



An
Bord
Pleanála

Board Order
ABP-317606-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22377

APPEAL by Paul Cahalan care of Brian England of Stoneyacre, Cloughjordan, County Tipperary against the decision made on the 22nd day of June, 2023 by Tipperary County Council to refuse permission for the proposed development.

Proposed Development: Retention of the access road and hard surfaced yard area, two number storage silos and concrete base for aggregate storage as constructed and permission to construct a storage shed and enclosing bund to the silo base including associated site works at Gorteenakilla, Newtown, Nenagh, County Tipperary as amended by the revised public notice received by the planning authority on the 29th day of May, 2023.

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 the location of the site in the rural area on unzoned and unserviced land outside of a designated settlement, and to the nature and scale of the industrial type operations on the site, it is considered that it has not been satisfactorily demonstrated that the development proposed to be retained and the proposed development would constitute a small scale rural enterprise or that it could not be located on appropriately zoned land within towns or villages. Therefore, the proposed retention would be contrary to Section 8.4.4. and Policy 8-5 (Start-up Enterprise in the Open Countryside) of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. It has not been demonstrated that this is a long established non-conforming use that would not result in loss of amenity to adjoining properties, and would not have an adverse impact on the receiving environment or seriously injure the visual amenities of the area. The development proposed to be retained and the proposed development would, therefore, be contrary to Section 8.5 and Policy 8-9 of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.



Joe Boland

Member of An Bord Pleanála

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

Dated this 4TH day of

September 2024.