



An
Coimisiún
Pleanála

Inspector's Report PL-500105-LK

Development	Retention of mobile home for 3 years and all associated site works
Location	Cullane North, Ballylanders, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560759
Applicant(s)	Mary Bourke
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party
Appellant(s)	Mary Bourke
Observer(s)	None
Date of Site Inspection	16th December 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

1.1. The appeal site is located in the townland of Cullane North approx. 2.4 km to the south of Ballylanders village. The site fronts onto the L-1529 Glennahaglish road. The site contains an existing bungalow and garage to the rear and is adjoined to the south by a similar style dwelling. The mobile home is located adjacent to the northern boundary of the site. The boundaries of the site are defined by timber post fencing and laurel hedging. The site is elevated relative to the public road.

2.0 Proposed Development

2.1. Retention permission is sought in relation an existing mobile home and its use for living accommodation for a period of 3 years, and all associated site works. The following is noted:

- State area of site – 0.22 ha.
- Gross floor area of structure – 38 m².
- Existing connection to public water mains.
- Existing connection to on-site wastewater treatment plant.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 25th September 2025, Limerick City and County Council decided to refuse retention permission for the following reasons:

1. It is considered that the mobile home constitutes haphazard development in this rural area, would be seriously injurious to and detrimental to the amenities of existing properties in the area and would set an undesirable precedent for similar such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the information submitted the applicant has not demonstrated that the proposed development would not be prejudicial to public health as there is no wastewater treatment system on site. The development would, therefore

be contrary to Objective IN O11 Private Waste Water Treatment of the Limerick Development Plan (2022-2028) and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation. The following is noted:

- The principle of an additional detached residential unit was not acceptable having regard to the existing dwelling on site and refusal was recommended on this basis.
- The siting of the mobile home, forward of the front building line of the existing dwelling. This location does not seek to minimise visual impact and is an unsightly feature.
- The mobile home is connected to the existing septic tank on site and will create additional loading on same giving rise to public health concerns. No evidence was provided to indicate that there are adequate services on site.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Appeal Site

None recent.

Enforcement

DC-018-25 – Enforcement notice issued for removal of a mobile home.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028 (as varied)

➤ Chapter 6 Environment, Heritage, Landscape and Green Infrastructure

- Appeal Site – Character Area – LCA 02 Ballyhoura / Slieve Reagh
- **EH P8 Landscape Character Areas**

It is a policy of the Council to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick's landscape types, through the landscape characterisation process in accordance with the Draft Guidelines for Landscape and Landscape Assessment (2000) as issued by the Department of Environment and Local Government, in accordance with the European Landscape Convention (Florence Convention) and with A National Landscape Strategy for Ireland – 2015-2025. The Council shall implement any relevant recommendations contained in the Department of Arts, Heritage and the Gaeltacht's National Landscape Strategy for Ireland, 2015 – 2025.

- **Objective EH O16 Septic Tanks and Proprietary Systems**

It is an objective of the Council to ensure that septic tanks/proprietary treatment systems, or other waste water treatment and storage systems which are required as part of a development, comply with the standards set out under EPA 2021 etc. and that they are constructed only where site conditions are appropriate. In respect of groundwater, it is a requirement that as part of the required site assessments the local groundwater conditions as identified in the groundwater protection scheme and the River Basin Management Plan 2022-2028¹ are properly assessed in informing the Groundwater Protection Response.

➤ Chapter 8 Infrastructure

- **Objective IN O11 Private Waste Water Treatment**

¹ It is noted that the correct title is "River Basin Management Plan 2022-2027"

It is an objective of the Council to:

- a) Ensure adequate and appropriate wastewater infrastructure is available to cater for existing and proposed development, in collaboration with Irish Water, to avoid any deterioration in the quality of receiving waters and to ensure that discharge meets the requirements of the Water Framework Directive.
- b) Require all new developments to connect to public wastewater infrastructure, where available and to encourage existing developments that are in close proximity to a public sewer to connect to that sewer. These will be subject to a connection agreement with Irish Water and evidence of this agreement will be required as part of any planning application.
- c) Require all new development to provide separate foul and surface water drainage systems, to maximise the capacity of existing collection systems for foul water.
- d) Apply a presumption against any development that requires the provision of private wastewater treatment facilities (i.e. Developer Provided Infrastructure) other than single house systems and in very exceptional circumstances.

