

An  
Bord  
Pleanála

**Board Order  
ABP-313238-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 21/910**

**Appeal** by Gerard O'Hara of Drumgower, Horse and Jockey, Thurles, County Tipperary against the decision made on the 10<sup>th</sup> day of March, 2022 by Tipperary County Council to grant subject to conditions a permission to Cyril and Ailish Darmody care of Darmody Architecture of 91 Townsend Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission for existing farm access road and existing hard surface yard and permission to relocate the existing agricultural entrance to provide a new agriculture entrance and permission for an agricultural shed and all associated site works at Drumgower, Horse and Jockey, Thurles, County Tipperary.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

*pm*

## Reasons and Considerations

Having regard to the nature and scale of the proposed development and that proposed for retention, on unzoned land in the rural area and related solely to agricultural use, it is considered that, subject to compliance with the conditions set out below, the development would not have an adverse impact on the environment, the amenities of adjoining properties or be visually detrimental to the character of the area, would not be prejudicial to public health or result in traffic hazard. The proposed development and retention development therefore, would not detract from and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be retained, carried out and completed, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development hereby permitted shall be used only for agricultural purposes and associated storage, and for no other purpose, without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity.

*pm*

3. Prior to commencement of development, the applicant shall submit to the planning authority for written agreement proposals for the disposal of effluent/waste relative to the use of the shed including for animals.

**Reason:** In the interests of clarity and public health.

4. (a) Detailed specifications, including sequencing for the removal of the unauthorised access and provision of the relocated access from the public road and access route through the site to serve the proposed agricultural development to be in accordance with that shown on the revised Site Plans submitted to the planning authority on the 16<sup>th</sup> day of February 2022, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing unauthorised access and access route proximate to the western boundary of the site, shall be closed up and reinstated to agricultural use within six months from the date of this Order.

**Reason:** In the interests of traffic safety and residential and visual amenity.

5. The roof and elevational cladding of the proposed agricultural shed shall be coloured dark green unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of the visual amenities of the area.

6. Water supply and drainage arrangement for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system,

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- (b) all soiled waters shall be directed to a storage tank, and
- (c) all drainage details, including surface water drainage at the entrance to the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

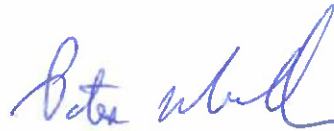
**Reason:** In the interests of environmental protection and public health.

- 7. The site shall be landscaped, using only deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include for boundary treatment, including that along the road frontage. 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 species, unless agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

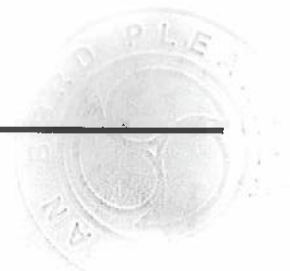
8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.



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



Dated this *27<sup>th</sup>* day of *June*, 2023