



An
Bord
Pleanála

Inspector's Report

ABP-309095-21

Development	Retention of garage, mobile home and fence
Location	Ballagh, Errill, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	20/541
Applicant(s)	Brendan & Karen Keogh
Type of Application	Permission for Retention
Planning Authority Decision	Grant Permission for Retention
Type of Appeal	First Party v Condition No. 1(b)
Appellant(s)	Brendan & Karen Keogh
Observer(s)	None
Date of Site Inspection	14.04.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located approx. 2.5km south of Errill in south east Co. Laois.
- 1.2. The site is narrow (approx. 20 metres) and long (approx. 200 metres). There is a detached two-storey house to the front of the site and a small shed to the rear of that. There is a larger shed and a mobile home further to the rear of the house, both subject to the application. The area around the house has a gravel surface but the remainder of the site is surfaced in grass. There is a line of houses along the roadside to both sides of the site.
- 1.3. The site has an area of 0.863275 hectares.

2.0 Proposed Development

- 2.1. Permission is sought to retain a garage/store, a mobile home, a boundary fence and all associated site works.
- 2.2. The garage/store has a floor area of 134.1sqm and a height of 5.71 metres. It has a concrete block front with unpainted plaster to other elevations and a corrugated roof. The mobile home has a floor area of 39.5sqm and a height of 3.1 metres.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to five conditions. Condition 1(b) states:

1. (b) Within three months of the date of this planning permission, the mobile home shall be removed from the site. Within two weeks of its removal from the site, photographic evidence demonstrating compliance with this condition shall be submitted to the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

The other conditions relate to the use and external finish of the garage/store, surface water disposal and development contributions.

3.2. **Planning Authority Reports**

3.2.1. The Planning Report is the basis of the decision. The retention of the garage/store and boundary were considered acceptable subject to appropriately worded conditions. The proposal to retain the mobile home was not considered to be in accordance with the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Western Area Office – No objection.

Planning Enforcement – The Planning Report states a warning letter was issued relating to unauthorised development consisting of a mobile home and a shed. No Planning Enforcement report was received by the Board.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Two third-party observations were received from Lorraine Behan and Thomas Behan, local residents. The main points made can be collectively summarised as follows:

- The height of the garage/store is in excess of a normal garage/store, its proximity to neighbouring houses has caused a loss of enjoyment and privacy and it is not in keeping with other properties in the neighbourhood. Loss of view.
- The mobile home does not conform with the quiet enjoyment of the rural area, is visible from the public road and is contrary to legislation.
- Sewerage is piped upland from the mobile home. Pollution concern.
- Overlooking from the mobile home.
- Entrance widened to allow transport of the mobile home.

4.0 Planning History

None.

5.0 Policy Context

5.1. Laois County Development Plan 2017-2023

5.1.1. Mobile homes are not mentioned in the Plan. Garages are referenced in Appendix 7 (Rural Design Guidance).

5.2. Natural Heritage Designations

5.2.1. The closest Natura 2000 site is Galmoy Fen SAC (Site Code 001858) approx. 6.5km to the south east. This is also a pNHA.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- The appeal relates to Condition 1(b) of the decision.
- The property was vacant and in a state of extreme dereliction before being bought by the applicants in 2016 and renovated and upgraded.
- Responses are provided to the two third party observations received by Laois County Council.
- The mobile home has been fully renovated. The occupants of the mobile home are the applicants' daughter and her partner. The applicants' daughter is a primary school teacher and has helped a number of children in the area with various special education needs.

- There is a shortage of suitable accommodation locally. Detail has been provided in Addendum 1 regarding relevant data in the 2016 census in terms of rent and housing. Both bedrooms in the existing house are currently being utilised. Not obtaining retention for the mobile home may put the occupants at risk of homelessness.
- The applicants' daughter wants to stay in Co. Laois and continue her career and intends to buy a house in 3-5 years, once a deposit has been saved. Failure to be granted retention for the mobile home will mean she may consider leaving the area.
- The applicants were unaware permission was required for a temporary home. Once informed, an application was put together. Bearing in mind the number of other mobile homes in the area the applicants feel they are being discriminated against.
- The reason for Condition 1(b) refers to 'sustainable development'. This is defined as 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'. Retention of the mobile home does not compromise future generations. It will only be in place for 3-5 years and has no detrimental effect on the local nature, water system, air or landscape. It meets the needs of the current generation. Other mobiles in the locality are not being challenged so social equality, a sustainable development principle, means the applicants' daughter's mobile has no reason to be challenged. There are six other mobiles within 5km that are being left alone.
- Photographs of six other mobile homes in the area are attached as are numerous photographs of the renovations made to the mobile home.
- References from people relating to the applicants' daughter's work with their children are also attached.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

