



An
Bord
Pleanála

Inspector's Report ABP-312157-22

Development	A proposed two storey dwelling with domestic garage, modification of existing agricultural entrance, wastewater system and all associated site works.
Location	Stackallen, Slane, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21714
Applicant(s)	Jennifer McGrath
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Eamonn Reilly
Date of Site Inspection	26 th March 2022
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3550 hectares, is located approximately 5km to the west of Slane and a short distance north of Stackallen, Co. Meath. The appeal site is part of an existing field. Levels on site are flat with a very gradual fall moving south. The site has no existing defined boundaries apart from the roadside boundary, which is hedgerow and there is an existing agricultural access to the site. In terms of adjoining uses the site is immediately adjoined by lands that are part of the field the site is taken from to the north, south and west. The nearest dwelling is located a short distance to the south (appellant's property) and there is a dwelling under construction to the north west of the site.

2.0 Proposed Development

- 2.1 Permission is sought for the construction of a two-storey dwelling, domestic garage and modifications to existing agricultural entrance and all associated site works. The proposed dwelling has a floor area of 287sqm (garage 33.5sqm) and a ridge height of 8.59m. The dwelling features a pitched roof and external finishes of plaster and blue black roof slates.
- 2.2 The proposed development was revised with the revision to the design of the proposed dwelling from two-storeys to a single-storey dwelling, a change in the site boundaries/location of the dwelling and wastewater treatment system moved further south. The revised proposal was the development granted.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 15 conditions. The conditions are standard in nature.

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3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (04/06/21): Further information including proposal to comply with the Rural Design Guide and address matters raised in the third party submission.

Planning Report (15/11/21): The proposal was considered to be in compliance with the proper planning and sustainable development of the area. A grant was recommended subject to the conditions outlined below.

3.2.2. Other Technical Reports

Transportation (03/06/21): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Submission received from Eamonn Reilly, Stackallen, Slane, Co. Meath. The issues raised can be summarised as follows...

- Non-compliance with planning policy/rural housing policy, non-compliance with Meath Design Guide, creation of gap site to cater for another dwelling, inadequate sightlines at the entrance.

4.0 Planning History

No planning history on site.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2021-2027.

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.

The Meath County Development Plan 2007-2013 identified three area types in the county following detailed research and assessment.

The three rural area types are identified on Map 9. 1.

The appeal site is located in **Area 3 – Low Development Pressure Area**

Key Challenge: To arrest population and economic decline.

This area type covers much of the north-western, western and south-western parts of the county. This area is associated with relatively high levels of residential stability above average percentages of family households and high rates of agricultural employment. In addition, it is characterised by the lowest average population densities. This area has the weakest urban structure within the county and the rural housing policy applicable should reflect same.

RD POL 6

To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

9.4 Persons who are an Intrinsic Part of the Rural Community

The Sustainable Rural Housing Guidelines outline that Planning Authorities in formulating policies recognise the importance to rural people of family ties and ties to a local area such as parish, townland or the catchment of local schools and

sporting clubs. It also delivers positive benefits for rural areas and sustains rural communities by allowing people to build in their local areas on suitable sites.

The Planning Authority will support proposals for individual dwellings on suitable sites in rural areas relating to natural resources related employment where the applicant can:

- Clearly demonstrate a genuine need for a dwelling on the basis that the applicant is significantly involved in agriculture. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. It is also considered that persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category of local need. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be farming / natural resource related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the predominance of the agricultural or rural resource employment shall not normally be required.

- Clearly demonstrate their significant employment is in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors and who can demonstrate a need to live in a rural area in the immediate vicinity of their employment in order to carry out their employment. In these cases, it will be required that the applicant satisfy the Planning Authority with supporting documentation that the nature of the activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. The applicant shall satisfy the Planning Authority as to the significance of their employment. Where persons are employed in a part time capacity, the predominant occupation shall be bloodstock and equine industry, forestry, agri-tourism or horticulture related. It should be noted, that where an applicant is also a local of the area, the onus of proof with regard to demonstrating the

predominance of the agricultural or rural resource employment shall not normally be required.

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. For the purposes of this policy section, 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;
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother , sister, son, daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years;
- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire, and;
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

RD POL 9

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

5.2 Sustainable Rural Housing Guidelines for Planning Authorities (2005):

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within proximity to the immediate environs or close commuting catchment of large cities and towns. 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'.

The site is located in an area classified as an Area Under Strong Urban Influence under Indicative Outline of NSS Rural Area Types.

