



An
Coimisiún
Pleanála

Inspector's Report

ACP-322993-25

Development	House, garage, store, wastewater treatment system and percolation area and all associated site development works.
Location	Boreen Bradach, Kinnegad, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2560208
Applicant	Mary Coyne
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Mary Coyne
Observer	Bernard Cannon

Date of Site Inspection

5th September 2025

Inspector

John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site measuring approximately 0.409 ha is under grass and forms part of a larger agricultural landholding in the townland of Boreen Bradach to the north-east of the settlement of Kinnegad, Co. Westmeath. A mature hedgerow forms the front roadside boundary and all other boundaries remain undefined. The L-5014 adjoins the lands to the east and is narrow, approximately 3.1m, in width. The area is rural in character. A ribbon of five detached and mainly single storey houses are located on the opposite side of the road, while a detached dwelling is located to the north-west.
- 1.2. The area forms part of a valuable amenity and popular destination for walkers including the road and a nature trail known as 'An Boreen Bradach' which semicircles the town to the north across a distance of approximately 5km.

2.0 Proposed Development

- 2.1. This is an application for permission consisting of:
 - Construction of a single storey house (213 sqm) with three bedrooms.
 - Construction of a garage / store (36 sqm) to rear of house.
 - Installation of a secondary wastewater treatment system and percolation area.
 - All associated site development works.
- 2.2. The proposed development is to be broadly centrally positioned on the site. Total gross floor area is given as 249 sqm including the proposed garage/store (located to the rear of the proposed dwelling). The application notes that connection to the public water supply is proposed, although the appeal indicates that a well is proposed. Soakaways are proposed for surface water disposal
- 2.3. In addition to standard drawings and plans, the application was accompanied by, inter alia, a consent letter from the landowner, a Site Characterisation Form, technical details relating to the proposed Domestic Waste Water Treatment System (DWWTS), proposed Planting Schedule and Landscape Plan, and supporting documentation relating to rural housing need.
- 2.4. The Site Layout Plan indicates a vehicular access to the proposed development from the L-5014.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission on the 10th June 2025 for two reasons, as follows:

1. The site is located in a rural area located outside a designated settlement and in an area under strong urban influence where development which is not rural generated should be more properly located in towns and villages and designated settlements. On the basis of the documentation submitted it is considered that the applicant does not come within the scope of the criteria for rural residential development in this location. The proposed development would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed and would, therefore, be contrary to the proper planning and sustainable development of the area. The development is contrary to policies CPO 9.1 and CPO 9.19 contained within the Westmeath County Development Plan 2021-2027 and the Sustainable Rural Housing guidelines for Planning Authorities, 2005.

2. Having regard to the design and siting of the proposed development, sited on an elevated site and requiring the removal of a significant stretch of mature roadside hedgerow required to achieve sightlines along the public road, it is considered that the proposed development, would be visually obtrusive at this rural location, would seriously detract from the visual amenities of the area and would set an undesirable precedent for similar development of this type in the future and would therefore be contrary to policy objective CPO 16.32 and CPO 12.39 of the Westmeath County Development Plan 2021-2027 and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- This report dated 5th June 2025 recommends a refusal of permission.
- It notes the application site lies in an area designated as a Strong Rural Area Under Urban Influence and that the purpose of this designation is to facilitate housing for

those who have strong links to the particular rural area and those who are an intrinsic part of the rural community. It is considered that the applicant's links are to the urban area and as such rural housing policy is not complied with.

- The report also considers that having regard to the elevated topography of the subject site and the removal of mature roadside hedgerow to accommodate the proposed development, that the proposal would detract from the rural amenities of the area, adversely impact on biodiversity and as such would be contrary to County Development Plan policy objectives 12.39 (relating to removal of trees / hedgerows) and 16.32 (Development Management standards for rural housing).

3.2.2. Other Technical Reports

Area Engineer

- 60m sightlines in both directions are substandard.
- Percolation area not designed to cater for 3 bedrooms (5 PE) or the provision of 6PE.
- Clarity required in relation to method of water supply. There is no public water main along the public road.
- Further Information (FI) recommended relating to sightlines, a revised Site Suitability Assessment Report and layout and details of water supply.

