

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 26/60365

APPEAL by John Mounsey against the decision made on the 11th day of June, 2026 by Tipperary County Council, to grant subject to conditions, a permission to Graham Armitage in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The construction of a new residential entrance and driveway to access the existing dwelling, including associated site works, all at Ballymona, Ballingarry, Roscrea, 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 provisions of the Tipperary County Development Plan 2022-2028, including Section 6.1 (Road Design & Visibility at a Direct Access) and having regard to the location of the subject site in an unzoned area of open countryside, and the proposal for a direct access onto a lightly trafficked local road (L-1068-8) at a location where the speed limit is 60 kilometres per hour, and having regard to the design and scale of the proposed development, incorporating a setback from the verge of the public road, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to concerns regarding traffic safety, would not give rise to flooding on the adjoining public road, and would not have an adverse impact upon the character of the area or the amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Commission agreed with the Inspector that the proposal would represent a significant improvement on the existing combined access arrangement for agricultural and residential use. The Commission also noted the Inspector's observation regarding the satisfaction of the planning authority's municipal engineer, as to the potential achievement of the required sightlines, at this location. The Commission also had regard to Section 11.2 (Biodiversity) of the development plan, which states that where trees or hedgerows are of particular local value, and where retention is not feasible, the council will seek their replacement and will seek a proactive focus on new tree-planting, as part of new development. The Commission did not share the concerns of the Inspector that there was inadequate information available regarding the extent of the removal of the existing line of mature trees, in order to properly assess the impact of achieving the required sightlines at the new access point. Having considered the limited extent of the roadside boundary change proposed, and reduced by condition, together with the landscaping measures also conditioned by the planning authority, the Commission agreed with the

planning authority that a new entrance at this location would be acceptable, and considered that the integration of the new landscaping and planting at the new access point, would prevent any significant adverse material impact on the visual amenities of the area. The Commission did not therefore agree with the Inspector's concerns that that the proposed development would potentially conflict with Policy 11-17 (c) of the development plan, and considered that the implementation of suitable landscaping at the proposed new access point, would provide for appropriate mitigation in response to the removal of existing trees.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by the planning authority on the 28th day of April 2026, 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.

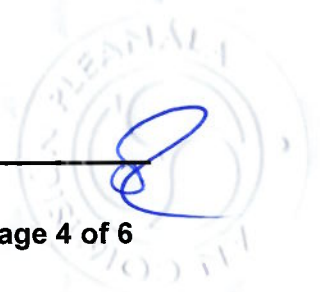
2. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised details of the proposal to include the following:
 - (a) The vehicular access shall be recessed five metres from the roadside boundary and shall have a minimum width of three metres at the inside piers, increasing via splay walls to a maximum opening of 13 metres at the existing roadside boundary. The height of the splay walls shall not exceed 1.2 metres.

- (b) At the entrance, a drainage kerb/cattle grid or approved equivalent surface water cut-off drain shall be set back a minimum distance of three metres behind the roadside boundary, the surface level of which shall be a minimum of 100 millimetres below the level of the edge of the adjacent public road and it shall discharge to a stone filled sump located within the site.
- (c) The access, driveway shall be surfaced using permeable finishes.
- (d) The existing drainage channel along the site frontage to the public road shall be piped across the entrance using a minimum 450 millimetres diameter pipe.

Reason: In the interests of visual amenity and traffic safety.

- 3. The roadside boundary shall be set back behind the required sightline triangle, taken from a point 2.4 metres back from the road edge at the centre of the proposed access to a point 120 metres away in both directions at the nearside road edge. The sight triangle shall be achieved, prior to further construction on site.

Reason: In the interest of traffic safety.

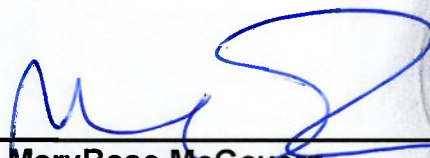


4. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a comprehensive scheme of landscaping which shall include the following:
- (a) Where roadside trees or hedge are removed, a new roadside boundary shall be constructed, comprising an earthen bank to a consolidated height of 1.5 metres, that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc). All landscaping and planting shall take place in the first planting season following commencement of the development. 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.
 - (b) Alternatively, the new front boundary shall be of stone and sod, stone-faced masonry or dry stonewall, with landscaping as outlined above, to the rear. The stone used shall be indigenous to the area. The wall shall not be more than 1.5 metres in height over road level. A post and rail type fence is specifically not permitted.
 - (c) Where appropriate ESB, telecom poles or services connections on roadside shall be removed and set back to the new fence line in agreement with the service provider.
 - (d) The area between new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter shall be maintained trim and tidy, without obstruction.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0700 and 1900 Monday to Friday, and 0800 to 1400 Saturday, and not at all on Sundays or public holidays, unless otherwise agreed in writing with the planning authority.

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



Mary Rose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 9th day of October 2026.