



An  
Bord  
Pleanála

## Inspector's Report

**ABP 321327-24**

<b>Development</b>	Retention of mobile home at the side of existing house for a temporary period not exceeding five years.
<b>Location</b>	Innisfree House, Pearse Road. Sligo.
<b>Planning Authority</b>	Sligo Co. Council.
<b>Planning Authority Reg. Ref.</b>	2460305.
<b>Applicant(s)</b>	Michael Leydon.
<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>	Michael Leyden.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	February 8 <sup>th</sup> , 2025.
<b>Inspector</b>	Breda Gannon

## **1.0 Site Location and Description**

- 1.1. The site is located to the south of Sligo city centre along the western side of Pearse Road. The area is primarily residential in character and in the vicinity of the site consists of large detached/semi-detached two-storey dwellings.
- 1.2. The existing house on the site is set back from the adjoining road and the area to the front is used for car parking. The front boundary is formed by a low stone wall, back planted with vegetation. To the rear there is a small enclosed garden and a number of sheds and other structures. A section of the side boundary wall to the front of the house has been removed, providing vehicular access to the adjacent property to the north.
- 1.3. The mobile home to be retained is located at the side of the house and tight up against the northern boundary. A wooden fence has been erected to screen it from public view. Adjacent to the mobile home there are two sheds and a flat roofed structure which extends to the rear boundary. On the south side of the house there are two polytunnels which appear to be used for storage purposes.

## **2.0 Proposed Development**

- 2.1. The proposal, as advertised in the public notices, seeks the retention of an existing mobile home on the site for a temporary period not exceeding five years. The mobile home (33.94 sq.m) is located on the north side of the existing dwelling. It accommodates 2 no. bedrooms, kitchen, sitting room and shower/wc and is connected to the existing public water supply and sewer system. The mobile home has a stated height of 3.3m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for the retention of the development for the following reason:

*'It is considered that the retention of the mobile home within the curtilage of an existing dwelling house is not in keeping with the design, layout, character and scale*

*of development which fits well within the urban area and does not represent a high-quality living environment. The development that is proposed for retention would constitute an unsustainable and substandard form of residential development, would set an undesirable precedent for similar such development and would seriously injure the residential and visual amenities of the area’.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning Officer’s report notes that Innisfree House has been used historically as a B&B and is currently used to house individuals in need of emergency accommodation. Notwithstanding the temporary nature of the development, it is considered that the placement of the mobile home within the curtilage of the existing dwelling is not in keeping with its design, layout, character and scale and does not represent a high-quality living environment.

The applicant’s proposal to erect a 1.8m high fence to the front of the mobile home is not considered to be a satisfactory mitigation measure to address adverse visual impacts generated by the mobile home.

While the previous use as a B&B and the current use as emergency accommodation generate more traffic movements than a standard dwelling, having regard to the residential nature of the surrounding area, it is considered that the additional movements generated by the development would adversely impact on the residential amenities of the area.

It is concluded that the development proposed for retention would constitute an unsustainable and substandard form of development, would set an undesirable precedent for similar development which would seriously injure the residential and visual amenities of the area.

#### **3.2.2. Other Technical Reports**

Area Engineer - No objection subject to the inclusion of conditions regarding the management and disposal of surface water.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Observations were raised by 3 no. parties which raised the following issues:

- Overbearing and dominating impact of development on nearby properties and adjoining area.
- Overdevelopment and congested nature of the site which is out of character with adjacent development.
- Intended use of mobile home is unclear.
- Retention of the development is contrary to the zoning objective as the mobile home is not a permanent dwelling. Its use as emergency accommodation is not in conformity with the zoning. It fails to protect and enhance existing residential amenity and is therefore contrary to the RE zoning objective for the area.
- Location of the site close to a junction with potential increase in pedestrian/vehicular traffic and impacts on safety.
- Impacts on amenity of adjoining residents in terms of overlooking, lack of privacy, noise and disturbance at night, fire safety and mismanagement of the building.
- Haphazard siting of development including sheds close to common boundaries.
- The mobile home appears to be located on top of the sewer. The water/sewage pipe serving the site is visible and not buried.
- Compliance with the Building Regulations needs to be considered.
- Accuracy of submitted drawings in terms of actual boundary which suggests that a separate parcel of land exists at the rear.

## 4.0 Planning History

No details of any relevant planning history have been forwarded by the planning authority.

## 5.0 Policy Context

### 5.1. Development Plan

The **Sligo County Development Plan 2024-2030** came into effect on November 11<sup>th</sup>, 2024, except those parts of the Plan which are subject to a Draft Ministerial Direction. The appeal site is not impacted by this Direction.

