



An
Coimisiún
Pleanála

Inspector's Report ABP-322196-25

Development

Demolition of existing carport and attached domestic garage with living area over balcony to front, layout changes, new roof structure, retention of two storey style dwelling house and wastewater treatment system and all associated site works.

Location

Faughanhill, Bohermeen, Navan, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2517

Applicant(s)

Rose Murray

Type of Application

Retention

Planning Authority Decision

Refuse

Type of Appeal

First

Appellant(s)

Rose Murraray

Observer(s)

None

Date of Site Inspection

30/06/2025

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The subject dwelling for retention is located in the townland of Faughan Hill, which is 1.7km north of Bohermeen – a rural node as set out in the Meath County Development Plan 2021 – 2027. The site is located 7.5km northwest of Navan. The M3 motorway is sited to the east and northeast. The old Dublin to Navan railway line is sited approx. 350 meters to the south.
- 1.2. The site is accessed off the north side of a private road accessed from public road CR222. There is large number of rural houses in the local area with approx. 30 houses within the immediate vicinity of the site (within 500m) on the CR22. Ribbon development has occurred on both sides of the CR222 in the vicinity of the subject site.
- 1.3. There are 2 no. dormer bungalows to the immediate west of the site, and a further 4 no. dwellings and farm buildings to the southeast. The subject site is irregular in shape and accommodates a part 1- and 2-storey 4- bed detached dwelling with an integrated car port and garage. The planning application form submitted to the P.A. states that the dwelling has an area of 526 sq.m. The dwelling has a maximum height of 9.2 metres and is finished with painted render and stone cladding.
- 1.4. The roadside boundary is defined by mature hedging and stone boundary wall. The proposed site and surrounding landholding are generally considered to be flat. The stated site area is 0.7996ha.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing car port and attached domestic garage on the east side of the existing dwelling. Demolition of single storey living room projection to the west and two storey projection and balcony to front. Demolition of existing chimney stack. The proposal will result in a reduction of floor area on ground and first floor layouts, removal and reconfiguration of roof structure to a lower ridge height.
- 2.2. Permission is sought for the construction of a new single dining area to the west, new external and internal walls to form proposed layout changes, new window arrangements to the front elevation, new reconfigured roof structure with reduced

ridge height, all associated elevational changes, new percolation area and all associated works.

- 2.3. Permission for retention of the remaining two storey style dwelling house, proprietary waste water treatment system, site entrance onto cul – de – sac laneway and all associated site works.

3.0 Planning Authority Decision

- 3.1. The Planning Authority (PA) on the 26/03/2025 refused permission for the development for the following reasons ,

1. Having regard to the level of existing and permitted development it is considered the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would establish an undesirable precedent for further development of this type. Furthermore, the proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2021-2027 which seeks to provide more sustainable formats of development within the rural area, through supporting vitality of lower order centres and existing local community facilities including policies/objectives RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 1 and RD OBJ The development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is a policy (RD POL 9) of the Meath County Development Plan 2021-2027, “To require all applications for rural houses to comply with the ‘Meath Rural House Design Guide”. The development to be retained by reason of its size, scale, and massing is considered to be out of keeping with and inappropriate in this rural environment notwithstanding the proposed alterations, whereby it would not reflect the traditional vernacular style of the area as detailed in the Meath Rural House Design Guide. Furthermore, it is considered that the development would be out of keeping with and would fail to integrate with the character of the surrounding rural area and would form a visually obstructive feature, which would not respect and integrate with the surrounding landscape. Accordingly, to permit the proposed development would materially

contravene the aforementioned policy provisions of the Meath County Development Plan 2021-2027 and thereby be contrary to the proper planning and sustainable development of the area.

