



An  
Bord  
Pleanála

## Inspector's Report ABP316009-23

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<b>Development</b>	Construction of a two storey style dwelling, detached domestic garage, a domestic waste water disposal system, new site entrance and all associated site works
<b>Location</b>	Rathkenny, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22/1679
<b>Applicants</b>	Siobhán Meade
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Siobhán Meade
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2023
<b>Inspector</b>	Trevor Rue

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## 1.0 Site Location and Description

- 1.1. The application site is located in open countryside about 11 kilometres to the north of Navan. It would access on to the narrow local road L14621, known as Lacken Road.
- 1.2. The site has a stated area of 0.34 hectares. It is a four-sided area in the southern corner of an agricultural field. It has a road frontage of 59.1 metres, along which there is a low mature hedge which includes a series of individual trees. The south-eastern boundary, which extends back from the road by 53.3 metres, is marked by a low mature hedge. The south-western and north-western boundaries are undefined.
- 1.3. The site is in an elevated location. The ground level falls gradually to the south west and rises steeply to the north east on the other side of the local road.

## 2.0 Proposed Development

- 2.1. Permission is sought for a two storey dwelling with a gross floor area of 216 square metres, a detached domestic garage with a gross floor area of 54 square metres, a domestic wastewater disposal system, a new site entrance and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Meath County Council **refused** permission on 13<sup>th</sup> March 2023 for the following reason:-

It is an objective (HER OBJ 56) of the Meath County Development Plan 2021 – 2027, *“To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect the views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape”* and policy HER POL 52, *“To protect and enhance the quality, character, and distinctiveness of the landscapes of County Meath in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design”* and HER OBJ 49, *“To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb*

*change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations”.*

The site is located within the “North Navan Lowlands” Landscape Character Area (No. 3) which is of Moderate Value and of Moderate Sensitivity and where *this area has “Low potential capacity for one off houses, as they are already very common in this LCA...”*

Having regard to the open, elevated and exposed nature of the application site, it is considered that the proposed development would result in an unduly prominent and visually intrusive physical feature and would dominate, rather than integrate with, the wider local landscape. Furthermore, it is considered that the proposed development would interfere with the character of the landscape, most notably Protected View No 28 of the Meath County Development Plan 2021 – 2027 which seeks to preserve the *“View north east across settled working landscape with large fields, woodland lots, and low levels of enclosure...”*. Therefore the proposed development, would set an undesirable precedent for similar future developments in the rural area and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The **planning officer’s report** of 21<sup>st</sup> February 2023 provided the reasoning for the authority’s decision. He described the site and set out relevant policy provisions. Among the key planning considerations he identified were the principle of development and design, layout and siting. He reached the following conclusions relevant to these matters:-

- The applicant had completed a local need form indicating that she does not own a dwelling but lives at the family home within proximity of the application site. She had submitted a letter of consent from the landowner, bank statements, a letter from a sporting club she was involved with and letters from school principals. Based on the information provided it was considered that the applicant on balance met the local needs qualifying criteria and the development was therefore acceptable in principle.

- The design was considered generally in line with the Meath Rural Design Guide.
- There would be sustained inward views of the site from various public vantage points. Four photographs were included in the report.
- As the site is open, elevated and exposed, the development would be unduly prominent and visually intrusive and would dominate rather than integrate with the landscape.
- The development would interfere with the character of the landscape, most notably Protected View 28.
- The proposed dwelling would be better sited in family lands on the lower portion of the landholding.

3.2.3. The Council's **Transportation Planning Section** had no objection to the proposed development subject to various conditions, including the removal of the entire roadside hedge and the provision of a grass verge at least 3 metres in width.

## 4.0 Planning History

According to the planning authority, there is no recent planning history for the site.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. Chapter 9.0 of the **Meath County Development Plan 2021 to 2027** is titled Rural Development Strategy. The goal of the strategy is 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.

