



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321000-24

#### Development

PROTECTED STRUCTURE:

Retention of mobile home for 5 years,  
within curtilage of a Protected  
Structure (Richmond House).

#### Location

Richmond House, Richmond, Nenagh,  
Co. Tipperary.

#### Planning Authority

Tipperary County Council

#### Planning Authority Reg. Ref.

24166

#### Applicant(s)

Karina Kennedy.

#### Type of Application

Temporary Permission for 5years

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

Karina Kennedy

#### Observer(s)

None.

#### Date of Site Inspection

11<sup>th</sup> of March 2025

#### Inspector

Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is within the grounds/ curtilage of Richmond House, Nenagh, Co. Tipperary. Richmond House is a ruin. It is a Protected Structure in the Tipperary County Development Plan TRPS 333, and a Recorded Monument TN01034 - Fortified House. (Photo Plate 2)
- 1.2. The mobile home is accessed from laneway off the Regional Road R495, north of Nenagh town. It is just north of the Nenagh by-pass. The site of the mobile home is setback a considerable distance from the Regional Road, via a wooded area (Photo Plate 6).
- 1.3. The access off the Regional Road is an elaborate granite bell-mouth entrance. It has a 10m setback from the road with a 50m wide splay. The entrance consists of granite piers and railings which served the original Richmond House. (Plate 5). The gate was locked during my inspection.
- 1.4. The mobile home is positioned between an existing habitable bungalow on the property and the ruin of Richmond House (Plate 2). It is located to the rear of the bungalow and is not visible on approach from the Regional Road. ((plate 1)
- 1.5. There is a mature tree lined hedgerow to the north of the mobile home (Plate 4).
- 1.6. The photographs of my site inspection are appended to this report (Plates 1-6).

## 2.0 Development

- 2.1. The development consists of retention of an existing mobile home on the site. It is currently occupied by the applicant. The application is also for connection to the existing septic system on site.
- 2.2. The application is for a temporary permission of **FIVE YEARS ONLY**.

## 3.0 Planning Authority Decision

### 3.1. Decision

Tipperary County Council **REFUSED** retention of the development for 3No. reasons:

1. The application site is located in a rural area designated as ‘Under Urban Influence’ under the Tipperary County Development Plan 2022. Section 5.5.2, Table 5.2 and Policy 5-11 of Tipperary County Development Plan 2022-2028 set out the following requirements (inter alia) for new rural dwellings:

- An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own or have never owned a dwelling in a rural area.
- An applicant must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years),

The Planning Authority is not satisfied that the applicant meets 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. It is considered that the proposed development would result in additional traffic stopping and turning movements onto the R495 at a point where it has not been demonstrated that the required sight lines are achievable. The development, if permitted, would, therefore, undermine the carrying capacity of this road and would endanger public safety by reason of a traffic hazard. The development is at variance with the sight line requirements of Volume 3, Appendix 6 of the Tipperary County Development Plan 2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the development, the design and nature of the structure, its use as a place of residence, the poor aesthetic value of the structure and the prevailing pattern of development of the area, it is considered that the development for which retention permission is sought:
  - a) would form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value

- b) would result in a substandard living environment for the residents of the structure;
- c) would fail to accord with the Rural House Design Guide of the Tipperary County Development Plan 2022;
- d) would injure the amenities and depreciate the value of property in the vicinity;
- e) would compromise the residential amenity enjoyed by the existing residential property on the site.
- f) would set an undesirable precedent for similar type proposals in the area.

The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

- The site is located in an area under Urban Influence and served by a Regional Road. There is no supporting information on file to demonstrate compliance with the relevant development plan policies. Planning histories are noted.
- The structure is of poor aesthetic value and represents an ad hoc, piecemeal form of development.
- The proposal will not materially impact on Richmond House or its setting.
- Sightlines onto the Regional Road have not been demonstrated.
- No details of the existing septic tank serving the existing dwelling and the mobile home.
- Not within a flood risk zone
- Does not attract development contributions.
- Refusal is recommended.

#### **3.2.2. Other Technical Reports**

- No technical reports in file other than the Planning report.

### 3.3. Prescribed Bodies

No submissions.

### 3.4. Third Party Observations

No submissions

## 4.0 Planning History

4.1 The applicant has made two planning applications in recent times for a dwelling house in the locality:

- (i) **Planning Reference 22/498** : Application for a dormer type dwelling house, entrance, on site waste water treatment system. Incomplete application.
- (ii) **Planning Reference 21/1127** : Application for a dormer type dwelling, entrance on site, wastewater treatment system. Application withdrawn.

