

An
Bord
Pleanála

Board Direction
BD-018607-25
ABP-320686-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2025.

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

Reasons and Considerations

1. The mobile home for which retention permission is sought as set out in the statutory notices, is intended for use as habitable accommodation. Having regard to the absence of any form of private amenity space directly allocated to the accommodation, and to the limited room sizes and overall internal space within the structure, it is considered that the mobile home would constitute a substandard form of residential amenity and would result in a substandard living environment for occupants. The development for which retention permission is sought would fail to accord with the 'Development and Design Standards' for residential structures as set out in Rural Design Guide, of the Tipperary County Development Plan 2022, by reason of the overall design and construction of such structure, would seriously injure the amenities of the area and would set an undesirable precedent for similar type proposals in the area. Furthermore, it is considered that the proposed development of a wastewater treatment system is intrinsically linked to, and would facilitate the retention of, residential use which is deemed inappropriate at this location, and on this basis would not be in accordance of the proper planning and development of this area. The development for which retention permission is

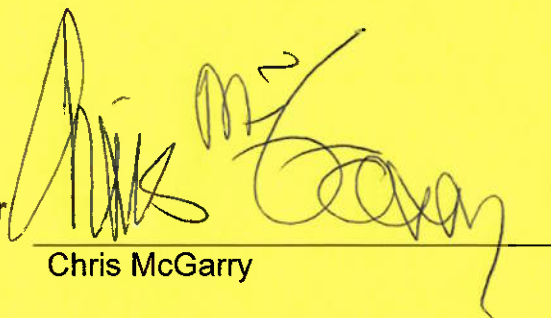
sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development for which retention permission is sought as described in the statutory notices, would provide for a unit of habitable residential accommodation in the "Open Countryside" as designated in the Tipperary County Development Plan 2022. Policy 5-11 of the Tipperary County Development Plan 2022 allows for consideration to be given to applications for residential units in the open countryside subject to a number of criteria, including (part ii) that the applicant does not, or has never owned a house in the open countryside, and (part iii) that the application be made in the name of the person for whom it is intended. Based on the information presented, the Planning Authority notes that the applicant already owns a dwelling in the rural area and is not the intended occupant of the accommodation to be retained which is to be used for labourers working on the adjoining farm complex. The proposal is therefore contrary to a stated objective of the Tipperary County Development Plan (5-11). The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The mobile home for which retention permission is sought as set out in the statutory notices, would provide for a unit of habitable residential accommodation. The application documentation states that the intended occupants of the mobile home would be farm labourers employed at the existing farm complex at this location. Section 6.5.2 of the Tipperary County Development Plan 2022-2028, states that 'Tipperary has a demand for employees to respond to seasons in the horticultural or animal processing sectors on a seasonal or temporary basis. It is expected that such employees would be accommodated in suitable accommodation in adjoining settlement centres where they can access appropriate services and amenities for quality of life'. Having regard to the specific details as submitted with the application and appeal, it is considered that the provision of accommodation for

farmworkers at this location, which is isolated from appropriate services and amenities for quality of life, would be inappropriate and would be inconsistent with the spirit and intent of section 6.5.2 of the development plan. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: the Board noted the commentary of the inspector, wherein she considered that the provisions of policy 5.11 of the development plan did not apply in this instance. However, the Board considered the specific wording of the statutory planning notices which confine themselves to retention of a mobile home and determined that on its facts, the application sought retention for habitable accommodation at this rural location. In this regard the applicant is not the intended occupant of the habitable accommodation, and thus the development for which retention permission is sought would fail to satisfy the provisions of policy 5.11. In noting this the Board fully agreed with the overall view of the inspector and considered that the accommodation in general (regardless of occupant) would not be appropriate at this location and this is affirmed in reason numbers 1 and 2 as set out in the decision.

Board Member



Chris McGarry

Date: 09/01/2025