



An
Bord
Pleanála

Inspector's Report ABP-321510-24

Development	Construction of a house and all associated site works.
Location	Wintergrass, Bellewstown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2460829
Applicant(s)	David Woods
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First party
Appellant(s)	David Woods
Observer(s)	Bellewstown Environmental Protection Group
Date of Site Inspection	24 th March 2025
Inspector	Bébhinn O'Shea

1.0 Site Location and Description

- 1.1. The site is located in Wintergrass near Duleek Co. Meath, on a rural road. The site comprises the side garden of an existing dwelling, extending beyond the existing fenceline to the rear, and is c. 1 metre higher than road level. It has open boundaries on three sides and an evergreen boundary exists on the boundary of the property to the north. The landscape falls away notably to the north-northeast; the local landscape is dominated by views of Kilsaran quarry at Bellewstown.

2.0 Proposed Development

- 2.1. Construction of a house, entrance and all associated site works. The house is modest in size at 61sqm and single storey finished in render. A new driveway is proposed, along with a well and septic tank/percolation area. No boundaries are indicated/specified.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for one reason:

The site of the proposed development is within a rural area under strong urban influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and in a 'Rural Area under Strong Urban Influence', where housing is restricted in accordance with the policies set out in the Meath County Development Plan 2021-2027. Strategic policy RUR DEV SP 1 seeks to adopt a tailored approach to rural housing and distinguishes between rural generated housing and urban generated housing in rural areas. Policy RD POL 5 seeks to facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages etc. Policy RD POL 13 seeks to protect agricultural or agri-business uses from unplanned and/or incompatible urban development.

It is considered, based on the information submitted, that the applicant has not established a site specific rural generated housing need for a dwelling in this

location. The proposed development, if permitted, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. It is therefore considered that the proposed development would be contrary to the aforementioned Ministerial Guidelines and would be County Development Plan policy RD POL 13 and would contravene policy RD POL 5. The proposed development 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 Planners report considered that

- The proposed development is located in a Rural Area under Strong Urban Influence as defined in the Meath County Development Plan 2021 – 2027.
- The applicant had submitted no evidence to illustrate that they have spent substantial periods of their lives living in rural areas as members of the established rural community and that they comply with the settlement strategy.
- The proposal would not constitute ribbon development.
- The proposed development would not have any significant impacts on the visual or residential amenity of the area but a landscaping plan would help it to blend into the rural surroundings.
- The wastewater treatment system proposed is for a 4 bed 6 person dwelling but only a 2 bed dwelling is proposed, clarification of same required.
- A Stage 2 Appropriate Assessment (Natura Impact Statement) is not required
- A sub-threshold EIA is not required

3.2.2. Other Technical Reports

Transportation: Requested FI on sightlines and entrance layout.

3.3. **Prescribed Bodies**

No reports on file

3.4. **Third Party Observations**

Submission from Ms. Angela Woods stating the site will detract from the character of the area and stating that the house offers no benefit to the local community, the house may serve as a second home, holiday let or speculative investment

4.0 **Planning History**

5.0 **Policy Context**

5.1. **National Planning Framework**

NPO19 seeks 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'

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

The Guidelines identify a number of rural area typologies and gives an overview of these area typologies and policies for same, and other planning considerations. A distinction is to be made between 'Urban Generated' and 'Rural Generated' housing need.

Appendix 3 sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.

5.3. Development Plan

The Meath County Development Plan 2021-2027 (MCDP) is the relevant development plan.

- 5.3.1. The site is located on unzoned lands, in an area designated as being a “Rural Area under Strong Urban Influence” in the MCDP, and the following policies relate to this area.

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.

- 5.3.2. **Section 9.4** sets out the criteria under which rural housing proposals will be considered:

- **Proposals 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. Persons taking over the ownership and running of family farms and/or the sons and daughters of farmers would be considered within this category
 - 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
- **Persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation**
 - 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
- Persons whose employment is rurally based

5.3.3. Section 9.4 sets out the 'Development Assessment Criteria' which the Planning Authority will take into account.

- Housing need
- 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.

5.3.4. Section 9.4 also notes considerations in relation to housing need arising from exceptional health circumstances, and the sale of dwellings due to unavoidable financial reasons.

