

An
Coimisiún
Pleanála

Direction
CD-020434-25
ABP-322321-25

The submissions on this file and the Inspector's report were considered at a meeting held on 06/08/2025.

The Commission decided to make a split decision, to

- (1) grant permission (subject to conditions) for the retention of the stable building and associated site works

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

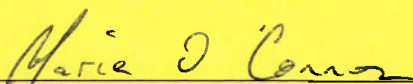
- (2) refuse permission for the construction of an access lane with new entrance onto a private lane and realignment of the neighbouring roadside fencing to improve sightlines with associated works

for the reasons and considerations marked (2) under.

Planning

Commissioner:

Date: 08/08/2025


Marie O'Connor

DRAFT WORDING FOR ORDER

Reasons and Considerations

(1) Having regard to the nature, scale and proximity to site boundaries of the stable building which is located in the corner of the boundary with the dwelling to the south, it is considered that the retention of the stable building aligns with the existing characteristics on the appeal site and would not seriously injure the residential amenities of adjoining property to the south by reason of visual obtrusion, diminished privacy and associated nuisances of odours, noise or light overspill. The Commission is satisfied on the basis of the information that the siting of the stables, subject to the conditions below which includes the relocation of the entrance door to the stables to the eastern side of the building, is appropriate at this location and that it would accord with Policy 11-18; Policy 11-19 and Section 3.12 of the Tipperary County Development Plan, 2022- 2028. The retention of the stable, as amended by the conditions below, would be in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse the retention of the stable building the Commission were satisfied that subject to the access door to the stable being located on the eastern side of the building towards the 'sand arena' (as shown on Drawing 24/20/02/02), additional landscaping to the boundary adjacent to the property to the south of the site and the use of the existing access to Boher Road to the south of the applicants property rather than the laneway that there would be no material impact on the residential amenity of the dwelling to the south. The Commission were also satisfied that, subject to the conditions below, that the waste generated by the stables could be adequately managed to minimise nuisance and that given the size of the stables with six stalls that surface water could be managed as outlined the application documentation.

(2) Having regard to the existing access points to the overall site from the private laneway and the Boher Road (L2128), as indicated in the application documentation, the Commission was not satisfied that it had been demonstrated that an additional access/entrance to the western side of the stables was necessary or sufficiently justified particularly given that the applicant has indicated that the use of the stables is ancillary to the residential amenity of their property to the north of the site and

necessary for the welfare of the animals. In addition, given the topography of the site, which rises above the property to the south the Commission agreed with the Inspector that there was a lack of information provided in the application documentation regarding the surface water drainage and the stability of the boundary even with the proposed relocation of the proposed new access lane further to the north of the site. The Commission considered that the construction of the new access lane to the stables, with new entrance onto a private lane, and realignment of neighbouring roadside fencing would therefore be contrary to proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The development to be retained shall be amended as follows:

(a) Omit the entrance door to the stable on the western façade and provide new entrance door and access on eastern façade via sand arena/arena.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential amenity.

3. (a) The storage and removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from

agricultural sources.

(b) If manure is moved to other locations off the site, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.

(c) Where a third party removes the manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

4. Drainage arrangements for the stables, including the disposal of uncontaminated roof water and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated roof and surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended.

Reason: In the interest of environmental protection and public health.

5. The Landscaping Plan and planting as shown on drawing number 24/4-02-01, as received by the planning authority on the 13th day of February, 2025 shall be carried out within 6 months of the date of grant of permission or as otherwise agreed with the planning authority.

In addition to the proposals in the submitted Landscape Plan, the following shall be carried out:

- (a) Reseeding and landscaping of the proposed access lane back to the existing line of hedging as shown on Drawing no. 24/4-02-01

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased,

within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.