3.3. Prescribed Bodies

The planning authority circulated details of the application to Uisce Éireann (UÉ). No subsequent report was received.

3.4. Third Party Observations

Three third party submissions were received from residents in the immediate vicinity of the site. Issues raised include the following:

- Overlooking leading to a loss of privacy due to the finished floor level and elevated site.
- Proposed development is out of place, constitutes overdevelopment, and negatively impacts on the rural amenity of the area.

- Sense of seclusion would be reduced if permission granted.
- Potential to adversely impact on water quality. There are domestic wells in the vicinity of the subject site.
- Sightlines are poor.
- Impacts on sunlight.
- Opposed to further development along this road.

4.0 Planning History

Planning Authority Reg. Ref. 03/5194 refers to a July 2003 decision to refuse outline permission for a dormer bungalow, garage, septic tank, access and associated works on the subject site. Six refusal reasons were given relating, inter alia, to traffic hazard, ribbon development, negative impact on the Boreen Bradach walking route, material contravention of amenity / conservation objectives in the County Development Plan, that the proposal constitutes urban generated development in the open countryside and that the proposal, by nature of its siting and entrance would be injurious to the residential amenity of the existing adjacent dwelling.

5.0 Policy Context

5.1. National Guidance

5.1.1. Revised National Planning Framework (NPF)

The First Revision of the NPF was approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF. Relevant objectives include:

National Policy Objective 24: *Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

National Policy Objective 28: *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; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on 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. Section 28 Ministerial Guidelines

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Section 3.2.3 sets out general criteria for considering whether a person is an intrinsic part of the rural community:

‘Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should also be accommodated.’

Circular Letter SP 5/08 was issued after the publication of the guidelines. It emphasises that ‘all planning applications for houses in rural areas, regardless of where the applicant comes from or whether they qualify under specific criteria, must continue to be determined on the basis of the proper planning and sustainable development of the area, in accordance with development plan policies regarding over-arching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety etc.’

Section 4.3 ‘Assessing Housing Circumstances’ states the following:

‘In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning authority should consider granting permission, subject (where Planning Guidelines appropriate) to conditions regarding occupancy’

5.3. Development Plan

- 5.3.1. The Westmeath County Development Plan 2021-2027 is the operative plan. The appeal site is on unzoned land which is designated as a ‘Rural Area Under Strong Urban Influence.’ Policies and objectives relevant to the proposal include the following:

Chapter 9: Rural Westmeath

This sets out the rural settlement strategy for the County.

Section 9.4 – Rural Settlement Strategy

Rural Housing Need Policy Objectives:-

Policy Objective **CPO 9.1** relates to Areas Under Strong Urban Influence as follows:

‘To accommodate demand from individuals for permanent residential development in defined ‘Rural Areas Under Strong Urban Influence’ who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.’

It sets out the criteria to demonstrate 'Local Housing Need' for rural areas and states the following:

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
2. Members of farm families seeking to build on the family farm,
3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants,
6. Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

Policy Objective **CPO 9.2:** In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

Section 9.6 – Development within the hinterland of Settlements

CPO 9.17: Ensure that the road network is adequate to cater for the development and that the traffic movements generated by the development will not give rise to a traffic hazard.

CPO 9.18: Retain, insofar as practicable, existing hedgerows and trees on new house sites. Replacement trees and hedgerows should be of native species.

CPO 9.19: Generally, resist urban generated and speculative residential development outside the settlement hierarchy.

Chapter 12: Natural Heritage and Green Infrastructure

Trees, Woodlands and Hedgerows Policy Objectives:

CPO 12.39: Discourage the felling of mature trees and hedgerow, particularly species rich roadside and townland boundary hedgerows to facilitate development and seek Tree Management Plans to ensure that trees are adequately protected during development and incorporated into the design of new developments.

Chapter 16: Development Management Standards

16.3.7 Rural Housing

CPO 16.31 and 16.32 relate to site selection and design of rural houses and recommends the use of simple forms in locations that visually integrate with the surroundings. Clustering with existing rural buildings is generally preferable to stand-alone locations.

