



An
Bord
Pleanála

Inspector's Report

ABP-321846-25

Development	Permission for change of house type and revised site layout (previously granted under 2460069).
Location	Cannistown, Navan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2460965
Applicant(s)	S. O. Byrne & M English
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	S. O. Byrne & M English
Observer(s)	None
Date of Site Inspection	13/05/2025
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The existing site is a greenfield site located in the townland of Cannistown, Navan Co Meath. The site located in a rural area, is located to the rear (east) of existing farm dwelling house and farm sheds.
- 1.2. The lands at this location are generally flat and the lands can be described as agricultural grassland. There are mature boundaries to the north, east and west of the site, with the site boundaries all hosting a number of mature trees. There is a timber post and rail fence to the front of the site.
- 1.3. There are a number of one-off rural dwellings in this local area with a ribbon of houses to the south of the site and across the road to the east of the site.

2.0 Proposed Development

- 2.1. The applicant seeks permission for a change of house type and a revised site layout from grant of permission received under parent permission 24/60069.

3.0 Planning Authority Decision

- 3.1. **The planning authority issued a Decision to refuse permission for 2 reasons as follows:**
 1. Having regard to the design of the proposed dwelling and layout showing excessive distance from the public road, it is considered that the proposed development would be unduly prominent and obtrusive in this rural landscape and would be contrary to the provisions set out in the Meath Rural House Design Guide and RD POL 9 of the Meath County Development Plan 2021 to 2027. The proposal therefore would negatively affect the visual amenities of the area, would set an undesirable precedent for future development of this kind and would be contrary to the proper planning and sustainable development of the area.
 2. The proposed development would contravene materially a condition attached to an existing permission for development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. There is a single Planning Report on file. The report assessed the following:

- The site is zoned RA – Rural Area (Strong Urban) with the definitive land use zoning 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 and under which residential development is permissible subject to compliance with the Rural Settlement Strategy.
- The applicant submitted a site layout plan as part of planning reference no. 2460069 which outlined the house as being located c76m from the public road. Under the further information request of 2460069 the applicant was required to reduce the setback of the house from the public road to 20m. The applicant has now resubmitted a site layout plan under 2460965 which identifies the house located at c75m from the public road. The rationale for the resubmission of the site layout plan increasing the distance which was originally not acceptable to the Planning Authority is unclear.
- The extant permission is for the demolition of the existing cottage and outbuildings and the construction of a replacement house. The applicant now seeks to retain the existing cottage and outbuildings for agricultural use. This is contrary to the planning conditions of the extant permission and therefore a refusal is recommended in this instance.
- The dwelling is a two-storey building laid out in a rectangular type plan. It has a pitched roof ridge height of 8.8m. External finishes are render and natural slates. A storey and a half dwelling was requested under the extant permission 2460069. The revised design is not acceptable to the Planning Authority
- The garage is 4.121m in height to pitched roof ridge and external materials to match the dwelling. This is noted.
- The proposed development would adversely impact on visual and residential amenities of the area by virtue of its siting, layout and design. Not satisfied

that the proposal conforms to RD POL 9 of the CDP and the Meath Rural House Design Guide.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

PA reg ref 24/60069, Permission granted for the construction of a new two-storey detached replacement dwelling, the re-use of the existing dwelling as a farm outbuilding, a detached garage and associated landscaping and site works including a new waste water treatment system and new site entrance onto the existing public road. Significant further information/revised plans submitted on this application.

Permission granted with conditions requiring the demolition of existing cottage structure.

PA reg ref 22/1018 – Permission refused for the construction of a new two storey detached replacement dwelling, the re-use of the existing dwelling as a farm outbuilding, a new garage, new waste water treatment unit and percolation area, a replacement vehicular entrance area from the road, new driveway and all associated landscaping and site works. Refused

5.0 Policy Context

5.1. Meath County Development Plan 2021 - 2027

5.1.1. Rural Settlement Strategy

5.1.2. Section 9.2 -

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 needs¹ 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.

5.1.3. Section 9.3 – The site is zoned RA – Rural Area (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-urban² 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.

5.1.4. RD POL -9 - To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

5.2. Natural Heritage Designations

River Boyne and River Blackwater SAC (SiteCode: IE0002299) 1.2km to the northwest

River Boyne and River Blackwater SPA (SiteCode: IE0004232) 1.2km to the northwest

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. **This is a first party appeal against the Decision of Meath County Council to refuse permission for the proposed development. The Grounds of Appeal can be summarised as follows:**

- Compliance with the Meath Rural Design Guide including site layout, building form, height (8.8m), traditional two storey dwelling.
- Sitting the dwelling along the public road would exacerbate ribbon development.
- Driveway carefully designed to minimise impact
- Robust justification not taken into account by the planning authority

- Applicant wishes to retain the existing vernacular cottage rather than demolish it

7.2. Planning Authority Response

The planning authority issued a response to the appeal on the 3rd of March 2025 and the following is noted:

- The planning authority is satisfied that the subject proposal was appropriately considered throughout the course of the assessment of the planning application as detailed in the respective Planning Officers' report dated 19th December 2024.

