



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317288-23

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<b>Development</b>	Construction of a dwelling house.
<b>Location</b>	Outeragh, Cahir, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2260300
<b>Applicant(s)</b>	Caroline Davis
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Matty McEniry
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> August 2023
<b>Inspector</b>	Catherine Dillon

## 1.0 Site Location and Description

- 1.1. The site is located on the western side of the L3159, a narrow local road (2.75m wide), at the eastern edge of the townland of Outeragh, Co.Tipperary. There is a strong hedge boundary interspersed with trees to the frontage of the site which forms part of an agricultural field currently under grass. In terms of the site's topography, it slopes towards the west of the site by c.3metres from the road with open fields to the rear. The site has a stated area of 0.27 hectares.
- 1.2. Immediately to the north of the site are two detached two storey dwellings with individual vehicular entrances. Immediately south of the site at a lower level than the subject site, is an older style two storey property with a garage, with a low hedge boundary along its northern boundary.
- 1.3. There are a number of dwellings along this side of the road stretching from the crossroads to the north of the subject site.

## 2.0 Proposed Development

- 2.1. The proposal is for a two storey house, garage, effluent treatment system and entrance and all associated works. The application was lodged with the planning authority on 18<sup>th</sup> June 2022, with further plans and details submitted on 2<sup>nd</sup> May 2023, following a further information request. It is the revised proposal which is under consideration and comprises the following:
- 2.2. A two storey dwelling with a stated floor area of 275.9m<sup>2</sup> (reduced from 362.8m<sup>2</sup>) with a hipped gable roof. The dwelling would be set back 26m from the road frontage, would be 13.4m wide and 11.2m deep with a two storey front projecting porch. It would be set in a minimum of 11m from the southern boundary and 12.8m from the northern boundary. The further information plans indicate windows at ground and first floor level on both flank walls. The house would have a finished floor level circa 1.39m below the road level.
- 2.3. The development would include a new recessed vehicular entrance at the northern end of the site's roadside boundary. A driveway would lead to an area of hardstanding to the front of the dwelling and a detached domestic garage (48m<sup>2</sup>) to the north of the proposed dwelling. The dwelling would be served by a large rear

garden with a septic tank and percolation area within the western portion of the appeal site. A site suitability assessment was submitted with the planning application.

- 2.4. An archaeological monitoring report which relates to the monitoring of ground works carried out on 14<sup>th</sup> & 15<sup>th</sup> September 2020 in connection with File Ref: 20/86 (refer to planning history 4.2 below) was included with the planning application.
- 2.5. Personal details pertaining to the applicant were included.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Following a further information request and subsequent response Tipperary County Council granted planning permission for the development subject to 11 conditions including:

Condition No. 2: Occupancy clause,

Condition No.3: Landscaping scheme to be implemented.

#### **3.2. Planning Authority Reports**

Planning Reports

- 3.2.1. The initial planner's report dated 5<sup>th</sup> August 2022, was considered prior to the adoption of the current Development Plan 2022-2028. The Planning Authority were satisfied based on the information submitted that the applicant met the requirements for a rural house at this location having resided within 10km of the site for a ten-year period and established the site was a 'gap site'. Further information was sought regarding landscaping, reducing the scale and massing of the proposed dwelling, and addressing the potential of overlooking from the northern and southern elevations.
- 3.2.2. The second planner's report dated 22<sup>nd</sup> May 2023 was considered following the adoption of the current County Development Plan. Following receipt of the further information, a detailed landscaping plan was submitted, the scale of the dwelling reduced, and design altered. The planning authority were satisfied the applicant

qualified for a rural house in accordance with the newly adopted Plan. Policy regarding sightlines had changed in the new Plan which required sightlines of 160m. The district engineer was satisfied with 70m sightlines in this instance due to the grass margin in place at the roadside separating the road edge from the roadside boundary. Following the reduction in the overall design ad size of the dwelling and comprehensive landscaping proposals, no other concerns were highlighted, and a grant of planning permission was issued.

### 3.2.3. Other Technical Reports

District engineer: Report received stating no concerns with the proposal.

Water Services: No observations received.

