

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322321-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 25/60099**

**Appeal** by Freda Delaney care of Planning Street of Collorus House, Lauragh, County Kerry against the decision made on the 27<sup>th</sup> day of March, 2025 by Tipperary County Council to grant subject to conditions a permission to Seamús McKeogh care of HRA Planning of 3 Hartstonge Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of stable building and associated site works and permission for construction of an access lane with new entrance onto a private lane, and realignment of neighbouring roadside fencing to improve sightlines with associated ancillary works, all at Ballycorrigan, Ballina, County Tipperary.

## **Decision**

**GRANT** permission for retention of the stable building and associated site works based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the construction of an access lane with new entrance onto a private lane, and realignment of neighbouring roadside fencing to improve sightlines with associated ancillary works for the reasons and considerations marked (2) under.



## Reasons and Considerations (1)

Having regard to the nature, scale and proximity to site boundaries of the stable building proposed to be retained, which is located in the corner of the boundary with the dwelling to the south, it is considered that the retention of the stable building would align with the existing characteristics on the site and would not seriously injure the residential amenities of adjoining property to the south by reason of visual obtrusion, diminished privacy and associated nuisances of odours, noise or light overspill. The Commission is satisfied, on the basis of the information provided with the planning application and the appeal, that the siting of the stables, subject to compliance with the conditions set out below, which includes the relocation of the entrance door to the stables to the eastern side of the building, would be appropriate at this location and would be in accordance with Policy 11-18, Policy 11-19 and Section 3.12 of the Tipperary County Development Plan 2022-2028. The development proposed to be retained, as amended by the conditions below, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention of the stable building, the Commission was satisfied that, subject to the access door to the stable being located on the eastern side of the building towards the 'sand arena' (as shown on drawing number 24/20/02/02), additional landscaping to the boundary adjacent to the property to the south of the site, and the use of the existing access to Boher Road to the south of the applicant's property, rather than the laneway, there would be no material impact on the residential amenity of the dwelling to the south. The Commission was also satisfied that, subject to compliance with the conditions set out below, the waste generated by the stables could be adequately managed to minimise nuisance and that, given the size of the stables with six stalls, that surface water could be managed as outlined in the planning application documentation.

## Conditions

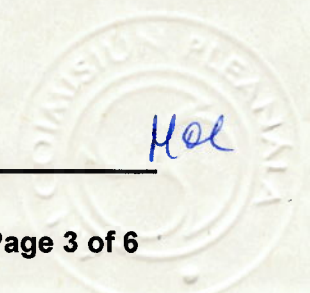
1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to completion of development and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development to be retained shall be amended so that the entrance door to the stable on the western façade shall be omitted and a new entrance door shall be provided and access on the eastern façade shall be via the sand arena/arena. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to completion of development.

**Reason:** In the interest of residential amenity.

3. (a) The storage and 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.





(b) If manure is moved to other locations off the site, the details of such movements shall be notified to the Department of Agriculture, Food and Marine in accordance with the above Regulations.

(c) Where a third party removes the manure, the details of the agreement shall be submitted to the planning authority, including details of where the waste material is to be disposed to.

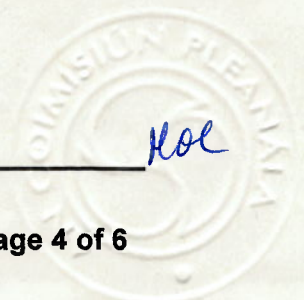
**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

4. Drainage arrangements for the stables, including the disposal of uncontaminated roof water and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

(a) Uncontaminated roof and surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.

(b) All soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended).

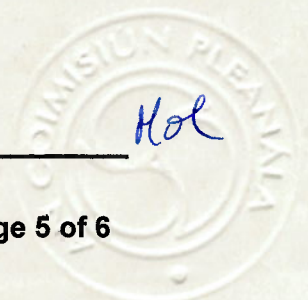
**Reason:** In the interest of environmental protection and public health.



5. The Landscaping Plan and planting, as shown on drawing number 24/4-02-01 received by the planning authority on the 13<sup>th</sup> day of February, 2025 shall be carried out within six months of the date of this Order, or as otherwise agreed with the planning authority. In addition to the proposals in the submitted Landscape Plan, the following shall be carried out:

- (a) Reseeding and landscaping of the proposed access lane back to the existing line of hedging as shown on drawing number 24/4-02-01.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

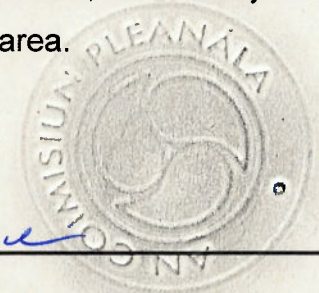
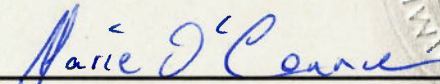
**Reason:** In the interest of residential and visual amenity.





## Reasons and Considerations (2)

Having regard to the existing access points to the overall site from the private laneway and the Boher Road (L2128), as indicated in the planning application documentation, the Commission is not satisfied that it has been demonstrated that an additional access/entrance to the western side of the stables is necessary or sufficiently justified particularly given that the applicant has indicated that the use of the stables is ancillary to the residential amenity of their property to the north of the site and necessary for the welfare of the animals. In addition, given the topography of the site, which rises above the property to the south, the Commission agreed with the Inspector that there was a lack of information provided in the planning application documentation regarding the surface water drainage and the stability of the boundary even with the proposed relocation of the proposed new access lane further to the north of the site. The Commission considered that the construction of the new access lane to the stables, with new entrance onto a private lane, and realignment of neighbouring roadside fencing, would, therefore, be contrary to the proper planning and sustainable development of the area.



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Marie O'Connor

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

Dated this 12 day of August 2025.