CPO 16.33 sets out requirements for Site Selection, Materials and Detailing, Boundary Treatment, Access and Sight Lines, Landscaping, and Surface and Wastewater Treatment. The use of natural boundaries and hedgerow retention are advised. The sharing of vehicular entrances is encouraged.

CPO 16.34 refers to domestic garages, sheds, stores and requires that the design, form and materials should be consistent with the main building and that the structure be subservient in size.

5.4. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The nearest European Site is Mount Hevey Bog SAC (Site Code 002342), located approximately 1.5km to the north.

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

This is a first party appeal against the planning authority's decision to refuse permission submitted by Hughes Planning and Development Consultants on behalf of Mary Coyne of Main Street, Kinnegad, Co. Westmeath.

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows under the headings below.

Assessment of Rural Housing Need under Policy CPO 9.1

- Policy Objective CPO 9.1 and Sustainable Rural Guidelines for Planning Authorities (2005) are misapplied by the planning authority.
- The subject lands were previously in the Coyne family's ownership from the 1960s to 2010. The lands formed part of a larger landholding and were actively managed by the family. This provides evidence of a direct and historical link to the subject site. The applicant's relatives reside in proximity to the subject site.
- The applicant has resided at the family business, Brian Coyne's Pub, in the heart of Kinnegad for all her adult life, which is situated 870m from the subject site and within 10km radius of family home as required by the County Development Plan. The family business is now operated by the applicant's daughter.
- The applicant is a well-recognised and involved member of the local community. The Coyne family including the applicant has a long-standing

affiliation with the local GAA Club demonstrating their standing as an intrinsic member of the rural community.

Health and Ageing-Related Circumstances

- The applicant has documented mobility issues that make her current residence above a commercial premises, functionally unsuitable. The proposed house with accessible design aligns with Section 4.3 of the Sustainable Rural Housing Guidelines (2005), which support a grant of permission in cases where no over-riding constraints exist.
- There are no prevailing or unresolvable environmental, access or traffic constraints that would preclude the development of the proposed house. Issues raised by the District Engineer regarding sightlines could have been addressed by way of a Further Information request. The applicant's personal circumstances along with the planning merits of the proposal fall within Section 4.3 of the Sustainable Rural Housing Guidelines (2005).

Siting and Landscape Integration

- Proposal aligns with relevant design principles and mitigation measures and can visually integrate within the landscape.
- It is considered that the proposed development with its single-storey form, modest size (213 sqm), and linear configuration, minimises bulk and facilitates landscape screening. The proposal avoids excessive cut and fill, in accordance with CPO 16.32 and respects the natural contours of the land.
- The proximity of the proposed dwelling to existing rural housing reads as part of existing rural development whereby clustering of structures is preferable to isolated housing.
- A Landscape Plan was submitted which supports long term visual integration and rural character reinforcement. Replanting of native hedgerow species behind the visibility range is proposed as per CPO 16.33.
- The proposal by reason of its design principles aligns with the Westmeath Rural Design Guidelines (2005).

- National Policy Objective (NPO) 19 supports single rural housing in an area under urban influence where there is a demonstrable social or economic need provided siting and design criteria are met. The applicant has demonstrated a legitimate rural housing need and the proposed dwelling is designed with established planning and design principles for rural integration.

Precedent for single housing in rural areas of Kinnegad

- The planning authority's decision does not fully reflect the established development pattern in the surrounding area and does not align with precedent decisions made relating to comparable sites and circumstances within the Kinnegad rural area.
- Existing residential development in the area demonstrates it can cater for sensitively designed one-off dwellings without undermining landscape character or planning policy.
- A number of planning applications are highlighted which are stated to be precedent in nature and analogous to the subject proposal, including Reg. Ref. 2260047 and Reg. Ref. 196066. It is contended that the planning authority previously accepted applications where the applicant no longer resides locally but has demonstrated family ties within a greater distance than that of the applicant for this proposal.
- Table 1.0 of the appeal submission also refers to four additional planning applications in Kinnegad, described as 'Planning Precedents,' whereby applicants were required to demonstrate compliance with the local housing need policy applicable to rural areas under strong urban influence and each application was granted. It is contended that the current application (the subject of this appeal) mirrors the pattern of development in both form and planning justification.
- The proposal would not constitute an undesirable precedent but a reasonable and appropriate continuation of rural development in the area.

