



An  
Bord  
Pleanála

## Inspector's Report ABP 315904-23

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<b>Development</b>	Retention of mobile home and effluent treatment system.
<b>Location</b>	Cor an Dola, Corrandulla. Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Planning Authority Reg. Ref.</b>	22/1189.
<b>Applicant(s)</b>	Kevin Furey.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	To Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kevin Furey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	May 18 <sup>th</sup> , 2023.
<b>Inspector</b>	Breda Gannon.

## **1.0 Site Location and Description**

- 1.1. The site is located to the west of Corrandulla village in Co. Galway. It is located on the south side of the L- 2119 local road that connects into the N84 to the west of the site. Access to the site is via a gravel roadway that serves an existing farmyard. The farmyard accommodates a large agricultural shed and other farm structures. The mobile home to be retained is located on the south side of the shed and foul effluent is discharged to an existing septic tank.
- 1.2. The site is located in a rural area and residential development in the vicinity is in the form of ribbon development along the local road. The closest residential property is a large two-storey residence located to the northwest of the farmyard.

## **2.0 Proposed Development**

- 2.1. The development as described in the public notices submitted with the application seeks the retention of a mobile home and effluent treatment system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for the development for 3 reasons which are summarised as follows:

1. Development is considered contrary to the rural housing provisions of the development plan and would contravene materially Objective RH2 of the plan.
2. Sufficient evidence has not been submitted which comprehensively demonstrates that the site is able to treat and discharge effluent to groundwater. The proposed development if permitted would materially contravene Policy Objective WW6, Policy Objective WR1, Policy Objective WS7 and DM Standard 38 of the development plan.
3. The proposed development would constitute haphazard and disorderly development and contravene materially Policy Objective RH9, Policy Objective LCM1 and DM Standard 8 of the development plan.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officer's report of 26<sup>th</sup> November, 2022 is summarised as follows:

- There are significant concerns relating to the in-situ septic tank and percolation area pertaining to its siting and the omission of documentation on its design, installation and compliance with the EPA's Code of Practice. The planning authority is not satisfied that sufficient evidence has been submitted which comprehensively demonstrates that the site is able to treat and discharge wastewater from the development.
- While the planning authority acknowledges that a potable water connection is in place, further clarification on the status of the connection would be required to fully assess the suitability/sustainability of this service.
- Clear and accurate delineation of the existing drainage infrastructure serving the development is required.
- The development has an established vehicular/agricultural entrance onto the adjoining local road. The retention of the mobile home for residential use would increase the average traffic movements using the entrance. The minimum sightlines of 70m would appear to be achievable, which would need to be verified.
- The mobile home does not fundamentally comply with Policy Objective RH9 or the Rural Housing Design Guidelines. The mobile home is not considered to be visually congruent with the farmyard complex, resulting in a haphazard arrangement of residential and agricultural structures which is detrimental to the rural and visual amenity of the receiving landscape.
- The farmyard complex is immediately adjacent to an existing dwelling (observers), with which it shares a common boundary. An increase in visitors over and above those generated by the farm has the potential to negatively impact on neighbouring property.

### 3.2.2. Other Technical Reports

None

## 4.0 Observations

An observation was received from the residents of the adjoining house and the issues raised are summarised as follows:

- Overlooking and loss of privacy.
- Traffic generation, noise and disturbance.
- Visual amenity.
- The mobile home would appear to be designed for use as a habitable permanent dwelling.

## 5.0 Planning History

None.

## 6.0 Policy and Context

### 6.1. Development Plan

The operative development plan is the Galway County Development Plan 2022-2028.

The site is located with an area designated Landscape Sensitivity Class 1 (Low Sensitivity), which are landscapes that are considered unlikely to be adversely affected by change.

The site is located within an Area under Strong Urban Influence under the Settlement Hierarchy (Section 2.4), where Policy Objective RH2 applies (Section 4.6.3).

### 6.2. Natural Heritage Designations

The site is located within a 5km radius of the following European sites:

- Lough Corrib SAC (Site Code: 000297).
- Lough Corrib SPA (Site Code: 004042).

### **6.3. EIA Screening**

- 6.3.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The grounds of appeal may be summarised as follows:

- The applicant had to leave to family home due to divorce proceedings. The family home has been sold and the applicant retains the farm only but no funds to construct or rent a new home.
- The applicant's only income comes from the farm and his only mode of transport is the farm tractor.
- The applicant has placed a mobile home on the land as a short-term solution to his homelessness. He would be content with a planning condition that would terminate the use of the mobile home after a period of two years.
- The mobile home is screened from the public road and other houses in the vicinity.
- The lands are in the applicant's ownership and he has a housing need (Objective RH2).
- A conventional septic tank and percolation area has been installed. A trial hole was excavated (images attached) and the depth was 2.3m with no water evident. A percolation value of 15 is assumed based on soil conditions. A total of 48m of percolation piping was provided. The hydraulic load will be minimal with only one person in the mobile home.
- The development is temporary in nature, is screened from public view and does not interfere with the amenity of any nearby residences (Policy Objective RH9, Policy Objective LCM1 and DM Standard 8).

7.1.2. The appeal is supported by a number of documents including land registry map and folio and a letter from medical doctor.

## 7.2. **Planning Authority Response**

None.

## 8.0 **Assessment**

### 8.1. **Introduction**

8.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered.

The main issues, therefore, are as follows:

- Compliance with rural housing policy.
- Effluent treatment.
- Impacts on amenities of the area.
- Appropriate Assessment.

