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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/601513**

**APPEAL** by Pat McGrath care of John Joe Lewis Architectural Services of 4 Silver View, Nenagh, County Tipperary against the decision made on the 2<sup>nd</sup> day of May, 2019 by Tipperary County Council to refuse outline permission.

**Proposed Development:** Construction of a dwellinghouse, garage, waste water treatment system, with access via existing laneway along with all ancillary site works at Garrykennedy, Nenagh, County Tipperary.

**Decision**

**REFUSE** outline permission for the above proposed development in accordance with 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. The site of the proposed development is located in a Primary Amenity Area, as set out in Figure 7.1 and Policy LH2 of the North Tipperary County Development Plan 2010-2016 (as varied and extended). Having regard to the location of the site outside the development boundary of the settlement of Garrykennedy, as defined in that Development Plan, it is considered that the proposed development would represent a disorderly form of development that would contribute to suburban sprawl at the edge of the settlement and would contribute to the suburbanisation of the surrounding countryside, which would interfere with the character of the landscape of this Primary Amenity Area, would conflict with the policies of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, outside of the settlement boundary of Garrykennedy, would result in the demand for the provision of uneconomic services and infrastructure to serve the development, which would be contrary to the orderly development of the settlement and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the existing pattern of development in this area, served by private effluent treatment systems, the Board is not satisfied that the proposed development would not result in contamination of groundwater in the area, and would, therefore, be prejudicial to public health.

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**Philip Jones**

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

**Dated this            day of            2019**