Irish Water: No observations received.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

A total of five submissions were received to the initial application on the following issues:

1. The local need of the applicant was queried.
2. The site selection process was questioned. No consideration appears to have been given to sites on the wider landholding.
3. The development would result in a suburban form of development.
4. The development would add to an existing ribbon of development in the area.
5. The dwelling is excessive relative to the site area.
6. The dwelling will impact upon the amenity of the neighbouring property by reason of overlooking.
7. The proposed development will negatively impact agricultural activities on the neighbouring farm holding.
8. The local road network cannot accommodate the additional traffic likely to be generated by the proposal.

## 4.0 Planning History

4.1. There is no planning history associated with the site.

Adjoining lands to the north:

**P.A. Ref: 20/86:** Planning permission granted for dwelling, entrance and treatment system (Applicant's sister Gillian Davis). Size of dwelling: 236m<sup>2</sup>.

**P.A. Ref: 08/159:** Planning permission granted for dwelling, entrance and treatment system (Applicant's brother Derek Davis). Size of dwelling: 223m<sup>2</sup>.

## 5.0 Policy Context

### 5.1. Local Policy

#### 5.1.1. Tipperary County Development Plan (CDP) 2022-2028

The Tipperary County Development Plan was adopted on 22<sup>nd</sup> August 2022. The Core Strategy of the Development Plan makes a distinction between rural areas 'under urban influence' and the areas outside of these or 'open countryside' as part of its overall approach to strengthening the rural fabric and the protection of the environment. This planning policy for one-off rural houses in the countryside has been developed in compliance with NPO 19 of the NPF, the Circular Letter PL 2/217 relating to the Flemish Decree, the 'Sustainable Rural Housing: Guidelines for Planning Authorities' (DEHLG, 2005) and the broader settlement strategy of the CDP.

The approach in the CDP for single dwellings in rural areas applies as follows:

In '**Areas under Urban Influence**', facilitate the provision of single housing in the countryside based on the core consideration of demonstrable 'economic or social' need to live in a rural area.

In '**Open Countryside**', facilitate the provision of single housing in the countryside based on siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Two further categories apply to rural housing designated '**Primary Amenity Areas**', which are areas of scenic or tourism value and '**Strategic Transport Corridors**', which are to be protected.

The subject site is located within a rural 'area under urban influence'.

5.1.2. Table 5.2 of the CDP has 5 specific technical principles for rural housing for applicants, which includes:- Siting & design; Housing need & occupancy; Sustainable low carbon design & function; Traffic safety; and Environment, flooding & cultural heritage.

5.1.3. Table 5.3 of the same Plan provides a definition of 'economic' & 'social' need in the context of the rural housing policy.

**'Economic Need'** is defined as follows:

A person who is actively engaged in farming/agricultural activity on the landholding on which the house is to be built, meeting either of the following:

(a) A farmer of the land – defined as a landowner with a holding of >20ha. Or

(b) An owner and operator of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha, who is engaged in farming activity on a daily basis, where it is demonstrated that the farming/agricultural activity forms a significant part of their livelihood.

**'Social Need'** is defined as follows:

(a) A person who has resided in a rural area (as defined in Table 2.4<sup>1</sup> Chapter 2 Core Strategy):

(i) Within 5km of the site where they intend to build for a substantial period of their lives (10 Years) within a 'Primary Amenity Area',

(ii) Within 10km of the site where they intend to build, for a substantial period of their lives (10 Years) within an 'Area of Urban Influence' Or

(a) A person with a demonstratable housing need on the basis of exceptional medical circumstances. Any planning application must be supported by

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<sup>1</sup> Table 2.4 of the CDP defines the rural area/open countryside as lands outside rural settlements <1,500 population. Lands in the open countryside are not zoned and a 20% growth capacity has been allocated to the open countryside within the Core Strategy for the duration of the Plan. Table 2.3 Settlement typologies defines open countryside as 'areas under urban pressure' and 'open countryside' and the wider rural area.

documentation from a registered medical practitioner and disability organisation, proving that a person requires to live in a particular environment, and in a dwelling designed and built purposely to suit their medical needs.

5.1.4. **Policy 5-12:** Where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting 'ribbon development' the Council will seek to resist further development in the interest of road traffic safety, visual amenity and groundwater quality. An additional individual dwelling, either within, or extending the existing ribbon pattern, will be facilitated in the following circumstances:

(i) The applicant can demonstrate an Economic or a Social Need (as outlined in Table 5.3), existing or shared accesses are used where practicable, and it is demonstrated that no alternative exists outside of Ribbon Development.