7.3. Observations

- None

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 and the report 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 main issues in this appeal to be considered are as follows:

- Background/ Context
- Revised Design & Layout
- Other Matters

8.2. Background/ Context Planning History

8.2.1. The development currently before the Board represents a revised site layout and design to that previously permitted under Reg. Ref. 24/60069. The original

permission provided for: "The construction of a new two-storey detached replacement dwelling; the re-use of the existing dwelling as a farm outbuilding; a detached garage; and associated landscaping and site works, including a new wastewater treatment system and new site entrance onto the existing public road."

- 8.2.2. During the course of that application, the planning authority issued a request for further information. It did not accept the proposed retention of the existing cottage as a farm outbuilding and required its demolition. Furthermore, the authority considered the siting of the proposed dwelling—approximately 75 metres from the public road—to be inappropriate, and requested a revised location and house design, specifically a storey-and-a-half dwelling closer to the road. In response, the applicant submitted revised proposals relocating the dwelling approximately 20 metres from the public road and reducing the building to a storey-and-a-half in height. The revised submission also proposed the demolition of the existing dwelling and associated outbuildings.
- 8.2.3. The planning authority, in its assessment of the revised application, considered the proposed replacement dwelling to be acceptable. It concluded that the existing structure lacked sufficient vernacular value to warrant retention. Accordingly, no rural housing need assessment was carried out, as the development was deemed to qualify as a replacement dwelling. This implicitly required the removal of the existing structure from the site.

8.3. Revised Site Layout & Design

- 8.3.1. Under the permitted development, the dwelling was designed as a storey-and-a-half structure with a ridge height of 7.3 metres. It was to be set back 20 metres from the public road, with a new site entrance proposed at the northern boundary. A comprehensive landscaping plan accompanied the application. The proposal also included the demolition of the existing dwelling and associated outbuildings on the site.
- 8.3.2. The current proposal reverts largely to the original layout & design submitted under the initial application (24/60069). It seeks permission for a traditional two-storey dwelling with a ridge height of 8.8 metres, located approximately 76.3 metres from the public road. A new access roadway is proposed along the northern boundary to

serve the house. The applicant also seeks to retain the existing dwelling and outbuildings for use as farm outbuildings.

- 8.3.3. The applicant contends that the planning authority did not have sufficient regard to the submitted Planning and Design Statement during its assessment. However, upon review of the proposal and associated documentation, I note the current submission closely mirrors the original refused layout and design. The planning authority had previously determined that this form of development would adversely impact the visual and residential amenities of the area due to its siting, layout, and design, and that it did not conform to the Meath Rural Design Guide or Policy RD POL 9 of the Meath County Development Plan.
- 8.3.4. In my view, the revised proposal does not represent a good precedent for rural residential development. The siting of the proposed dwelling to the rear of the existing (albeit proposed to be retained) residential structure constitutes a form of backland development, which is actively discouraged under Appendix 13 of the Meath County Development Plan (Meath Rural Design Guide, pp. 22).
- 8.3.5. Moreover, the applicant received permission for a replacement dwelling, conditional on the removal of the existing structure. The proposed retention of that structure, even for agricultural use, undermines the replacement nature of the dwelling now sought. It is my view that the proposal does not necessitate this departure from the permitted scheme and that the location to the rear of the site lacks planning justification.
- 8.3.6. The applicant contends that the proposed new access road will be adequately screened along the northern boundary and will not result in a visually obtrusive feature in the landscape. In support of the development, the applicant references Development Plan Policies RD POL 30, RD POL 31, and RD POL 32, which promote the viable re-use of vernacular buildings in rural areas. Regarding the proposed dwelling design, the applicant notes that the ridge height of 8.2 metres complies with the Meath Rural Design Guide. It is submitted that, in the absence of a prescribed maximum height within the Rural Design Guide, compliance should be assessed having regard to design quality, contextual setting, and proportionality. Visual assessments have been submitted to support the applicant's position.

