

An
Bord
Pleanála

Board Order
ABP-319972-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2474

Appeal by Gerard O'Gorman of The Bungalow, Woodside, Tinhall, Carrick-on-Suir, County Tipperary against the decision made on the 24th day of May, 2024 by Tipperary County Council to grant subject to conditions a permission to Catherine Foley care of Michael Whelan Architectural Technician of Kilcanavee, Kilmacthomas, County Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing building as constructed, planning permission to construct a manure pit, soiled water tank and a new splayed entrance from the public road and all ancillary site works at Tinhall, Carrick-on-Suir, 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.

Reasons and Considerations

Having regard to the Tipperary County Development Plan 2022-2028, and the stated existing use of the site, the Board considered that, subject to compliance with the conditions set out below, the retention and completion of the proposed development would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development, and the development proposed to be retained, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The building to be retained shall be used for the stabling of horses and associated purposes only. The building shall not be used for human habitation or for any commercial purpose other than a purpose incidental to the permitted use, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

3. Within two months of the date of this permission, or as otherwise agreed with the planning authority, the proposed entrance shall be opened, and the roadside boundary shall be set back.
 - (a) Full visibility shall be made available for 160 metres on both sides of the entrance from a point 4.5 metres back in from the edge of the road carriageway at the centre of the proposed access point.
 - (b) Within two weeks of the new entrance being opened up, the existing entrance shall be permanently closed by blocking of same with an earthen bank and native hedgerow.

Reason: In the interest of traffic safety and visual amenity.

3. Within two months of the date of this permission or as otherwise agreed with the planning authority, the following shall be submitted to the planning authority for written agreement:
 - (a) Details of a revised northern boundary treatment consisting of an earthen bank and native hedgerow in lieu of the proposed post and rail fence.

- (b) Details of a revised western boundary treatment consisting of a native hedge in lieu of the existing plywood fence at this location.

The agreed boundary treatment shall be implemented in the first planting season following commencement of development.

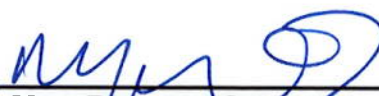
Reason: In the interest of traffic safety.

5. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

6. Surface water drainage shall comply with the planning authority's requirements, details of which shall be agreed in writing prior to the commencement of development.

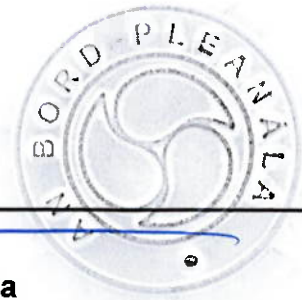
Reason: In the interest of public health.



MaryRose McGovern

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 30 day of January 2025.