.
- The applicant does have the options available to them on the family land or within the nearby Rural Node.
- Reference is made to their Planning Officers report.
- The Board is requested to uphold its decision.

## 6.3. Referrals

6.3.1. This appeal case was referred by the Board to An Taisce, The Heritage Council, and the Developments Applications Unit. No responses were received.

## 7.0 Assessment

7.1. Having examined the documentation on file, including all of the submissions received in relation to the appeal, inspected the site, and having regard to relevant local through to national policies and guidance, I consider that the main issues in this appeal relate to the Planning Authority's given reason for refusal.

7.2. Notwithstanding, whilst I generally concur with the other findings of the Planning Authority in terms of roads, services, design and the like, I do raise a concern to the Board that the proposed development relates to a site that forms part of unzoned land in the open countryside. And, also is a site that is located in an area that is designated as being an 'Area Under Strong Urban Influence' as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Environment, Heritage and Local Government, 2005.

- 7.3. This fact is also recognised in the Meath County Development Plan, 2021-2027, by way of the site being designated as located within a 'Rural Area Under Urban Influence'.
- 7.4. With this locality being situated in close proximity to Junction 7 of the M3 motorway which provides easy access for commuters to places of employment including Dublin city which is c40mins by car and other larger settlements such as Navan, Drogheda, Ashbourne and the like. Alongside is a rural landscape setting that despite its predominant function being agriculturally based has over recent decades seen a significant proliferation of one-off dwellings and in a county where the Development Plan sets out that c50% of its residing working population works outside of the county.
- 7.5. The National Planning Framework states that the *"Irish countryside is, and will continue to be, a living and lived in landscape focusing on the requirements of rural economies and rural communities, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities"*.
- 7.6. It also recognises that there is a continuing need for housing provision for people to live and work in the countryside and it indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns.
- 7.7. In this regard it advocates focusing on the elements required to support the sustainable growth of rural economies and rural communities. It goes on to state that: *"it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e., the commuter catchment of cities and large towns"* with this being subject to site and design considerations.
- 7.7.1. In keeping with this National Policy Objective 19 in relation to such applications that Planning Authority's: *"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 areas 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 addition, National Policy Objective 3a sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and National Policy Objective 33 seeks the prioritisation of the provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to location.

7.8. I am cognisant that Policy RD POL 2 of the Meath County Development Plan seeks to facilitate the housing requirements of the rural community, as identified, while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

7.9. In addition, Policy RD POL 1 of the Development Plan states that it is policy of Meath County Council 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. Section 9.4 of the Development Plan refers to ‘persons who are an intrinsic part of the rural community’ and sets out specific criteria whereby the Planning Authority will support proposals for individual dwellings on suitable sites in rural areas as summarised in Section 5.1 above.

7.10. The applicant is applying for permission on the basis of the following criteria:

*“Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside”.*

7.11. The documentation submitted in support of the application outlines that applicant has lived in the family home on the 20ha family landholding since the age of 6 and that she has social and employment links to the local area. The latter by way of her family who she contends are the owners and operators of the ‘Tara na Rí’ bar and newsagent. It is also contended that she works at ‘Tara na Rí’ and that she will become the General Manager of it once it is redeveloped. As such she requires a dwelling house close to it so that she can efficiently operate it at some point in time in the future. A map has been submitted indicating the location of the family home relative to the appeal site. The following documentation is submitted in support of the application:

- Completed Local Needs Form.



- Applicant Cover Letter.
- Letter from Scoil Bhríde, Cannistown, Navan, Co. Meath setting out her time frame of attendance of this school.
- A Letter from the Owner who is an immediate family member of the Tara Na Rí premises.
- Bank Statements with a Care of Address for an immediate family member with an address of 'Garlow Cross, Navan'.

7.11.1. I note that the Planning Authority considered that the applicant demonstrated a genuine local need for a dwelling; however, I consider that the information provided whilst does appear to indicate that the applicant has social and possibly economic ties to the area via employment, it is not sufficiently robust in terms of providing factual evidence based information to demonstrate robustly that: a) the applicant does indeed reside at the family home with the bank statements provided showing that they are care of an immediate family member at an address different to the given address of the family home which is noted as being located in the north-eastern most corner of the land holding; b) there is no other robust documentation to support the applicants actual residence from the age of 6 to the present day at the family home; c) there is no affidavit or other evidence that substantiates that she does not own a dwelling or reside remote from this locality or work remote from this locality with the bank statements providing no evidence to support her place of actual employment or actual residence.