3. It is a policy (RD POL 48) of the Meath County Development Plan 2021-2027, "To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the EPA 'Code of Practice Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. <10)', (2009) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes". On the basis of the failure of the subject application to demonstrate that the proposed development meets the minimum standards as set out in the '2021 Environmental Protection Agency Code of Practice'. The Planning Authority is not satisfied that the subject site can cater for the safe and effective treatment and disposal of effluent in accordance with the necessary standards and therefore would be prejudicial to public health, would be contrary to the above-referenced policy of the Development Plan and would not be in the interest of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Meath County Council Planning Report forms the basis of the Planning Authority's decision. The key points of the report are summarised below:

- The provision of a dwelling on this landholding would result in an excessive density of development and would have a detrimental impact on the character of the rural area. Noting the planning history on the file and the recent refusal decisions issued by Meath County Council and An Bord Pleanala, the planning authority considered that allowing the retention of the dwelling on the landholding within an area experiencing ongoing development pressures would constitute an excessive density of development which has eroded the character of this rural area.
- The design of the dwelling to be retained would not accord with the Meath Rural Design Guide. The subject application is similar in nature to the planning applications refused permission under reference numbers Reg Ref

24/400, PA reg ref 23/603 ABP ref 17/317907. There has been no material change in circumstances of the proposed retention and demolition/alterations of the dwelling since the previous refusals on site. The practicalities of the proposed alterations to the existing building are considered challenging given the internal layout and functionality of the dwelling itself.

- The applicant has not demonstrated that the wastewater treatment system would accord with the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)' (2021) (the EPA CoP). The date and time of the trial hole excavation and the date and time of the examination did not adhere to the recommended 48hr period as per the EPA (2021) Code of Practice. The true water table level after 48 hours cannot be known which would affect the design of the wastewater treatment system, therefore the submitted assessment is not compliant with the EPA (2021) Code of Practice and we cannot comprehensively complete an assessment of the information provided.

3.2.2. Other Technical Reports

Environment Department

The date and time of the trial hole excavation and the date and time of the examination did not adhere to the recommended 48hr period as per the EPA (2021) Code of Practice. The true water table level after 48 hours cannot be known which would affect the design of the wastewater treatment system, therefore the submitted assessment is not compliant with the EPA (2021) Code of Practice and we cannot comprehensively complete an assessment of the information provided.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

- PA Reg Ref 23/603- ABP 317907 – Planning Permission refused by local authority, upheld by An Bord Pleanála for demolition of part of existing dwelling and retention of remainder of dwelling for three reasons which relate to the excessive density of development in the unserviced rural area, development design incongruous and wastewater treatment system as proposed not meeting the EPA code of practice.
- P.A. Ref. KA60180: On 29 June 2006 planning permission was refused for the construction of a dormer bungalow with a garage, a proprietary wastewater treatment system and private well. 3 no. reasons for refusal were given which relate to the excessive density of development in the unserviced rural area, the excessive concentration of wastewater systems, and the contravention of a condition attached to an adjoining dwelling that sought to restrict future residential development on the landholding (P.A. Reg. Ref. KA40669).
- P.A. Ref. KA70152, ABP Case Ref. PL17.223673: On 12 December 2007 retention planning permission was refused for an existing part 1- and 2 -storey detached dwelling with a car port and garage, with a stated floor area of 588 sq.m., including the area of the carport and garage. 4 no. reasons for refusal were given which relate to the excessive density of development in the rural area under strong urban influence, the excessive concentration of wastewater treatment systems, the incongruous nature of the scale, height and design of the dwelling, and the contravention of conditions attached to the adjoining dwellings under P.A. Reg. Refs KA40653 and KA40669. I note that the dwelling refused retention permission under Case Ref. PL17.223673 appears largely identical to the dwelling currently at the subject site.
- P.A. Ref. KA802674, ABP Case Ref. PL17.231881: On 5 May 2009 planning permission and retention planning permission was refused for works to demolish part of the existing rural dwelling and to retain a dwelling of 329.7 sq.m. The 4 no. reasons for refusal in this case are similar to the reasons for refusal under P.A. Ref. KA70152, ABP Case Ref. PL17.223673, discussed above.

To the West of the Subject Site

- P.A. Ref. KA40653: On 2 June 2005 planning permission was granted for the construction of a dormer bungalow and wastewater treatment system on lands to the west of the subject site. Condition No. 3 requires the applicant to enter into an agreement under Section 47 of the Planning and Development Act 2000, as amended, to sterilise the landholding from further residential or non-agricultural development.
- P.A. Ref. KA40669: On 5 August 2005 planning permission was granted for the construction of a dormer bungalow and wastewater treatment system on lands to the west of the subject site. Condition No. 3 requires the applicant to enter into an agreement under Section 47 of the Planning and Development Act 2000, as amended, to sterilise the landholding from further residential non-agricultural development.

