



An
Bord
Pleanála

Inspector's Report ABP- 314939-22

Development	Construction of a single storey dwelling, domestic garage and wastewater treatment system and new entrance.
Location	Clonard Old, Clonard, Enfield, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	22/1035.
Applicant	Niamh McNevin.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant	Trudy McGuinness.
Observer(s)	None
Date of Site Inspection	21 st March 2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Clonard Old, Clonard, Enfield, Co. Meath. The site is located on the western side of the L-80302-0 and comprises the south-eastern portion of an existing agricultural field which is currently under grass. Hedging which is interspersed with mature trees forms the eastern boundary of the site with the L-80302-0. The site currently has no formal northern and western boundaries. In terms of the site's topography, the site is relatively flat. The appeal site has a stated area of c. 0.40ha.

- 1.2.** In terms of the site surrounds, there is a single storey detached dwelling to the immediate south of the appeal site. There is also a dwelling (Third Party appellant) located to the north-east of the appeal site, on the opposite side of the L-80302-0. The lands within the wider surrounds are in agricultural use.

2.0 Proposed Development

- 2.1.** The proposal seeks planning permission for the construction of a new dwelling on site, along with a wastewater treatment system (WWTS), domestic garage, vehicular entrance and associated site works.

- 2.2.** The proposed single storey dwelling has a stated floor area of c. 212sq.m. and comprises an entrance lobby, living room, kitchen/dining room, sunroom, utility, bathroom, WC, 3 no. bedrooms and a play room/study. The proposed dwelling has a gable sided pitched roof form and materials and finishes shall comprise a combination of render for the principal elevations with a natural stone finish to the front porch and chimney.

- 2.3.** The proposal seeks to provide a new recessed vehicular entrance at the northern end of the site's roadside boundary. A new driveway will lead to an area of hardstanding to the front of the dwelling and a detached domestic garage is proposed to be located to the dwelling's north-west.

2.4. The dwelling will be served by a large rear garden and the proposals seek to provide a WWTS and percolation area within the western portion of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted planning permission for the development subject to compliance with 13 no. conditions. Conditions of note included:

Condition No. 2 required the Applicant to enter into an occupancy agreement with the Planning Authority.

Condition No. 3 related to provision of adequate vehicular sightlines for the modified entrance.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the site and subject proposal, it sets out the planning history of the site and surrounds, summaries the observation on the planning file and sets out the policy that is relevant to the development proposal.

In terms of design and siting, the Planning Authority was satisfied that the dwelling and garage were designed to an acceptable standard and the proposal accorded with the Meath Rural House Design Guide. In addition, it was considered based on the information submitted that the applicant had demonstrated a strong rural housing need at this location, off family owned lands. No other concerns were highlighted and a grant of planning permission was recommended subject to compliance with conditions.

3.2.2. Other Technical Reports

Transportation: Report received stating no objection subject to compliance with conditions.

Environment Department: Report received stating no objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Observations

1 no. observation was prepared and submitted on behalf of Trudy McGuinness (Third Party appellant). A summary of the matters raised included:

- The proposal will contribute to the overdevelopment of the family's landholdings.
- Concerns with respect to wastewater treatment.
- Concerns with respect to the applicant's housing need.
- Concerns that the proposal will not be completed.
- Issues highlighted with respect to the adequacy of the consent letter.

4.0 Planning History

4.1. Site & surrounds

TA200808 (ABP Ref. 308951-20): Planning permission granted by the Planning Authority and refused by the Board for the construction of a single storey dwelling. The application was refused for the following 1 no. reason.

1. Having regard to the location of the site within a rural area outside of any designated settlement and in a Strong Rural Area as identified in the Meath County Development Plan (CDP), 2013-2019 where it is policy of the planning authority to restrict houses in this area to those who are intrinsically part of the rural community and, on the basis of the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has demonstrated a rural housing need for a house at this location in accordance with the provisions of the Development Plan for houses in Strong Rural Areas, which include the degree of existing development on the original landholding from which the site is taken. Furthermore, having regard to the location of the site within an area under

urban influence, to the provisions of the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005, and to 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 demonstratable economic or social need to live in a rural area... having regard to the viability of smaller towns and rural settlements', it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

TA130854: Planning permission granted by the Planning Authority to Bernard Reilly for works comprising (1) Bungalow type Dwelling (2) Domestic Garage (3) Recessed Entrance (4) Septic 2000 Waste Water Treatment System (5) All associated site works. This dwelling is constructed and located to the south-west of the appeal site.