## 5.0 Policy Context

### 5.1. National Planning Policy

**National Policy Provisions Sustainable Rural Housing Guidelines DOEH&LG 2005.**

The Guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those in proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

**National Planning Framework, 2018**

Policy Objective 19 is 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. Development Plan

**The relevant planning policy is outlined in the Tipperary County Development Plan 2022-2028.**

The Rural housing Policy is outlined under Section 5.5.2 of the development plan. The site is located in an Area under Urban Influence. The following policies are applicable.

### 5.2.1 Policy 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 5.5.1, and Table 5.2: Rural Housing Technical Principles for Applicants.

In '**Areas 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) (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) (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 purposes 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) (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) (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),
- (iii) The applicant does not, or has never owned a house in the open countryside.

### 5.2.3 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 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 an '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.

#### **5.2.4 Appendix 4- Rural Housing Design Guide**

#### **Appendix 6-Development Management Standards**

#### **Section 4.0 Residential Development**

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

The nearest European site is Lough Derg SPA (site code 004058) which is over 10km northwest of the site.

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

The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required.

### **6.0 The Appeal**

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

- The application is not for a new rural dwelling. The application is for temporary permission while she organises to build her permanent home 500metres from the site. She does not own a dwellinghouse. She does not wish to require the state or the local authority to provide her with a dwellinghouse.
- The entrance has been used by the applicant for 40years. There is not change to the entrance or intensification. It is 50 wide with good visibility. The entrance has existed since 1930. There are no records of accidents or collisions on the road or near the entrance.
- No negative effect to the amenity or value of the house nearby as the accommodation is sheltered by trees, a fence and an embankment. All other dwellings are 300-500m from the site and surrounded by heavy hedgerows.

The accommodation is temporary and has been arranged by her family as a short-term measure.

## **7.0 Assessment**

7.1. I visited the subject site and examined the appeal file, and I consider the relevant issues to be assessed under this appeal is as follows:

- Applicant's Planning History
- Local Housing Need
- Traffic
- Design
- Sewage Treatment

## **7.2 Applicant's Planning History**

7.2.1 The first reason for refusal relates to the lack of information on the planning file regarding the applicant's compliance with the Rural Housing Policy of the Tipperary County Development Plan. Despite this clear reason for refusal, the applicant has not presented any additional information to support her case on appeal to the Board other than to state the development is not a dwellinghouse, therefore the rural housing policy should not apply to the case.

7.2.2 In the absence of any supporting information on the planning and appeal file, I chose to examine the two planning histories associated with the same applicant, in order to establish her background and association with the site and location in order to assist in the assessment of this current proposal.

7.2.3 As per Section 5 of this report, there are two planning applications relating to the applicant within the locality. In fact both relate to a 0.6ha site north of the mobile home and accessed from a local road. Having checked the planning authority's online system I noted Planning Reference **22/498** was incomplete, therefore there are no scanned documents relating to that case. I note from the planning register map, the application was for Outline Permission for a dormer type dwelling house.

7.2.4 An earlier planning application, Ref. **21/1127** also related to Outline Permission for a dwelling house by the same applicant, on the same site. Planning reference

21/1127 was subsequently withdrawn. I examined the submitted documents and found no details regarding the applicant's background, landholding, and compliance with rural housing need policy at the time. The application form did indicate that Ms Kennedy is the landowner of the 0.60ha site.

- 7.2.5 The mobile home is a residential unit, and that is the description of development, it is not related to the duration of the permission that is under consideration in this appeal. Therefore, the rural housing policies of the development plan are applicable, because the applicant has not presented a formidable case that she should be considered as an exceptional circumstance to not complying to the relevant development plan policies like all other applicants for rural housing in Co. Tipperary.

### 7.3 Local Housing Need

- 7.3.1 I would note that the housing unit, the subject of this appeal, is located in the open countryside in an area designated as an 'Area under Urban Influence' in accordance with Figure 5.3 'Rural Areas with Strategic Transport Corridors and Primary Amenity Areas' of the Tipperary County Development Plan, 2022 – 2028. Having regard to its close proximity to Nenagh town, the general locality of under considerable development pressure for one-off housing.
- 7.3.2 In order to satisfy the requirements of the development plan, the applicant must demonstrate sufficient genuine local need consistent with Policy 5-11 of the Tipperary County Development Plan, 2022 – 2028, to reside in this rural location. The principal consideration therefore in this appeal is whether the applicant's application for a house/ dwelling unit in the rural area meets the criteria of Policy 5-11 of the Tipperary County Development Plan, 2022 – 2028.
- 7.2.3 The applicant has provided no evidence of any local connections to the rural area or to the landholding. The applicant may fall under Category 2 of the 5-11 Policy '**Social Need**'. In this regard the applicant has failed to demonstrate she has resided within 5km of the site where she intends to build/ or has the mobile home positioned, for a substantial period of her life (10 years). The applicant has stated she does not own a dwelling at present. She does not mention if she had previously owned a dwelling and if so, whether it was located in the open countryside.