To the South of the Subject Site

- P.A. Ref. KA191809, ABP Case Ref. 306950-20: On 17 September 2020 planning permission was refused for the construction of a single storey house to the south of the subject site. 3 no. reasons for refusal were in the Board's Order which relate to the characterisation of the site, excessive development in the rural area, contravention of rural development policies in the Development Plan, contravention of the Meath Rural Design Guide, and the contravention of the conditions attached to P.A. Refs. KA40653 and KA40669.
- P.A. Ref. KA201978, ABP Case Ref. 309695-21: On 5 July 2021 the Board issued an Order to refuse planning permission for the construction of a single storey house to the south of the subject site. The 3 no. reasons for refusal given are similar to those under P.A. Ref. KA191809, ABP Case Ref. 306950-20, discussed above. The Board's decision was the subject of Judicial Review, *Murtagh -V- An Bord Pleanála* [2021 No. 778 JR], and the decision to refuse planning permission was upheld.
- P.A. Ref. 221060, ABP Case Ref. 314855-22: On 20 September 2022 Meath County Council issued their decision to refuse planning permission for a 2

storey dwelling to the south of the subject site. 2 no. reasons for refusal were given, which relate to the excessive density of development in the rural area, contravention of rural development policies and objectives in the Development Plan, and the contravention of the conditions attached to P.A. Refs. KA40653 and KA40669. This decision was appealed to An Bord Pleanála by the First Party and a decision has yet to be issued.

- P.A. 221061, ABP Case Ref. 314856-22: On 20 September 2022 Meath County Council issued their decision to refuse planning permission for a 2-storey dwelling to the southwest of the subject site. 2 no. reasons for refusal were given, which are similar to the reasons for refusal for P.A. Ref. 221060, discussed above. This decision was appealed to An Bord Pleanála by the First Party and the appeal was withdrawn on the 26 June 2022

5.0 Policy Context

- 5.1. The Meath County Development Plan 2021-2027 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

The site is outside the development boundaries of any settlements defined in the Development Plan and, therefore, is located within a rural area.

- 5.1.1. **Section 9.3** describes 3 no. rural area types;

- Area 1 – Rural Areas under Strong Urban Influence;
- Area 2 – Strong Rural Areas; and
- Area 3 – Low Development Pressure Areas.

Map 9.1 shows that the site is within a Strong Rural Area. The Development Plan states that the Key Challenge for Strong Rural Areas is to maintain a reasonable balance between development activity in defined settlements and housing proposals in the rural area.

- 5.1.2. **Section 9.4** of the Plan describes the criteria for persons who are an Intrinsic Part of the Rural Community including the requirement for the applicant to have lived in the rural area for a period of over 5 years and to not own, or have owned, another dwelling.

5.1.3. **Section 9.5.1** lists the key assessment criteria for rural residential development in all rural area types, which include the following:

- Housing need background of the applicant.
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped.
- Degree of existing development on the original landholding.
- Suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan.
- Degree to which the proposal might be considered infill development.

5.1.4. **Section 9.5.4** states that the housing needs of those members of the rural community who are not part of the agricultural/horticulture community will be facilitated in designated rural nodes.

Table 9.2 lists Bohermeen as a rural node and map 4.1 – Bohermeen shows the defined boundary of this settlement.

The subject site is located 1.5 kilometres to the north of the northern boundary of Bohermeen.

Policy relevant to ‘Strong Rural Areas’ includes:

- RD POL 4 To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- RD POL 5 To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.
- Policy RD POL 8 and Objectives RUR DEV SO 5 and RD OBJ 1 seek to support the development of rural nodes to provide housing options for those with local housing needs and to establish rural communities.
- Policies RUR DEV SP 1, RD POL 1, RD POL 5 and RD POL 6 seek to differentiate between urban and rural generated housing demand, and to

provide for residential development for persons intrinsic to the rural area subject to normal planning criteria such as design, location and the protection of the environment.

5.1.5. Relevant development management policies and objectives include the following:

- RD POL 9 To require all applications for rural houses to comply with the 'Meath Rural House Design Guide'.
- RD POL 48 To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)' (2021) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes.

