



An  
Bord  
Pleanála

## Inspector's Report ABP-319415-24

<b>Development</b>	<i>The temporary parking of a caravan on my property</i>		
<b>Location</b>	<i>Enniscough, Rathkeale, Co. Limerick</i>		
<b>Planning Authority Ref.</b>	<i>2460027</i>		
<b>Applicant</b>	<i>Margaret Boswell</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Refuse Permission</i>
<b>Type of Appeal</b>	<i>First Party</i>	<b>Appellant</b>	<i>Margaret Boswell</i>
<b>Observer(s)</b>	<i>Trish Sibbel</i>		
<b>Date of Site Inspection</b>	<i>10/05/2024</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

### Context

#### 1. Site Location/ and Description.

The site is located within the Rathkeale Town Settlement on a local road to the south of Church Street. There is an existing two storey dwelling under construction on the site. To the south east is a greenfield site and to the north west there is a two storey building which faces onto Church Road. The rear space of this building which is a concreted yard appears to have a shared gateway with the proposed development site. There is a single storey store located directly to the north of the site to the rear of the concreted yard.

**2. Description of development.** The proposed development comprises of :

- Permission for the temporary parking of a caravan to the north west side of the existing house under construction

It is not clear from the application details as to whether the intention of the caravan is for storage purposes or whether the applicant is going to live in the said caravan. There is conflicting statements with respect of the same in the submissions on file. However, a cover letter from the applicants agent on the file dated 17<sup>th</sup> January 2024 confirms that the applicant will be living in the said caravan with her family.

**3. Planning History.**

*On Site*

- Planning Reg. Ref. 19/101: Margaret Boswell granted conditional permission for a two-storey dwelling, front boundary wall and entrance. Application was appealed to an Bord Pleanala (ref :304841-19) who upheld the Planning Authority's decision and granted permission subject to conditions. Conditions of relevance include:
  - Condition 6: Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.
  - Condition 8: No caravans shall be parked to the front rear of side of the dwelling
- Planning Reg. Ref. 17-935 Margaret Boswell refused for the construction of dwelling, site entrance, connect to public services, including all associated site work. Refusal upheld on appeal to Board (ABP300559-18)

**4. National/Regional/Local Planning Policy**

The Limerick County Development Plan 2022- 2028 is the statutory plan in force at present.

- The site is zoned as Existing Residential the objective of which is to provide for residential development and protect and improve residential amenity

#### Rathkeale Adare Local Area Plan 2023-2029

- Section 6.3 Specialise Housing, including older persons housing, assisted independent living and Traveller Accommodation

‘Rathkeale contains a large, well-established Traveller community. Many Traveller families have a nomadic lifestyle. In the past, there has been a history of unauthorised parking of mobile homes and caravans on the public road and private lands in Rathkeale creating issues regarding public health and safety, traffic, parking, utility connections, waste disposal, fire hazard etc. To address this issue, the Council has designated a Special Development Area in the Roche's Road and Fair Hill area to facilitate a limited number of temporary private sites for mobile homes/caravans for extended family of the Traveller community. Proposals shall not have a negative impact on existing residential amenity, within this area. There is a presumption against any proposal demolishing existing residences or buildings on the streetscape of north Main Street, given its vernacular late 18th/early 19th century built heritage, and location in an Architectural Conservation Area (ACA). Parking of motorised vehicles/trailers/caravans within the curtilage of dwellings shall be limited to the areas to the side of each house and shall be specifically prohibited from areas lawns/private amenity space. Drawings submitted with planning applications should indicate a physical demarcation of these lawns/private open space areas in the form of low wall/kerb of sufficient height to prevent such vehicles/trailers/caravans occupying the lawn/private open space in the interest of private open space amenity. All proposals shall comply with relevant Technical Guidance documents under the Building Regulations, and Guide to Fire Safety in Traveller Accommodation, 2013, National Directorate for Fire and Emergency Management. A statement shall be submitted with planning applications demonstrating compliance with these Technical Guidance documents’

