



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19/601354

APPEAL by Patrick and Norah Ryan care of Environmental Management Services, Environmental and Planning Consultants of An Tinteán Nua, Ballymanus, Castlepollard, County Westmeath against the decision made on the 5th day of June, 2020 by Tipperary County Council to grant subject to conditions a permission to John Lyne care of Will McGarry and Associates of 15 Mary Street, Clonmel, County Tipperary.

Proposed Development: Construction of a two-storey dwelling, entrance, driveway, treatment system, percolation area, garage and all associated site development works at Ballyclerihan, Clonmel, County Tipperary.

Decision

REFUSE 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 within an unspoilt rural area of Tipperary, where emphasis is placed in the current development plan on the importance of designing within the landscape to minimise visual intrusion as set out in the Tipperary Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its height, bulk and design, the overall scale and the removal of the front boundary wall and hedging, it is considered that the proposed development by reason of its design and layout would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered on the basis of the information on the file that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020