TA120116 (PL. 17.240800): Planning permission granted by the Planning Authority to Bernard Reilly and refused by the Board for works comprising (1) One and a half storey type dwelling (2) Domestic Garage (3) Recessed Entrance (4) Septech 2000 waste water treatment system (5) All associated site works. This site is located to the north of the appeal site within the Applicant's Blue Line boundary. The application was refused for the following 1 no. reason.

1. The site is located in a rural area outside any designated settlement and in a Strong Rural Area as identified in the Meath County Development Plan

(CDP), 2007-2013, where development that is not rurally generated is directed to settlement centres. It is the policy of the planning authority, as set out in the said Development Plan, to restrict housing in this area to those who are intrinsically part of the rural community. On the basis of the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has demonstrated a rural housing need for a house at this location in accordance with the provisions of the Development Plan. Furthermore, the Board had regard to the level of residential development already constructed on the original landholding, and to the development assessment criteria set out in the Development Plan for houses in Strong Rural Areas, which include the degree of existing development on the original landholding from which the site is taken. The proposed development would, therefore, contravene the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

TA110069: Planning permission refused by the Planning Authority (Applicant; Bernard Reilly) for works comprising (1) One and half storey type dwelling (2) Domestic Garage (3) Recessed entrance (4) Septic 2000 waste water treatment system (5) All associated site works. This site is located to the north of the appeal site within the Applicant's Blue Line boundary.

TA100278: Planning permission refused by the Planning Authority (Applicant; Bernard Reilly) for works comprising (1) One and a half storey type dwelling (2) Domestic Garage (3) Recessed Entrance (4) Septech 2000 wastewater treatment system (5) All associated site works. This site is located to the north of the appeal site within the Applicant's Blue Line boundary.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to 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.

This will be subject to siting and design considerations. In all cases, the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.3. **Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).**

5.1.4. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005.**

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.1.5. **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.**

The EPA CoP 2009 was revised in March 2021. The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

5.2. Local Policy

5.2.1. **Meath County Development Plan (CDP), 2021-2027.**

As noted in Section 5.1.4 of this report, the site is located within a 'Strong Rural Area' (Area 2), as per Map 9.1 of the current CDP. A 'Key Challenge' for Area 2 is 'To maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in the wider rural area.' Policies of relevance to the development proposal include:

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

RD POL 5 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

Section 9.4 (Persons who are an Intrinsic Part of the Rural Community) of the current CDP notes 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. For the purposes of this policy, 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 immigrants 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.

Section 9.5.1 (Development Assessment Criteria) also highlights that the Planning Authority will take into account the following matters in assessing individual proposals for one-off rural housing:

- The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 9.4 Persons who are an Intrinsic Part of the Rural Community;
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped;
- The degree of existing development on the original landholding from which the site is taken including the extent to which previously permitted rural housing has been retained in family occupancy. Where there is a history of individual residential development on the landholding through the speculative sale of sites, permission may be refused;
- 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 infill development.

Policy Objective RD POL 9 is relevant to the consideration of the application and seeks “To require all applications for rural houses to comply with the ‘Meath Rural House Design Guide’” included within Appendix 13 of the current CDP.

Other policy of relevance include Objective RD POL 43 of the current CDP which seeks “To ensure that the required standards for sight distances and stopping sight distances are in compliance with current road geometry standards as outlined in the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 when assessing individual planning applications for individual houses in the countryside.”

In terms of wastewater treatment, the following policies are noted:

- **RD POL 47:** To ensure that the site area is large enough to adequately accommodate an on- site treatment plant and percolation area.
- **RD POL 48:** To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the Environmental Protection Agency ‘Code of Practice Domestic Waste Water Treatment

Systems (Population Equivalent ≤ 10)' (2021) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes.

