

An
Bord
Pleanála

Board Direction
BD-015698-24
ABP-317718-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/02/2024.

The Board decided to refuse permission for the following reasons and considerations.

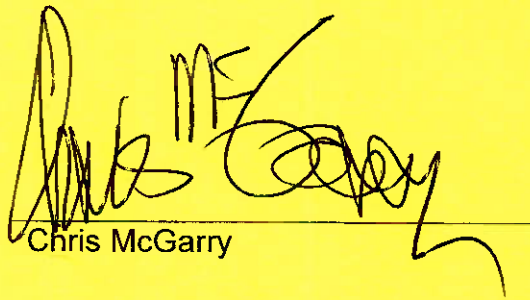
Reasons and Considerations

Add in PA reasons 1 and 2.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation on file. With regard to reason number one for refusal, relating to a failure of the applicant to demonstrate economic or social need to live in this rural location under urban influence, the Board noted that the Inspector did not address this issue directly, but rather focused on the adaptation of the existing building stock by reference to paragraph 5-16 of the Tipperary County Development Plan 2022-2028. However, the Board considered that the assessment of the non-applicability of policy 5-16 was properly articulated by the planning authority and as a result determined on the balance of assessment, that the views of the planning authority were more authoritative in this instance. Thus, the issue of rural need is material to any decision in this case. In this context, the Board noted and agreed with the planning authority's conclusion on this matter. The application documentation confirms that the applicant has resided in the urban area of Cahir and that on the basis of the information submitted with the application and appeal, no decisive argument has been presented that the applicant has demonstrated an

economic or social reason to reside at this specific rural location. With regard to reason number two for refusal (inadequate sightlines), the Board noted the commentary of the Inspector that sightlines to the south-west are partly restricted. In this regard and notwithstanding any previous use of the subject site, the Board determined that on the facts of the current case before it, the proposed development would endanger public safety by reason of traffic hazard or obstruction to road users in the absence of any implementable proposal within the application documentation to resolve this inadequate sightline.

Board Member



Chris McGarry

Date: 04/03/2024