5.2. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated areas or Natura 2000 sites. The subject site is circa 2.5 kilometres to the south of the River Boyne and River Blackwater Special Area of Conservation (SAC) (site code 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (site code 004232). The site is circa 3 kilometres to the north of the Jamestown Bog Proposed Natural Heritage Area (pNHA) (site code 001324)

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. The grounds of appeal raised by the First Party relate to the 3 no. reasons for refusal given in Meath County Council's Notification of Decision. The key points are summarised below:

7.1.1. Refusal Reason 1

- ABP as part of recent application has accepted that the applicant meets the requirements of Meath County Council rural housing policy. The applicant has a right to apply for rural housing and a reasonable and constitutionally backed expectation of retaining the existing house in her home area.
- The refusal of permission in this instance will result in the reduction of one less house in the local rural area, whose density is considered too high. This reduction of a single dwelling and subsequent demolition does not justify the loss of embodied energy, the waste, the dust and transport to landfill.
- The subject site is in a cluster. The proposal does not create any new area of rural housing development but adds to an existing cluster of rural houses. Such clustering is a traditional part of rural housing development throughout Ireland. The proposal is not a rural area where rural housing is precluded under the Meath County Development Plan. There is no criteria outlined in Meath County Council or An Bord Pleanála decisions to reach a conclusion in relation to excessive density. Density has been used as the primary reason for refusal.
- The only section of the Meath County Development Plan that refers to density in a rural context is Section 9.5.2 in relation to Ribbon Development. Ribbon development does not apply to the proposed site. It further states that the perception of excessive density and level of housing in the local area is a result of Meath County Council decisions to grant permission for houses and not of the applicants making.
- There is limited immediate evidence of overdevelopment at this location.

- The subject site is well setback from the public road. The subject site is not located on a designated local road and therefore does not contribute to proliferation of entrances on a local road and is not sited on a Regional Road.
- The subject development complies with the National Planning Framework, the Sustainable Rural Housing – Guidelines for Planning Authorities, and the Meath County Development Plan 2021-2027, which facilitate rural development subject to rural need criteria, and design and development standards.
- The stated issue of rural services and community facilities as set out in the refusal reason lacks merit. The site is located close to Bohermeen designated rural noode and this Area 2 rural area is meant to be supported by the planning authority and not to effectively wither on the vine. The applicants planning application supports local rural services and does not detract from rural services.
- The policies referred to in the Development Plan could be read in a different way and support for rural housing would be clear and obvious based on the policies. Its further stated that the current and previous MCC and ABP decision on this site have not offered sufficient basis for refusing on the grounds of excessive density of rural houses and/or excessive density of wastewater treatment plants. It is asked that ABP offers a more complete assessment of the issue of density and provide the statutory and/or Development Plan basis on which any decision is made.
- It is submitted a reduction in density is proposed which reduces the dwelling to 259sqm. This is in line with the density of all other rural dwellings in the area.
- Meath County Council has permitted 3 rural dwellings in the local area since the original refusal on the site. There is an inconsistency of approach among the Meath County Council and excessive density is not sufficient grounds for refusal in this instance.

7.2. Refusal Reason 2

- Regarding design it is submitted the applicant has made many changes to the existing dwelling as can be made while retaining the family home. The changes addresses all previous design considerations including depth and form of the

house. When completed the dwelling will maintain a very traditional L shaped Georgian countryside house form.

- The applicant has provided full details as to how the proposed development complies with the Meath Rural Design Guide. The house will be substantially reduced in scale and will not be visible within the surrounding area.

7.3. Refusal Reason 3

- A report from Trinity Green Environmental Consultants has been provided to address concerns regarding the site suitability assessment as submitted.
- It is stated that there is no technical, environmental, heritage, amenity or other substantive reason why the subject development should not be granted planning permission.
- It is stated that there is a critical shortage of housing, which, as per Government Policy, requires the provision of residential units through all channels.
- The dwelling to be retained at the site is of a similar size to other rural residential development permitted by the P.A. in this area between 2021-2022.
- It is stated that the site is within the Bohermeen rural node and a designated Strong Rural Area, where rural development is facilitated under the Development Plan. The proposed development would contribute to the vitality of the Bohermeen rural node.