7.12. Having regard to National Policy 19 of the NPF I am not satisfied based on the information presented that the applicant the proposed development would facilitate the provision of a single house in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area and particularly a site that as discussed in following paragraphs of this assessment is highly vulnerable to change and one that has suffered from a proliferation of single houses.

7.13. Further, the applicant's site is located closer to Tara Na Rí, then the purported place of her and her immediate family residence by local road at its nearest is c1.2km away.

7.14. On this point I note that the Development Plan specifically outlines that: *"the housing needs of those members of the rural community who are not part of the*

*agriculture/horticulture community as set out in Section 9.4 will be facilitated in the extensive network of rural nodes*". The policies and objectives of the Development Plan seek to provide more sustainable formats of development within the rural area through supporting the vitality of designated rural Nodes and existing local community facilities in offering attractive housing options to meet the needs of the established rural communities.

- 7.15. In this relation to this I note that the direction of rural housing to nodes like Lismullin is supported through the following policies and objectives: RD POL 8, RUR DEV SO 5 and RD OBJ 1 of the Development Plan.
- 7.16. Of further note Lismullin is served by existing public and social infrastructure including a local school and connections to an existing watermain. Moreover, this rural Node is located c540m to the east of the site via the L-1000-0 and c770m to the east of Tara Na Rí also via the L-1000-0. It also occupies a less elevated and less exposed site than that proposed by the applicant and at such a location given the cluster of dwellings that are present the proposed dwelling would be more easily absorbed even if including a two-storey element and new access onto the rural road.
- 7.17. Moreover, the applicants purported home, the family landholding proximate to the family home and the extensive driveway serving it also offers less intrusive options to locate a single dwelling to the location proposed under this application. Through to there is no justification given as to why if closer proximity is needed to the family business of Tara Na Ri that its current development plans that are purported to be with the Planning Authority at the time this appeal was made did not consider including General Manager accommodation as part of the overall scheme for its redevelopment and expansion.
- 7.18. I concur with the Planning Authority in that the principle of the development of the development of an infill house within a designated rural Node like Lismullin. A rural Node, albeit modest in its size is better served by social and physical infrastructure than this un-serviced rural site. Moreover, location at such rural settlements complies with local and national policy due to it according with channelling future residential developments at appropriate locations in a sustainable and more compact manner.
- 7.19. I therefore raise a concern that to permit the proposed development would be contrary to National Policy Objective 33 which states: "*prioritise the provision of new homes at*

*locations that can support sustainable development at an appropriate scale of provision relative to location”.*

- 7.20. I do not however concur with the Planning Authority in this case that the applicant has satisfactorily demonstrated that the proposed development meets the core consideration of demonstratable economic or social need to live in a rural area. I therefore consider this to be a **new issue** in the context of this appeal case. And an issue that in itself would substantiate in its own right refusal of the proposed development.
- 7.21. This is then added to by such applications being subject to site and design considerations which arguably is the substantive reason behind the Planning Authority’s given reasons for refusal in its decision notification.
- 7.22. In terms of the site chosen by the applicant for the proposed single dwelling, the site chosen is one which is located within the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity.
- 7.23. Having inspected the site and its relationship from the Hill of Tara where there are a number of protected views in its surrounding context, despite the inclement conditions on the day, I concur with the Planning Authority’s Planning Officer and Architectural Conservation Area that the site chosen would be visible within the path of Protected View no. 44 – Hill of Tara as identified within the Meath County Development Plan.
- 7.24. I also concur that the site is one that does not benefit from robust natural features of quality and merit.
- 7.25. It is also an elevated, prominent, and exposed site that would add cumulatively to the erosion of this exceptional value and high sensitivity landscape by way of further proliferation of one-off dwelling houses. The siting of the proposed dwelling whilst including a landscaping scheme and a design that does include some measures that would seek to mitigate its visibility in its landscaping setting does not override the principle of safeguarding and protecting this landscape setting from further visual diminishment and erosion.
- 7.26. It is my considered opinion that this proposed development seeks to fulfil the applicants desire for a large rural dwelling house on a stand-alone site accessing onto a very heavily trafficked local road in close proximity to this local roads junction with

the R147 which links to the M3 Junction 7 in close proximity to the south is a development that is in the private interest of the applicant and it is a type of development that there is a presumption against. Where permitted such developments are subject to demonstrating certain criteria including that the proposed development is appropriately sited and would not give rise to serious injure of the visual amenities of the area.

