

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 21/1794

APPEAL by Ailbhe Gerrard care of David Mooney Town Planning Consultant of 14 Old Farm Road, Cloughjordan, County Tipperary against the decision made on the 21st day of April, 2022 by Tipperary County Council to grant permission subject to conditions to Padraig and Orla Clarke care of Shoreline Property Consultancy of Slevoyre, Terryglass, Nenagh, County Tipperary.

Proposed Development: The construction of a part storey and a half split level dwelling house, detached domestic garage, wastewater treatment system, site entrance and all ancillary site works at Ballyscanlan, Coolbawn, Nenagh, County Tipperary.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations



1. Having regard to

- (i) the location of the site within a rural area under urban influence, as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005;
- (ii) the 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;
- (iii) the objectives of Tipperary County Council Development Plan 2022-2028, including Policy SO-3 and Policy 4-1, which seek to discourage urban generated housing in rural areas and to direct provision for housing into towns and villages, and
- (iv) the location of the site (as shown in Figure 5.3) of Volume one of the Tipperary County Development Plan 2022-2028 within an Area under Urban Influence, a Primary Amenity Area and proximate to the Strategic Road network,

it is considered that, given that the nature of the housing need is urban generated and, as has been stated on Part 2 (a) of the application form submitted, the applicants already own a house in the urban area of Nenagh, the applicants have 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 also 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 materially 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. The proposed development would provide for a vehicular entrance to a narrow, poorly surfaced, local tertiary road to serve the proposed dwellinghouse, would lead to a proliferation of entrances along this road and to an intensification of use including at the junction with the R493 Regional Road which is identified as part of the Strategic Road Network in the Tipperary County Development Plan 2022-2028. The proposed development would endanger public safety by reason of traffic hazard at this junction because of the additional traffic turning movements the development would generate at a point where sightlines are restricted particularly in a northerly direction and would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *11th* day of *January* 2024.