7.4. Planning Authority Response

- A response has been received from the Planning Authority dated 25 September 2023. The Planning Authority requests that the Board upholds their decision to refuse planning permission for the subject development

7.5. Observations

- None

8.0 Assessment

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

- Principle of Development/ Rural Housing Policy
- Density of Rural residential Development
- Design and Layout
- Wastewater Treatment

8.2. Principle of Development /Rural Housing Policy

The site is located in a local rural area Strong Rural Area (Area 2), as set out in Chapter 9 of the Meath County Development Plan. The applicant sets out as part of the appeal documentation that they qualify to construct a dwelling in the local rural area. This has been accepted by Meath County Council and An Bord Pleanala under reference ABP reference 317862-23.

8.2.1. I note previous report of Planning Inspector in relation to the site where it is stated that *the applicant has lived in the subject unauthorised dwelling since its construction in 2006/2007 and has never owned another house. The Appellant has, therefore, resided in this rural area for over 15 years and exceeds the 5-year minimum residency requirement under Section 9.4 of the Development Plan. I note that the criteria for determining rural housing need under Section 9.4 does not differentiate between the authorised or unauthorised status of the applicant's residence In this way, notwithstanding the unauthorised status of the dwelling, I consider that the First Party meets the criteria for persons local to or linked to a rural area as set out in Section 9.4 of the Development Plan.* I also note Meath County Council accepts the applicants rural housing need and capacity to build a house in the local rural area.

Having regard to the foregoing, whereby it is accepted that the applicant qualifies to build a dwelling in the local rural area, I consider that the principle of development is considered acceptable.

8.3. Density of Rural Residential Development

- 8.3.1. The primary reason for refusal, as cited by Meath County Council, is that the proposed development would result in an excessive density of housing in a rural area that lacks key public services and community infrastructure. This position is consistent with the findings of the Inspector in the earlier appeal (Ref. 317907-23), which concluded that the cumulative level of development in the locality had already reached an unsustainable threshold. The proposed dwelling, in this context, would exacerbate an already high concentration of one-off rural housing and would risk setting an undesirable precedent for further similar development.
- 8.3.2. While the applicant argues that "excessive rural density" is not explicitly referenced within the rural housing policies of the Meath County Development Plan—except in the context of ribbon development, which is not applicable here—it is important to consider the broader intent and objectives of local and national planning policy.
- 8.3.3. The site is located within a Strong Rural Area (Area 2), where Policy RD POL 4 and Policy RD POL 5 of the Meath County Development Plan apply. These policies aim to balance the genuine housing needs of the rural community with the imperative to direct urban-generated housing to towns and villages designated for such growth. Although the term "density" may not appear verbatim within these specific policies, the overarching goal is clearly to manage the proliferation of one-off housing in rural areas and prevent unsustainable patterns of development.
- 8.3.4. In this context, the term "excessive density" refers not to a rigid numerical standard but to the cumulative impact of dispersed housing on rural character, service delivery, and policy balance. The concern is not merely about the proposed dwelling in isolation, but about the incremental effect of continued one-off housing development in an area already under pressure.
- 8.3.5. A spatial analysis of the site reveals that there are approximately 40 dwellings within a 500-metre radius which is a significant concentration for a rural location. This level of development undermines the strategic policy objective—reflected in both local and national policy—that at least 50% of new housing should be located within built-up areas. Moreover, the presence of a sterilisation agreement on this site prior to the construction of unauthorised development further demonstrates the planning

authority's longstanding concern about over proliferation of rural development in this location.