- 8.3.7. Notwithstanding the above, I consider that the originally proposed storey-and-a-half design, with a reduced ridge height of 7.3 metres, represents a more appropriate design response for this site. In my view, site layout and building design are intrinsically linked and should be assessed holistically. A ridge height of 7.3 metres, positioned approximately 20 metres from the roadside, reflects a more considered and contextually sensitive approach at this location. While the Meath Rural Design Guide does not prescribe a maximum dwelling height, I am of the opinion that a taller structure, such as the revised 8.2-metre-high proposal, may appear unduly prominent along this narrow rural road. The existing housing stock in the area is characterised predominantly by single-storey and dormer-style dwellings. Having regard to the site context and the prevailing rural character, I consider the originally proposed storey-and-a-half design, with a ridge height of 7.3 metres, to be more appropriate and proportionate to the setting.
- 8.3.8. Regarding the applicants' arguments for compliance with Development Plan policies, the cited policies relate specifically to the retention and re-use of vernacular dwellings as habitable homes. In this case, the intention is to retain the existing dwelling for non-residential use as a farm outbuilding. Therefore, I do not consider these policies to be directly applicable. While I do consider that the retention of these structures for habitable purposes would be the most favourable outcome for the site, this is not the question before the Board. Furthermore, the long-term retention of structures under such a use may give rise to enforcement issues and cannot be reasonably conditioned in a way that guarantees compliance or serves the stated policy objectives.
- 8.3.9. In summary, the revised development proposal largely reverts to a previously refused scheme. It involves the re-introduction of a two-storey dwelling at the rear of the site and the retention of the existing structure, which contradicts the basis upon which the original permission was granted. The proposal does not accord with rural design and siting principles outlined in the Meath County Development Plan 2021-2027 and would set an undesirable precedent for backland development in rural areas. Accordingly, the development as proposed is not considered acceptable in planning terms and contrary to policy objective RD POL 9 of the Meath County Development Plan.

8.4. Other Matters

Material Contravention

I note the second reason for refusal as stated by the planning authority, highlighted the granting of permission would in this instance result in the “material contravention” of condition of the parent planning permission. (24/60069). The planning authority has not stated what condition exactly the proposed development would contravene. In any case I consider the term is used in circumstances where it could not be considered to be justified in terms of normal planning practice as the term should be only used in the context of the development plan as per Section 37(2) (a) of the Planning and Development Act

8.5. AA Screening

I have considered the construction of a revised design for a replacement dwelling and layout in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 1.2km southeast of River Boyne and River Blackwater SAC and SPA.

8.5.1. The proposed development comprises:

Demolition of existing vacant dwelling house and outbuildings

Construction of storey & half style dwelling house, proposed new entrance and new waste water treatment system.

8.5.2. 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:

There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA. This combined with the distance and built up intervening environment between the application site and the European Sites removes any potential connector/receptor pathways. Therefore no impacts/effects are predicted.

The site is 1.2km from nearest SPA, no impacts are predicted on the QI of bird species associated with the SPA in terms of loss of habitat or noise disruption.

- 8.5.3. 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.

9.0 Recommendation

I recommend that planning permission be refused for the following reason

10.0 Reasons and Considerations

1. Having regard to the design of the proposed dwelling and layout showing excessive distance from the public road, it is considered that the proposed development would create a haphazard form of development that would set a precedent for backland development in the local rural area, the proposal therefore would be contrary to the provisions set out in the Meath Rural House Design Guide and RD POL 9 of the Meath County Development Plan 2021 to 2027. The proposal therefore would negatively affect the visual amenities of the area, would set an undesirable precedent for future development of this kind 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.

Darragh Ryan
Planning Inspector

19th of May 2025

Form 1 - EIA Pre-Screening

Case Reference	321846-25
Proposed Development Summary	Replacement dwelling, revised site layout.
Development Address	Cannistown, Navan, Co. Meath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10 (b) (i) Part 2, Schedule 5. Construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	

<p>of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) Part 2, Schedule 5. Construction of more than 500 dwelling units</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/>	

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	321846-25
Proposed Development Summary	Replacement dwelling, revised site layout.
Development Address	Cannistown, Navan, Co. Meath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Development of storey & half dwelling and construction of a grage. The site is located on a brownfiled site in a rural area. There would be no construction impacts beyond that for the construction of a single dwelling
Location of development (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).	Briefly comment on the location of the development, having regard to the criteria listed The site is located at a distance removed from any water body. The site is 1.2km from nearest European site. There is no likely significant effect on any European site as a result of the proposed development.
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).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. The site is located within a rural environment . There is no other construction presently in the vicinity of the site. There is no concern in relations to a cumulative or transboundary effect owing to

	nature and size of the proposed development which is located on a limited site
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.

Inspector: _____ Date: _____