

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2460471

APPEAL by Thomas Lanigan care of Sean Walsh of Grange, Mooncoin, County Kilkenny against the decision made on the 2nd day of August, 2024 by Tipperary County Council to refuse permission.

Proposed Development: Retention of the existing static mobile home and permission for the installation of a new domestic wastewater treatment system and all associated works, all at Rathclarish, Carrick-on-Suir, County Tipperary.

Decision

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

Reasons and Considerations

1. The mobile home for which retention permission is sought, as set out in the statutory notices, is intended for use as habitable accommodation. Having regard to the absence of any form of private amenity space directly allocated to the accommodation, and to the limited room sizes and overall internal space within the structure, it is considered that the

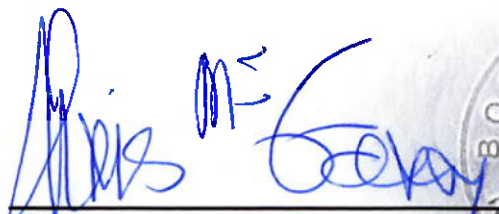
mobile home would constitute a substandard form of residential amenity and would result in a substandard living environment for occupants. The development for which retention permission is sought would fail to accord with the 'Development and Design Standards' for residential structures as set out in Rural Design Guide, of the Tipperary County Development Plan 2022-2028, by reason of the overall design and construction of such structure, would seriously injure the amenities of the area and would set an undesirable precedent for similar type proposals in the area. Furthermore, it is considered that the proposed development of a wastewater treatment system is intrinsically linked to, and would facilitate the retention of, residential use which is deemed inappropriate at this location, and on this basis would not be in accordance of the proper planning and development of this area. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development for which retention permission is sought as described in the statutory notices, would provide for a unit of habitable residential accommodation in the "Open Countryside" as designated in the Tipperary County Development Plan 2022. Policy 5-11 of the Tipperary County Development Plan 2022-2028 allows for consideration to be given to applications for residential units in the open countryside, subject to a number of criteria, including (part ii) that the applicant does not, or has never owned a house in the open countryside, and (part iii) that the application be made in the name of the person for whom it is intended. Based on the information presented, the planning authority notes that the applicant already owns a dwelling in the rural area and is not the intended occupant of the accommodation to be retained, which is to be used for labourers working on the adjoining farm complex. The proposal is therefore contrary to a stated objective of the Tipperary County Development Plan (5-11). The development for which retention permission is sought and the proposed development would, therefore,



be contrary to the proper planning and sustainable development of the area.

3. The mobile home for which retention permission is sought, as set out in the statutory notices, would provide for a unit of habitable residential accommodation. The application documentation states that the intended occupants of the mobile home would be farm labourers employed at the existing farm complex at this location. Section 6.5.2 of the Tipperary County Development Plan 2022-2028, states that 'Tipperary has a demand for employees to respond to seasons in the horticultural or animal processing sectors on a seasonal or temporary basis. It is expected that such employees would be accommodated in suitable accommodation in adjoining settlement centres where they can access appropriate services and amenities for quality of life'. Having regard to the specific details as submitted with the application and appeal, it is considered that the provision of accommodation for farmworkers at this location, which is isolated from appropriate services and amenities for quality of life, would be inappropriate and would be inconsistent with the spirit and intent of section 6.5.2 of the development plan. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


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

Dated this 10th day of January 2025.