5.2. Natural Heritage Designations

There are no European Sites in the vicinity of the site. The nearest site is the SAC: 000646 - Galtee Mountains SAC which lies approx. 6.32 km to the east. Other sites proximate to the appeal site include the following:

- pNHA: 000646 - Galtee Mountains – approx. 6.32 km to the east.
- pNHA: 002035 - Glenacurrane River Valley – 5.72 km to the southeast.

6.0 EIA Screening

The proposed development is not 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 appended to this report.

7.0 The Appeal

7.1. Grounds of Appeal

A First Party appeal against the PA's decision to refuse permission has been received from Mary Bourke. The grounds of appeal may be summarised as follows:

- The mobile home is located along the northern boundary of the site, is not located near any neighbouring properties, and the existing hedgerow provides screening along the northern boundary, screening the mobile home when approaching from the north.
- The purpose of the mobile home is to provide independent living arrangements for family members on a temporary basis while they work towards securing their own housing.
- The three year temporary period would enable the occupants to save money for a deposit.
- The applicant is willing to accept any conditions to ensure that it does not adversely affect the surrounding area, including planting mature screening to the front of the mobile home.

7.2. Planning Authority Response

Response received from the PA noted no further comments to make outside of the assessment of the planning application.

7.3. Observations

None.

8.0 Assessment

- 8.1. Having examined 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,

regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Waste Water Treatment
- Visual Amenities

8.2. Principle of Development

8.2.1. Having regard to the planning history of the site, I note that this retention application was made on foot of an enforcement notice issued for the removal of the existing mobile home.

8.2.2. The council decided to refuse retention permission as it was considered that the subject development would be haphazard development which would be injurious to the amenities of the area and would be prejudicial to public health.

8.2.3. The justification provided by the applicant for the need for this accommodation is stated as a temporary place of residence providing independent living for her family members while they save for a deposit to purchase their own home. While I understand the applicant's position, this proposal represents a detached unit and I note that there is no provision in the development plan, in particular under Section 4.4 which relates to rural housing, to accommodate proposals for temporary accommodation in the form of a mobile home within the curtilage of an existing dwelling in a rural area. I would agree with the view of the PA that the retention of the mobile home would result in a haphazard form of temporary accommodation. It would also give rise to undesirable precedent for a substandard form of development in rural areas, particularly where the development plan does not make provision to accommodate such proposals. Having regard to the forgoing, I do not consider that the retention of the subject development would be acceptable in principle in this case.

8.3. Waste Water Treatment

8.3.1. The second reason for refusal relates to effluent disposal arising from the existing mobile home. The site layout plan provided in the application details indicates that the mobile home is connected to the existing wastewater treatment system and

percolation area which serve the existing dwelling. This system is located in the front garden of the existing dwelling. There are no other details provided with the application in relation to effluent disposal on the site, and I note that the grounds of appeal have not addressed the issues raised in this reason for refusal either.

8.3.2. Given the length of duration sought for this temporary permission, no details or proposals have been put forward to demonstrate that the existing septic tank/proprietary treatment system would have the capacity to accommodate the increased loading arising from the use of the mobile home or is properly functioning. I note the provisions of Objective IN O11 of the development plan which requires all new development to provide separate foul drainage systems and in the absence of information in accordance with the EPA Code of Practice 2021, I am not satisfied that the existing mobile home would not be prejudicial to public health and would result in overdevelopment of the subject site. As such, the decision of PA as set out in the second reason for refusal is appropriate in my opinion.

