



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19/601246

APPEAL by Norah Moloughney care of McArdle Doyle Limited of Second Floor, Exchange Building, The Long Walk, Dundalk, County Louth against the decision made on the 17th day of June, 2020 by Tipperary County Council to refuse permission.

Proposed Development: Construction of (i) two-storey detached dwelling house, (ii) single storey detached domestic garage, (iii) works to existing vehicular entrance, (iv) septic tank and percolation area, and (v) all associated site development works at Newpark, Dualla, Cashel, 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. Having regard to the location of the site within a rural area clearly 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 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.

2. Policy SS8 of the South Tipperary County Development Plan, 2009 (as varied) seeks to resist further development where five number houses exist or are permitted on any continuous 250 metre section of road except where the applicant has a demonstrated housing need, defined in the plan as a farmer or his or her son or daughter or where the site is a 'gap site'. This policy is considered reasonable. The appeal site is located such that there are five number existing and permitted houses located in a continuous frontage of approximately 250 metres immediately north of the site, and such that the proposed development would comprise a sixth house in this location, where the site is not a 'gap site', and the circumstances of the applicant are not such that they meet the requirements of Policy SS8 of the development plan. Taken in conjunction with existing (and permitted) development in the vicinity, the proposed development would, therefore, give rise to an excessive density of development in an unserviced rural area, would contravene the policy of the planning authority, as expressed in Policy SS8 of the development plan, to restrict ribbon development, and would be contrary to the proper planning and sustainable development of the area.

John Connolly

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

Dated this day of 2020.