- 8.3.6. Therefore, the refusal of planning permission on the grounds of excessive density is entirely appropriate and consistent with the policies of the Meath County Development Plan. It reflects a reasoned and well-established planning approach aimed at safeguarding rural character, supporting the sustainable distribution of housing, and reinforcing the strategic direction of rural housing policy. The planning authority's use of the term "excessive density" is justified, and it remains a valid planning consideration under the framework of both local and national development policy.
- 8.3.7. A key aspect of the applicant's submission relates to the granting of planning permissions for other one-off dwellings in the surrounding rural area since the original refusal for retention permission on this site. The applicant contends that such permissions indicate the planning authority's recognition of some capacity within the area to accommodate additional development.
- 8.3.8. However, while the presence of other permitted dwellings is noted, each planning application must be assessed on its individual merits, having regard to a range of factors. In this case, it is important to note that as part of previous applications the applicant has not demonstrated that the wastewater treatment system on site operates in compliance with relevant EPA guidance or that the site is suitable for the adequate disposal of wastewater to the satisfaction of the planning authority. Its further stated that the design of the development to be retained by reason of its size, scale, and massing is considered to be out of keeping with and inappropriate in this rural environment notwithstanding the proposed alterations.
- 8.3.9. The capacity of the site to accommodate additional development in the context of wastewater is therefore a critical issue and will be assessed in more detail under Section 8.5 below. Notwithstanding this, the applicant's reference to other permissions in the locality must be considered in the context of cumulative impacts, including environmental constraints and the overall pattern of development in the area.
- 8.3.10. While the applicant attempts to separate the refusal reason from density, it is clear that the issue of density cannot be viewed in isolation. Where wastewater treatment

systems are either non-compliant or operating under constrained conditions, the proliferation of one-off housing and the resulting development density becomes a significant planning concern. This is particularly the case in rural areas where public infrastructure is limited, and environmental carrying capacity is constrained.

8.3.11. Accordingly, the refusal of permission in past instances is not based on density alone but rather reflects an appropriate planning response to a combination of factors. These include site-specific environmental capacity, broader policy objectives to manage rural housing sustainably, design and layout and the cumulative effect of ongoing one-off housing in the locality.

8.3.12. Notwithstanding the issue of excessive density, I note the applicant's submission that Meath County Council had previously determined there was capacity for one-off rural dwellings in the local area, even after the refusal of retention permission for the current unauthorised dwelling. In this regard, the applicant cites several planning permissions recently granted in the vicinity:

- PA Reg Ref: KA70711 – Permission granted on 16/08/2008 for the construction of a dormer dwelling located on the same private road as the subject appeal site.
- PA Reg Ref: 2020908– Permission granted on 18/05/2021 for a single-storey dwelling approximately 500 metres northwest of the subject site, accessed via a public road.
- PA Reg Ref: 221039 – Permission granted on 29/11/2022 for a part single-storey, part two-storey dwelling located approximately 450 metres northwest of the subject site.

8.3.13. The applicant contends that Meath County Council's approach lacks consistency, citing the refusal reason which stated:

"Having regard to the level of existing and permitted development, it is considered the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would establish an undesirable precedent for further development of this type."

- 8.3.14. Given that other one-off dwellings have been approved in the local rural area post-refusal of the current development, the applicant argues this reflects an inconsistent application of policy.
- 8.3.15. Having regard to the foregoing, I consider that the issue of excessive density should not, in this instance, form the basis for a refusal of permission—subject to a satisfactory site suitability assessment and appropriate revisions to the design of the proposed development. While the site is located in a rural area under development pressure, there is clear precedent for granting permissions for single dwellings within the area and justified under the current County Development Plan framework.
- 8.3.16. It is acknowledged that the dwelling, in situ since 2007, is of a scale and design that is incongruous with the rural character of the area. However, the maturation of landscaping on-site has to some extent mitigated its visual prominence. While the unauthorised construction of this dwelling represents a clear breach of planning control, it is also noted that the applicant has demonstrated compliance with the rural housing need criteria under Policy RD POL 5.
- 8.3.17. In this context, to deny permission solely on the grounds of density—particularly where similar developments have subsequently been permitted in the area—would not represent a balanced or reasonable application of policy. The County Development Plan seeks to support individuals with genuine rural housing needs, and as such, any decision should reflect both planning principles and equitable treatment.
- 8.3.18. Accordingly, I do not consider the issue of density to warrant a refusal of permission in this instance, provided that design and environmental considerations are satisfactorily addressed.

8.4. Design and Visual Impact

- 8.5. The second reason for refusal issued by Meath County Council related to the design of the proposed development. It was stated that the revised design, by reason of its size, scale, and massing, was considered out of keeping with the character of the rural area and inappropriate in this context.
- 8.6. In response, the applicant has submitted a revised proposal that addresses many of the concerns previously raised by both the Planning Authority and An Bord Pleanála.

