

An
Coimisiún
Pleanála

Commission Order
ACP-323641-25

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 24/198

Appeal by Richard Carroll care of Peter Thomson Planning Solutions of 30 Archersleas, Kilkenny against the decision made on the 26th day of August, 2025 by Tipperary County Council to grant subject to conditions a permission to Michael Tobin and Rebecca Kerin care of Alan Scuffins and Company Limited of Rahan, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey dwelling, domestic garage, septic tank and percolation area, new site entrance and all associated site works and services, all at Oldgrange Townland, Clonmel, 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 policies and provisions of the Tipperary County Development Plan 2022-2028, the location of the site within a rural area and the applicant's rural housing need, the nature and scale of the proposed development and its relationship with surrounding property, and the surrounding pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the rural housing policy of the Development Plan and with Policy 5-12 thereof, would be generally acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of design, visual impact, traffic safety, and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 1st day of August, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

A handwritten signature in black ink is written over a faint, circular official stamp of the Planning Authority. The stamp contains the text 'PLANNING AUTHORITY' and 'TIPPERARY COUNTY' around the perimeter.

2. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3. The garage shall be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any residential, commercial, agricultural or industrial purposes.

Reason: In the interest of residential amenity.

4. (a) The proposed entrance boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The site shall be landscaped using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site, and along the front boundary inside the area required for sightlines other than directly at the entrance. Any plants, trees or hedging 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. (a) The entrance gates, with cattle grid at the entrance, to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. The entrance gates between the pillars shall not be more than three metres in width and not more than one metre in height.
- (b) Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height and 13 metres in width.
- (c) Sightlines shall be made available from a position 2.4 metres back from the edge of the public road at the centre of the proposed vehicular access to a point 90 metres in both directions at the near roadside edge. The roadside boundary within the sightline triangle shall be set back behind same.

Reason: In the interest of traffic safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

8. Prior to commencement of development the developer shall enter into connection agreement(s) with Uisce Éireann to provide for service connection(s) to the public water supply.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

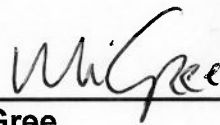
10. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

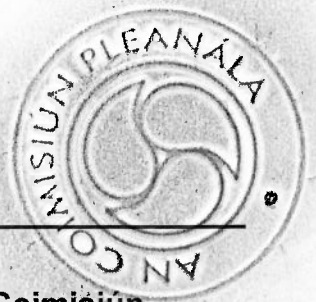
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Liam McGree

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



Dated this 13th day of January 2026.