5.1.2. Map 9.1 of the Development Plan indicates that the application site is in a Low Development Pressure Area, where, as set out in Section 9.3, the following policy applies:-

**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.

5.1.3. Section 9.3 of the Development Plan states 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. Such persons are considered to include persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside.

5.1.4. Paragraph 8.17.3 of the Development Plan refers to the Landscape Character Assessment (LCA) for the county carried out in 2007, which is reproduced as Appendix 5 to the plan. The key objectives of the LCA are (i) to improve the understanding of the county's landscape in terms of its inherent and unique character and to recognise what elements should be preserved, conserved or enhanced; (ii) to predict the broad pattern of future changes and devise policies and objectives as guidance to planners and other parties which will ensure that change is complimentary to landscape character; and (iii) to assist in the achievement of sustainable development.

5.1.5. The LCA divides the county into four landscape character types – hills and upland areas; lowland areas; river corridors and estuaries; and coastal areas. The landscape character types are subdivided into 20 landscape character areas. The application site lies within Area 3, North Navan Lowlands. Area 3 is said to be of moderate value and moderate sensitivity. It is said to have low potential capacity for one-off houses, as they are already very common in this area. It is recommended that residential development should focus on consolidating urban edges and improving landscape condition.

5.1.6. Paragraph 8.17.7 of the Development Plan states the following policy and objective:-

**HER POL 52:** To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the [LCA] to ensure that new development meets high standards of siting and design.

**HER OBJ 49:** To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in [the LCA].

5.1.7 Section 8.18 of the Development Plan states that the landscape of the county has many vantage points which offer attractive views from hilltops and upland areas, along river valleys and the coast. Many of these views are associated with heritage and tourism sites and provide vantage points over high quality landscapes. These scenic views are of an amenity and tourism value and contribute to our quality of life. It is not envisaged that the designation of a protected view would prohibit all development within the view, rather that any development proposed within the view should be designed and located so as not to obstruct the view or be unduly intrusive in the landscape as seen from these vantage points.

5.1.8 Section 8.18 goes on to say that it is an objective of the Council:

**HER OBJ 56:** To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.

5.1.9. One of the protected views and prospects in Appendix 10 is listed as follows:-

View: 28

Location: County road between Rathkenny Cross Roads and Sallygarden Cross Roads

Direction: North East

Description: View north east across settled working landscape with large fields, woodland lots, and low levels of enclosure. Settlements and infrastructure visible.

Significance: Local

## 5.2. Natural Heritage Designations

Map 8.3 of the Meath County Development Plan indicates that no part of the application site or its surroundings is covered by a natural heritage designation.

### 5.3. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The applicant gave five reasons for her appeal:-

- The house was specifically designed to comply with the Council's rural design guide. She fulfilled all the criteria to meet the local needs requirement.
- The application site is the only site available to her on the family landholding and it is in a low development pressure area.
- There is a local needs test for planning permission so this reduces the number of people who could meet the criteria. It is a primarily agricultural area, which reduces the possibility of undesirable future developments.
- Having considered the open, elevated and exposed nature of the application site as recorded by the planning officer, she had worked with a local landscaper to reduce the visually intrusive physical feature of the proposed dwelling, helping to integrate it with the local landscape.
- The planner could have asked for further information about landscaping to help make the dwelling less dominant instead of recommending refusal.

6.1.2. A landscaping and planting plan and visualisations were submitted. It is proposed to plant a mix of native hedge rows along with large native trees and to maintain existing trees and hedge rows. The plan is in keeping with the character and visual amenity of the surrounding landscape. When complete the property would integrate and blend discretely into the landscape and the works would add great value to wildlife and flora.



## 6.2. **Planning Authority Response**

The planning authority was satisfied that all relevant matters outlined in the applicants' appeal submission were considered in the course of its assessment of the planning application as detailed in the planning officer's report.

## 7.0 **Assessment**

### 7.1 **Issues**

7.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issues are:-

- whether a housing need has been established; and
- the impact of the proposed development on the character and appearance of this rural area.

I must also consider whether an appropriate assessment (AA) is required pursuant to the European Union Habitats Directive (92/43/EEC).

