



An  
Bord  
Pleanála

## Inspector's Report

**ABP-315738-23**

---

<b>Development</b>	Outline permission for a two storey house
<b>Location</b>	Rathholdren Road, Windtown, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	221463
<b>Applicant(s)</b>	Frances Stanley
<b>Type of Application</b>	Outline permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Frances Stanley
<b>Observer(s)</b>	John Sherlock, Patrick Sherlock + Ruth Cantwell & Helen and Peter Burns
<b>Date of Site Inspection</b>	14 <sup>th</sup> June 2023
<b>Inspector</b>	Bernard Dee

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
4.0 Planning History.....	5
5.0 Policy and Context.....	6
6.0 The Appeal .....	14
7.0 Assessment.....	16
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20

## 1.0 Site Location and Description

- 1.1. The appeal site is located in a small cul-de-sac estate comprise of detached and semi-detached bungalows dating from the 1940s/1950s which is located approximately 2km NW of Navan town centre and accessed from Ratholdren Road which is located to the west of this estate called Windtown.
- 1.2. The appeal site is located to the rear of No. 8 Windtown which is a detached bungalow. The appeal site is a grass field and the boundaries of the site are defined by trees and hedges on all sides. To the north and west of the site is a private road where access to the proposed dwelling is indicated on the application drawings. This private road currently serves three dwellings accessed via this road which joins the public road, Ratholdren/Windtown Roads (Local Road L3409) ato the SW of the appeal site.
- 1.3. During the site visit on 14<sup>th</sup> June 2023 access to the rear garden area was possible and I can confirm to the Board that the private road, the means of access to the appeal site, is not accessible to the public as it is locked with a keypad system.

## 2.0 Proposed Development

- 2.1. The drawings submitted with the outline planning application indicate the location of a *"proposed private 2 storey dwelling"* in a central position on the site with the proposed vehicular access located in the NW corner of the site. No indicative design of the proposed dwelling was submitted as part of the outline planning application but a three-bedroom dwelling is indicated in the application form.
- 2.2. Other than indicating the presence of sewage and water mains running through the site, no further details are indicated on the application drawings.
- 2.3. The site area is stated to be 0.154ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was refused on 12<sup>th</sup> January 2023 for two reasons:

1. The proposed development is located within a 'Rural Area Under Strong Urban Influence' where it is a requirement for applicants to (i) comply with the Local Needs Qualifying Criteria as outlined in Section 9.4 of the Meath County Development Plan 2021-2027 and to (ii) demonstrate a rural housing need. It is considered the applicant has failed to provide robust evidence in support of this and hence the Planning Authority is not satisfied that a rural housing need in accordance with the above provisions of the plan has been established. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidance for Planning Authorities and the Meath County Development Plan 2021-2027 and would therefore, be contrary to the proper planning and sustainable development of the area and would establish a very undesirable future precedent.
2. Owing to the absence of sufficient information to demonstrate that sightlines that accord with TII Document DN-GEO-03060 are available at the junction of the public road and the private lane and in the absence of sufficient documentation to demonstrate that the Applicant has sufficient control to carry out works to achieve access and appropriate sightlines at this junction, it is considered if permitted, the proposed development would endanger public safety by reason of traffic hazard, would set an undesirable precedent and would therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report quotes National and Regional policy in relation to housing development in rural areas, NPO 19 of the NPF and RPO 4.80 of the RSES respectively. Section 3.2.3 of the 'Sustainable Rural Housing Guidelines is also referenced in the Planner's Report.

The Planner then cites the relevant Development Plan provisions in Chapter 11 Development Management Standards (see Paragraph 5.0 of this Inspector's Report) namely, Sections 9.4 and 9.15.2 of the Meath County Development Plan 2021-2027 which set down the requirements for applicants to demonstrate a rural housing need and also sets down policy relating to access onto Regional Roads.

Sections 9.15.2 and 9.15.3 of the Development Plan relating to ribbon development are also quoted in the Planner's Report.

The Planner's Report concluded that the development, due to the submission of insufficient information regarding rural housing need and safe access to the site, the proposed development did not comply with Development Plan standards regarding proof of rural housing need or access sightline requirements and recommended a refusal of outline permission.

The Planner's Report noted that neither AA nor EIA is required in respect of the proposed development.

#### 3.2.2. Other Technical Reports

The Transport Department required further information from the applicant in terms of sightlines at the junction of the access lane and the Local Road L3409.

#### 3.2.3. Prescribed Bodies

No response from prescribed bodies on file.

#### 3.2.4. Observations

No Observations on file.

