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

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 2660144**

**Appeal** by Mulcahy Properties Limited against the decision made on the 15<sup>th</sup> day of April, 2026 by Tipperary County Council in relation to the application for permission for development comprising retention of (a) the as-constructed western boundary, (b) the as-constructed southern boundary and (c) the as-constructed soakaway for the public road, including all associated site development works at Abbey Lawn, Abbey Road, Clonmel, County Tipperary in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for development of land namely: Retention permission for the as-constructed southern boundary and the asconstructed soakaway for the public road including all associated site works and to refuse retention permission for the as-constructed western boundary).

**Decision**

**GRANT permission for the as-constructed southern boundary and the as- constructed soakaway for the public road 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 the as-constructed western boundary for the reasons and considerations marked (2) under.**

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

It is considered that, subject to compliance with conditions set out below, the development hereby permitted to be retained would not have an adverse impact on the residential amenities of adjoining properties or on the character of the area and complies with the policies and objectives of the Tipperary County Development Plan 2022-2028 and the Clonmel Environs Local Area Plan 2024. The development hereby permitted to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development hereby permitted shall be retained and completed in accordance with the plans and particulars submitted with the planning application, except as may be otherwise required by the following conditions.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. The development hereby permitted to be retained shall be completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards.

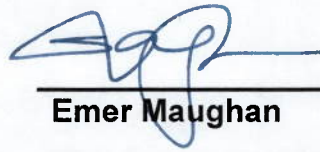
**Reason:** In the interest of orderly development.

## Reasons and Considerations (2)

The boundary treatment as constructed consists of a 1.8 metres high wire mesh fencing with a *griselinia littoralis* hedge. It is considered that the wire mesh fence sought for retention, by reason of its material and industrial design would represent a visually discordant feature within a residential area, and, if permitted, set an undesirable precedent for similar boundary treatments in the area. This element of the development proposed to be retained, would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention permission for the as constructed western boundary, the Commission considered the totality of information on file. The Commission considered the mesh fencing to be an industrial type boundary treatment and therefore disagreed with the Inspector's finding that the mesh fencing is discreet and durable. Notwithstanding the appellant's assertion that the wire mesh fence is a temporary measure until the landscaping matures, the Commission determined that the mesh fence would set an undesirable precedent for residential boundary treatments in the area. The Commission noted the provisions of Section 7.2.3 'Greening of our Urban Areas' and Section 11.2 Biodiversity, Policy 11.4(d) and Policy 11.17(c) of the Tipperary County Development Plan and these provisions are considered to be reasonable. However, the Commission noted within the policies set out above an emphasis on natural and indigenous planting in accordance with approach set out in the All Ireland Pollinator Plan and therefore considered that the proposed retention of '*griselinia littoralis*', a non-native hedge species, does not represent a high quality bio diverse landscaping proposal. The Commission considered the pre-existing mature hedge towards the southern end of the western boundary and the applicant's proposed enhancement with native slip planting. In the absence of revised drawings, details or planting specification and given that the pre-existing hedge is a non-native species the Commission concluded, on the basis of the information submitted with the

western boundary treatment as constructed, would, therefore, be contrary to the proper planning and sustainable development of the area.



**Emer Maughan**

**Planning Commissioner of An Coimisiún**

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

**Dated this 3rd day of September 2026.**