In particular, modifications have been made to the front elevation and overall massing of the structure. The key revisions include:

- Removal of the front projecting dormer element, porch, and balcony, replaced with a simplified front elevation incorporating traditional forms and finishes;
- Replacement of the entrance door;
- Removal of the existing chimney stack;
- Removal of all stone cladding and quoin detailing;
- Demolition of both side elements, including a two-storey garage with connecting arched feature and a single-storey wing;
- Introduction of a modest single-storey dining bay in place of the demolished single-storey element;
- Reduction and redesign of the existing roof to lower the ridge height and reduce overall massing;
- Replacement of all windows, with dropped cills to accommodate traditional sash-style fenestration;
- Repositioning and removal of some rear windows to achieve a more consistent and uniform appearance in line with Georgian architectural principles;
- Replacement of the existing mixed finishes with smooth rendered painted surfaces;
- Addition of a rendered plaster band to break up the perceived mass of the elevations.

In terms of scale, the original unauthorised dwelling measured approximately 526 sq.m. The proposed reconfigured dwelling will measure 259 sq.m, representing a total demolition of 267 sq.m. This also constitutes a further reduction of 35 sq.m over the proposal previously refused under Reg. Ref. 23/603 and ABP Ref. 317907-23. Additionally, the ridge height will be reduced from 9.2 metres to 8.2 metres.

- 8.6.1. Having regard to the revisions proposed, I consider that the overall design represents a substantial and positive improvement over the existing structure on site. While the retained element remains of a relatively large scale, the proposed reductions in floor area, height, and bulk significantly improve the building's relationship with the surrounding rural landscape. The removal of the incongruous front dormer projection and the demolition of both two-storey and single-storey side additions help to considerably reduce visual massing. The proposed changes to window proportions and layout, along with the simplified material palette, contribute to a more coherent and appropriate rural design aesthetic. The emphasis on

horizontal proportions within the fenestration and the general approach to achieving a Georgian-inspired appearance is considered appropriate in this context.

- 8.6.2. In reviewing the development in relation to the Meath Rural House Design Guide, I note that the revised proposal generally complies with the guidance, particularly in relation to topography, layout, and screening. The site benefits from mature landscaping and favourable topographical features which assist in assimilating the revised structure into the landscape and reducing visual impact. In this regard, I am satisfied that the revised proposal is consistent with the principles set out in the Rural Design Guide and aligns with the objectives of the Meath County Development Plan, including Policy RD Pol 9.
- 8.6.3. Accordingly, I am satisfied that the proposed revisions represent a materially improved design and that the retained development, subject to conditions, would not adversely impact the visual amenities of the area. The proposal is therefore acceptable in design terms and complies broadly with the relevant development plan policies and design guidance.

8.7. Wastewater treatment

- 8.7.1. The third reason for refusal was that the date and time of the trial hole excavation and the date and time of the examination within the site characterisation did not adhere to the recommended 48hr period as per the EPA (2021) Code of Practice. The true water table level after 48 hours cannot be known which would affect the design of the wastewater treatment system, therefore the submitted assessment is not compliant with the EPA (2021) Code of Practice and a comprehensive assessment of the information provided cannot be completed.
- 8.7.2. The submitted site characterisation is dated 26th of August 2023. It has not been updated since the previous refusal reason or the current refusal before the Board. As part of the planning application dated 15th of January 2021, the applicant has submitted some clarity regarding location of soil test holes. Location of nearest watercourse, layout of wastewater and disposal system.
- 8.7.3. I note the proposal to install an Ecoflo Co Co filter after the existing Treatment System. The mechanically treated effluent will run to a 1500 litre sump and is

pumped into a 150sqm soil polishing filter. The system will be designed to 0.5m above ground level.