The following attachments are appended to the appeal:

- A copy of the planning authority's decision to refuse permission on 10th June 2025.

- Copies of documentation submitted with the planning application as follows:
 - Local Need Justification made by the applicant.
 - Letter from applicant's daughter – M. Coyne (included with planning application).
 - Letter from applicant's GP.
 - Applicant's Birth Certificate.
 - Letter from GAA Club.
 - Land Registry details.
 - Local Needs Map.

7.2. Planning Authority Response

None.

7.3. Observation

An observation is on file from Bernard Cannon of Boreen Bradach, Kinnegad, Co. Westmeath. The matters raised are summarised as follows:

- Overlooking impacts leading to a loss of privacy. These matters are not addressed in the appeal.
- Concerns raised regarding potential risk to groundwater should the proposed development proceed.
- The appeal indicates the proposal would include a private well, however the original site plan does not show the location of the water source. Concerns raised regarding long-term water sustainability.
- Previous refusal of outline permission on the lands is highlighted (Reg. Ref. 03/5194 refers).
- The consistent scale and rhythm of surrounding properties would be disrupted by the proposed development.
- No design amendments or mitigation measures proposed in response to neighbour feedback.

- Traffic and access concerns. The Boreen is not capable of absorbing further demand without significant adverse impacts.

The observation includes the following attachments

- A copy of the refusal reasons relating to Reg. Ref. 03/5194.
- Planning authority acknowledgement of the observer's submission.
- A copy of the observer's submission relating to Reg. Ref. 2560208.

8.0 **Assessment**

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

- Compliance with Rural Housing Policy (Refusal Reason 1)
- Impact on Visual Amenity (Refusal Reason 2)
- Traffic and Sightlines
- Wastewater Treatment
- Water Framework Directive (WFD) – Screening
- Other issues
- Appropriate Assessment

8.2. **Compliance with Rural Housing Policy (Refusal Reason 1)**

8.2.1. The appeal site is located in the countryside, on unzoned lands, to the north-east of the settlement of Kinnegad, Co. Westmeath. 'Rural Areas Under Strong Urban Influence' comprise most of the county (including the appeal site) other than a few areas to the north and west of the county.

8.2.2. Subject to the applicant demonstrating compliance with Local Housing Need criteria set out under Policy Objective CPO 9.1 of the Westmeath County Plan 2021-2027, which specifically relates to 'Rural Areas Under Strong Urban Influence', development

of a rural house in these areas is acceptable in principle. The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

8.2.3. As set out in the first refusal reason, the planning authority determined that, on the basis of the documentation submitted, the appellant does not come within the scope of the criteria for rural residential development in the location proposed. The appellant contends however that Policy Objective CPO 9.1 was misapplied, that they have direct and historical links to the subject site on the basis that the site and adjoining lands were previously owned and managed by the Coyne family from the 1960s to 2010, that family members reside proximate to the site, that the site is just 870m from the appellant's present home, and that the appellant and their family are actively involved in the community and the local GAA Club.

8.2.4. The appeal documents that the appellant's residence above a commercial premises (a public house previously operated by the appellant and now managed by her daughter) is now unsuitable due to mobility issues and that a more accessible house, as proposed, is required. In this regard, I have regard to the note from the appellant's GP indicating that the appellant would benefit from an environment in which they would not have to climb stairs. It is contended in the appeal that the proposed house with accessible design aligns with Section 4.3 of the Sustainable Rural Housing Guidelines (2005), which supports a grant of permission in cases where no over-riding constraints exist.

8.2.5. I have examined the Local Housing Need criteria set out under Policy Objective CPO 9.1 of the County Development Plan which relates to 'Rural Areas Under Strong Urban Influence' including the appeal site. At the outset, I note none of the criteria / categories listed in Policy Objective CPO 9.1 relate to health circumstances.

