



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320795-24

<b>Development</b>	Renovation of existing house including improvements to road entrance with all ancillary works
<b>Location</b>	Landsdown, Portroe, Nenagh, Co. Tipperary, E45 X462
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2445
<b>Applicant(s)</b>	Ms. Jan Yard.
<b>Type of Application</b>	Outline Permission.
<b>Planning Authority Decision</b>	Refused
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jan Yard.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2025
<b>Inspector</b>	Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site (0.2ha) is located on the north side of the R494 in the townland of Landsdown approximately 500m west of the centre of Portroe Village and 200m west of the zoned area for Portroe Village. The site consists of a derelict single storey dwelling, concrete pad originally used for a temporary cabin (used as a dwelling). This cabin was removed in 2023. The site consists of mature hedgerows and trees and a stone boundary wall exists to the front. There is an existing entrance onto the regional road. The entrance is within the 50kmph for the village of Portroe.
- 1.2. There is a dwelling located to the east and a dwelling to the rear with an access laneway running along the western boundary.

## **2.0 Proposed Development**

- 2.1. The proposed outline development consists of:
  - Renovate existing dilapidated dwelling including reroofing, alterations, energy efficiency, rear extension, improvements to existing road entrance.
  - Decommissioning and replacement of existing wastewater treatment system with all ancillary works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refusal for 2 reasons:

1. The application site is located in a rural area designated as “Under Urban Influence” as designated under the Tipperary County Development Plan 2022 and is located within a “Primary Amenity Area” as designated under said plan. Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 set out requirements for new rural dwellings within such areas where an applicant must satisfy an Economic or Social Need.

The Planning Authority is not satisfied, having regard to the information submitted as part of this application that the applicant satisfies the

requirements of Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 of the Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location. The proposed development would contravene the stated policies and objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. The subject application seeks permission for a one-off residential dwelling in a rural area identified as an Area under Urban Influence and Primary Amenity Area under the Tipperary County Development Plan 2022-2028. The proposed dwelling would constitute ribbon development and would access regional roadway R-494 which is identified as a strategic regional roadway under the Tipperary County Development Plan 2022-2028.

Policy 5-12 and Policy 5-13 of the Tipperary County Development Plan 2022-2028 sets out criteria to be satisfied for new dwellings onto strategic regional roadways and for proposals that constitute ribbon development to be considered:

- The applicant must demonstrate an Economic or a Social Need.
- Existing or shared accesses are used, and
- It must be demonstrated that no alternative exists away from the Strategic Regional Roadway and outside of Ribbon Development.

The Planning Authority is not satisfied, having regard to the information submitted as part of this application that the applicant satisfies the requirements of Policy 5-12 and 5-13 of Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location. The proposed development, therefore, constitutes ribbon development, would materially contravene Policy 5-12 and Policy 5-13 of the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The principle of development is not acceptable as the existing dwelling is not substantially intact therefore it is not habitable and cannot be considered for refurbishment or replacement in the absence of demonstrated compliance with Policy 5-11, 5-12 and 5-13 of the Tipperary CDP. Noted the site is located within an “Area under Urban Influence” and a “Primary Amenity Area”. The site is served by a strategic regional road and the development is considered ribbon as it would represent the 9<sup>th</sup> or perhaps the 10<sup>th</sup> dwelling within 250m stretch of the R494 contrary to Policy 5-12 of the Tipperary CDP. Further information requested in this regard.
- Sightlines are required to be shown at a setback of 2.4m not 2.09m as indicated on the drawing, further information required.
- Wastewater treatment unit proposed is considered acceptable.
- Further information submitted and stated a cabin was on site to serve the previous owner of the site. This cabin was erected in 2001 by Tipperary County Council and removed in 2023. The response also includes details of the registration of the septic tank and the WPRN number relating to water supply.
- The Planner determined as the cabin was removed in 2023, the proposed development cannot be considered as a replacement dwelling as per provision of the CDP. The applicant has not demonstrated compliance with Policy 5-11 of the CDP. Reference is made to an address at Derry Demesne within 5km of the site however, no details have been provided for residence at the address or ownership status.
- The applicant does not consider the proposal is ribbon development as it is a replacement dwelling.
- The revised sightlines are considered acceptable.

