An Coimisiún Pleanála

Commission Order
PL-501692-TY-26

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2561201

APPEAL by Noel Kennedy against the decision made on the 11th day of June 2026 by Tipperary County Council to grant subject to conditions a permission to William Ryan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of 1) revised boundary types and location, 2) extension to car park area, and 3) all associated site works and permission for temporary change of use of existing car parking area to storage area for emptying skips at Plunkett Street, Tullaheady, Nenagh, County Tipperary as revised by the further public notice received by the planning authority on the 27th day of May 2026.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the size and configuration of the site, and to the nature and form of the proposed development and the development to be retained, it is considered that the proposal would constitute a material change and intensification in the nature of the use of the site. The Commission is not satisfied that the proposed temporary use and expansion of the yard area for the storage of empty skips constitutes the continued use of the site as a workshop / store and therefore the policy support of 8-9 relating to the continued operation and expansion of non-conforming but established use of the Tipperary County Development Plan 2022-2028 would not apply. Furthermore, the proposed development and the development to be retained constitutes ad-hoc, piecemeal development and would result in the loss of amenity to adjoining property and visual detriment to the character of the area. The proposed development and development proposed to be retained would, therefore, contrary to the proper planning and sustainable development of the area.

2. Having regard to the absence of information in respect to the condition/ structural integrity and impact of the development to be retained on the raised polishing filter element of the wastewater treatment system previously permitted and constructed on site, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent is being satisfactorily treated and disposed of on-site in accordance with the provisions of the Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10) (2021) and that no risk of groundwater pollution arises.

The proposed development and development proposed to be retained would, therefore, be prejudicial to public health and 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 29th **day of** October **2026**