8.2.6. The first two categories of housing need relate to 'Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,' and 'Members of farm families seeking to build on the family farm.' Having regard to the evidence and documentation supplied with the application and the appeal, it is clear that the appellant does not come within either of these categories. It is stated in the information

provided with the application that the appellant has lived within the urban area of Kinnegad all her adult life, was previously involved in the running of Coyne's Bar on Main Street and resides there above the public house. No evidence is provided that the appellant is actively engaged in agriculture, horticulture, forestry, bloodstock and the peat industry on the subject lands and the submitted Land Registry information shows that lands relating to Folio 16737 have not been in the Coyne family ownership since early 2010.

- 8.2.7. The third category of housing need relates to landowners who are defined 'as persons who own the land 5 years prior to the date of planning application.' In this regard, I note that the appellant does not own the subject lands and that the lands are in third party ownership, as confirmed in the submitted planning application form. As such, I conclude that the appellant does not come within this category of housing need.
- 8.2.8. Categories 4 and 5 of housing need relate to 'Persons employed locally whose employment would provide a service to the local community' and 'Persons who have personal, family or economic ties within the area, including returning emigrants', respectively. I do not consider that the appellant falls within either of these categories of housing need. In this regard I note that the appellant has resided in the urban area of Kinnegad all of her adult life and has relatives in Kinnegad. The appellant is not employed locally but would have had economic ties to the urban area of Kinnegad in the context of previous management of the family public house on Main Street.
- 8.2.9. The final category of Policy Objective CPO 9.1 relates to persons returning to farming or who buy or inherit a substantial farm holding. This category of housing need does not relate to the appellant.
- 8.2.10. Having regard to the foregoing, I conclude, having regard to the documentation submitted in support of the application and the appeal, that the appellant does not meet the criteria for rural residential development on the subject lands which are located in a rural area under strong urban influence. As such, I recommend that permission be refused for the proposed development.

8.2.11. The grounds of appeal consider that the appellant's personal health circumstances and the merits of the proposal fall within Section 4.3 of the Sustainable Rural Housing Guidelines (2005). As noted in section 8.2.4 of this report however, there are no categories in Policy Objective CPO 9.1 of the County Development Plan which relate to exceptional health circumstances. Notwithstanding, I note that Section 4.3 of the Guidelines advise that in assessing housing circumstances, planning authorities *should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning authority should consider granting permission, subject (where Planning Guidelines appropriate) to conditions regarding occupancy.* In this regard and in the context of the appeal I note no correspondence from a disability organisation is provided in support of the proposal, as recommended by the 2005 Guidelines.

8.2.12. Reference is also made in the grounds of appeal to NPO 19 of the NPF. This NPO is detailed as NPO 28 in the First Revision of the NPF published in April 2025. In rural areas under urban influence NPO 28 seeks the provision of single housing in the countryside to be facilitated *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 assessment set out above, the appellant has not demonstrated an economic or social need to live in the rural area of Kinnegad. In this regard, it is unclear as to why the appellant would need to build a new house and live in the rural area. In my opinion, the appellant's housing need could be met in the urban area by adapting or making appropriate alterations to their existing residential unit or by purchasing a suitably designed residential unit within the settlement of Kinnegad.

8.3. Refusal Reason 2

8.3.1. The planning authority's second refusal reason considers that the proposed development would be visually obtrusive and would seriously detract from the visual amenities of the area, having regard to its design, elevated siting and required removal of mature roadside hedgerow to facilitate sightlines, and that it would set an

undesirable precedent for similar future development. The reason also states the proposal would be contrary to Policy Objectives CPO 16.32 and CPO 12.39 of the Westmeath County Development Plan, relating respectively to Site Selection and Design and to discourage roadside hedgerow removal.