### 7.2 **Housing Need**

7.2.1 I agree with the planning officer's assessment that based on the information provided the applicant meets the local needs qualifying criteria and the development is therefore acceptable in principle.

### 7.3 **Landscape and Visual Impact**

7.3.1. It seems to me that the LCA gives a broad indication of the capacity of different landscapes within the county to absorb new buildings but does not provide a formula to be applied when determining individual planning applications. The Development Plan does not envisage that the designation of a protected view would prohibit all development within the view. The tests set out in HER OBJ 56 are whether a proposed development would preserve the views and prospects identified in Appendix 10 to the plan and whether it would interfere unduly with the character and visual amenity of the landscape. This requires careful assessment, primarily from public viewpoints.

7.3.2 According to the proposed site layout plan, Lacken Road rises by more than 3 metres from south to north along the site frontage. Ground levels fall away by 6 to 10 metres from the road to the back of the site. The finished floor levels of the dwelling and

garage would be 4 to 7 metres below the road. A traditional two-storey dwelling with a ridge height of 8.1 metres is proposed; only its roof and upper walls would protrude above road level. The layout plan shows hedge removal at the site entrance. It is however proposed that most of the existing hedgerow and trees on the site frontage would be retained despite the need to clear sightlines. This should be possible due to the width of the verge. It is proposed to erect post and rail fences and plant new hedgerows using native species to define the two new site boundaries.

7.3.3. While Lacken Road is elevated in the local landscape, the application site is neither open nor exposed when seen from the road itself. Views of the proposed dwelling and garage would be limited by the curvature of the road as well as by a combination of topography and existing vegetation. I judge that when observed from either direction on Lacken Road, the development would not be unduly prominent or visually intrusive but would be acceptably integrated into the landscape

7.3.4. To see the application site from a different perspective, I drove north east from Rathkenny Cross Roads along the lower-lying local road from which the applicant's family farmhouse takes access. My inspection was carried out at the height of summer when vegetative cover is at its strongest. Views of the site were largely obscured by roadside foliage. However, a clear view was available from an informal layby beside a disused church and graveyard to the south of the farmstead. The site was about 600 metres to the north east on rising ground.

7.3.5. From the vicinity of the old church, Lacken Road presents an attractive and largely unspoilt vista. While glimpses may be had of other buildings at a similar elevation, the proposed dwelling and garage would be more exposed. In my judgment, despite the backdrop of trees and the proximity of higher ground, the development would represent an unwelcome intrusion into the rural scene. The new planting proposed on the new site boundaries would need several years to mature and take effect.

7.3.6. The application site can be seen through gaps in roadside hedging elsewhere along the local road to the west but at this time of year it has to be consciously searched for. It is likely that in the late autumn and winter more open views will be available. Be that as it may, I have come to the conclusion based on the old church viewpoint alone that the proposed development would unacceptably interfere with the protected view and

harm the overall character of the landscape in this location. I also consider that it would set undesirable precedent in this rural area.

#### **7.4. Appropriate Assessment Screening**

7.4.1. According to the planning officer's report, the application site is not within and does not directly adjoin any Natura 2000 site. The nearest such sites are the River Boyne and River Blackwater Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area which are 7 kilometres to the south west.

7.4.2. Having regard to the nature and scale of the proposed development, the nature and scale of the foreseeable discharges therefrom and the distance between the application site and these European nature conservation sites, it is possible to screen out the requirement for the submission of a Natura impact statement and the carrying out of an AA at an initial stage.

### **8.0 Recommendation**

8.1. I recommend that permission be refused.

### **9.0 Reasons and Considerations**

The proposed development would constitute an unduly prominent and visually intrusive physical feature in the rural scene. It would unacceptably interfere with Protected View No. 28 identified in Appendix 10 to the Meath County Development Plan 2021 to 2027 and harm the overall character of the landscape in this location. The development would therefore set an undesirable precedent and 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.



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**TREVOR A RUE**

Planning Inspector

13<sup>th</sup> July 2023