



An
Bord
Pleanála

Board Direction
BD-003664-19
ABP-304226-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/7/2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to Policy T13 Strategic Road Network and Policy SS5: Housing on Strategic Regional Roads of the North Tipperary County Development Plan 2010 (as varied) to facilitate individual dwellings on strategic regional roads for an applicant that is an owner and operator of an agricultural/horticultural/equine activity on an area less than 20 hectares where it is demonstrated to be of a viable commercial scale and where existing or shared accesses are used where practicable and who have demonstrated a housing need, and are seeking to provide a home for their own occupation. The Planning Authority considers that the applicant has failed to demonstrate that the complies with the policy requirements as set out in Policy T13 and Policy SS5 of the North Tipperary County Development Plan 2010 (as varied) for access onto the strategic route corridor (regional road R494). Accordingly, the proposed development would materially contravene Policy T13 and Policy SS5 of the North Tipperary County Development Plan 2010 (as varied) and would be contrary to the proper planning and sustainable development of the area.

2. It is not considered that the applicant demonstrably meets the criteria for a house at this location, as set out at Policy SS4 of the North Tipperary Development Plan 2010-2016 (as varied); as the applicant would not appear to come within Category A, B or C of the policy. It is not considered that the applicant can be classified as a landowner of more than 20ha – given that the details submitted with the planning application indicate that the landowner owns less than half of that amount at this location. The proposed development would, therefore, contravene the policy of the said plan and would be contrary to the proper planning and sustainable development of the area.

3. The site is located in a Primary Amenity Area, as set out in Figure 7.1 and Policy LH2 of the North Tipperary County Development Plan, 2010-2016 (as varied). Having regard to the location of the site in proximity to the lakeshore, and between a regional road and the lake, which comprises a Listed View (V01), the proposed demolition and reconstruction of 320m of old demesne stone boundary wall, and to the absence of any consideration to the impact of the development when viewed from the lake (when screening deciduous trees were stripped of foliage), it is considered that, the proposed development would be visually intrusive, would seriously injure the visual amenities of the area, would interfere with the character of the landscape, would conflict with the policies of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the location of the site in close proximity to Lough Derg, which is a designated Special Protection Area, which it is an objective of the Development Plan to conserve, the Board is not satisfied that, in the absence of any information in relation to bird species which form the conservation interests of the Special Protection Area and in the absence of a Natura Impact Statement which deals with these issues, that the proposed development would not have an adverse impact on the Special Protection Area. In these

circumstances, the Board cannot be satisfied that the proposed development would not have an adverse impact on the Lough Derg Special Protection Area in the light of its conservation objectives, and the Board is therefore precluded from considering a grant of planning permission in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 30/07/2019

Maria FitzGerald