The site is located in an area zoned eRES-Existing Residential with the following objective:

*‘Protect and enhance the residential amenity of established residential areas and their communal or public open space and allow for small-scale infill development which is appropriate to the character and pattern of development in the immediate area.*

*The introduction of other compatible or ancillary uses, redevelopment and regeneration may also be considered in these areas, as long as the dominant use remains residential.*

### 5.2. Natural Heritage Designations

The closest European sites are to the northwest associated with Sligo Bay and Drumcliff Bay and include:

- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC 000627 – c.2km
- Cummeen Strand SPA 004035 – c.2km
- Drumcliff Bay SPA 004013 – c.4km

## 6.0 EIA Screening

- 6.1. The development is not of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations

2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

## **7.0 The Appeal**

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

The grounds of appeal are summarised as follows:

- The provision of a mobile home for residential use on the site is considered compatible with the existing residential use on the appeal site and the land use zoning of both the current and future county development plan.
- The provisions of short-term emergency letting in the form of a mobile home at this location is not specifically excluded under the provisions of the development plan.
- The mobile home does not detract from or negatively interfere with the visual amenities of the area and is considered a feature consistent with the character of the area. It is considered modest in scale, mass and height and is situated in the space between two substantial two-storey buildings set back from the established building line. It can only be viewed from the public realm on an intermittent basis for a limited distance.
- The mobile home does not have a detrimental or negative impact on the residential amenities currently or previously enjoyed by adjacent properties. It is located a distance away from the rear gardens/private open space of adjoining properties and does not result in overlooking or overshadowing. A 2.4m high solid boundary wall separates it from the property to the north.
- The appeal site was previously used as a B&B and it could be argued that it resulted in far greater inconvenience or disturbance to adjoining neighbours, in particular disruption caused by vehicles entering and exiting the property. The existing mobile home has not resulted in a fundamental change in the use of the appeal site, namely that for the short-term letting nor has it given rise to any new or fresh considerations from the point of residential amenity.

- The development if permitted for a temporary period will not set an undesirable precedent. It is unclear what undesirable precedent results from providing temporary short term emergency accommodation in the form of a mobile home within the curtilage of a former B&B.
- The planning authority's reference to 'additional traffic movements generated by the development and adverse impacts of residential amenities of the area' are incorrect and without foundation. The persons seeking to avail of this short-term emergency accommodation do not own motor vehicles. The development does not therefore give rise to additional traffic movements, nor does it create an additional demand for onsite parking.
- The planning authority's assertion that the mobile home provides a substandard form of residential accommodation and does not represent a high-quality living environment is difficult to understand. The mobile home has the benefit of running water, hot water and electrical heating and is suitable for short-term letting. No long-term permanent occupation is proposed and should the Board be minded to grant permission for the retention of the mobile home, the appellant is happy with a condition to restrict/control occupancy or use.
- The appellant currently assists Sligo Co. Council to fulfil their requirements under Section 10 of the Housing Act by providing short term emergency accommodation.
- It is not accepted that the proposal constitutes an unsustainable form of development as contended by the planning authority. The appeal site is located within walking distance of the town and its facilities. No construction works were required for the placement of the mobile home on the site and none will be required for its removal. The mobile home, being totally electric does not require the burning of fossil fuels.
- The appellant is willing to implement additional mitigation measures to allay the concerns of neighbours including the relocation of the mobile home to any location within the appeal site, additional screening/planting to the front of the mobile home, a condition restricting the life duration of a permission to a

period of 12-24 months, and a condition which restricts the use/frequency of use of the mobile home for the duration of the permission.

## **7.2. Planning Authority Response**

- The planning authority refers the Board to the Planner's Report and the planning authority's reason for refusal.
- No additional information has been submitted as part of the appeal that would alter the decision of the planning authority.
- It is requested that the Board uphold the decision of Sligo Co. Council and refuse permission for the retention of the development.

## **7.3. Observations**

None received.

## **8.0 Assessment**

### **8.1. Introduction**

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

- Principle of the development.
- Impacts on the visual and residential amenity of the area.
- Traffic considerations.
- Appropriate Assessment.

### **8.2. Principle of the development**

- 8.2.1. As noted by the First Party, the development plan does not contain specific policies or objectives relating to mobile homes and they are not referred to in the zoning matrix. Having regard to the use of the mobile home for residential purposes and its location within a residential zoned area, I accept that the development is acceptable



in this location in principle subject to normal good planning practice considerations, including the protection of residential amenity, which is considered below.

- 8.2.2. The First Party seeks to justify the proposal on the basis of the obligations on the local authority to provide emergency accommodation under the Housing Act. These are separate considerations under different legislation, which extend beyond the scope of this appeal. This appeal is assessed under the provisions of the planning acts and the obligations placed on planning authorities, including the Board, to consider the proper planning and sustainable development of the area.

**8.3. Impacts on the visual and residential amenities of the area.**

- 8.3.1. Issues have been raised regarding the visual impact of the development and impacts on the residential amenity of adjacent dwellings associated with overlooking and loss of privacy, dominating and overbearing impacts, and noise and disturbance.
- 8.3.2. In terms of impacts on the visual amenities of the area, the mobile home is largely screened from public view by both existing roadside vegetation and a timber fence erected to the front. I accept that views of the structure will be highly localised and largely restricted to the road/footpath at the front of the dwelling. I do not, therefore, accept that that the proposal would significantly impact on the visual amenities of the area.
- 8.3.3. The mobile home is a low-level structure which is surrounded on all sides by higher buildings on adjacent sites. Views from the mobile home towards adjacent properties are curtailed by the adjacent sheds/structures on the site. There is, therefore, no potential for overlooking and consequently no merit in the argument that the retention of the structure would result in any diminution in the privacy currently enjoyed by these dwellings.
- 8.3.4. There are no windows overlooking the appeal site from the adjoining dwelling to the north, and views from the dwelling to the south are screened by the existing house. Views towards the site from the rear are curtailed by existing structures and vegetation. Therefore, no potential arises for negative impacts on the outlook from these dwellings. Due to the low level of the structure relative to adjacent dwellings, there is no potential for dominating and overbearing impacts to arise.