- **RD POL 49:** To require a site characterisation report to be furnished by a suitably qualified competent person. Notwithstanding this, the Planning Authority may require additional tests to be carried out under its supervision.
- **RD POL 50:** To ensure a maintenance agreement or other satisfactory management arrangements are entered into by the applicant to inspect and service the system as required. A copy of this must be submitted to the Planning Authority.
- **RD POL 51:** To ensure that direct discharge of effluent from on site waste water disposal systems to surface water is not permitted.
- **RD POL 52:** To ensure wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are suitably maintained and upgraded in advance of any additional loadings beyond their capacity in order to protect water quality, as required.
- **RD POL 53:** To promote good practice with regard to the siting and design of septic tanks and the maintenance of existing tanks. A high level of scrutiny will be placed on applications within 2km of watercourses in the Boyne catchment. Proposals in this area shall not have an adverse impact on local water quality that could affect the qualifying interests of the cSAC and SPA.

Appendix 5: Landscape Character Assessment.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code: 002299), c. 1.3km to the east of the site. The River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) is also located c. 1.3km to the east of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single house in an un-serviced rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party planning appeal has been submitted by Trudy McGuinness with an address in Iona, Clonard, Co. Meath A83 RX98. The grounds of appeal can be summarised as follows:

- The Applicant's family landholding as set out in the Site Location Map is overdeveloped having regard to the provisions of the Meath County Development Plan. The landholding is small, and a portion of the lands have been transferred, with two plots already being developed for one-off housing. The appeal submission refers to multiple examples of other sites within the surrounding area that have been developed and/or in the ownership of family members.
- It is confirmed by the Applicant that she will take up employment in Cheeky Monkey's Playschool. If a grant of planning permission was to follow on foot of a future employment prospect, it would amount to a new precedent in terms of applying NPO 19 of the National Planning Framework. It is stated that all anyone would need is a letter from a prospective employer without any documents to support an established employment track record. The Board is requested to note that there is currently no playschool in the village of Clonard.
- Concerns with respect to wastewater treatment and the references to mottling within the submitted Site Characterisation Form. It is also highlighted that the percolation test may have been carried out on a different site within the larger landholding as the date the percolation test was carried out at a time which

preceded an earlier application by the Applicant on an alternative site (i.e. a site to the north within the larger landholding).

- The village of Clonard is an important service centre for its hinterland and there is substantial scope for accommodating local housing need. This is an outcome which would accord with National compact growth objectives and sustainability.
- The appellant refers to the Applicant's claim that they cannot afford to purchase a home in the area. As per the Sustainable Rural Housing Development Guidelines, this should not be accepted as a justification for rural housing. Should permission be contemplated for the proposed development, it is stated that the Planning Authority must be satisfied that the Applicant is able to complete the proposed works.
- Concerns are highlighted with respect to the adequacy of the letter of consent supporting the planning application.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 14th November 2022 which noted that they are satisfied that all matters outlined in the Third Party appeal submission were considered in the course of its assessment of the planning application as detailed in the planning officer's reports. The Board is requested to uphold the decision of the Planning Authority.

6.3. First Party Response

A response to the Third Party appeal has been received and prepared on behalf of the Applicant. A summary of the response is included as follows:

- It is stated that the appellant's grounds of appeal are frivolous, vexatious and grossly exaggerated.
- The response refers to the previous decision to refuse permission and outlines that a detailed planning statement accompanied the current planning application which clearly demonstrates how the Applicant complies with the Local Needs Criteria.
- This planning statement along with additional information accompanies the First Part response which illustrates that the Applicant has been an intrinsic part

of the local community. Furthermore, it is stated that the Applicant is to take up employment locally as a childcare worker on returning from maternity leave.