### 4.0 **Planning History**

#### 4.1. On the Appeal Site

Refs. 220775 and 221314 refer to a withdrawn and an incomplete application for a two storey house at the appeal site by the same applicant as this current appeal case.

#### 4.2. In the Vicinity of the Site

- Ref. NA211944 relates to a grant of permission for a change of house design, site layout and associated site works to that previously granted under planning reference NA/181380 at a site to the east of the appeal site at the terminus of the private access lane.

## 5.0 Policy and Context

### 5.1. Development Plan

Meath County Development Plan 2021-2027 is the statutory plan for the area within which the appeal site is situated and set down below are the relevant Development Plan policies and objectives in relation to this appeal.

The site is zoned RA Rural Areas Objective: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.

#### Guidance

The primary objective is to protect and promote the value and future sustainability of rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.

#### Chapter 9. Rural Development Strategy

##### 9.2 Rural Settlement Strategy

Meath County Council 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. 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<sup>1</sup> where they arise, subject to local housing need criteria and development management standards.

The Department of the Environment, Heritage and Local Government published Sustainable Rural Housing Guidelines for Planning Authorities in April 2005 and issued a circular SP5/08 which provides advice and guidance in relation to local need and occupancy conditions.

Goal - To ensure that rural generated housing needs are accommodated in the areas they arise, subject to satisfying good practice in relation to site location, access, drainage and design requirements and that urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.

### Strategic Policies

It is a strategic policy of Meath County Council:

- 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.

### 9.3 Rural Area Types

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 and are described as follows:

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.

## Policies

It is the policy of the Council:

- RD POL 1 - 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 POL 2 - 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.
- RD POL 3 - To protect areas falling within the environs of urban centres in this Area Type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

### 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.

The Planning Authority also recognises that exceptional health circumstances may require a person to live in a particular environment or close to family support. In such cases, the exceptional health circumstances would require supporting documentation from a registered medical practitioner and a disability organisation supporting a planning application. In the absence of any significant environmental, access or traffic reasons for refusal and the proposal adheres to sensitive design and siting criteria, the Planning Authority will consider granting planning permission, subject where appropriate to conditions regarding occupancy.

Where an applicant for a one-off house in the countryside can demonstrate, by the submission of documentary evidence, that their original dwelling was sold due to unavoidable financial circumstances, such applications will be considered on their individual merits, where the applicant satisfies local housing need criteria. This consideration does not override the other normal assessment criteria as set out in this Development Plan for a one-off house.

Where an applicant has resided in a rural area for a considerable period of time, being a period of time in excess of the previous 10 consecutive years, in a dwelling attached to their business, such as farming, and the business inclusive of dwelling

house is being sold for retirement or other circumstances, such applications will be considered on their individual merits, where the applicant satisfies local housing need criteria. The Planning Authority will facilitate preplanning consultation in such circumstances.

#### 9.5.1 Development Assessment Criteria

The Planning Authority will also 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.

#### 9.5.2 Ribbon Development

Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. (Please note that in all instances where ribbon development is referred to in this Development Plan, the example contained in Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities as published by the DoEHLG in April 2005 shall apply). Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant;

- The degree to which the proposal might be considered infill development, and;
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Meath County Council will endeavor to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.

### 9.15 Restricting Access to Certain Categories of Roads

#### 9.15.2 Regional and County Roads (Refer Map 9.2)

It is vitally important that new housing in rural areas that is located along non-national routes is located in such a manner as to avoid endangering public safety by way of a traffic hazard. There are a number of regionally and locally important functions of certain regional and county road type routes that act as particularly important transport links that traverse Co. Meath.

#### Policies

It is the policy of the Council:

- RD POL 38 - To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard.
- RD POL 39 - To identify and protect those non-national roads of regional or local importance from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and ultimately the function of the road.
- RD POL 40 - To restrict new accesses for one-off dwellings where the 80km per hour speed limit currently applies in order to safeguard the specific functions and to avoid the premature obsolescence of identified regional and important county link roads (see Map No 9.2.) through the creation of excessive levels of individual entrances and to secure the investment in non-national roads.

### 9.15.3 Development Assessment Criteria

Exceptions to the above policies relating to regional and county roads will be considered on their merits in the following circumstances:

- For those who have a location specific rural housing need on family owned lands and cannot provide access onto any other non-identified regional or county road and therefore need to access one of the regional or county roads identified on Map No. 9.2. In this circumstance, the applicant will be encouraged to maximise the potential of an existing entrance. The onus shall be on the applicant to demonstrate that they have no other access or suitable sites within their landholding, and;
- Where an existing dwelling with a vehicular entrance that is not considered to constitute a traffic hazard is to be demolished and replaced with a new dwelling.