- 8.3.2. In my view the design and materiality of the proposed single storey dwelling and garage are appropriate to the rural context and would not in themselves be visually obtrusive or seriously detract from the visual amenities of the area. The buildings do not impinge scenic views and the proposed single storey house comprises two main volumes of traditional form, akin to traditional rural outbuildings, minimising visual mass and scale. The proposed dwelling accords with Policy Objective CPO 16.32 in these respects.
- 8.3.3. As evidenced on the Site Layout Plan (Drawing No. 02-12-25) the lands are elevated relative to the level of the adjoining public road, with the topography gently rising to the rear. The proposed house is broadly centred on the lands, and it is set back c 17.4m from the front boundary. In my view the proposed development is appropriately sited on the lands. In this context, and as noted by the appellant, Policy Objective 16.32 advises that the siting of new development should utilise natural features including existing contours, with the cutting and filling of sites deemed to be undesirable. The proposed development has followed this guidance and in my view the proposal is in accordance with the requirements of Policy Objective CPO 16.32.
- 8.3.4. Policy Objective CPO 12.39 seeks, inter alia, to discourage the felling of mature trees and hedgerow, particularly roadside hedgerows to facilitate development. Should permission be granted for the proposed development, this would necessitate the removal of mature hedgerow along the front site boundary. It is noted, however, that Policy Objective 16.33 (relating to boundary treatment) provides that where hedgerow removal is required to achieve sightlines, new replacement hedgerow of a native species must be planted inside the line of visibility. In this regard, I note that the planning application includes a Landscape Plan indicating the planting of oak and hawthorn trees along the front boundary. These should be replaced with native hedgerow should permission be granted. On balance, having regard to the foregoing,

I do not consider the proposed development to be contrary to Policy Objective CPO 12.39 of the County Development Plan.

- 8.3.5. To conclude, having regard to the assessment set out above, I do not concur with the planning authority's view that the proposal would be visually obtrusive or seriously detract from the visual amenities of the area, that the proposal would be contrary to Policy Objectives CPO 12.39 and CPO 16.32, or that the proposal would establish an undesirable precedent for similar future development. As such, I recommend that the planning authority's second refusal reason be omitted and not carried through to the Commission's Order.

8.4. Traffic and Sightlines

- 8.4.1. With effect from 7th February 2025, the default speed limit on rural local roads reduced from 80km/h to 60km/h. I note Table 9.3 'Design Speed Related Parameters' of Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023) for Regional and Local Road Design Speed indicates a stopping sight distance of 90m in a 60km/hr speed zone. The entrance to the proposed development is located on a bend in the road and the sightlines indicated on the submitted Site Layout Plan are obstructed. The District Engineer's report recommended that FI be sought for revised drawings / plans showing the provision of 2.4m x 90m sightlines from the proposed access. They are to be measured from a point 2.4m perpendicular to the metalled edge of the road at the proposed access, to a point 90m, in each direction, on the near side road edge, and not to the centre or far side of the road.
- 8.4.2. Given the substantive nature of the refusal reasons, the planning authority did not seek FI in relation to a revised sightline drawing for the proposed development. I note that no revised sightline drawing was provided as part of the appeal submission. In the absence of a sightline drawing which demonstrates unobstructed sightlines of 90m in both directions from a point 2.4m perpendicular to the edge of the road at the proposed access, it has not been satisfactorily demonstrated that the proposal would not create a conflict with other road users and would not interfere with the safety and free flow of traffic on a public road. As such, the proposed development would endanger public safety by reason of traffic hazard and the proposal would be contrary to the proper

planning and sustainable development of the area. In this regard, a refusal of permission is recommended.