5.3.5. Chapter 11 sets out Development Management Standards and Land Use Zoning Objectives.

5.4. **Natural Heritage Designations**

- River Boyne and River Blackwater SAC c. 6.8 km

- River Boyne and River Blackwater SPA c. 6.8 km
- River Nanny Estuary and Shore SPA 7.5 km (Hydrological connection 200m from site)
- North-West Irish Sea SPA c. 9.5km
- Boyne Coast & Estuary SAC c.10.2 km
- Boyne Coast & Estuary SPA c.10.2 km
- Duleek Commons pNHA c 3.3km
- Cromwells Bush Fen pNHA c. 4km

6.0 EIA Screening

See Appendix 1. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- The modest bungalow is intended to be built on the applicant's fathers lands who resides at the same location.
- The area is already densely developed. So the aims of objective Rural Dev SP2 have already been lost
- The applicant is an intrinsic part of the community, he was born and brought up in the home adjacent to the proposed development
- Large number of one-off domestic developments have been granted in recent years (file numbers given), many of which could not be described as satisfying the housing requires of persons who are an intrinsic part of the community.
- The observation from the applicant's estranged sister is vexatious.

7.2. Planning Authority Response

The response states that all matters raised in the appeal are addressed in the planning report on file. The information submitted is not sufficient to demonstrate compliance with the rural settlement strategy set out in the Meath County Development Plan. Requests decision be upheld.

7.3. Observations

Bellewstown Environmental Protection Group:

- In the past c. 10 years the PA has granted permission to new homes of c. 40 occasions on, or adjacent to, lands designated as agricultural. Due the position of the proposed development it cannot possibly interfere with agriculture or agri-business.
- The applicant should be entitled to build a house. He was born and brought up in Wintergrass. The site is between his family home and his aunt/uncle's home
- The dwelling will not disrupt the landscape, it is between two existing homes and is close to other structures.
- The claim that the home is second home or speculative is unfounded.

7.4. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The applicant's rural housing need

- Disposal of wastewater
- Other issues

8.2. Rural Housing Need:

8.2.1. Having regard to the provisions of Section 9.4 of the MCDP, the applicant works 35 km from the proposed site in Dublin Airport and has not indicated that his employment is related to natural resources or that he is a person taking over the running of a family farm. Therefore his case relies on being considered as being an intrinsic part of the local community, and establishing that he falls within one of these categories:

- 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;

The application form states that the applicant has lived in Wintergrass from 1998 to present (c. 27 years). It also states that the applicant has lived in the present house for 46 years. No other places of residence are indicated on the application form for the past 5 years. The information in relation to the applicants place of residence is inconsistent/unclear.

There is no supporting/documentary evidence of the above statements.

8.2.2. The qualifying criteria also require that applicants do not/have not possessed a dwelling. The application form also refers to a property sold due to the end of a relationship, however the property has not been identified, or duration of residence at that property.

8.3. On the basis of the general statements submitted with the appeal, it cannot be concluded that the applicant has a rural housing need to satisfy the requirements of the MCDP. This is due to the fact that, while the applicant may indeed have a rural housing need within the parameters of the MCDP, no documentation has been submitted to substantiate this, e.g. to prove the applicants place of residence, links to the area, or circumstances relating to the sale of a previously owned dwelling. All applicants are required to demonstrate their housing need; typical supporting documentation includes birth certs, school attendance statements, utility bills, club associations, statements from solicitors regarding sale of previously owned dwelling, etc. None of these have been submitted, either at application stage or at appeal stage. Therefore a rural housing need as defined by the MCDP, cannot be confirmed.

8.4. **Wastewater**

8.4.1. A Site Characterisation and Site Suitability Assessment Report accompanies the application. The site is located at a Poor aquifer with Extreme vulnerability. No bedrock or ground water was encountered within the trial hole. Silt/clay surface soil was observed with crumb structure and low compactness. Clay with mixed stone at subsurface with blocky structure and medium compactness. T Value was 43.03 and P value 28.31. A Secondary Treatment System or Tertiary Treatment System are identified as suitable options. A proprietary wastewater treatment system with tertiary treatment is recommended.

The CoP indicates that the site falls with the R2¹ response category where “an on-site system in acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised”.

Minimum unsaturated soil and/or subsoil depth requirements set out in table 6.3 are met; the point of infiltration is 0.5m BGL and no groundwater/bedrock was found to a depth of 2.1m therefore a depth of soil of more than 1.6m from invert to bedrock is assumed.