New development proposals onto certain regionally and locally important county road type routes that act as particularly important transport links that traverse Co. Meath shall be assessed having regard to:

- Avoiding unnecessary new accesses, for example where access could be provided off a nearby county road.
- Ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided.
- Avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances.

### 9.18 Technical Requirements

#### 9.18.1 One-Off Houses: Sight Distances and Stopping Sight Distances Policy

It is the policy of the Council:

- RD POL 43 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.

## 5.2. **Natural Heritage Designations**

The nearest natural heritage designated sites are the River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232).

## 5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive 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. The grounds of the First Party appeal prepared by Tanya Stanley Architect, are, in summary, as follows:

- The appeal site and No. 8 Windtown has been in the ownership of the Stanley family since 1947 and the First Party appellant inherited the appeal site in 2008.
- The appellant has lived at No. 8 Windtown since 2012 and is a lone parent living with her sister in the dwelling adjacent to the appeal site which is a substandard form of dwelling given that two families occupy this house.
- The appellant is employed in a local school and her son is involved with the local community and due to a medical condition, the appellant needs to live in close proximity to her sister at No. 8 Windtown.
- The proposed dwelling would not constitute ribbon development as it would be the only dwelling on the east side of the access road.

- The sightlines at the junction of the access lane and the L3409 are in compliance with TII DN-GEO-03060 (2017) requirements and precedent for the improvement of the junction to meet these sightline standards has been established by permission Refs. NA211944 and NA181380 with the landowner giving consent to upgrade the junction to meet the sightline standards.

Folio details, maps, photograph, a letter of support from the appellant's GP, payslips and other documents addressed to the appellant at the appeal address and details of sightlines at the junction of the access lane with the L3409 have been submitted with the appeal to which I draw the Board's attention.

#### 6.2. Applicant Response

Not applicable.

#### 6.3. Planning Authority Response

The Planning Authority state that all issues raised by the appellant were had regard to during the determination of this application by Meath County Council.

#### 6.4. Observations

Three Observations have been received in relation to this appeal from John Sherlock, Patrick Sherlock and Ruth Cantwell & Helen and Peter Burns who all have houses on the access lane. The relevant planning issues raised in these Observations can be collectively summarised as follows:

- Land Registry documentation submitted with the Observation demonstrates that neither the access lane nor the lands at the junction of the lane with the public road are in the ownership of the First Party.
- The First Party does not have any right of way along the access lane which is a gated and locked private lane serving the dwellings of the Observers.
- The proposal for a dwelling at the appeal site which is a backland location would constitute overdevelopment of an area zoned as a rural area.

- Notwithstanding the outline nature of the application, there is insufficient detail provided to permit the Planning Authority to come to an informed decision on this case especially with regard to the Habitats Directive.
- Insufficient rural housing evidence is contained in the outline application submission and National Policy is to direct 40% of new housing into existing settlements.
- The site lies in an area designated as a 'Rural Area Under Strong Urban Influence' which requires an applicant to satisfy rural housing needs criteria which has not been achieved in this case.
- The applicant owns a house in an urban area, 80 Bru Na hAbhainn, Navan and did not fill out a Local Needs Form to include with the outline application documentation.
- No precedent for sightline improvement works at the junction of the access road and the L3409 is provided by Ref. NA211944 as that applicant had the landowners consent to carry out junction improvement whereas the current applicant does not.

#### 6.5. Further Responses

Not applicable.

### 7.0 **Assessment**

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main relevant planning issues to consider, therefore, are as follows:

- Principle of Development.
- Rural housing need.
- Development Plan standards.
- Access issues.



- AA Screening.

## 7.1. Principle of Development

7.1.1. The appeal site is located in an area zoned objective RA Rural Areas: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage. Within the RA zoning, residential development (Subject to compliance with the Rural Settlement Strategy) is considered to be a 'Permitted Use' in the Meath County Development Plan, 2021-2027.

7.1.2. Accordingly, residential development within this zoning objective is acceptable in principle subject to compliance with other Development Plan standards.

## 7.2. Rural Housing Need

7.2.1. The qualification and assessment criteria for rural housing need are clearly set down in Sections 9.2, 9.3, 9.4, 9.5.1 and 9.5.2 of the Development Plan. Having regard to the additional evidence submitted by the First Party, I am of the opinion that the application meets the criteria to qualify for rural housing need in this instance.

