

An
Coimisiún
Pleanála

**Commission Order
ACP-323067-25**

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2521

Appeal by Richard Northam and Alison Jones against the decision made on the 26th day of June, 2025 by Tipperary County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed stable/barn food store steel tech building to use for shelter and house for rescued donkeys, upgrade of existing entrance, access road, underground effluent tank and all associated site works at Mainstown, 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 issue of access raised by the first party appeal, as set out in condition number 2 of permission granted under planning register reference number 2521, and the totality of the information and the submissions on file, including the applicants' submission dated the 20th day of January 2026, received by An Coimisiún Pleanála in response to a statutory notice issued on the 5th day of January 2026, under Section 132 of the Planning and Development Act 2020, as amended, the Commission decided that a determination pursuant to Section 139 of the Planning and Development Act 2020, as amended, would not be adequate to address the issues raised, and that a determination of the appeal, de novo, was warranted to enable the issues to be determined as if the application had been made to the Commission in the first instance.

Having regard to the nature and scale of the proposed development, to the planning history relating to the land and to the restricted visibility available for vehicles utilising the proposed entrance, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5th day of June 2025, 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. This permission relates only to the proposed stable/barn food store steel tech building, and associated development, as outlined in the public notices submitted to the planning authority on the 20th day of February 2025.

Reason: In the interest of clarity.

3. (a) The stable/barn food store steel tech building hereby permitted, shall be served and accessed only from the L-2605 to the east of the subject site.

(b) No access to the proposed structure shall be permitted via the field gate within the application site boundaries shown as accessed from the "3.0 MT WIDE BYE ROAD" to the south of the subject site, on Drawing Sheet Number "03.SB." dated February 2025.

- (c) Works proposed to upgrade the existing entrance, and the proposed "NEW ACCESS ROAD" from the field gate to the proposed structure, shall be omitted in their entirety.

Prior to commencement of development, details of the access route from the L-2605 to the structure hereby permitted, and associated servicing arrangements, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of road safety.

4. The structure shall not be sold, let or otherwise transferred or conveyed, save as part of the overall holding.

Reason: In the interest of road safety.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 and any statutory provision amending or replacing them, the use of the permitted development shall be restricted to that of stable/barn food store, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of the area.

6. All external finishes to the structure including the colour thereof, shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

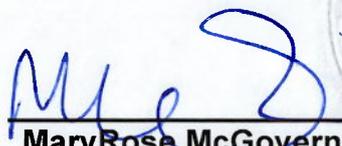
Reason: In the interest of visual amenity.

7. Uncontaminated surface water run-off shall be collected separately from farmyard wastes and shall be disposed of directly, in a sealed system, to adequate stone filled soak pit. No effluent or slurry shall discharge onto the public road or any adjoining property, drain, stream or watercourse.

Reason: In the interests of public health and to ensure the protection of the environment.

8. During the course of the works, all necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicants'/developer's own expense.

Reason: To protect the amenities of the area.


Mary Rose McGovern

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

Dated this 23rd day of March 2026.