5.3 National Planning Framework – Project Ireland 2040

NPO19 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.

The proposal was assessed under previous Development Plan, Meath County Development Plan 2013-2019, which has superseded. The rural housing policies are unchanged from the previous plan.

5.4 Natural Heritage Designations

None within the zone of influence of the project.

5.5 EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Eamonn Reilly, Stackallen, Slane, Co. Meath. The grounds of appeal are follows...

- Procedural matters raised including inadequate notification of revised plans.
- The site is located in an area identified under the development plan as a rural area under strong urban influence under the new County Development Plan. The applicant has no demonstrable economic or social need to live at this location with the proposal contrary development Plan policy and the National Planning Framework in relation to rural housing.
- Adverse impact on rural character, failure to comply with the Meath Rural Design Guide, the development would constitute random one-off development and be contrary Development Plan policy.
- The location of the proposed wastewater treatment system was revised with the altered location less suitable due to the new location being impacted by seasonal flooding. The proposal poses a risk of pollution to local watercourses and adverse impact on public health.
- The design of the dwelling does not take account of sustainable measures.

- The flooding issue on site is raised with no site specific flood risk assessment submitted and potential for displacement of flooding onto the appellant's property.

6.2. Applicants Response

6.2.1 Response by the applicant Jennifer McGrath.

- The applicant responded to the appellants issues regarding procedural matters.
- The applicant demonstrated compliance with rural housing policy and local need criteria with the PA deeming the applicant compliant with Development Plan policy.
- The design and visual impact of the dwelling is satisfactory and in accordance with the Rural Design guide with such deemed to be compliant by the PA.
- The wastewater treatment system is not located where the appellant claims and is on land that is dry in nature with site characterisation submitted and no issues raised by the Council's drainage section.
- The dwelling will be an energy efficient dwelling with an A2 rating.
- The development is not on an area subject to flooding and the applicant notes the photos submitted are not recent.

6.3. Planning Authority Response

6.3.1 Response by Meath County Council.

- The PA consider that all issues raised in the third party appeal were adequately considered in the assessment of the application.

6.4 Further responses

6.4.1 Response by the appellant Eamonn Reilly, Stackallen, Slane, Co. Meath.

- The response to the applicant's response to the appeal. The appellant's response reiterates the argument raised on the appeal submission.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Rural Housing policy

Design, scale, pattern of development

Public Health

Traffic

Flood risk

7.2. Rural Housing policy:

7.2.1 One of the main issues raised relates to compliance with rural housing policy with the appellant stating the dwelling is in an area under urban influence and the applicant failing to demonstrate a need to live at this location. The application was assessed under the Meath County Development Plan 2013-2019, which has been superseded by the Meath County Development Plan 2021-2027, however rural housing policy is unchanged in terms of its structure and criteria. The appeal site is located in Area 3 - Low Development Pressure Area. It is policy under RD POL 6 "to accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas". The definition of persons who are an intrinsic part of the rural community is outlined under the policy section above. The criteria also includes a definition 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.

7.2.2 In this case the applicant resides in the family home approximately 200m north of the proposed site and has done so for the last 28 years. Based on the information on file the applicant works from home (primary occupation) as well as working in family plant hire business located in Stackallen. The applicant wishes to reside near her parents for the purposes of care. The Planning Authority deemed that the applicant demonstrated compliance with local need policy as set out under Section 10.4 of the Meath County Development Plan 2013-2019. As noted above the criteria in the current Development Plan is under Section 9.4 and is unchanged. In this case the applicant does not meet the criteria of a person who is an intrinsic part of the rural community but does meet the definition 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. Notwithstanding such the site is in an area classified as being of Low Development Pressure under current development plan policy and not an area under urban pressure.

7.2.3 The applicant was deemed to qualify for rural housing based on Development policy by the Planning Authority and the applicant clearly meets the definition 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 but not a person who is an intrinsic part of the rural community. In terms of the Sustainable Rural Housing Guidelines and the NSS Indicative Rural Area Types, the appeal site is an Area Under Strong Urban Influence. Notwithstanding the Development Plan classification of the area, it is hard to argue that the site is not in an area under urban influence. The site is located in commutable distance of Dublin City and in close proximity to Navan and Drogheda. Consideration must be given to national policy with the site located in an area under urban influence based on its classification under national policy. National policy set out under the Objective 19 of the National Planning Framework and the guidance set out in the Sustainable Rural Housing Guidelines emphasises the requirement to demonstrate an economic, social or functional need to live in a rural area under strong urban influence such as this. In this case the applicant clearly has links to the rural area and a desire to reside in the area but based on the fact their occupation is urban based (home based does not establish a rural housing need) and not intrinsically linked to the rural area, the applicant does

not have a defined social or economic need to live in this area under urban influence and the development would be contrary to Objective 19 of the National Planning Framework and would be contrary to the guidance set out in the Sustainable Rural Housing Guidelines.