### 3.2.2. Other Technical Reports

- Roads: no objection to proposal as per the further information response.

### 3.3. Prescribed Bodies

- Uisce Eireann: No Response.

### 3.4. Third Party Observations

- None

## 4.0 Planning History

**5115600:** Extension to dwelling granted in 1993.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Tipperary County Development Plan 2022-2028.**

The subject site is located approximately 170 metres from the edge of Portroe Village. Portroe is designated as a Service Centre as per CDP. Service Centre are noted as robust rural settlements that have a capacity to accommodate new residential growth, employment and enterprise and other appropriate uses. It is recognised that many towns and villages have vacant and derelict buildings; suitable for repurposing for homes as part of broader revitalisation programmes, and this will be priority over the Plan Period.

The subject site is located within an “Area under Urban Influence” and “Primary Amenity Area”.

#### **Policy:**

5-4 Support and encourage proposals for public and private sector housing involving the reuse and refurbishment of disused and derelict buildings in towns and villages.

5-9 Require that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity.

5-11 Facilitate proposals for dwellings in the countryside outside of settlements in accordance with NPF policy NPO 19 for new Housing in the Open Countryside, and designations illustrated in Section 5.4, and Table 5.2: Rural Housing Technical Principles for Applicants.

In “Area Under Urban Influence” and “Primary Amenity Areas”, the Council will consider single houses for persons where the criteria set out in Category 1A or B, or Category 2 hereunder are met:

**Category 1: Economic Need**

A: The applicant must demonstrate an economic need to reside in the area through active employment in farming/agricultural activity (farming, horticulture, forestry, bloodstock). The farm must exceed 20ha in total.

And all the criteria below is met:

- (i) The applicant must be actively engaged in farming,
- (ii) The applicant must demonstrate that they have been engaged in farming at that location for a continuous period of over 5 years prior to making the application,
- (iii) The applicant does not or has never owned a house in the open countryside.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment.

And all the criteria below is met:

- (i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purpose of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application.

- (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) A detailed 5-year business plan will be required to demonstrate “compliance with Section (i).

Category 2: “Social Need”

The applicant must demonstrate a social need to reside in the local rural area for social purposes in line with Table 5.3.

And all the criteria set out below is met:

- (i) Within a “Primary Amenity Area”, the applicant must have resided within 5km of the site where they intend to build for a substantial period of their lives (10 years),
- (ii) Within an “Area of Urban Influence”, the applicant must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years),

And

- (iii) The applicant does not or has never owned a house in the Countryside.

In “Open Countryside” areas, the Council will consider single houses for persons where the development meets other relevant policies set out in the Plan, and where the proposed development is in accordance with all the criteria set out hereunder.

- (i) The proposed development must meet the normal planning and environmental criteria and development management standards,
- (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) To prohibit speculative development in these areas, any application for a single permanent dwelling must be made in the name of the person for whom it is intended. An occupancy condition will be attached to any grant of permission,
- (iv) An alternative site is not available within a settlement within 5km of the proposed site.



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.

Policy 5-13 Preserve the carrying capacity of strategic regional roads, identified at Figures 5.3 and 12.2, and safeguard the investment in such infrastructure. The council will facilitate proposals for new dwellings on strategic routes in the countryside outside of settlements in accordance with the following criteria:

- a) Where the applicant meets an “Economic Need” (see Table 5.3 and Planning Policy 5-11), and there is no availability of alternative sites to the applicant away from the strategic route. An existing and/or shared domestic dwelling entrance of the applicant’s family dwelling should be used where practicable and it will meet the sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design and Visibility at a Direct Access.

