



An  
Bord  
Pleanála

## Inspector's Report PL26.247215.

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<b>Development</b>	Retain temporary mobile home and ancillary kitchen unit with connection to existing services on site for two years.
<b>Location</b>	Brownswood, Enniscorthy Road, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20160697
<b>Applicant</b>	Anne Marie O'Donoghue
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First v refusal
<b>Appellant</b>	Anne Marie O'Donoghue
<b>Observer</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> December 2016
<b>Inspector</b>	Mairead Kenny

## 1.0 Site Location and Description

- 1.1. The site is located in an elevated rural area of Brownswood, a few kilometers from Enniscorthy town. The area is characterised by a range of uses including a Gaelscoil which occupies large grounds, a large quarry, a number of buildings of architectural interest and one-off residential development.
- 1.2. The subject site is of stated area of 0.16 hectares and is a long and narrow plot, occupied by a small cottage positioned at the roadside, to the rear of which are a pre-fabricated shed of metal cladding, a small mobile home which is stated to be in use as a kitchen, another mobile home kitchen and a pre-fabricated building of metal sheet finish which is of residential character and is visible in photograph 2 attached. Two of these structures are not shown on the application drawings.
- 1.3. The house on site is a small cottage of stated area of 70m<sup>2</sup>. It has a tiled roof, which is in poor condition.
- 1.4. Boundary treatment around the site is varied. To the west the adjacent dwellinghouse is separated from the subject site by a low wall and hedge and a 1.8m high timber panel fence. To the east of the site is a laneway which provides access to agricultural lands beyond which is another residential property.
- 1.5. The application drawings show the location of an existing well on site close to the kitchen unit. An existing septic tank is also indicated on the site layout plan.
- 1.6. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached to the rear of this report.

## 2.0 Proposed Development

- 2.1. Permission is sought to retain the temporary mobile home and the ancillary kitchen unit on the site for a period of two years. This is to include connection to the existing services on site.
- 2.2. There is no reference in the public notices to the other two metal clad structures.
- 2.3. The stated area of the mobile home is 15.5 m<sup>2</sup> and of the kitchen unit is 7.5m<sup>2</sup>
- 2.4. The public notices accompanying the application refer to the previous permission reference no. 20120232.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided to refuse permission for the reasons below:

- Contrary to policy TM34 which prohibits replacement of individual mobile homes in rural areas
- Consolidation and intensification of unauthorised use
- Detract from amenities of residential properties
- Not satisfied that effluent generated would not be detrimental to public health.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Area Planner notes as follows:

- Along the western boundary to the rear of the dwellinghouse the site and adjoining sites are very exposed due to the timber post and rail fence
- Enforcement noted
- Petition noted
- Two caravans on site and a mobile home to the rear
- Mobile home on site since 2011
- Permission was granted under 20120232 for a period of two years from the date of permission inconjunction with the construction of a replacement house
- In the interim no works carried out to the dwellinghouse and an increase in the number of mobile homes / caravans on the site
- This is contrary to the original permission and the planning authority have been generous in the time permitted to retain the mobile home to faciliate the works in the provision of a permanent house
- Retention for a further period is not warranted.

### 3.2.2. Other Technical Reports

Environment Section – recommends further information be requested to show the effluent treatment system which it is intended to connect to and secondly to submit a report on the existing system and that this can treat effluent from the mobile home and kitchen unit. It is not clear to which system the development is to be connected.

### 3.3. Prescribed Bodies

No comments.

### 3.4. Third Party Observations

A third party submission to the planning authority includes a petition and states that there has been at least one caravan in situ since the permission lapsed in July 2014. At times there has been up to five unauthorised caravans and there are currently three unauthorised units using this unsuitably serviced site.

Lack of compliance with planning regulations – enforcement issues date back to 2011.

## 4.0 Planning History

Under reg. ref. 20120232 permission was granted for development comprising a replacement dwellinghouse and a new wastewater treatment plant. The condition governing the retention of a mobile home on site was limited to the duration of construction or two years from the date of permission (1<sup>st</sup> June 2012) whichever is sooner. The applicant was living in the cottage at the time. A revision to wastewater treatment previously proposed was included.

