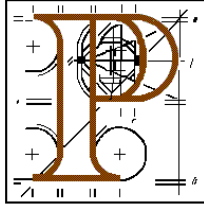


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 15/600511

An Bord Pleanála Reference Number: PL 92.245463

APPEAL by Herbert Williamson care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 14th day of August, 2015 by Tipperary County Council to refuse permission.

PROPOSED DEVELOPMENT: A single storey ancillary use building of 140 square metres comprising: a one bedroom staff flat 65 square metres, office 15 square metres, storage 30 square metres, workshop 30 square metres and an external works yard 28 square metres. The development will also be provided with four square metres of roof mounted solar panels, an internal access road connected to the existing driveway, a wastewater treatment facility with a percolation area, landscaping as well as all other site services required to support the development. Ballytarsna Castle, Cashel is a Monument and Protected Structure site. All at Ballytarsna Castle, Cashel, County Tipperary.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Policy LH13, as set out in the South Tipperary County Development Plan 2009 – 2015, as varied, seeks to encourage the sympathetic restoration, re-use and maintenance of protected structures. Policy LH16 of the Plan seeks to safeguard sites, features and objects of archaeological interest, including monuments on the record of monuments and places. Having regard to the sensitive location of the proposed development within the curtilage of a protected structure and recorded national monument, and to the potential for significant visual and archaeological impacts to arise, the Board considers that it has not been demonstrated that the subject site has been located in an optimal location within the archaeological complex, or that potential impacts have, therefore, been minimised. The proposed development would, therefore, be contrary to Policies LH13 and LH16 of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the subject site within a sensitive location in the curtilage of a national monument, to the submissions made by the Department of Arts, Heritage and the Gaeltacht, and to the likelihood of subsurface archaeological features, the Board is not satisfied that, in the absence of a comprehensive archaeological survey, the proposed development would not interfere with the fabric or character of a national monument or its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the documentation on file, including the evidence of ponding in the vicinity, the Board is not satisfied that the proposal for a separate wastewater and disposal area within one limited landholding and within the curtilage of a protected structure would be acceptable. The proposed development would, therefore, be prejudicial to public health and would give rise to a risk of environmental pollution.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.