- Objective H07
  - a) Facilitate appropriate accommodation for the Traveller community in accordance with the provisions of the Traveller Accommodation Programme 2019 - 2024 and any replacement thereof.
  - b) Facilitate the development of a Special Development Area with a limited number of temporary private sites for mobile homes/caravans in accordance with the Guidelines for Accommodating Transient Traveller Families'.
  - c) Ensure that proposals for Temporary Private Sites for Mobile Home/Caravans for extended families of the Traveller community in the Roches Road, Fair Hill are designed coherently in accordance with the following:
    - A maximum of 5 mobile homes/caravans/motorised vehicles on any one site.
    - Planning permission be permitted for a maximum of 10 years on any one site.
    - Layout and construction shall comply with the most current standards and guidelines, including separation spaces between these structures, provision of services according to the relevant public providers (Irish Water, ESB Networks, Gas Networks etc.), provision of play area, off street car parking, fire safety and public health requirements, landscaping and screening. A statement shall be submitted with planning applications demonstrating compliance with these Technical Guidance documents.
    - All site works and construction of all services to be completed and certified in accordance with the planning permission prior to any mobile home/caravan being placed on the site.

## **5. Natural Heritage Designations**

- The nearest designated site is the Askeaton Fen Complex SAC is located 4.8km to the north of the site

## Development, Decision and Grounds of Appeal

### 6. PA Decision.

- Permission was refused for the following reasons
  1. Having regard to the site's location, the proposed development is considered to be at variance with Section 6.3 and Objective H 07 of the Rathkeale Local Area Plan 2023-2029 which specifies a Special Development Area within the town for temporary private sites for mobile homes/caravans. The proposed development located outside of this area would therefore be considered at odds with the objectives of the Rathkeale Local Area Plan 2023-2029, would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.
  2. The proposed development would materially contravene condition number 8 attached to An Bord Pleanála's planning reference number 304841-19 which states that 'no caravans shall be parked on site to the front, side or rear of the dwelling'

### 7. Internal Reports

- None on file

### 8. Prescribed Bodies

- None on file

### 9. Submissions

There is one submission on file as follows:

- Local Residents c/o Trish Sibbel of Enniscough, Rathkeale (received 28<sup>th</sup> January 2023)

In summary the submission raises the following issues:

- That the proposal contravenes a condition of planning imposed under Planning Reg. Ref. 19/111 (ABP304841-19)
- That the site is not located within an areas designated in the Rathkeale LAP for the parking of caravans
- Traffic and Residential Amenity Issues

## **9. Grounds of Appeal**

A first party appeal was received by Margaret Boswell c/o Patterson Design on the 28<sup>th</sup> March 2024. The appeal in summary states:

- That the site is located within an area where there is a special policy on the parking of caravans
- That a caravan is required for the purposes of a residence for the remainder of the construction of the house on site. The applicant is living in the Rathkeale area with her children and have no permanent residence.
- The appeal states that the applicant needs a place to store her caravan as she does not own any other property.
- The appellant refers to ABP 243156 where the Board considered it reasonable to allow the seasonal parking of a caravan on a plot.
- Once the house is completed she will no longer require the use of the caravan

## **10. PA Response**

None received

## **11. Observations**

An observation has been received by a Trish Sibbel of Enniscough, Rathkeale, Co. Limerick V94FR5F on the 16<sup>th</sup> April 2024. In summary the observation states:

- That the name of the appellant and the reference number are incorrect in the appeal submitted.
- That the proposal to store a caravan on site contravenes condition 8 of ABP 304841-19 which states that 'No Caravans shall be parked on site to the front rear of side of the dwelling'
- The observation also refers to Section 6.3 of the Rathkeale LAP 2023-2029

## **Environmental Screening**

## **12. EIA Screening**

*Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.*

## **13. AA Screening**

*Having regard to the modest nature and scale of development and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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.*

## **2.0 Assessment**

### **2.1. Introduction**

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters-

- Principle of Development/Residential Amenities

### **2.2. Principle of Development/Residential Amenities**

- 2.2.1. The proposed development site is located within an area zoned as 'Existing Residential' in the Rathkeale Local Area Plan 2023-2029, the zoning objective of which seeks 'To provide for residential development, protect and improve existing residential amenity'
- 2.2.2. Section 6.3 of the LAP states , there has been a long history of unauthorised parking of mobile homes/caravans on the public road and on private lands within Rathkeale. This practice, it is stated, has given rise to issues of public health hazard, traffic and

pedestrian conflicts and issues regarding inadequate services. In response to this, the LAP seeks to provide a 'Special Development Area' for Temporary Private sites for mobile homes and caravans in an area to the north of the Main Street (Fair Hill and Roches Road). The appellant is seeking permission to park her caravan in the side yard for residential purposes during the build process. It is considered that the parking of a caravan or mobile home on the site would have impacts with respect of the visual amenity of the area notwithstanding its proposed temporary nature.