Under reg. ref. 20111034 permission was refused for a replacement dwellinghouse and site works including a temporary permission to retain a mobile home for two years. The reason for refusal related to the potential impact on the private well to the west.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2013-2019 applies to the subject site. Objective TM34 states that the Council will prohibit the replacement of individual mobile homes and caravans in rural or urban areas except in extenuating circumstances and where permitted the planning permission will only be for a limited period.

### 5.2. National Guidance

- 5.2.1. **Sustainable Rural Housing : Guidelines for Planning Authorities (2005)**

- 5.2.2. This document makes no reference to the circumstances arising in this case.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal is against the decision to refuse permission and the main points are:

- The siting of a mobile home was previously approved under reg. ref. 20120232
- The site has permission for a replacement house and the mobile home is needed pending completion of the house.
- Objective TM34 is noted but there are other requirements.

### 6.2. Planning Authority Response

The Board is requested to uphold the decision.

6.3. **Observations – None.**

7.0 **Assessment**

- 7.1. I consider that the three material issues raised in the appeal relate to policy TM34, residential amenity and public health.
- 7.2. Regarding policy TM34 I submit that the decision of the planning authority is fully in line with the adopted policy relating to mobile homes in rural areas. The issues raised by temporary developments pending site development are complicated – the policy makes due provision for short term use but strictly prohibits except in exceptional circumstances the replacement of any temporary residential use of mobile homes or caravans. I consider that the development plan policy in this instance is clear and reasonable. I note that there have been mobile residential units at this site since 2011 and that the planning authority authorised that use for a temporary period in connection with the construction of a replacement house. The planning authority notes that in the interim the main change on the site has been an increase in the temporary residential units and that the two-year permission expired in 2014. I consider that the decision of the planning authority is reasonable and I recommend that reason 1 be upheld.
- 7.3. Regarding the issues raised in connection with residential amenity, the planning authority reports refer to boundary details in this regard. I do not consider that this is a substantive reason for refusal insofar as the impacts arising would be reasonably amenable to mitigation through landscaping and boundary treatment. The structures subject of this application can be re-located on site if necessary and are of relatively low profile. Such matters could be addressed by condition. As such I do not recommend a specific reason for refusal on this basis but consider that the matter should be referenced together with the reason related to TM34.
- 7.4. Regarding reason 4 I note that the planning authority refers in particular to the potential impacts on the well on the adjoining site to the west. I note that the subject development itself appears to be served by the existing well which is only about 10m from the existing septic tank. I note that the Environment Section report indicates that there is a lack of clarity regarding which option for disposal of wastewater is envisaged – either the existing septic tank or the permitted biocrete wastewater

treatment plant. There is no indication from the public notices or the appeal submission that the intention is to serve the development by way of the permitted unit. Pending redevelopment of the site in its entirety it would not appear to me to be practical to connect to the permitted wastewater treatment plant. I also consider that there no proposals are made for such development. There is no information provided to indicate that the existing septic tank is properly functioning or of sufficient capacity and the separation distances from wells is substandard. As such the decision of the planning authority as set out in reason 4 is appropriate in my opinion.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. It is the policy of the planning authority as set out in objective TM34 of the Wexford County Development Plan to prohibit the replacement of individual mobile homes and caravans except in extenuating circumstances and where permitted the planning permission will only be for a limited period. Having regard to the previous permission for a temporary use and to the duration of the temporary residential use of this site pending redevelopment of the existing residential dwellinghouse, it is considered that the continued use of this site for residential purposes as proposed under the current application would be contrary to policy TM34, would constitute an undesirable form of residential development, which would be out of character with the area and would be detrimental to the residential and visual amenities of the area and thus be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of private wells on site and in the vicinity of the site and to the information submitted in relation to the existing septic tank it is considered that the proposed development would be prejudicial to public health.

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Mairead Kenny  
Senior Planning Inspector

6<sup>th</sup> December 2016