7.2.4 The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Design, scale and pattern of development:

7.3.1 The approved proposal is for a single-storey dwelling on a flat site. The appellant questions the impact of the development on the rural character/visual amenity of the area and its design in the context of the Meath Rural Design Guide. The appeal site is in area classified as Rathkenny Hills in terms of Landscape Character Assessment (LCA) and determined to be Very High Value and of High Sensitivity. Notwithstanding the LCA classification, the appeal site is a flat site and is not at a particularly prominent or elevated location. In addition the approved dwelling is single-storey in scale. I would be of the view that the overall scale and design of the approved dwelling would be satisfactory in terms of visual impact as it is low profile in design, located on a flat site and not an area that is prominent or visible in the surrounding area. In relation to adjoining amenity the dwelling is single-storey and provision of adequate boundary treatment or landscaping would mean no adverse impact on adjoining amenities.

7.3.2 I would be of the view that the overall design and scale of the dwelling is acceptable in the context of visual amenity and would be consistent with the recommendations of the Rural Design Guide incorporated into the County Development Plan. I would

consider subject to appropriate landscaping that the proposal would be satisfactory in the context of visual amenity.

7.4 Public Health:

7.4.1 The proposal entails the installation of a new proprietary wastewater treatment system to serve the new dwelling. It is notable that the original proposal submitted has been revised with the approved site boundaries and location of the dwelling, wastewater treatment system and percolation area further south than originally proposed. A site characterisation was submitted for the original proposal and no revised site characterisation taking account of the revised location of the wastewater treatment system and percolation area was submitted. Based on the site characterisation submitted for original proposal, the site is underlain by an aquifer classified as poor with groundwater vulnerability indicated as being high. Site characterisation was carried out including trial hole and percolation tests. The trial hole test (2.1m) and detected the water table in the trial hole at a depth 1.8m. T tests for deep subsoils and/or water table both and P tests for shallow soil/subsoils and or/water table by the standard method were carried out with percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The test results indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. A new site characterisation should have been carried out as the wastewater treatment system is located further south and the site is substantially revised in terms of shape and location.

7.4.2 The proposed/approved dwelling is served by a well, which indicates a possible dependency on private water supplies in this area. The information on file notes that there is also an existing well to the north of site. Notwithstanding the results of the site characterisation tests indicating that soil conditions on site (original location of site) are suitable for wastewater treatment, the appeal site is in an area classified as having high groundwater vulnerability. It is also notable that water supply to be from

a private well and the site characterisation results submitted indicate that the water table level is high at this location. I would consider that having regard to the proliferation of domestic wastewater treatment systems (both permitted and existing) in this rural area, to the high level of the water table at this location, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, I could not be satisfied, on the basis of the information on file, that the impact of the proposed development in conjunction with existing and permitted wastewater treatment systems in the area would not give rise to a risk of groundwater pollution in an area highly dependent on such for water supply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

7.5 Traffic:

7.5.1 The site has an existing entrance with a proposal for a new upgraded entrance. I am satisfied that the location of the approved entrance is satisfactory in the context of available sightlines and in relation to overall traffic safety.

7.6 Flood risk:

7.6.1 The appellant has raised concerns regarding flooding and the fact that the site is subject to seasonal flooding with concerns regarding location of the approved wastewater treatment system. Having inspected the site, the area referred to by the appellant is the southernmost part of the field where it adjoins his property to the south. This appears to be a low area of the field and due to drainage is a wet area of the field subject to ponding/pooling of water. The appeal site (revised/approved site boundaries) do not stretch to the area in question and stop short of the existing boundary of field adjoining the appellants' property. I would question whether the issues raised by the appellant is a flooding issue and more a localised drainage issue. The proposal would not merit an assessment in terms of Flood Risk.

8.0 Appropriate Assessment

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

9.0 Recommendation

- 9.1. I recommend refusal based on the following reasons.

10.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005, National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks 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, the Board could not be satisfied on the basis of the information on the file that the applicant comes within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure

and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, the high level of the water table on site, the dependency on groundwater for water supply, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

28th March 2022