OR

- b) The applicant shall be a son or daughter of a person who meets and “Economic Need” Category A(i) and (ii) and Category B(i), AND, the applicant meets a “Social Need”. The new dwelling must share the existing domestic entrance of the applicant’s family dwelling and will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design and Visibility at a Direct Access and there is no availability of alternative sites to the applicant away from the Strategic Route.

OR

- c) Where an applicant meets a Social Need and the proposed site has been in the ownership of immediate family members for a minimum of 10 years, and there is no availability of alternative sites to the applicant away from the strategic route. The new dwelling must share the existing domestic entrance of the applicant's family dwelling and will meet sightline requirements set out in Volume 3, Appendix 6, Section 6.1 Road Design & Visibility at a Direct Access.

5-16 Support and encourage the appropriate refurbishment, conversion and adaptation of existing rural building stock, such as vernacular schoolhouses, coach houses, farm buildings, where feasible, as sustainable alternatives to new build.

11-16 Facilities new development which integrates and respects the character, sensitivity and value of the landscape in accordance with the designations of the Landscape Character Assessment, and the schedule of Views and Scenic Routes (or any review thereof). Developments which would have a significant adverse material impact on visual amenities will not be supported.

11-17 Ensure the protection of the visual amenity, landscape quality and character of designated "Primary" and "Secondary" amenity areas. Developments which would have a significant adverse material impact on the visual amenities of the area will not be supported. New development shall have regard to the following:

- a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse impacts on the character of primary and secondary amenity areas.
- b) Buildings and structures shall integrate with the landscape through careful use of scale, form and finishes.
- c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposals.

13-3 Seek the sympathetic restoration, appropriate re-use and maintenance of buildings/features which are considered to be of local and vernacular architectural importance.

15-2 Require that all new septic tanks, proprietary effluent treatment systems and percolation areas to 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 any amendment) and the development management standards of this Plan as set out in Volume 3.

15-4 Collaborate with Irish Water in contributing towards compliance with the European Union (Drinking Water) Regulations Drinking Water Regulations 2014 (as amended) and compliance of water supplies with the parameters identified in these Regulations. Where new developments cannot be served by public water supply, the Council will consider a private water supply where the developer can demonstrate that any new supply is adequate to serve the proposed development and that for domestic use; it is safe to be consumed as drinking water. Groundwater extraction must comply with EPA policies and guidelines.

15-6 Require development proposals to connect to the public water supply, where such facilities are available.

15-7 Require all new development to provide a separate foul and surface water management system and to incorporate nature-based water sensitive urban design, where appropriate, in new development and the public realm. New developments, or retrofit/upgrading works, including those contributing to combined drainage systems where streetscape enhancement programmes or resurfacing programmes are planned, will incorporate measures to reduce the generation of storm water run-off, and to ensure that all storm water generated is managed on-site, or is attenuated and treated prior to discharge to an approved storm water system, with consideration to the following:

- (a) Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas (water sensitive urban design) Best Practice Interim Guidance Document (DHLGH, 2001) and any review thereof,
- (b) The infiltration into the ground through the development of porous pavement such as permeable paving, swales and detention basis,
- (c) The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basis, ponds and wetlands etc.

(d) The slow-down in the movement of water.

5-15 Facilitate, where it is demonstrated by an applicant that a dwelling is no longer suitable for habitation, its replacement with a new dwelling.

- Volume 3, Appendix 6 Relates to Development Management Standards.
- Section 4.1 relates to Rural Residential Development
- Section 4.2 relates to Replacement Dwellings

The Council supports the refurbishment of structurally sound, habitable dwellings as opposed to their demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The Council will apply the following minimum standards to proposals for the replacement of rural dwellings:

- (a) The structure was last used as a dwelling and is substantially intact and this is demonstrated by the existence of features such as roof, internal and external walls, entrance doors, windows, chimney, fireplace etc. in the assessment of whether a house which it is proposed to replace is habitable or not, the Planning Authority will rely on the definition of a “habitable house” as defined in Section 2 of the Planning Act.
  - (b) Existing access on to the public roadway can meet the minimum standards for domestic entrances or can be upgraded to meet the satisfaction of the Council, and,
  - (c) The on-site wastewater disposal system meets the minimum standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021) or can be upgraded to meet these standards.
- Section 4.3.1 relates to new houses.
  - Section 4.12 relates to Domestic Extensions.

