



Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 24/61103

Appeal by Diarmuid and Tatiana Fitzgerald of The Bungalow, Cullina, Ballina, Killaloe, County Tipperary against the decision made on the 14th day of February, 2025 by Tipperary County Council to refuse permission.

Proposed Development: Construction of a single storey dwellinghouse, garage, wastewater treatment system, entrance and all other ancillary works, all at Lackenavea (Egremont), Birdhill, County Tipperary.

Decision

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

Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Urban Influence' as identified in Section 5.5.2, Table 5.3, and Policy 5-11 of the Tipperary County Development Plan 2022-2028, and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, which seek to manage the growth of areas that are under urban influence, to avoid over-development, and to ensure that the provision of single housing in rural areas under urban influence is provided based upon economic, social or exceptional medical circumstances needs to live in a rural area, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the development plan for a house at this location. The proposed development, in the absence of any identified locally based or exceptional medical need for the house at this location, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would be contrary to Policy 5-13 and the development management criteria set out in Section 6.1 and Tables 6.1 and 6.2 of Volume 3 of the Tipperary County Development Plan 2022-2028 with regard to new residential entrances onto strategic routes (in this instance the R445) in that to permit the proposed development would reduce the capacity of the road, would interfere with the safety and free flowing nature of traffic on the road, would adversely affect the use of the strategic road corridor, and that a safe means of access and visibility has not been demonstrated in accordance with the Tipperary County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Rose McGovern

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 11th day of July 2025.