8.3.3. **Visual Amenities**

8.3.4. The first reason for refusal raised issues regarding the visual impact that the existing mobile home has on the amenities of properties in the area. The grounds of appeal offer to accept conditions to ensure that the development does not adversely impact the surrounding area.

8.3.5. In terms of impacts on the visual amenities of the surrounding area, the mobile home is visually prominent from public view due to its siting at the front of the house. The site of the dwelling is elevated relative to the adjoining public road. The northern boundary of the site is defined by a timber post fence backed by hedging which partially screens the lower section of the structure from view on the approach roads. The character of the area is rural with sporadic one-off housing and farmlands and farm buildings. While the visual impact would be localised to its surrounding environs, notwithstanding, in my opinion it appears visually prominent on the local landscape and impacts on the rural character of this area.

8.3.6. In terms of impact on existing properties in the vicinity, I would agree with the PA regarding the location of the mobile home. Its location does not lend itself to minimising visual impact and its design and material construction do not integrate with the existing dwelling on site, or the established character and visual amenities of the area. Having

regard to the foregoing, I consider that the mobile home due to its siting, design and material finishes is injurious to the visual amenities of the area.

9.0 AA Screening

9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located in a rural area and within the curtilage of an existing dwelling. The proposal comprises the retention of the existing mobile home and ancillary site works for a 3 year period.

The closest European site relative to the appeal site is SAC: 000646 - Galtee Mountains SAC which lies approx. 6.32 km to the east.

9.1.2. The planning authority considered that the subject development should not exercise a significant effect on the conservation status of any European designated site, and Appropriate Assessment was not necessary.

9.1.3. 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:

- The nature, scale and location of the development.
- The intervening land uses between the subject site and the European site.
- The distance between the appeal site and European site and the absence of hydrological or other ecological pathways to any European site.

9.1.4. 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.

10.0 Water Frameworks Directive

The subject site is located within a rural area approx. 2.4 km to the south of Ballylanders village. The nearest river waterbody is the AHERLOW_010

(IE_SE_16A010080) and the status is recoded as 'Good'. The nearest ground waterbody is Knockaskallen IE_SE_G_087.

10.1.1. The subject development comprises the retention of an existing mobile home and ancillary site works.

10.1.2. No water deterioration concerns were raised in the planning appeal.

10.1.3. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works i.e. the small scale nature of the development.
- Lack of hydrological connection.

10.1.4. Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

It is recommended that retention permission is refused subject to the reasons and considerations set out below.

12.0 Reasons and Considerations

1. It is considered that the retention of the mobile home by reason of its siting, design and material construction would result in a haphazard, disorderly and

substandard form of development within the curtilage of an existing dwelling, would be inconsistent and out of character with the established pattern of development in the area, would be injurious to the visual amenities of the area, and would create an undesirable precedent for similar development in the future. The retention of the mobile home would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with the existing dwelling on the site, the retention of the mobile home would result in overdevelopment of the site and would be contrary to Objectives EH O16 and IN O11 of the Limerick Development Plan 2022-2028 (as varied) and would, therefore, be prejudicial to public health.

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.

Clare Clancy
30 January 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-500105-LK
Proposed Development Summary	Retention of mobile home for 3 years, and all associated site works.
Development Address	Cullane North, Ballylanders, Co. Limerick
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____ Date: _____

WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500105-LK	Townland, address	Cullane North, Ballylanders, Co. Limerick
Description of project	Retention of mobile home for 3 years, and all associated site works		
Brief site description, relevant to WFD Screening,	The site is located in a rural area and the subject development is located within the curtilage of an existing dwelling.		
Proposed surface water details	Existing. No issues arise.		
Proposed water supply source & available capacity	Existing. No issues arise.		
Proposed wastewater treatment system & available capacity, other issues	Existing. The status of the existing wwts on site is unknow in terms of available capacity.		
Others?	Not applicable		