The Council will seek to implement the following guidelines in respect of extensions.

- (a) A ground level extension shall be subordinate to the main dwelling in scale and design. There are, however, circumstances where an existing property is limited in size (e.g. A single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a

sensitive design to ensure that the proposal will not dominate the local streetscape and a plot size that can absorb the development.

- (b) The extension shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour.
- (c) The design and layout of extensions to houses shall have regard to the amenities of adjoining properties. The Council may require the submission of a daylight, sunlight and overshadowing assessment, if considered necessary.
- (d) Where a dwelling is serviced by an on-site waste water treatment system and where the extension increases the potential occupancy of the dwelling, the applicant shall demonstrate that the system complies with the standards of the EPA Code of Practice for Domestic Wastewater Treatment System (EPA, 2021), (or any amendment thereof).

- Section 6.1 relates to Road Design & Visibility at a Direct Access
- Volume 3, Appendix 4, Rural Housing Design Guide. Section 4.13 Renovation of Derelict Dwellings.

There are numerous disused houses throughout Tipperary, often located on good sized plots with road access and within mature landscape settings. The sympathetic restoration of dwellings which are structurally sound, reasonably intact, safely accessible and capable of being connected to water and other services is encouraged as an alternative to building new houses in the countryside. Planning permission will be required for significant renovation work if the dwelling is listed or if it is proposed to make significant changes that do not come within planning exemptions. Factors to be considered include:

- The structure must have been last used as a dwelling house.
- Ensure that safe access can be obtained to the dwelling.
- Ensure that the site attached to the dwelling is of sufficient size to accommodate a wastewater treatment system/septic tank to the standards of the EPA Guidelines for domestic wastewater treatment systems.
- High quality design and finish will be required in Primary Amenity Areas

## 5.2. Natural Heritage Designations

The site is not located within a designated site. The nearest sites are:

- Lough Derg (Shannon) SPA (site code: 004058) located 2.5km west of the subject site.
- Lough Derg pNHA (site code: 000011) is located 2.5km west of the subject site.
- Slieve Aughty Mountains SPA (site code: 004168) is located c. 5.5km northwest of the subject site.
- Slievefelim to Silvermines Mountains SPA (site code: 004165) is located c. 11km south of the subject site.
- Lough Derg, Northeast Shore SAC (site code: 002241) is located c. 10km northeast of the subject site.
- Silvermines Mountain West SAC (site code: 002258) is located c. 11km south of the subject site.
- Silvermines Mountain SAC (site code: 000939) is located c. 11km south of the subject site.
- Slieve Bernagh Bog SAC (site code: 002312) is located c.10km west of the subject site.
- Lower River Shannon SAC (site code: 002165) is located c. 10km southwest of the subject site.

## 5.3. EIA Screening

- 5.4. The proposal relates to the renovation and extension to the rear of a derelict dwelling within the village of Portroe, Co. Tipperary with connection to public water and on-site wastewater treatment unit. Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's and projects listed in Schedule 5, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant. The issues raised are:

- Site consists of a derelict dwelling, certification submitted for registration of the septic tank. WPRN for public water. ESB have confirmed an existing supply to the site which served the cabin.
- There was a cabin on site up until 2023. The cabin was erected by Tipperary County Council in 2001 and removed in 2023. It served the housing need of the former resident. The existing derelict dwelling was deemed unfit for purpose and replaced with the cabin.
- Application refused as Planning Authority are not satisfied that the applicant complies with rural housing policy in area designated as being “Under Urban Influence” and within a “Primary Amenity Areas”. The Planning Authority did not consider that there is a dwelling on site.
- The proposed site was assessed as a greenfield site and as such rural housing policy was applied as per Policy 5-11 of Tipperary County Development Plan 2022-2028.
- Applicant lived in Derry Demesne for 8 years which is located less than 5km from the site. This dwelling was sold as part of the divorce agreement with her husband. Document divorce agreement submitted (dated 2020). The applicant has lived in various properties in the area and has found it difficult to secure accommodation.
- The applicant complies with Sustainable Rural Housing Guidelines 2005 as she has spent a substantial period of her life in the rural area.
- The applicant complies with NPO19 as she has a social need to live in the area and there are no other options in the village of Portroe.
- The proposed development will not result in ribbon development as the proposal only results in the 3<sup>rd</sup> house in a row at this location. The Sustainable Rural Housing Guidelines for Planning Authorities define Ribbon Development

in Appendix 4 as; Almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

- It appears the Planner has taken into account houses on both sides of the road which is clearly incorrect. Also, the applicant's cottage is at least 100 years old and precedes all of the other properties in the environs of the site.
- It is noted the site entrance is along a Strategic Regional Road, however, the entrance is within the 50kph speed limit and there is an existing vehicular entrance to the site which is used by the applicant to access her lands and was used to serve the former cabin on site.
- Policy 5.13 refers specifically to new dwellings and this proposal relates to restoring an existing dwelling on site that has been a residential use for a considerable period.
- There will be no increase in traffic that already exists.
- The proposal relates to modifying the existing entrance to facilitate increased site distances particularly to the east along the road. This has been accepted by the district engineer as per the report dated 9<sup>th</sup> August 2024.
- The proposal will not contravene Policies 5.12 and 5.13 of Tipperary County Development Plan 2022-2028.
- Policy 13-3 of the CDP seeks the sympathetic restoration, appropriate re-use and maintenance of buildings/features which are considered to be of local and vernacular architectural importance. The proposal should be assessed under this policy. And section 13.6 relates to presumption against the demolition of vernacular buildings where restoration or adaption is a feasible option.
- The proposal relates to the renovation rather than the replacement of the existing cottage on site which is a traditional vernacular building. The applicant has no issue with conditions to retain the existing walls and opes.
- Similar applications are documented such as 2361032, 211806.



## **6.2. Applicant Response**

- As Above

## **6.3. Planning Authority Response**

- None

## **6.4. Observations**

- None

## **6.5. Further Responses**

- None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Ribbon Development
- Site Entrance
- Appropriate Assessment

## **7.2. Principle of Development**

7.3. The subject site is located approximately 200 metres from the edge of the area zoned within Portroe Village and within the 50kmh speed limit for the village. Portroe is designated as a Service Centre as per CDP. The subject site is located in an area designated as an Area under Urban Influence and Primary Amenity Area. Policy 5-4, 5-16 and 13-3 support the renovation and extension of derelicts buildings. In particular Policy 13-3 seeks the sympathetic restoration, appropriate re-use and

maintenance of buildings/features which are considered to be of local and vernacular architectural importance. And Volume 3, Appendix 4, Rural Housing Design Guide. Section 4.13 Renovation of Derelict Dwellings supports the renovation of derelict dwelling which are structurally sound, reasonably intact, safely accessible and capable of being connected to water and other services is encouraged as an alternative to building new houses in the countryside.