6.4. Observations

No

6.5. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the Third Party's grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Rural Housing Policy & Development Assessment Criteria
- Siting, Dwelling Design & Visual Impact
- Vehicular Access & Wastewater Treatment
- Appropriate Assessment

7.1. Rural Housing Policy & Development Assessment Criteria

7.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. Section 9.4 of the current CDP is relevant to the consideration of the application and notes 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. On the basis of the information submitted in support of the application, the Applicant is seeking planning permission on the basis of the following qualification criterion:

- '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;’.

7.1.2. It is confirmed within the application documents that the Applicant does not own a dwelling, that the Applicant’s family home is located in close proximity of the appeal site and that the Applicant has resided in the local area for the last 31 years. In addition, the site is being obtained off the family landholding. A summary of the documentation that was submitted in support of the planning application included:

- Letter from Cheeky Monkeys Playschool which confirms that the Applicant will take up employment upon the conclusion of her maternity leave.
- Certificate of Baptism.
- Certificate of Confirmation
- Letter from the local National School confirming the Applicant's attendance.
- Letter from the Secondary School confirming the Applicant's attendance.
- Confirmation of Applicant’s Third Level education.
- Letter from local GAA Club confirming Applicant’s involvement with club.
- Letter from boxing club confirming Applicant’s involvement with club.
- Letter from local health centre.
- Letter of support from parish priest.
- Correspondence from insurance providers.
- Correspondence from bank.

A cover letter has also been submitted with the application which outlines the Applicant’s local ties to this area and her need for a house at this location. On the basis of the information submitted at application stage, the Planning Authority was satisfied that the Applicant complied with the Meath Rural Housing Policy and permission was therefore granted for the proposed development.

7.1.3. I note that there is an extensive history of planning applications on the Applicant’s original family landholding. Most recently, the Applicant was refused planning permission by the Board (Ref. TA200808 (ABP Ref. 308951-20)) for the construction of a rural dwelling. I note that this site was originally located to the north of the appeal site but was relocated at additional information stage to the location of the current

proposal. Although the Planning Authority granted planning permission, the Board refused the application as they were not satisfied that the Applicant had demonstrated a rural housing need for a house at this location in accordance with the provisions of the Development Plan for houses in Strong Rural Areas, which include the degree of existing development on the original landholding from which the site is taken. In addition, the proposal was not considered to be in accordance with National policy and the Applicant had not demonstrated a social or economic need for a house at this location having regard to the viability of smaller towns and rural settlements. Within their appeal submission, the appellant refers to other developments owned by the landowner/s in the area of the site, previous permissions granted on the same landholding as the appeal site and indications of the possible sale of sites. In support of the application and appeal, the Applicant has prepared a detailed response to the appellant's grounds of appeal and the previous reason for refusal. It is confirmed that one dwelling was constructed on a site within the larger landholding by the son in law (i.e. Bernard Reilly) of the Applicant's father (i.e. landowner) and another dwelling site was sold to a person who was not a family member (i.e. Enda Raleigh). I note that there is also a childcare facility (Cheeky Monkey) operating from the site which was sold to Enda Raleigh, from which the Applicant intends to commence employment upon completion of her maternity leave. Both dwellings have been constructed and are located to the south-west of the appeal site. It is contended in the application documents that the sale of one site to an unrelated member of the family who has a genuine local need is not unreasonable and does not represent the speculative sale of sites.

- 7.1.4. Although I accept that the Applicant is a native of this rural area and she has demonstrated her social ties to this particular area, as per the requirements of Section 9.4 of the current CDP, I am conscious of the various 'Development Assessment Criteria' (Section 9.5.1) of the CDP and the planning history of the larger landholding. When considering developments of this nature, the policy requires the Planning Authority to consider the local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped and also the degree of existing development on the original