- 7.1. The first party appeal relates specifically to Condition 1(b) of Laois County Council's decision to grant permission for retention of a garage/store, a mobile home and a boundary fence. Notwithstanding the decision to grant, the condition requires the mobile home to be removed from the site within three months and photographic evidence of same submitted to the planning authority within two weeks of its removal. Having regard to, inter alia, the nature and scale of the garage/store and the boundary fence (a timber fence 18 metres long and 2 metres high adjacent to the mobile home), the domestic nature of the garage/store, the overall size of the site (0.863275 hectares) and the context of the receiving environment, where there a number of sheds and outbuildings adjacent to the north east, I do not consider the garage/shed would be unduly visually incongruous or obtrusive and I consider both it, and the subject fence, are acceptable in principle.
- 7.2. In terms of appropriate assessment screening, having regard to the nature and scale of the development proposed and to the nature of the receiving environment, remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 7.3. Having regard to the foregoing and to the absence of a third party appeal or observation, I intend to limit my consideration to the matters raised in relation to Condition 1(b) and not carry out a de novo assessment of the proposed development.

Condition 1(b)

- 7.4. Condition 1(a) states the development relating to the garage/store and fence shall be retained in accordance with the plans and particulars received. Condition 1(b) states,
1. (b) Within three months of the date of this planning permission, the mobile home shall be removed from the site. Within two weeks of its removal from the site,

photographic evidence demonstrating compliance with this condition shall be submitted to the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

- 7.5. The planning authority's Planning Report sets out the rationale for this condition. Full retention permission was sought, though the applicants suggest it would be for a 3-5 year period. The Council did not consider that compliance with the rural housing policy was an issue, given the location of the site in a Structurally Weak Area. In this regard I note the applicants' daughter and her partner occupy the mobile home and the applicants live in the house on site. The Planning Report notes that the development essentially results in a second residential unit on site. This form of development was not considered to be appropriate and is at odds with the predominant pattern of development. The mobile home was considered to be, by reason of form and appearance, an unacceptable, piecemeal type of development and it was considered to be inappropriate to grant permission for its retention.
- 7.6. The Laois County Development Plan 2017-2023 makes no reference to mobile homes. Though Appendix 7 (Rural Design Guidance) of the Plan relates to building a house, certain aspects of the guidance such as siting and design can be considered in the context of the subject application. The mobile home itself is a standard mobile home located in a backland location, adjacent to third-party property. I consider it comprises piecemeal development which introduces a second residential unit onto the site.
- 7.7. In terms of other mobile homes in the wider area as set out in the grounds of appeal, that is a matter for Laois County Council. The Board has no role in enforcement. Each planning application is assessed on its own merits. The Board must decide on this planning application on its merits.
- 7.8. In conclusion, I concur with the provisions of the Planning Report and agree with its rationale and conclusion. The development is a substandard form of development and it would represent a piecemeal and disorderly approach and an inappropriate form of backland development. It is a non-permanent dwelling that fails to harmonise with the existing pattern of development in the vicinity of the site in nature or design. Therefore, having regard to the foregoing, I consider permitting the retention of the mobile home

would be contrary to the proper planning and sustainable development of the area. I recommend that Condition No. 1(b) of the planning authority decision be attached.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning & Development Act, 2000 (as amended) to attach Condition 1 (b) and the reason therefore.

9.0 Reasons and Considerations

Having regard to the backland and ad hoc location of the mobile home which introduces a second residential unit onto a rural site, and to the type of non-permanent dwelling structure that fails to harmonise with the existing pattern of development in the vicinity of the site in nature or design, it is considered that the retention of the mobile home, adjacent to third-party property, would detract from the character of the area, would comprise a substandard form of development and would be contrary to the proper planning and sustainable development of the area. The planning authority's Condition 1(b) is, therefore, reasonable and warranted.

Anthony Kelly

Planning Inspector

02.06.2021