- 7.4. The existing derelict and dilapidated dwelling on site has a floor area of 36sqm. The applicant proposes to renovate the existing dwelling and to extend to the rear by 60sqm. The existing derelict dwelling on site, has 4 walls intact, window frames and some glass remains, there is evidence of electricity to the site, there is an existing entrance onto the main road along with a post box and boundary walls.
- 7.5. The grounds of appeal have been submitted by the applicant. The appellant has outlined that the site consists of a derelict dwelling and was connected to electricity, water and wastewater treatment system. The appellant has also submitted details of a mobile cabin/dwelling which was installed on site until 2023. The cabin was erected by Tipperary County Council in 2001 and removed in 2023. It served the housing need of the former resident of the derelict dwelling. Letter from Tipperary County Council confirming this was the case.
- 7.6. The appellant highlights, the proposal should be assessed under Policy 13-3 of the CDP which seeks the sympathetic restoration, appropriate re-use and maintenance of buildings/features which are considered to be of local and vernacular architectural importance. And section 13.6 of the CDP relates to presumption against the demolition of vernacular buildings where restoration or adaption is a feasible option. The proposal relates to the renovation rather than the replacement of the existing cottage on site which is a traditional vernacular building. The applicant has no issue with conditions to retain the existing walls and opes.
- 7.7. I will now consider if there is a dwelling (regardless of state) on site, and therefore the proposal will be assessed either as a refurbishment and extension to a dwelling or if it should be assessed as a greenfield site and the applicant shall be subject to local needs policy and associated criteria. I carried out a site visit and based on my observation, I am satisfied that there is an existing dwelling albeit derelict and in major need of renovation on site and therefore the principle of a dwelling has been

acceptable on this site and at this location. There are 4 walls substantially intact, window openings remain and some still have wooden frames and glass. The roof has collapsed in, and the internal structure is not habitable. There is evidence of electricity and services on site. The location of the removed cabin is evident on site and a vegetable patch remains on site. I am satisfied that the dwelling was last used as a dwelling. Therefore, the proposal should be assessed under policy 13-3 of the CDP which seeks the sympathetic restoration, appropriate re-use and maintenance of buildings/features which are considered to be of local and vernacular architectural importance. And in compliance with policy 5-16 which supports and encourages the appropriate refurbishment, conversion and adaptation of existing rural building stock, such as vernacular schoolhouses, coach houses, farm buildings, where feasible, as sustainable alternatives to new build.

- 7.8. I am also satisfied that the proposal complies with Appendix 4, Rural Housing Design Guide. Section 4.13 Renovation of Derelict Dwellings which supports the renovation of a derelict dwelling which are structurally sound, reasonably intact, safely accessible and capable of being connected to water and other services. The CDP encourages the use of derelict dwellings as an alternative to building new houses in the Countryside. Section 4.13 also acknowledges that planning permission will be required for significant renovation work and a number of factors should be considered include whether the structure was last used as a dwelling house. I am satisfied from my site visit that the dwelling was last used as a dwelling house and that the dwelling is reasonably intact and capable of connection to water and other services on site with electricity existing on site.
- 7.9. I note refusal reason from the Planning Authority relates to non-compliance with Section 5.5.2, Table 5.2 and Policy 5-11 of the CDP where an applicant must satisfy an Economic or Social need. I do not consider, the applicant should be considered under Section 5.5.2, Table 5.2 and Policy 5-11 of the CDP as the proposal does not relate to a new dwelling, it relates to the refurbishment of an existing vernacular derelict dwelling on site where the principle of a dwelling was originally accepted and I consider the applicant has adequately demonstrated that a habitable cabin/replacement dwelling was on-site until 2023 by way of clarification from the Council letter submitted.