- 2.2.3. I note that the site is not located within the Special Development Area as cited above
- 2.2.4. I further refer to Condition No 8 of ABP304841-19 for the house under construction on the site which states that 'No Caravans shall be parked on site to the front rear of side of the dwelling' There is no indication in the inspectors report as to why such a condition was imposed. However I note that a similar condition was imposed by the Planning Authority on the adjacent development of two dwellings to the north under Planning Reg. Ref 16531(Roger Boswell).
- 2.2.5. The location where the caravan is to be located is on an area which is to be a lawn as per the site layout plan permitted under ABP304841-19. The vehicular entrance to the site was to be in the eastern corner of the site. A boundary in the form of a hedge was also to be planted along the north-western boundary to delineate it from the property to the north.
- 2.2.6. I also note that the existing entrance to the yard to the rear of the property as permitted under Planning Reg. Ref 16531 (Roger Boswell) to the north of the site was to be blocked up and a lawned area was to be constructed where the concreted area now exists. I note that Roger Boswell sought to retain the entrance as constructed on site under Planning Reg. 211758, but this was withdrawn after the applicant failed to respond to a further information request on the same. This entrance is the only access to the proposed development site and the proposed caravan would have to access the site via this entrance which is unauthorised.
- 2.2.7. While this vehicular access to the site is an unauthorised entrance associated with the adjacent property to the north, it is not clear from the submissions on file as to whether the Planning Authority are enforcing this.



- 2.2.8. As previously stated, the proposed development site is located within an area zoned as 'Existing Residential' where it is the policy of the council 'To provide for residential development, protect and improve existing residential amenity'
- 2.2.9. The said caravan which is proposed for residential purposes and it is considered therefore that it will impact upon the residential amenity of the adjacent property to the north though I appreciate that there is no objection from the said owner whom I understand appears to be related to the applicant. In any rate this property could be sold on and the proposed caravan would cause issues of residential amenity to future occupants. It is therefore pertinent to consider the residential amenity impacts on the property rather than the occupants therein.
- 2.2.10. I also note that no other caravans were visible in any other properties in the vicinity of the site.
- 2.2.11. It is not clear from the application as to how the said caravan is to be serviced. There are no details submitted with respect to connections to water and wastewater. In the application form it is stated that connections to water and wastewater are not applicable.
- 2.2.12. I note that permission for the house under construction on site expires on the 14<sup>th</sup> November 2024. I note that the house on site is substantially complete.
- 2.2.13. Having regard to the same and having regard to
- (a) The fact that the site is not located within the Special Development Area and
  - (b) the potential adverse impacts to the residential amenities of the property to the north
  - (c) Concerns with respect to precedent that may result as a consequence of granting permission for such a development and
  - (d) The fact that such a proposal would contravene a condition of planning imposed under ABP304841-19
- it is recommended that planning permission be refused.

### 3.0 Recommendation

3.1. I recommend that permission be refused for the following reasons:

1. The proposed development site is located on lands zoned as 'Existing Residential' in the Rathkeale Local Area Plan 2023-2029 where it is the policy of the council 'To provide for residential development, protect and improve existing residential amenity' Having regard to the sites location directly adjacent to the rear garden of two houses permitted under Planning Reg. Ref. 16531 it is therefore considered that the proposed caravan will impact upon the residential amenities of those properties, will contravene the zoning objective for the site and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development of a caravan at this location is considered to be at variance with Section 6.3 and Objective H 07 of the Rathkeale Local Area Plan 2023-2029 which specifies that such development be located within a Special Development Area within the town for temporary private sites for mobile homes/caravans. The proposed development located outside of this area would therefore be considered at odds with the objectives of the Rathkeale Local Area Plan 2023-2029, would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development does not include any connections to services including water and wastewater. The proposed development would therefore be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development would materially contravene condition number 8 of Planning Reg. Ref. ABP304841-19 which states that 'No caravans shall be parked on site to the front, side or rear of the dwelling.'

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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Andrew Hersey

Planning Inspector

7th June 2024