(ii) Where the site is a 'Gap Site', defined as a site located within a line of existing and permitted dwellings, one dwelling site only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwellings.

5.1.5. Volume 3 -Appendix 4 Rural Housing Design Guide

This Design Manual provides guidance for one off houses in the countryside and sets out the design and layout features appropriate for one off houses. It supports the Planning Policy and Development Management Standards of the County Development Plan. It includes details on site selection, settlement pattern, ribbon development, access, solar gain, site proportion, design, scale, form and materials.

5.1.6. Volume 3- Appendix 6 Development Management Standards

Section 4.1 Rural Residential Development:

The design, orientation, landscaping and other features of all new one-off houses outside designated settlements shall comply with the relevant policies of the Plan and the 'Rural Housing Design Guideline' for one-off houses in the open countryside set out in Volume 3 of the Plan.

Section 4.3 Wastewater Treatment Systems:

Section 4.3.1: New Rural Houses: Connections to public services shall be made where available. For an on-site wastewater disposal system, the standards,

guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), shall be met. A report prepared by a qualified site assessor in accordance with the standards shall be submitted with the planning application.

#### Section 6.0 Parking, Traffic & Road Safety

Tables 6.1 & 6.2 set out the X and Y distance requirements for visibility splays.

On non-national roads, in cases of particular difficulty, the use of a lower design speed for a given mandatory speed limit may be accepted by the Council. In such a case, the applicant must demonstrate to the satisfaction of the Council that the 'operational speed' of the road is less than the specified design speed. In such cases, the Council may accept the use of a lower speed than identified in Table 6.2.

### 5.2. National Policy

#### **Project Ireland 2040 National Planning Framework (NPF)**

National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### 5.2.1. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005.**

The overarching aim of the Guidelines is to ensure that people who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is



accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

#### **5.2.2. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent $\leq 10$ ), 2021.**

The EPA CoP 2009 was revised in March 2021. The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

#### **5.3. Natural Heritage Designations**

There are no European designed sites within the immediate vicinity of the site. The nearest designated site is the Lower River Suir SAC (site code:002137) c.3.85km to the south west of the site, Galtee Mountains SAC (site code: 000646) c.13.2km to the south west and Comeragh Mountains SAC (site code: 001952) c.23.2km to the south east of the site.

#### **5.4. EIA Screening**

The proposed development is for the construction of a single dwelling house, a domestic garage, an effluent treatment system and entrance on a greenfield site in a rural area. Having regard to the nature, size and location of the proposed development, and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 -pre-screening form.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

This Third Party planning appeal has been submitted by Matty McEniry with an address at Outrath, Cahir, Co.Tipperary. The grounds of appeal can be summarised as follows:

- The area is within an area under strong urban influence and the applicant has not demonstrated a strong economic or social need.

- Applicant's long term partner recently purchased a nearby dwelling approximately 250m from the site.
- Rural character and settlement pattern of the area will be lost and the development will result in ribbon development. The proposal is contrary to Tipperary County Development Plan 2022-2028 for site selection for rural dwellings, development will add to the current ribbon development (5 dwellings within 200m), result in numerous accesses onto the rural road, loss of hedgerows, and landlock the land to the rear.
- Scale, layout, design and siting does not reflect the scale and character of the existing settlement. The plot size is insufficient for the proposed development and contrary to guidance in the Tipperary County Development Plan 2022-2028 Volume 3.
- Windows will overlook family home and result in a loss of privacy despite a reduction following further information the proposed house would be 2m higher than family home, and the landscaping will not provide sufficient screening.
- Contrary to smarter travel and sustainable development- previous planning permission refused on traffic grounds in the area (PL Ref: 05/1410).
- Site abuts family farm, and concerned proposed development will effectively sterilise the agricultural land, and there will be future complaints regarding smells from farm practices by future occupiers.