8.5. Wastewater Treatment

- 8.5.1. The Site Suitability Characterisation and Assessment submitted in respect of the proposed development identifies the appeal site as located in an area with a Locally Important Aquifer where the bedrock vulnerability is High. A groundwater protection response of R1 for the site is noted. I note the suitability of the site for a treatment system subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with the EPA Code of Practice (CoP): Domestic Waste Water Treatment Systems 2021).
- 8.5.2. The trial hole depth referenced in the Site Characterisation Form was 2.4m. No bedrock was encountered at the excavated depth of 2.4m. The water table was not encountered at the trial hole depth of 2.4m. The soil conditions found in the trial hole are described as comprising subsoil – gravelly clay till with occasional cobbles and there were no signs of mottling. Percolation tests were dug and pre-soaked. A T value / sub-surface value of 35 was recorded. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a number of treatment system types, namely a septic tank and percolation area, a secondary treatment system and soil polishing filter and a tertiary treatment system and infiltration area. I did not observe the trial holes at the time of my site inspection. The Site Characterisation Form concludes that the site is suitable for the treatment of wastewater. It is proposed to install a secondary wastewater treatment system (6PE capacity) to discharge to a polishing filter.
- 8.5.3. The District Engineer's report notes that Section 6.0 of the Site Suitability Assessment Report has indicated 8 no. percolation trenches (each 10m in length) and Option 3 – gravity discharge trench length of 100m. The proposed site layout plan indicates 8 no. percolation trenches; however the report notes there should be a maximum of six trenches attached to each distribution device when designing a gravity system for a percolation area. As such the report recommends a revised Site Suitability Assessment and revised site layout plan are provided to accord with the standards set out in the 2021 CoP. I concur with the findings of the District Engineer's report in this regard.

8.5.4. I note also that the Site Suitability Assessment Report indicates the proposed development would connect to an Uisce Éireann water main in the adjoining road. However, it is apparent that there is no such infrastructure in the vicinity. The appeal submission confirms that the proposed development would be served by a well. In this regard, a revised Site Suitability Assessment Report would be required to consider the locations of existing wells in the area and the proposed well relative to the proposed wastewater treatment plant.

8.5.5. Having regard to the foregoing, it is apparent that a revised Site Suitability Assessment Report is required in respect of the proposed development. Should the Commission be minded to grant permission for the proposed development, this information could be sought through a request for further information.

8.6. Water Framework Directive (WFD) - Screening

8.6.1. The observation submitted by Bernard Cannon raises concerns regarding the risk to groundwater should the proposed development proceed.

8.6.2. The subject lands (c 0.409 ha) comprise part of wider agricultural lands in a rural area outside the settlement boundary of Kinnegad, Co. Westmeath. The proposed development relates to the construction of a single storey three bedroom house (c 213 sqm), domestic garage / store (c 36 sqm), installation of a wastewater treatment system and percolation area, provision of a site entrance and all associated site development works. Surface water disposal is to be achieved by way of a soakpit. Section 4 of the appeal submission notes that a private well is also proposed.

8.6.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and groundwater water bodies either qualitatively or quantitatively. The reasons for this are as follows:

- The nature of the works comprising a small scale of development.
- The lack of direct hydrological connections from the site to any surface and transitional water bodies.
- The proposal to incorporate soakpits as part of the proposed development.
- Standard pollution controls that would be implemented.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.7. Other issues

8.7.1. Overlooking

The observer, who resides to the north of the site, is concerned that the proposed development would result in significant overlooking of their property and private garden. The proposed dwelling is of single storey design. Given its significant remove from the observer's property, and that the separation distance between the rear elevation of the proposed house and rear site boundary which adjoins the observer's property is in excess of 52m, I would not anticipate any undue overlooking impacts arising. I also note that a comprehensive landscaping scheme is proposed which would provide appropriate screening between the proposed development and existing rural housing in the area.

8.7.2. Purported precedent cases

8.7.3. The appellant considers that the planning authority's decision does not align with 'precedent decisions' made relating to comparable sites and circumstances within the Kinnegad rural area, citing specific applications including applications for rural houses under Reg. Ref. 2260047 and Reg. Ref. 196066.

8.7.4. At the outset, it must be stated that every planning application for a rural house is different and must be assessed on its own merits. Notwithstanding, I have reviewed details relating to Reg. Ref. 2260047 (including the planner's reports) under which

permission was sought and permitted for a rural house at Cloncrave, Kinnegad, Co. Westmeath. Online documentation relating to this application indicates that the applicant is from the rural area and resides in their family home at that location.

8.7.5. Having regard to the foregoing, it is apparent that the appellant is not from the rural area around Kinnegad and that they have resided at Main Street, Kinnegad for the duration of their adult life. Therefore, in my view, the appellant's circumstances are materially different and not comparable to the applicant who received planning permission for a rural house under Reg. Ref. 2260047.

