

An  
Coimisiún  
Pleanála

**Commission Order  
PL-500726-TY**

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

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 25/60816**

**Appeal** by Gerard Purcell Jnr. against the decision made on the 14<sup>th</sup> day of January, 2026 by Tipperary County Council in relation to an application for development comprising permission for an agricultural shed for use for general farm storage, farmyards, alteration and extension to dwellinghouse, and demolition works and permission for retention of existing temporary log cabin for use as temporary accommodation during the construction of the aforementioned shed, yards and extension and all associated works, all at Kilmore, Lisronagh, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for an agricultural shed for use for general farm storage, farm yards, alteration and extension to dwellinghouse, and demolition works, and to refuse permission for retention of existing temporary log cabin for use as temporary accommodation).

## **Decision**

**GRANT permission for an agricultural shed for use for general farm storage, farmyards, alteration and extension to dwellinghouse, and demolition works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of existing temporary log cabin for use as temporary accommodation for the reasons and considerations marked (2) under.**

### **Reasons and Considerations (1)**

Having regard to the nature and scale of the proposed development within an established agricultural farmyard with associated domestic dwellinghouse, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Tipperary County Development Plan 2022-2028, 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 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 10<sup>th</sup> day of November, 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.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

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

4. The agricultural building shall be used for agricultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purposes, other than a purpose incidental to farming whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

5. Details of the external finishes of the agricultural shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenities.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

- (a) Uncontaminated 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, or to a slatted tank. Drainage details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) All separation distances for potable water supplies, as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended, shall be strictly adhered to.

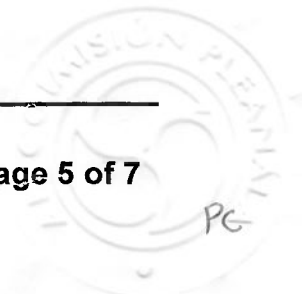
**Reason:** In the interest of environmental protection and public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.



9. 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.

## Reasons and Considerations (2)

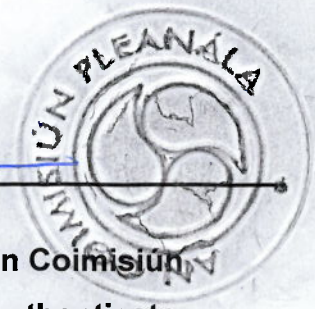
Having regard to the location of the site within an unserved rural area of extreme groundwater vulnerability, the Commission is not satisfied, on the basis of the information provided in connection with the planning application and the appeal, that wastewater arising from the log cabin proposed to be retained can be appropriately disposed of on site. It is considered that the development proposed to be retained would contravene Policy 15-2 Volume 1 of the Tipperary County Development Plan 2022-2028 which requires that all new septic tanks, proprietary effluent treatment systems, and percolation areas be located and constructed in accordance with the Water Services Guidelines for Planning Authorities (and any review thereof) and the Code of Practice for Domestic Waste Water Treatment Systems (EPA 2021) and the development management standards of the development plan. The development proposed to be retained would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Paul Caprani**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *3<sup>rd</sup>* day of *June* 2026.