- 7.10. Having regard to the provision of policy 13-3 and to the presence of an existing derelict dwelling on site, and the proposal to renovate and refurbish the existing derelict dwelling along with a rear extension. The principle of development is acceptable and complies with policy 13-3.
- 7.11. Ribbon Development**
- 7.12. The existing derelict dwelling is the third dwelling in a row of 3 dwellings within a continuous road frontage of 250 metres. There is a dwelling to the rear of the subject site and 4 dwellings on the opposite side of the regional road to the subject site. Policy 5-12 states 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.
- 7.13. The grounds of appeal argue that the proposed development will not result in ribbon development as the proposal only results in the 3<sup>rd</sup> house in a row at this location. The Sustainable Rural Housing Guidelines for Planning Authorities define Ribbon Development in Appendix 4 as; Almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.
- 7.14. I have assessed the location of the derelict dwelling having reviewed google maps, site visit and reviewing the Tipperary mapping system info for any permitted or pending dwellings at this location. The derelict dwelling is the 3<sup>rd</sup> dwelling in a row on one side of the road within a 250-metre continuous road frontage. There are 4 dwellings opposite the subject site on the other side of the road and a dwelling to the rear of the subject site.
- 7.15. Policy 5-12 does states where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting “ribbon development”. Policy 5-12 does not distinguish between one side of the road or both sides within the continuous 250 metres. If the proposal related to a new dwelling, it would constitute ribbon development, as a new dwelling will exceed 5 dwellings in a 250-metre continuous section of roadway where both sides of the road are considered. However, as the proposal relates to the renovation and refurbishment of an existing

dwelling (albeit derelict) and thereby cannot be considered as contributing to ribbon development as the dwelling is existing.

- 7.16. Having regard to the provision of a derelict dwelling on site, policy 5-12 and the Sustainable Rural Housing Guidelines, I do not consider that the proposed renovation of an existing derelict dwelling will contribute to ribbon development on this section of roadway.

**7.17. Site Entrance**

- 7.18. The subject site is located along a regional road R494, there is an existing entrance which served the derelict dwelling on site and the previous cabin which was removed in 2023. The entrance is within the 50kmph speed zone for Portroe Village. The regional road is identified as a Strategic Route as per CDP. Policy 5-13 of the CDP seeks to preserve the carrying capacity of strategic regional roads and to safeguard the investment in such infrastructure and new entrances will only be considered under certain criteria.

- 7.19. The grounds of appeal note the site entrance is along a Strategic Regional Road, however, the entrance is within the 50kph speed limit for Portroe Village and there is an existing vehicular entrance to the site which is used by the applicant to access her lands and was used to serve the former cabin & dwelling on site. Policy 5.13 refers specifically to new dwellings and this proposal relates to the restoration of an existing dwelling on site that has been in residential use for a considerable period. There will be no increase in traffic that already utilises the site and as the proposal will modify the existing entrance to facilitate increased sightlines distances particularly to the east along the road, this will improve traffic safety. This has been accepted by the district engineer as per the report dated 9<sup>th</sup> August 2024. The proposal will not contravene Policies 5.12 and 5.13 of Tipperary County Development Plan 2022-2028.

- 7.20. I note the proposal and modifications to an existing entrance is located along a Strategic Regional Road, and the policy 5-13 seeks to preserve the carrying capacity of these roads which forms part of refusal reason number 2. However, as noted in the previous paragraphs, there is an existing derelict dwelling on site and there was a habitable cabin on site until 2023. Therefore, the entrance is existing and relates to an existing dwelling on site. In addition, the site entrance is located within the

50kmph speed limit for Portroe Village, and it is my opinion that policy 5-13 does not relate to the modifications of an existing entrance.

- 7.21. I have reviewed the correspondence received from Nenagh MD, Roads Engineer who are satisfied with the sightlines proposed which demonstrate sightlines of 90metre to the east and 120metres to the west. Roads section also note the entrance is existing and will be upgraded as part of the development which is within the 50kmph speed zone for Portroe.
- 7.22. Having regard to the location of an existing entrance which was used to facilitate a habitable cabin until 2023 and used to access the derelict dwelling on site and the fact the site entrance is within the 50kmph speed zone of Portroe, the upgrading of the existing entrance is acceptable and will not contravene policy 5-13 of the CDP.