8.7.4. As per previous assessments, I note the following:

- The aquifer category at the subject site is Locally Important (LI) and has a High vulnerability (H).
- The Groundwater Protection Response is classified as R1, as per Table E1 of the EPA CoP. The depth of groundwater from the surface was found to be 1.8 metres and mottling was present at 700 mm.
- The soil and subsoil are classified as Sandy Clay and Gravely Sandy Clay, respectively.
- The results of 3 no. separate trial holes are provided.
- The percolation test results for surface and sub-surface are 24 and 22, respectively. These percolation values fall within the range of 3-120 listed in Table 6.4 of the EPA CoP.
- The submitted form states that mottling is observed at 0.7 metres below ground level, which indicates that the required depth of either 0.9 metres or 1.2 metres may not currently be achieved at the subject site. However, I note the proposed installation of Ecoflo Co Co filter.
- I note the submission of Environment Section of Meath County and note that the date and time of the trial hole excavation and the date and time of the examination within the site characterisation did not adhere to the recommended 48hr period as per the EPA (2021) Code of Practice.

8.7.5. Having regard to the above, I agree with findings of Meath County Council and I do consider a new site suitability assessment needs to be carried out to remove any doubt regarding treatment of wastewater on site. I consider that there is significant concerns regarding the true water table. I consider that a new site suitability assessment is carried out for the site to the standards as set out in the EPA Code of Practice 2021. Given the uncertainty with regard to the level of the water table, there may be potential for an impact to ground water. The raised secondary treatment system may have insufficient depth to allow for adequate treatment.

8.7.6. Drawing from the above, I recommend that retention planning permission for the existing wastewater treatment unit and percolation area is refused.

If the Board is minded to grant permission for the subject development, I recommend that before the installation and revised design of the secondary treatment system on site, an updated site suitability assessment be carried out and a revised design submitted to the planning authority for final agreement. In addition,

I recommend that a condition be attached requiring the Applicant to undertake the remedial works identified within a prescribed time period.

9.0 AA Screening

- 9.1.1. I have considered the retention development at Faughanhill, Bohermeen, Navan, Co. Meath, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) are the nearest designated sites to the subject site and are located approximately 2.5 kilometres to the north

There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 9.1.2. The retention development comprises the retention of existing dwelling and partial demolition of existing dwelling with alterations on lands on a within the curtilage of existing dwelling at Faughanhill, Bohermeen, Navan, Co. Meath
- 9.1.3. 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 nature and small scale of the development,
- The connection of waste water into public sewerage system
- The location of the development site and distance from nearest European site(s),

- Taking account of the screening report/determination by the Planning Authority.

9.1.4. 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.

9.1.5. 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 that planning permission and retention planning permission be refused for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. The wastewater treatment system to be retained at the site does not accord with the minimum requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). The submitted documentation does not provide surety regarding the true water table on site, therefore the necessary depth of the proposed Soil polishing filter cannot be correctly determined. Therefore, the subject development contravenes Policy RD POL 48 of the Meath County Development Plan 2021- 2027 and is prejudicial to public health.

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

9th of July 2025

Form 1 - EIA Pre-Screening

Case Reference	322196
Proposed Development Summary	Retention of dwelling house/ permission for demolition and alteration
Development Address	Faughanhill, Bohermeen, 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" 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	

<p>development under Article 8 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>State the Class and state the relevant threshold</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>10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units</p>

<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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322196-25
Proposed Development Summary	Retention of dwelling house/ permission for demolition and alteration
Development Address	Faughanhill, Bohermeen, 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).	The subject dwelling is within a rural area with significant levels of existing residential development. In this way, the existing dwelling is not exception in the context of the existing environment. The development comprises the demolition of part of the existing dwelling. The waste arising from these works would not be significant. Due to the limited scale of the development, being a single house, I do not consider that the operation of the proposal would result in any significant waste, emissions or pollutants.
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).	The proposed development is not located within, or immediately adjoining, any designated ecological site (ie. SAC, SPA or pNHA). The nearest designated sites are circa 2.5 kilometres to the north of the subject site. Owing to the separation distance between the subject site and the designated sites, I do not consider that the proposed development would have the potential to significantly affect other significant environmental sensitivities in the area.
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 dwelling is located in a rural area without public waste water infrastructure. The concentration of private domestic wastewater treatment units in this locality does not meet or exceed the density thresholds set out in the Environmental Protection Agency 'Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10)' (2021). I do not consider the existing and permitted development at risk of significant cumulative impacts on sensitive characteristics of the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>

There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)