## 6.2. Applicant Response

None

## 6.3. Planning Authority Response

None

## 6.4. Observations

None

## 7.0 Assessment

7.1. The main issues are those raised in the Third Party's grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Rural Housing Policy,
- House design, siting and settlement pattern,
- Residential amenity,
- Smarter Travel & Traffic Safety,
- Sterilisation of adjoining agricultural land, and
- Appropriate Assessment

### 7.2. Rural Housing Policy

7.2.1. The Tipperary County Council Development Plan 2022-2028 makes a distinction in line with NPF policy NPO 19 between rural areas 'Under Urban Influence' and 'Open Countryside' areas having consideration to the demand for 'urban generated' housing in certain areas and having consideration to the protection of the viability of smaller towns and rural settlements. The subject site lies within an area identified as a rural area 'under urban influence' in accordance with the Core Strategy Map, Figure 2.4 of the CDP.

7.2.2. Policy P5-11 of the CDP is relevant in this instance. The site is in an area 'under urban influence' and the consideration for an applicant to qualify for a single dwelling in this location is they must meet an 'economic' or 'social' need in addition to other criteria relating to the development including design, siting, traffic safety and environmental considerations contained in statutory guidelines and plans.

7.2.3. The applicant in the planning application states that she currently resides in Canada and is an accountant but is returning home to work locally. A summary of the documentation submitted in support of the planning application includes:

- A birth certificate with parents' address at the time in Cahir,

- Confirmation from the school principal of attendance at a National School in Grange, Clonmel for 8 years,
- Details of family landholdings,
- Folio details of the subject site being in mother's ownership since 1994,
- Location of family at Loughloher, c4.66km to the south of the subject site with a map attached identifying the family home.
- Reference is also made to the applicant's siblings obtaining planning permission for 2 dwellings immediately to the north of the site.

7.2.4. Based on the criteria in Policy 5-11 of the CDP, to qualify for a house in this area the applicant would not meet the 'economic need' category as they have not demonstrated in their submission they are actively engaged in farming. To qualify under the 'social need' category within an area of 'urban influence' they must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years), and do not, or have never owned a house in the open countryside. I note planning permission was granted to a Nicholas Davis in Planning File Ref: P311602, in 1988, at the location identified as the family home. The subject site is 4.66km from the family home. Although the school address Grange NS Park is 14km from the site, I am satisfied the applicant has proven they have lived in the area for 10 years.

7.2.5. In addition to the above criteria for a rural house in the 'social need' category, Policy 5-11 of the CDP stipulates that to qualify for a rural house under this category the applicant 'does not, or has never, owned a house in the open countryside.' The appellant makes reference to the applicant's long-term partner having purchased a property 250m away from the subject site in Outragh and contends the site is in joint ownership with the applicant. The applicant has not responded to this issue, and the Board may wish to seek further information on this aspect. I have checked landsdirect.ie and there is no reference to the applicant on the folio details mentioned by the appellant. I note however that the specified folio refers to a detached house within 250m north of the subject site. Nevertheless, the documentation as submitted with an application is the only acceptable way to determine a person's compliance with National and Local Policy. National Policy Objective 19 clearly sets out that in rural areas, single housing is to be facilitated

'...in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area' subject to other criteria being met. The applicant was deemed by the planning authority to comply with Policy P5-11 of the Development Plan, and I am also satisfied that the applicant comes within the definition of 'social need' as set out in the current Development Plan 2022-2028, as she has lived for a substantial period of her life (10 years) in the area and the subject site is within 10km from the family home.

### **7.3. House design, siting and settlement pattern**

- 7.3.1. Design: Volume 3 Appendix 6 of the County Development Plan sets out criteria for rural house design. Although the house has been reduced in scale from 362m<sup>2</sup> to 275m<sup>2</sup>, the house would be larger than both siblings' dwellings to the north, and the dwelling to the south. Whilst I acknowledge the planning authority were satisfied with the revised scale and form of the dwelling, I consider the design is suburban in character and overly fussy in design, includes a deep plan form, two storey front projecting porch in stone, and windows with a horizontal emphasis which are elements to be avoided in the rural house design guide in Volume 3 Appendix 6 of the County Development Plan.
- 7.3.2. Siting: The appellant contends the proposed development does not comply with the CDP rural design guide and in particular Figure 10 of Volume 3 Appendix 6. This figure is a general guide which recommends two storey houses with a size between 200-300m<sup>2</sup> should be on a minimum plot size of 0.3ha and set back a minimum distance of 30m from the road to provide adequate frontage for planting and reduce the visual impact of the development. This is dependent on the adjacent building line and the natural features of the site, but generally the larger the house the greater the setback from the road.
- 7.3.3. Although the subject site size would be below these criteria, being 0.27ha with a setback of 26m from the road frontage, the siting of the dwelling is reflective of the house to the north but not the appellant's house to the south. Nevertheless, I would concur with the appellant that this is a large house on a small plot. To overcome these design aspects, I would recommend in the event of planning permission being granted the projecting porch is removed to simplify the design, and the windows are amended to provide a vertical emphasis reflective of the house immediately to the

north. The proposed landscaping will mitigate to an extent the impact of the dwelling along the road frontage, but this aspect will be discussed further below.