landholding from which the site is taken, including the extent to which previously permitted rural housing has been retained in family occupancy. From my inspection of the appeal site and the surrounding area, I observed there to be a high concentration of rural dwellings within the hinterland of the site, including the lands further to the site's west on the approach to the village of Clondard. In this context, it is also relevant to highlight to the Board that permission was refused on three separate occasions under ref. TA100278, TA110069 and TA120116 (PL. 17.240800) on the lands to the north of the appeal site within the original landholding. Permission was then subsequently granted to the same applicant under Ref. TA130854 (i.e. Bernard Reilly) on the lands to the immediate south of the appeal site within the same landholding. Under PL. 17.240800, the Board's reason for refusal had specific regard to the CDP's development assessment criteria and the level of residential development already constructed on the original landholding. Since the Board's original decision, an additional dwelling has been constructed within the landholding to the south of the site under Ref. TA130854 (Bernard Reilly). Whilst I acknowledge the Applicant's links to the local area, I do not consider that these alone are sufficient to require a house in a rural area under urban influence, having regard to the degree to which the surrounding area has already been developed and also to the extent of existing development on the original landholding from which the site is taken. This is particularly relevant in the context of regional and national policy support for the revitalisation of smaller towns, villages and rural settlements.

- 7.1.5. In terms of regional and national planning guidance, the site's identified location in a rural area is consistent with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, which similarly identifies the site and its wider rural setting. The Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031 (RSES), acknowledges that for some rural areas, urban and commuter generated development has undesirably affected the character and cohesion of these locations. Under RPO 4.80, it is the policy for Local Authorities to 'manage growth in stronger rural areas by ensuring that in these areas, the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in

a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.1.6. In relation to locations identified as being under strong urban influence, the National Planning Framework, NPO 19, requires developments like this to demonstrate a functional economic or social requirement for housing need in areas under urban influence, with this being stated as a necessity. Although it is evident that the Applicant has a strong desire for a rural dwelling at this location, this in itself does not override the public good necessity for such applications to meet local through to national planning provisions. These provisions seek to safeguard such rural locations from the proliferation of what is essentially a type of development that planning provisions seek to channel to appropriate serviced land within settlements where they can be more sustainably absorbed whilst safeguarding the rural environment from further diminishment of its character and predominant rural land use based function, i.e. agriculture. In keeping with this, I note that National Policy Objective 3a of the National Planning Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. In addition, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development as well as at an appropriate scale of provision relative to location. There are settlements within the wider area, including those with infrastructural services such as mains drainage and potable water through to other services as well as amenities, where there is capacity to absorb additional residential development in a sustainable manner rather than at this location. In considering this appeal, I have also had regard to the Climate Action Plan 2023 (CAP23) which acknowledges that decades of focus on dispersal of residential settlements, commercial zones, and workplaces in peripheral areas, instead of concentrating on central areas and locations served by public transport, has led to an over-reliance on the private car.

7.1.7. To permit the proposed development sought under this application would result in a haphazard and unsustainable form of development in an un-serviced area, it would contribute to the encroachment of random rural development in the area, it would militate against the preservation of the rural environment that is sensitive to change,

and it would give rise to inefficient and unsustainable provision of public services and infrastructure at remote from settlement locations. For these reasons the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. This is reason in itself for the development sought under this application to be refused. Should the Board come to a different decision on this matter, I consider that an occupancy condition restricting occupancy of the house specifically to the Applicant should be attached to any grant of permission as set out in Policy RD POL 7 of the current CDP.

7.2. Siting, Dwelling Design & Visual Impact

- 7.2.1. The Meath Rural House Design Guide, as included within Appendix 13 of the current CDP, sets out guidelines on rural housing in County Meath, for example, from orientation and site layout to building design. The Guide recommends positioning a dwelling on a site having regard to existing shelter, topography and vegetation and design which draws from traditional forms of development and good design practice. I note that the appeal site is located within the South West Lowlands Landscape Character Area (Map 01), and is of 'High Value' (Map 02) and 'High Sensitivity' (Map 03) as per the Landscape Character Assessment (Appendix 5) which forms part of the current CDP.
- 7.2.2. The proposed dwelling will have a single storey form and will be sited centrally within the appeal site. A set back of c. 31m is provided from the site's roadside boundary and the dwelling will have a maximum height of c. 5m. The dwelling will have a traditional architectural expression with vernacular features such as a pitched roof form and materials and finishes will comprise a combination of render for the principal elevations with a natural stone finish to the front porch and chimney. The single storey garage is proposed to be located behind the rear building line to the dwellings north-west. Having regard to the overall scale, height and form of the proposed dwelling and its setback from the site frontage, I am generally satisfied that the design of the proposed development generally accords with the provisions of the Rural House Design Guide, as contained within Appendix 13 of the current CDP. Notwithstanding this, I note that the appeal site currently comprises agricultural land. It lies in a rural area which is