- 7.27. To permit the proposed development would be against the public interest of protecting the views, prospects, and amenity of places of special interest like the Hill of Tara. A place which is a popular tourist attraction, a place that is of cultural and archaeological value through to is a place whose importance is reflected in it being listed on the World Heritage Tentative List. It would therefore be contrary to HER OBJ 56 of the Development Plan which seeks to preserve such views and prospects as well as to protect them from inappropriate development which would interfere unduly with the character and visual amenity of the landscape. It would also be contrary to Development Plan policy RD POL 60 which seeks to only support development that does not damage the resources like the Hill of Tara or prejudice its future tourist value in any way.
- 7.28. While I agree with the appellant in their arguments that this is an evolving landscape it is one that has limited potential to accommodate such developments and developments like that propose should be channelled to more suitable and site appropriate locations where they would have less impact on their setting. Including the visual amenities of the rural landscape. It is also appropriate to channel residential development to where there is infrastructure, services and other amenities that would be synergistic to them. And in this case away from locations where they would compromise the common good and public interest of safeguarding and protecting the visual setting of the Hill of Tara whose importance goes beyond national context. Alongside it is an archaeological monument that contributes to the economy of this county.
- 7.29. In addition, to permit such a development on an elevated site would add cumulative to the detrimental impact the proliferation of single dwellings has had on visual context of the Hill of Tara and given the lack of housing to the west of Lismullin rural Node on the L1000-0 to where it meets the junction of Garlow Cross it would set an undesirable precedent for similar developments to occur along this heavily trafficked route.

7.30. On the matter of material contravention, this application was considered by the Planning Authority under the Meath County Development Plan, 2013 to 2019, and I have carried out my assessment of the proposed development on the applicable Development Plan which supersedes it. Notwithstanding, because of the particular wording used by the Planning Authority in its given reason for refusal, Section 37 (2) (b) of the 2000 Planning and Development Act, 2000, as amended, would appear to apply. This is accepted by the applicants. In that they argue that one of the provisions of the Section (subsection (i) and (iv)) should be used by the Board to make a favourable decision in this case. The Section states:-

*“(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:*

*(i) the proposed development is of strategic or national importance*

*(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*”

7.31. In the light of this legal requirement, the first issue to be decided by the Board is whether it considers that the development comes within any of the four exceptions provided for in this Section, as outlined above. I therefore propose I propose to deal with each of the four exceptions listed in Section 37(2)(b), in turn, in order to see whether they apply in the present case. If any do apply, so as to permit the Board to grant a permission, then the question to be determined is whether such a favourable decision should, in the circumstances of the present case, be made. If they do not apply, then the Board is precluded from granting a permission in this case.

- 7.32. (i) I do not accept that while the general provision of a residential unit would in part go towards addressing the housing crisis in a manner consistent with the proper planning and sustainable development. Whilst I accept that there is a national housing crisis which the Government are seeking to tackle it would not be credible in my view to accept the applicant's argument, that this particular proposed development, of a single dwelling house on unzoned and unzoned rural land outside but yet in close distance to a rural Node, in County Meath, is of strategic or national importance and as such should override local, regional through to national planning provisions and guidance. Further, there is a presumption against the principle of such developments in such areas, in particular those under strong urban influence like this locality which is recognised by local through to national planning provisions, except in limited circumstances which the applicant has failed to robustly demonstrate. The proposed development therefore does not meet the criteria of Section 2(b)(i) of the said Act.
- 7.33. (ii) I have outlined above the provisions of the Development Plans in my report above. In so far as the proposed development is concerned, I do not consider that there are conflicting objectives nor that the objectives are not clearly stated that relate to the provision of single dwelling houses in unzoned and un-serviced rural land outside of settlements; in relation to the protection of views and prospects; through to safeguarding the tourism potential of the Hill of Tara, a site which is listed on the World Heritage Tentative List which includes its visual setting and visual context within the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity. I consider that the Plan policy provisions are reasonable, clear, and consistent with regional through to national planning policy provisions and guidelines on such matters. The proposed development therefore does not meet the criteria of Section 2(b)(i) of the said Act.
- 7.34. (iii) I do not consider that permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government in this case. As discussed in my assessment above the proposed development is contrary to Section 28 Ministerial Guidelines. In particular the Sustainable Rural Housing Guidelines 2005. It is also contrary to the National Planning Framework and RSES which in a manner consistent with one another seek