- 7.3.4. Ribbon development: This will be the third family dwelling along this stretch of road, and would result in being the fourth house within a 250m stretch of road. Policy 5-12 of the CDP will permit 5 houses in total, existing or permitted, but will seek to resist further development in the interest of road traffic safety, visual amenity and groundwater quality. An additional individual dwelling, either within, or extending the existing ribbon pattern, will be permitted, if the applicant demonstrates an economic or social need, shares an existing access and is a gap site.
- 7.3.5. I have established the applicant has demonstrated a social need for a rural dwelling in this location. However, this development would create a separate entrance into the site, despite the applicant's sibling having a vehicular access abutting the site's northern boundary. In addition, there are lands available which could provide an alternative for a dwelling, on the family landholding without creating ribbon development. Some concern had been expressed that it would be set back 'behind the building line', but this is not particularly relevant in a rural context. The development would reflect the established building line to the north. It is considered that the more important criteria is whether it can be easily absorbed into the landscape.
- 7.3.6. Nevertheless, I note the site was considered a 'gap site' as defined in Policy 5-12 above by the planning authority. Given the size of the site, it would fully occupy the gap between the existing and permitted dwellings. I therefore concur with the planning authority regarding the site being a 'gap site'. However, in order to retain the hedge along the frontage of the site and reduce the number of vehicular accesses onto the road, in accordance with the aforementioned policy, I would recommend that the proposed development shares the vehicular access immediately to the north of the subject site (i.e the applicant's sibling's access). This site is included within the blue line boundary and, therefore, such a requirement, is permissible by way of a condition. This would further reduce the impact of the development along the road.

#### 7.4. **Residential amenity**

7.4.1. The appellant considers the proposed development would overlook their family home (to the south), being 2m higher and the landscaping as proposed would not provide sufficient screening. The house to the south is set in from the shared boundary by c.15m and the proposed dwelling would be set back 11m from the same boundary. The revised plans indicate windows at ground and first floor level on the southern and northern elevations. Given there is a separation distance of c.26m between the dwelling to the south and the proposed dwelling and additional planting proposed along the southern boundary, I am of the opinion the neighbouring occupiers would not experience a loss of privacy or overlooking from the windows at ground floor. I note the applicant's agent in a letter dated 28<sup>th</sup> April 2023 and received by the planning authority on 2<sup>nd</sup> May 2023, states, 'First floor windows to bedrooms have been removed on both side elevations'. The revised plans however indicate first-floor bedroom windows on both elevations. I would recommend in the event of planning permission being granted the bedroom windows at first floor level on the flank elevations are removed and the bathrooms at first floor level are installed with obscured glazing to prevent any overlooking or loss of privacy to the property to the south or north.

#### **7.5. Smarter Travel & Traffic Safety**

7.5.1. The appellant refers to a planning application (P.A Ref:05/1410) at Mortlestown Little on the L-7108 to the south west of the subject site which was refused planning permission on a number of grounds including not meeting the rural housing criteria, and traffic issues. While each planning application must be considered on its own merits, I have assessed the planning file for this site, and there were a number for refusal reasons for a house at this site. I note the road on which the site was located had 'poor horizontal and vertical alignment' and had restricted sightlines close to a junction, which have not been raised as issues with the subject site. I would be of the view therefore the two sites are not comparable. I am satisfied a shared vehicular access for the proposed development with the adjoining site would not impact on traffic safety. Table 5.2 of the CDP on Rural Housing Technical Principles for Applicants does not make a reference to sustainable travel as a criterion for a house in a rural area.

