



**An
Bord
Pleanála**

**Board Direction
BD-017508-24
ABP-319315-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2024.

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

Reasons and Considerations

Having regard to the nature and scale of the proposed development and development proposed, the location of the site, and the provisions of the Tipperary County Development Plan 2022-2028, it is considered that the proposed development that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would meet an established housing need, would not seriously injure the amenities of residential property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be retained, carried out and completed in accordance with the drawings and documentation submitted with the planning application on the 25/02/2023 as amended by the further information submitted on 26/09/2023, 24/01/2024, 01/02/2024 & 26/02/2024 in response to a request for further information issued on 27/09/2023, except as may otherwise be required in order to comply with conditions. Where such conditions require

details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In order to clarify the terms of the permission.

2. Within 12 months of the grant of this permission by An Bord Pleanála, the mobile home on site shall be removed and the site shall be fully restored with the area grassed and landscaped in accordance with the requirements of the planning authority.

Reason: In order to clarify then terms of the permission hereby permitted.

3. (a) The proposed dwelling when completed shall be first occupied as a place of permanent residence by the applicant, and shall remain so occupied for a period of at least seven years thereafter ii

(b) Within two months of the occupation of the proposed dwelling a written statement of confirmation of the first occupation of the dwelling shall be submitted to the Planning Authority in accordance with paragraph (a) and shall include the date of such occupation.

(c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicants' stated housing needs, and to ensure that development in this rural area is appropriately restricted to meeting essential economic or social need in the interest of the proper planning and sustainable development of the area.

4. (a) Domestic effluent from the dwelling shall discharge to a tertiary treatment system and infiltration/treatment area. The tertiary treatment system and infiltration/treatment area shall be designed, located and constructed in accordance with the requirements of 'EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems'.

(b) the location, construction and commissioning of the tertiary treatment system and infiltration/treatment area shall be supervised by a Civil Engineer or appropriately qualified individual, who upon completion of works/commissioning shall submit to the Planning Authority certification (to include photographs) that the system has been laid out and constructed in accordance with the “EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems’, within three months of installation.

(c) A signed maintenance contract in respect of the installed system for a minimum period of 3 years shall be put in place prior to the occupation of the dwelling and this shall be made available for inspection by the Planning Authority

(d) The owners/occupiers of the subject site shall be responsible for the maintenance of their tertiary treatment system and infiltration/treatment area and shall undertake regular sampling to ensure same adheres to manufacturers guidelines.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall submit details of the following for the written agreement of the planning authority:

- Water supply which shall meet the requirements of Uisce Eireann
- Surface water disposal on the site
- Landscaping details, including details for the restoration of the site on which the mobile home stands
- Access details, including setback of the access from the roadside boundary and provision of wing walls

The development shall be carried out in accordance with the written agreement.

Reason: In the interests of visual amenity, public health, and traffic safety.

6. All service cables associated with the development (such as electrical, telecommunications and communal television) shall be placed underground.

Reason: In the interest of residential amenity.

7. The proposed garage shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for any residential, commercial, or industrial purpose.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

8. Upon first occupation of the dwelling, the use of the existing access to the site shall be restricted to agricultural use.

Reason: In the interest of public safety, and the proper planning and sustainable development of the area.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member


Liam Bergin

Date: 19/09/2024