to limit such developments to the core consideration of demonstrable economic and/or social need. Alongside directs future residential land to settlements like the near by Node of Lismullin where they can be more sustainably absorbed and accommodated. The proposed development therefore does not meet the criteria of Section 2(b)(iii) of the said Act.

7.35. (iv) The site also is located on an elevated and exposed stretch of local road that lies between the Node of Lismullin and Garlow Cross that does not contain such developments on either side. The insertion of such a dwelling at this location cannot in my view be justified at this location in terms of the immediate pattern of development. Nor does the proliferation of one-off dwelling houses in the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity create in my view a positive precedent that would justify the proposed development in context of the wider pattern of this type of built insertions in the wider landscape setting. Further, the local, regional, and national planning provisions have evolved and changed in relation to the determination of such applications. Including the protections and safeguards for landscapes of such exceptional value and high sensitivity that also includes the views and prospects from the Hill of Tara which the site forms part of. It is therefore appropriate that this application is determined on its merits having regard to the relevant planning provisions in place at the time of determination. The proposed development therefore does not meet the criteria of Section 2(b)(iv) of the said Act.

7.36. In conclusion, having reviewed the appellants arguments, had regard to all relevant planning provisions and having had detailed criteria set out in Section 37(2)(b) of the Planning & Development Act, 2000, as amended, I do not consider that there are any material grounds by which the Board could justify a grant of permission in this case.

### 7.37. **Appropriate Assessment**

7.37.1. Having regard to nature and scale of the proposal, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 7.38. Other Matters Arising

- 7.38.1. **Depreciation of Property Values:** The given reason for refusing planning permission for the proposed development includes that it, if permitted, it would depreciate the value of property in the vicinity. I do not accept that this has been demonstrated by the Planning Authority and in the absence of professional expert opinion on this matter I can not make a determination whether or not this would be the case.
- 7.38.2. **Landscaping:** I am of the view that improvements to the landscaping scheme by way of increasing the number of coniferous species to screen the proposed development to mitigate its visibility from Protected View No. 44 would not overcome the fundamental issues and concerns of the proposed development. Moreover, given the limited and poor quality landscaping that is present on the site even if semi-mature tree species were chosen it would be a considerable time before these would be robust enough to visually screen out the development in relation to the view and prospects from Protected View No. 44. The landscaping scheme would also be insufficient to screen out the proposed development from the adjoining public road and within its local context given its elevated position in the landscape.

## 8.0 Recommendation

- 8.1. I recommend that permission is **refused**. I note to the Board that the first reason relates to a new **issue**.

## 9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the



applicant has a demonstrable economic or social need to live at this site within in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location and that 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. It is considered that the proposed development by reason of its prominent, open, and elevated position within its landscape setting relative to the Hill of Tara would by virtue of its siting, design and scape interfere with Protected View No. 44 which is of special amenity value and which it is necessary to preserve. The proposed development would therefore be contrary to HER OBJ 56 of the Meath County Development Plan, 2021-2027, which seeks to preserve such views and prospects as well as to protect them from inappropriate development which would interfere unduly with the character and visual amenity of the landscape. It would also be contrary to Development Plan policy RD POL 60 which seeks to only support development that does not damage the resources like the Hill of Tara or prejudice its future tourist value in any way. The proposed development would also add to the proliferation of such developments in the Tara, Skryne Hills Landscape Character area which is designated as an area of exceptional value and high sensitivity and would add to the cumulative visual diminishment from this type of development. Moreover, at this location the proposed development would set an undesirable precedent for similar future developments to the west of the Lismullin on the L1000-0 to Garlow Cross. The proposed development would be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

20<sup>th</sup> day of December, 2021.