8.4.2. Table 6.2 of the COP requires 40m to a downgradient well and 25m to an alongside well in these circumstances. A distance of c. 35 m is provided from percolation area

to the proposed well and the well of the existing dwelling to south. It is not clear from the levels provided whether these wells can be considered to be 'alongside' or 'downgradient' and further information would be required in this regard, to ensure adequate separation distance to water supply.

It is noted that the site layout plan indicates existing wells of adjacent dwellings, and a proposed well to serve the proposed dwelling. The application form also states that the proposed water supply is a private well. However, the Report states *Proposed water supply to be taken from Group water scheme. As all the wells in the locality will therefore meet the required separation distances of the Groundwater Protection Responses of GSI/EPA/DoELG and the EPA Code of Practice (2021), none are deemed to be at risk from the proposed polishing filter's installation.*

- 8.4.3. The dwellings are closely positioned in relation to each other, as the proposed dwelling is within the side garden of another. The percolation areas/tanks/filters of wastewater treatment systems of adjacent dwellings are not shown on the site layout plan to establish that adequate separation distances are achieved.
- 8.4.4. As noted by the Planning Authority, the Report indicates that it is intended to deal with wastewater from a 4 bed dwelling but only a 2 bedroom dwelling is proposed. I do not consider that this excess capacity is an issue, given the suitability of the site is demonstrated in general for a WWTP, provided required separation distances can be met.
- 8.4.5. To conclude on wastewater, clarification on water supply and compliance with the EPA Code of Practice in terms of separation distances is required.

8.5. Other Issues

- 8.5.1. Siting/landscape/visual impact: The site is located within the Hills & Upland Character Type and at the northern edge of the Bellewstown Hills Landscape Character Area, identified as having very high value and moderate sensitivity. The Landscape Character Assessment of the MCDP states that *there is Medium potential capacity to accommodate one off houses, as they are part of the existing character of the area. However ribbon development should be avoided, as it would erode the rural character of the area.*

I consider that the proposed dwelling will be infill in nature and not impact significantly on the area in visual terms. The development will be somewhat exposed to the rear, however, the building is modest and the site is between two houses and will be less obtrusive accordingly. In the event of permission being granted, a condition regarding the planting of boundaries should be attached, in the interest of visual amenity.

- 8.5.2. Access: The report of the Transportation section seeks Further Information in relation to the formation of the entrance, creation of wing walls and boundaries, and sightlines. (The application drawings only show an entrance point/driveway, with no wing walls/boundaries.) I observed good sight visibility upon site inspection and based on this and details on drawings I am confident that adequate sightlines can be achieved, along with the formation of an entrance. This may require the positioning of entrance slightly more to the south, given the boundary wall of the dwelling to north, or a shared entrance with the applicant's fathers dwelling, existing to south, and thus requires to be confirmed on drawings. This may be achieved by condition, in the event of a grant of permission.

9.0 AA Screening

The proposed development comprises the construction of a dwelling and associated site works.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The location and distance from the nearest European sites River Boyne and River Blackwater SAC and SPA c. 6.8 km and River Nanny Estuary and Shore SPA 7.5 km
- Taking into account the screening report by Meath County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required

10.0 Recommendation

I recommend permission be refused, as the applicant has not adequately demonstrated rural housing need.

It is noted that there are issues in relation to site access/sightlines arrangements and the proposed wastewater treatment system/water supply. However, as these would be New Issues, and given the substantive reason for refusal, it is not recommended that these matters be pursued at this time.

11.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Meath County Development Plan 2021-2027, it is considered that the applicant has not demonstrated, through the submission of adequate documentation, that he comes within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. 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.

Bébhinn O'Shea
Senior Planning Inspector

31st March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321510-24		
Proposed Development Summary	Construction of a dwelling and ancillary site works.		
Development Address	Wintergrass, Bellewstown, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) Construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	X	Class 10(b)(i) Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321510
Proposed Development Summary	Rural house
Development Address	Wintergrass, Bellewstown Co Meath
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposal for single storey dwelling house, WWTP</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Rural area, 2 No. dwellings nearby and other structures in the vicinity</p> <p>Not environmentally sensitive, removed from pNHAs and European sites with distant hydrological connection.</p> <p>280m to nearest watercourse.</p> <p>Area not designated for the protection natural heritage. High landscape value but medium sensitivity, site infill in nature. No</p>

		built heritage/archaeological features.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		The development would not result in the production of any significant waste, emissions or pollutants.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)