### 8.2. **Compliance with rural housing policies**

8.2.1. The site is located in a Rural Area Under Strong Urban Pressure where Policy Objective RH2 of the development plan applies. The planning authority is not satisfied that the applicant has satisfactorily demonstrated a rural generated housing need at this location and compliance with Policy Objective RH2.

8.2.2. The grounds of appeal elaborate on the applicant's circumstances. The applicant inherited the family lands and has lived his entire life in this location. He originally lived in the large two-storey house to the northwest of the farm but due to personal circumstances (which are documented on the file) the family home was sold. The mobile home, the retention of which is the subject of this appeal, is stated to have been provided as a solution to his homelessness.

8.2.3. Policy Objective RH2 sets out the criteria that apply to the provision of rural housing in areas under strong urban influence. The criteria require that an applicant for a permanent family residence demonstrate long standing demonstrable economic and or social 'Rural Links' or 'Need' to the area.

8.2.4. While I would accept that the applicant has demonstrated rural links to the area, I do not consider that the provisions of Policy Objective RH2 can be interpreted to cover the particular circumstances of this case, which is for the retention of temporary accommodation in the form of a mobile home.

### 8.3. **Effluent treatment**

8.3.1. A septic tank is visible on the site and the exact location of the percolation area is unclear. There are 4 no. ventilation pipes visible close to a recently constructed track.

8.3.2. There is an assumption, based on a visual inspection of the trial hole, that ground conditions are suitable for effluent treatment and disposal. The application is not accompanied by a site-specific site assessment to determine the suitability of the site for the effective treatment and disposal of foul effluent in accordance with the provisions of the EPA's Code of Practice (2021). The trial hole assessment is incomplete. There is no evidence that percolation tests have been carried out to assess the assimilative capacity of the subsoil and there is no assessment to potential receptors at risk in accordance with the guidance provided. The planning officer's report notes that the site is underlain by a Regionally Important Aquifer-Karstified (conduit) with an 'Extreme' vulnerability rating and potentially falls within a zone of contribution of an existing groundwater well, which is not considered by the applicant.

8.3.3. There is no information on the design of the installed system or its suitability for the subject site. In the absence of properly constituted site suitability assessment by a qualified assessor in accordance with the EPA's Code of Practice, it is my opinion that the Board cannot be satisfied that the installed system is capable of the adequate treatment and disposal of the effluent on the subject site.

### 8.4. **Impact on amenities of the area**

8.4.1. The observers' house is located to the northwest and shares a common boundary with the farmyard. It is the closest residential property to the subject site. Due to the

location of the mobile home, which is hidden from view by the existing agricultural shed, no significant visual impacts arise. There is no intervisibility between the mobile home and the house which would create the potential for overlooking with a loss of privacy.

8.4.2. The use of the mobile home as a temporary dwelling may marginally increase traffic movements to and from the site. However, on the basis that the roadway is currently used by the landowner to access the existing farmyard, and he would be the sole occupier of the development, I do not consider that the use of the mobile home would increase traffic movements to the extent that the amenity of the adjacent dwelling would be significantly impacted.

8.4.3. The planning authority's third reason for refusal considers that the development materially contravenes Policy Objective RH 9, LCM 1 and DM Standard 8 of the development plan. These policy objectives/standards are concerned with rural house design/location, the preservation of landscape character and ensuring that development is sensitive to its surroundings and visually integrates with the surrounding landscape.

8.4.4. The site is located in a low sensitivity landscape, with the capacity to absorb development. The mobile home is discreetly located, such that it is inconspicuous in the wider landscape. There are no protected views or scenic routes that would be impacted by the proposed development.

8.4.5. Having regard to the intended temporary nature of the mobile home, I do not share the concerns raised by the planning authority regarding impacts on the landscape and visual amenities of the area.

## 8.5. **Appropriate Assessment**

9.0 The closest European sites are Lough Corrib SPA and Lough Corrib SAC located c 1.97km from the subject site. The planning authority notes that the site and the Lough Corrib SAC/SPA share both a surface water sub-catchment and groundwater catchment. Having regard to the type and vulnerability of the underlying aquifer in conjunction with the WFD catchment and the uncertainty regarding the suitability of the site to adequately treat the effluent arising and the potential for indirect conduits between the development and the European site, there is potential for Appropriate



Assessment issues to arise and it cannot be concluded that the that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Conclusion

- 10.1. I consider that the applicant has demonstrated a housing need and has demonstrated rural links such that he could be considered eligible for a house in this rural area under strong urban pressure. The development plan is concerned with the provision of permanent family homes and does not specifically refer to temporary mobile homes.
- 10.2. I accept that the planning authority's second reason for refusal is justified on the basis that it has not been demonstrated that the site is suitable for the safe treatment and disposal of effluent to groundwater. It is not, therefore, possible to consider a temporary grant of permission for the retention of the mobile home and effluent treatment system for a two-year period as requested by the applicant.
- 10.3. While I accept that it would be preferable if the mobile home was not located within the farm complex, it has minimal impact on the landscape, visual and residential amenities of the area.

## 11.0 Recommendation

- 11.1. On the basis of the above assessment, I recommend that permission for the retention of the mobile home and effluent treatment system be refused for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

- 12.1.1. The Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal that effluent generated by the development can be satisfactorily treated and disposed of on-site without risk to groundwater quality. The development to be retained would therefore be prejudicial to public health and 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.

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Breda Gannon  
Planning Inspector

31st May 2023