7.2.2. Specifically, the First Party has demonstrated evidence of residence at No. 8 Windtown (adjacent to the appeal site) for several years living with her sister and nephew in a dual family occupation of a single dwelling. Further, the First Party has provided evidence of health problems requiring the need to be in close proximity to a family member to provide assistance when necessary, especially having regard to the lone parent status of the First Party.

7.2.3. In addition, I find that it is a reasonable argument for the First Party to claim that the two families living in one dwelling constitutes a substandard form of accommodation which it is desirable to address.

7.2.4. In summary therefore, I am of the opinion that the First Party demonstrates the necessary evidence to qualify as an applicant with a genuine rural housing need.

## 7.3. Development Plan Standards

7.3.1. The Development Plan does not contain specific reference to backland development in rural areas being contrary to the proper planning and sustainable development of the area. Objective DM OBJ 43 contained in Section 11.5.20(b) of the Development Plan relates to backland development in urban areas and states – "Backland

development proposals shall avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development”.

7.3.2. I am of the opinion that backland development in rural areas such as that proposed in the present case should be assessed in accordance with this objective in order to prevent piecemeal development that would be out of character with the existing pattern and character of development in the vicinity of the subject site. While the appeal site could not be said to be strictly ribbon development, neither does it fall into the category of infill development.

7.3.3. .The ‘Sustainable Rural Housing Guidelines for Planning Authorities’ (Updated 2020) refer on page 19 to the undesirability of “piecemeal and haphazard development of rural areas close to large urban centres” as such developments can cause problems in relation to: (1) The orderly and efficient development of newly developing areas on the edges of cities and towns. (2) Obstructing alignments for the future provision of infrastructure such as roads and electricity lines. (3) Undermining the viability of urban public transport because of very low densities. (4) Attendant later problems in terms of demands for higher public expenditure.

7.3.4. I find that the location of the proposed dwelling in a backland site, notwithstanding a genuine rural housing need being demonstrated by the applicant, would, be contrary to sustainable rural housing guidelines and be out of character with the existing pattern of development in the area. Accordingly, I believe that the Board should not grant outline permission in this instance due to the undesirable precedent for backland development in rural areas that would be set.

#### 7.4. Access Issues

7.4.1. With regard to the issue of the legal status of the access road, the Board has no statutory power to adjudicate upon matters relating to title, ownership, easements, rights of way and these matters constitute ‘civil matters’ that can only be resolved by agreement between the parties or in the civil courts.

7.4.2. In addition, I note that the Development Management Guidelines (2009) make this fact clear with Section 5.13 stating that: “the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the courts”. Accordingly, the issue of access rights over the lane is only assessed in terms of what development the

outline permission sought and the lands outlined by the red line application boundary.

- 7.4.3. The red line application boundary for Ref. 221463 delimits only those lands to the rear of No. 8 Windtown in the ownership of the First Party. The red line boundary does not encompass any portion of the access lane to the west and south of the appeal site and does not include the lands at the junction of this lane with the L3409.
- 7.4.4. While the First Party therefore submits proposals for modification to the junction to achieve compliance with TII DN-GEO-03060 (2017) requirements, the First Party has no control over said lands nor the consent of the landowner to carry out these works. I note that the statutory notices relating to the application make no reference to the proposed access arrangements and that the junction upgrade works required to provide safe access to the appeal site were never part of the outline planning permission in the first place.
- 7.4.5. The precedent for sightline improvement works at the junction of the access road and the L3409 provided by Ref. NA211944 is not relevant to the current appeal as in that case the applicant had the consent of the landowner to carry out the junction upgrade works whereas the current applicant does not.
- 7.4.6. From reviewing the documentation submitted by the Observer parties and the corresponding lack of documentation put forward by the First Party, I feel that the access lane is not in public ownership but rather is in the private ownership of the Observer parties. The First Party has submitted no evidence of any right of way over this private lane and therefore the appeal site is effectively landlocked and outline permission should not be granted under these circumstances.

#### 7.5. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the fact that there are no European sites in the vicinity of the appeal 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.

## 8.0 Recommendation

I recommend that outline permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the provisions of the Meath County Development Plan 2021-2027, including the zoning objective for the site ('RA – Rural Area), which seeks to protect and enhance the amenity and character of existing residential communities; it is considered that the proposed development, because of its location and inadequate frontage, constitutes inappropriate backland development which would seriously injure the amenities of property in the vicinity by reason of uncoordinated piecemeal development, and accordingly the development would create an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both directions. In addition, the lands required to upgrade the road junction to achieve compliance with TII DN-GEO-03060 (2017) are not within the control of the applicant and accordingly, the development, would 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.

---

**Bernard Dee**  
**Planning Inspector**

**20<sup>th</sup> June 2023**