characterised by agricultural development and the extensive road side development of one-off houses. The proposed development would introduce another one-off house to the area and would result in the incremental loss of agricultural land and to some extent, the erosion of the mature roadside boundary which I will discuss further in Section 7.3 of this report. Having regard to the pattern of development in the surrounding area and the existing degree of development on the original landholding, the provision of an additional dwelling at this location would contribute to the further encroachment of random rural development in a Landscape Character Area (i.e. South West Lowlands) that is of 'High Value' and 'High Sensitivity'.

7.3. Vehicular Access & Wastewater Treatment

- 7.3.1. The proposal seeks planning consent to modify the roadside boundary to provide a new recessed vehicular entrance at its northern end to serve the proposed dwelling. The existing roadside boundary comprises a hedgerow which is interspersed with a number of mature trees and currently screens the site from the public road. I note that a report is on file from the Planning Authority's Transportation section which recommended a number of conditions to be attached to a grant of permission. One condition of note was the requirement for the Applicant to remove the entire roadside boundary hedge and for a new boundary to be set back at least 3m. In addition, a condition was included requiring 90m sightlines to be maintained in each direction at a setback of 2.4m from the nearside road edge. Whilst the Planning Authority did not include the condition to remove the roadside boundary in its entirety, the condition with respect to the sightlines was included. However, I note that it is not entirely clear that these sightlines could be maintained without the need for the extensive boundary removal given the commentary of the Planning Authority's Transportation section. Given the Meath Rural House Design Guide seeks to avoid the removal of extensive sections of hedgerow and the level of ambiguity that remains in terms of the works required, I have concerns that the proposed development has the potential to adversely impact the rural amenity and character of the area.
- 7.3.2. Assessment of the wastewater treatment element of a rural one-off house is a standard consideration. The site is in an area with a locally important aquifer of

moderate vulnerability. The Site Characterisation Form notes that groundwater was encountered at 1.6m in the 2.1m deep trial hole. Bedrock was encountered at a depth of 2.1m. The soil was topsoil in the upper 300mm, sandy silt clay to 1.2m and sandy gravelly silt/clay cobbles to 1.6m increasing with depth below 300mm. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R1 response category i.e. Acceptable subject to normal good practice.

7.3.3. The T-test (sub-surface) result was 26.89. A P-test (surface) was also carried out giving a result of 24.83. I consider the results to be consistent with the ground conditions observed on site. Though the trial hole and percolation test holes were filled in, the site comprises an agricultural field with no indication of, for example, water ponding, outcrops etc and was firm underfoot at the time of my inspection. Overall, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. In the event the Board is minded to grant permission for the proposed development, I recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).

7.4. Appropriate Assessment

7.4.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), which are both located c. 1.3km to the east of the site. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. I also acknowledge the prevalence of agricultural activities in the immediate vicinity. Despite these factors, I am nonetheless of the opinion that taking into consideration the modest nature, extent and scope of the proposed development and based on best scientific information alongside having regard to the documentation on file which includes a Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect,

either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within a 'Stronger Rural Area' as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and a 'Strong Rural Area' as indicated on Map 9.1 of the Meath County Development Plan, 2021-2027. Furthermore, the subject site is located in an area that is designated as an area 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 and having regard to the viability of smaller towns and rural settlements. Having regard to the extent of rural housing in the surrounding area and the degree of existing development on the original landholding from which the site is taken, the proposed development is considered to be contrary to the Development Assessment Criteria for rural housing in the Meath County Development Plan, 2021-2027. In addition, the Board is not satisfied that the Applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the Applicant could not be met in a smaller town or rural settlement. 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. The proposed development would result in a haphazard and unsustainable form of development in an un-serviced area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan

Planning Inspector

19/04/2023