8.7.6. I have also reviewed details (including the planner's report) relating to Reg. Ref. 196066 under which permission was sought and permitted for a rural house also at Cloncrave, Kinnegad, Co. Westmeath, under the previous Westmeath County Development Plan 2014-2020. Online documentation relating to this application indicates that the applicant is from the rural area of Rathwire Upper (c 5km from the application site) and that the lands are within the ownership of the family for in excess of 30 years. As detailed above, the appellant is not from the rural area around Kinnegad and they have resided at Main Street, Kinnegad for the duration of their adult life. Therefore, in my view, the appellant's circumstances are materially different and not comparable to the applicant who received planning permission for a rural house under Reg. Ref. 196066.

8.7.7. While I note Table 1.0 of the appeal submission refers to four additional planning applications for rural housing in Kinnegad, I do not intend to examine these on the basis that, as referred to by the appellant, local need justifications are generally confidential and are not accessible through the planning portal.

9.0 **AA Screening**

9.1. I have considered the proposed development comprising the construction of a single storey three bedroom house (c 213 sqm), domestic garage / store (c 36 sqm), installation of a wastewater treatment system and percolation area, provision of a site entrance, and all associated site development works in the light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000, as amended.

9.2. The proposed development is not located within or immediately adjacent to any European Site. The nearest European Site is Mount Hevey Bog SAC (Site Code 002342), located approximately 1.5km to the north.

Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site.

The reasons for this conclusion are as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.
- Absence of any meaningful direct and indirect pathways to any European Site.
- Taking into account the screening determination of the planning authority.

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

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

10.0 Recommendation

10.1. I recommend that that planning permission be refused for the proposed development based on the following reasons and considerations.

11.0 Reasons and Considerations

1. The proposed development is located on unzoned lands outside the settlement of Kinnegad in the Westmeath County Development Plan 2021-2027 and within an 'Area Under Strong Urban Influence,' as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities,' issued by the Department of the Environment, Heritage and Local Government in April 2005. Policy Objective CPO 9.1 in the current Westmeath County Development Plan facilitates residential development in the rural area for those who have strong links to the area, and who are an intrinsic part of the rural community with a housing need. Having regard to the documentation submitted

with the planning application and the appeal, the Commission is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the applicant could not be met in the urban settlement of Kinnegad. It is therefore considered that the applicant does not come within the scope of the housing need criteria, as set out in the current County Development Plan for the area. The proposed development, in the absence of any identified locally based need for the house, would be contrary to Objective CPO 9.1 of the Westmeath County Development Plan 2022-2028, 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, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In the absence of a sightline drawing which demonstrates unobstructed sightlines of 90 metres in both directions from the proposed access, it is considered that the proposed development would interfere with the safety and free flow of traffic on a public road and would endanger public safety by reason of traffic hazard. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy
Planning Inspector

9th October 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP-322993-25
Proposed Development Summary	House, garage, store, wastewater treatment system and percolation area and all associated site development works.
Development Address	Boreen Bradach, Kinnegad, Co. Westmeath.
	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.	State the Class here
<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>State the Class and state the relevant threshold</p> <p>Class 10(b)(i) Construction of more than 500 dwelling units.</p> <p>This proposal involves the construction of one dwelling and a domestic garage.</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)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	House, garage, store, wastewater treatment system and percolation area and all associated site development works.
Development Address	Boreen Bradach, Kinnefad, Co. Westmeath
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. Total gross floor area is c 249 sqm. The proposed house and garage are both of single storey design. The development would not result in the production of significant waste, emissions, or pollutants. No significant risks of accidents or to human health. No demolition works proposed.
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 forms part of an agricultural field and measures c 0.409 ha. The size of the site is not exceptional. The roadside boundary comprises a mature hedgerow. There is no direct hydrological connection present which would give rise to significant impact on water courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or near any European Sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
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.	Schedule 7A Information required to enable a Screening Determination to be carried out. Not applicable to this appeal case.
There is a real likelihood of significant effects on the environment.	EIAR required. Not applicable to this appeal case.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)