## **7.6. Sterilisation of adjoining agricultural land**

- 7.6.1. The grounds of appeal express concerns in relation to the proposed development impacting on the future use of the appellant's farm, effectively sterilising the use of their agricultural land, due to future complaints regarding smells from farm practices by future occupiers. This site is characterised in the CDP as a rural area under urban influence where farming/agriculture and associated uses would be considered the general employment practice in the area. It is not therefore considered a residential area and as such the continued use of the adjoining site as a farm should not be considered as unacceptable. The Board are requested to note that both the subject site and the appellant's site are located outside any designated residential area. I would be of the opinion the applicant has chosen this site in the full knowledge it is adjacent to a working farm which could give rise to some levels of odour and noise. I therefore would consider it unreasonable for the applicant to complain regarding a level of odour or noise from the farm in the future. Should the appellant intensify the farming practice by way of additional structures etc., the impact on residential amenity would be a consideration at the planning application stage.

## **7.7. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted for the reasons and considerations set out below, and subject to the attached conditions.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the location of the site within an 'Area Under Urban Influence' in the Tipperary County Development Plan 2022-2028 and to the established 'social need'



of the applicant for a rural house on this gap site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would not prejudice the continued agricultural use of the lands in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on 18<sup>th</sup> of June 2022, and as amended by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> May 2023, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of the development revised plans and details shall be submitted for the written approval of the Planning Authority with the following amendments and retained thereafter:</p> <p>(i) Removal of the two storey front projecting porch.</p> <p>(ii) Windows on the front elevation shall have a vertical emphasis to reflect the dwelling immediately to the north.</p> <p>(iii) Revised plans removing the bedroom windows at first floor level on the flank elevations.</p> <p>(iv) The bathroom windows on the first floor flank elevations shall be in obscured glazing.</p>

	<p>(v) Revised plans removing the proposed vehicular entrance and relcoating the entrance to a shared entrance with the dwelling immediately to the north.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>
3.	<p>(a) The external wall finishes of the proposed dwelling house shall have a neutral coloured nap plaster render, using colours such as grey or offwhite.</p> <p>(b) The roof colour of the proposed dwelling house shall either be black, blue black or slate grey using tiles or slates. The colour of the ridge tiles shall match the colour of the roof.</p> <p>(c) Stone work to external walls shall be constructed of natural stone which shall be sourced locally.</p> <p>(d) The finished floor level shall be as shown on the submitted drawings.</p> <p>(e) The external materials and finishes to the garage shall match the proposed dwelling house.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
4.	<p>(a) The proposed development, when completed, shall first be 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 unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to the 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.</p> <p>(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.</p>

	<p><b>Reason:</b> 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</p>
5.	<p>The use of the garage shall be restricted to private domestic use only and shall not be used for commercial, habitation or agricultural uses.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
6.	<p>The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details submitted to the planning authority on 2<sup>nd</sup> May 2023. 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.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.</p>
7.	<p>The applicant shall enter into a water connection agreement with Uisce Eireann prior to the commencement of the development and shall adhere to the standards and conditions set out in that agreement.</p> <p><b>Reason:</b> In the interests of public health.</p>
8.	<p>a) Domestic effluent from the dwelling shall discharge to a septic tank and percolation area. The wastewater treatment system shall be designed, located and constructed in accordance with the requirements of the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems.</p> <p>b) Location, construction and commissioning of the permitted treatment system and associated percolation area shall be supervised by a Civil Engineer or appropriately qualified individual, who upon completion of works/commissioning shall submit to the Planning Authority certification (to include photographs) that the system has been laid out and constructed in</p>

	<p>accordance with the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems., within three months of installation.</p> <p>c) The owners/occupiers of the subject site shall be responsible for the maintenance of their treatment system.</p> <p><b>Reason:</b> In the interests of public health.</p>
9.	<p>All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site by means of soak pits designed in accordance with BRE 365 standards or in the case of an alternative being proposed full details of same should be submitted to the planning authority for written agreement prior to commencement of development. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties.</p> <p>All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to the planning authority are carried out. Full details of any such alternative arrangements shall be subject to the written agreement of the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> To preserve the visual amenities of the area.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided 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 the commencement of development or in such phased payments as the</p>

<p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Catherine Dillon  
Planning Inspector

28<sup>th</sup> November 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317288-23		
<b>Proposed Development Summary</b>	Construction of a house, garage, effluent system and entrance and all associated works		
<b>Development Address</b>	Outeragh, Cahir, Co.Tipperary		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	√	Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	√	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** Catherine Dillon

**Date:** 28<sup>th</sup> November 2023