## **8.0 AA Screening**

- 8.1. Having regard to the proposed development which consists of the renovation of an existing derelict dwelling and an extension to the rear on an existing site on the edge of the village of Portroe. The nearest European Site is the Lough Derg (Shannon) SPA (site code: 004058) lies c.2.5km northeast and west of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the grounds of appeal, the previous residential use on site, the existing derelict vernacular dwelling and the provision of the Tipperary County Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with Policy 13-3 and would not contravene policy 5-12 or 5-13 of the Tipperary County

Development Plan 2022-2028. The proposal is consistent with the proper planning and sustainable development for the area.

## 11.0 Conditions

1. The 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 8<sup>th</sup> day of March, 2024 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. Details of the design of the house shall be submitted by way of a separate application for permission consequent and shall restore the former cottage to its original state with any new extension to the rear.

**Reason: In the interest of visual amenity and to protect the character of this rural area/area of high amenity.**

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused

to existing roadside drainage.

**Reason: In the interest of traffic safety and to prevent flooding or pollution.**

4. a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason: In the interest of public health and to prevent water pollution.**

5. The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

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

6. The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.



**Reason: In the interest of traffic safety.**

8. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason: To safeguard the amenity of property in the vicinity.**

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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Jennifer McQuaid  
Planning Inspector

20<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320795-24		
<b>Proposed Development Summary</b>	Renovation of existing house including improvements to road entrance with all ancillary works		
<b>Development Address</b>	Landsdown, Portroe, Nenagh, 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>	X
		<b>No</b>	
<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)?</b>			
<b>Yes</b>	X	Class 10b(i) Construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X	Class 10b(i) Construction of more than 500 dwelling units.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10b(i) Construction of more than 500 dwelling units.  The proposal is for 1 dwelling on a site area of 0.59ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening Determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-320795-24</b>
<b>Proposed Development Summary</b>	Renovation of existing house including improvements to road entrance with all ancillary works
<b>Development Address</b>	Landsdown, Portroe, Nenagh, Co. Tipperary, E45 X462
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<ul style="list-style-type: none"> <li>• The development consists of development of renovation and extension of derelict dwelling, wastewater treatment system, upgrade to site entrance and all ancillary site works.</li> <li>• The development site measures 0.02 hectares. The size of the development is not exceptional in the context of the existing rural environment.</li> <li>• The development will consist of generally typical construction and related activities and works.</li> <li>• The site is a brownfield, with a derelict dwelling on site. No demolition proposed.</li> <li>• Surface water will be discharged to an on-site BRE soakaway.</li> </ul>

	<ul style="list-style-type: none"> <li>• Wastewater will be discharged to an on-site wastewater treatment system.</li> <li>• The development will not result in significant waste, emissions or pollutants</li> </ul>
<p><b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<ul style="list-style-type: none"> <li>• The site is located in a rural area on an existing derelict dwelling site.</li> <li>• The subject site is not located within any designated site. The nearest sites are: <ul style="list-style-type: none"> <li>○ Lough Derg (Shannon) SPA (site code: 004058) located 2.5km west of the subject site.</li> <li>○ Lough Derg pNHA (site code: 000011) is located 2.5km west of the subject site.</li> <li>○ Slieve Aughty Mountains SPA (site code: 004168) is located c. 5.5km northwest of the subject site.</li> <li>○ Slievefelim to Silvermines Mountains SPA (site code: 004165) is located c. 11km south of the subject site.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Lough Derg, Northeast Shore SAC (site code: 002241) is located c. 10km northeast of the subject site.</li> <li>○ Silvermines Mountain West SAC (site code: 002258) is located c. 11km south of the subject site.</li> <li>○ Silvermines Mountain SAC (site code: 000939) is located c. 11km south of the subject site.</li> <li>○ Slieve Bernagh Bog SAC (site code: 002312) is located c. 10km west of the subject site.</li> <li>○ Lower River Shannon SAC (site code: 002165) is located c. 10km southwest of the subject site.</li> </ul>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There are existing dwellings adjacent to the proposed site, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area.</p>

<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

**Inspector:**

**DP/ADP:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

**Date:**

**Date:** \_\_\_\_\_