- 8.3.5. I would accept that due to the type of accommodation provided, there is increased potential for residents to meet and socialise in the garden area, which is the only outdoor communal space available. This creates increased potential for noise and disturbance, than would normally be associated with its former use as a B&B, with the potential for increased impacts on the amenity of adjacent properties.
- 8.3.6. The mobile home provides an additional separate structure for residential use on the site. In addition to the 2 no. sheds there is another structure located to the rear of the site. It is referred to as 'existing shed' on the site layout plan submitted. It is shown on land outside the red line denoting the application site, but within applicant's ownership (as denoted by a blue line). As noted in the submissions to the planning authority, this seems to suggest that a separate parcel of land exists at the rear to the site, which is not the case.
- 8.3.7. The only means of access to this structure is via the application site. It forms part of the curtilage of the existing house and shares its rear garden space. During my inspection of the site, I observed that this structure also appears to be used for residential purposes. Consequently, there appears to be three residential units within the curtilage of the dwelling. Having regard to the number of existing structures on the site, I would accept that there is validity in the arguments made by local residents that the retention of the mobile home results in haphazard and overdevelopment of the site, which impacts on the residential amenities of the area.
- 8.3.8. Notwithstanding the temporary nature of the accommodation provided in the mobile home and appellants willingness to accept a reduced temporary period of 12-24 months, and other conditions to restrict its use/frequency of use, I consider the level of amenity afforded to its residents is substandard having regard to its location on a restricted site, within a yard area, overlooking sheds within the curtilage of an existing house. While the appellant offers mitigation in the form of relocating the mobile home to a different area of the site/landholding, which may improve the outlook for its residents, it would increase impacts on the amenity of the residents of the existing house associated with overlooking, loss of privacy and erosion of private open space.

I would conclude that while the mobile home, being a form of residential accommodation is not incompatible with the zoning provisions relating to the site, the

proposal would be inconsistent with its objective to '*protect and enhance the amenity of established residential areas*'. I consider that the retention of the mobile home within the curtilage of the existing dwelling would create haphazard development and overdevelopment of the site, which would be inconsistent and out of character with the established pattern of development in the area. I would also accept that it would create a highly undesirable precedent for similar development in the future.

While I accept that each case must be considered on its individual merits, I do not accept appellant's argument regarding precedent. If a similar proposal has been approved in the past, it can set a precedent that may make it more likely for similar proposals to be considered acceptable in the future.

#### **8.4. Traffic considerations**

I accept the First Party's argument that persons seeking to avail of this type of short-term emergency accommodation are not likely to be in possession of cars. I would therefore accept that the retention of the mobile home would not give rise to increased traffic or additional demands for onsite carparking. At the time of inspection there was only one car parked on the site. I also note that the Area Engineer's report did not raise any issues regarding impacts on traffic or pedestrian safety. Having regard to the former use of the site as a guest house and the location of the site within the built up area of Sligo, with an established vehicular access and onsite parking space, I would conclude that the arguments made regarding traffic hazard and impacts on public safety are unfounded and that the retention of the development would not give rise to adverse road safety impacts.

## 8.5. AA Screening

I have considered the proposal for the retention of the mobile home in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 2km from Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA to the northwest.

The proposed development comprises the retention of a mobile home at the side of an existing house.

No nature conservation concerns were raised in the appeal

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

The reason for this conclusion is as follows:

- small scale and nature of the development
- the location of the development within the urban area of Sligo connected to existing infrastructure and the distance to European sites.

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

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

## 9.0 Recommendation

- 9.1. On the basis of the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the number of existing structures on the site, it is considered that the retention of the mobile home would result in overdevelopment of the site, which would result in a haphazard, disorderly and substandard form of development within the curtilage of the existing property that would seriously impact on the level of amenity afforded to residents of the mobile home and create the potential for

increased noise and disturbance with impacts on the amenity of adjoining dwellings, which would be contrary to the residential zoning objective for the site, which is to protect and enhance the residential amenity of established residential areas.

It is considered that the retention of the development as proposed would be inconsistent and out of character with the established pattern of development in the area and create an undesirable precedent for similar developments in the future. The proposed development would, therefore, 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.

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Breda Gannon  
Planning Inspector

17<sup>th</sup>, February 2025.

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 321327-24		
<b>Proposed Development Summary</b>	Retention of mobile home at the side of existing house for a temporary period not exceeding five years		
<b>Development Address</b>	Innisfree House, Pearse Road. Sligo.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	✓
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	✓		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	N/A	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			

<b>No</b>	✓	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_