7.2.4 Therefore, I would consider the applicant has failed to fully demonstrate sufficient genuine local need consistent with Policy 5- 11, in particular parts (ii) and (iii) of the same policy objective. The planning authority's first reason for refusal should be upheld. The Rural Housing Policy of the development is in accordance with the National Planning Policy (NPO 19) for New Housing in the Open Countryside.

#### **7.4 Traffic**

7.4.1 The second reason for refusal relates to the additional traffic the proposed development will generate onto the Regional Road (R495) at a point where it has not been demonstrated the required sightlines are achievable. The planning authority claims the proposal is at variance the sightline requirements of Volume 3, Appendix 6 of Tipperary County Development Plan 2022.

7.4.2 In terms of context, the vehicular access to the site, is an existing old access to Richmond House (a protected structure). The access, is an elaborate bellmouth gateway with granite piers and railings. The gateway includes a splayed access circa 50m in length the eastern side of the Regional Road, with a 10m setback. Furthermore, the access is just outside a roundabout off the Nenagh northern by-pass, where there 7No.individual accesses onto the R495 on the western side of the Regional Road serving linear developments, almost 3No. direct accesses within a 50m length.

7.4.3 Given the width of the splayed entrance, I considered the sightlines at the existing entrance to be acceptable in traffic safety terms to the north. The hedgerow to the south would need to be cut back to improve sightlines. This issue could have been addressed by way of further information, regarding the ownership of the relevant land/ hedgerow and consent to cut back hedgerow. It would appear to me the roadside boundary is within the grounds of Richmond House, where the site of the mobile home is positioned. There is a lack of information on file regarding the overall holding, rights of way to the mobile home site, and the relationship of the subject site to the overall landholding and the applicant. Based on the evidence on the file, and from my site inspection, I would remove Reason No. 2, as it has not been demonstrated that the required sightlines are unachievable to the south.

## 7.5 Design

7.5.1 The structure is a mobile home. The permission applied for is five years, until the applicant sorts a permanent house for herself. As stated, she has applied for planning permission twice on a 0.6ha site which she owns, to the north of the site. However, one application was withdrawn, and the other was returned to the applicant as incomplete.

7.5.1.1 The site of the mobile homes is behind an existing single storey dwelling. It is positioned in front of the ruin, Richmond House, which is a Protected Structure. The siting and separation distance from the ruin, ensure there is no material impact to the curtilage or the visual amenities associated with the protected structure.

7.5.2 In terms of the visual impact concerns set out in Reason 3 of the planning authority's decision to refuse, the mobile home is not visible from the surrounding area. The structure is discreetly sited within the ground of Richmond House to the rear of the existing bungalow on the grounds. The structure is not impacting on the visual or residential amenities of the neighbouring dwelling to the south of the mobile home. It does not result in a loss of privacy or overshadowing.

7.5.3 I do accept the planning authority's viewpoint that within the open countryside a mobile home has poor aesthetic value when compared to the permanent dwelling, and is inconsistent with the Design Guidance for Rural Houses in Appendix 4 of the Tipperary County Development Plan, 2022 – 2028. However, this proposal is only a temporary provision, and not a permanent structure. A planning condition could be included for five years only. The applicant has clearly stated this is only a temporary provision until she builds her permanent home 500metres north of the existing mobile home.

7.5.4 I am concerned about the undesirable precedent granting permission for the development would set for similar developments in the area which is under considerable pressure for rural housing. If the applicant had obtained planning permission for her permanent dwelling 500m from the site, the temporary accommodation could be used during the construction period of her dwellinghouse. However, there is no permission for the applicant's permanent dwelling, and the Board cannot predict the outcome of future planning applications for same. The incomplete and invalid planning applications from 2021 and 2022, do not justify granting permission for an inappropriate precedent for a mobile home which is

inconsistent with Design Guidance for rural houses in Appendix 4 of the Tipperary County Development Plan, 2022 – 2028.

## **7.6 Sewage Treatment**

7.6.1 The submission documents indicate the mobile home is served by an existing septic tank system serving the dwelling to the south on the site. There have been no details of the capacity of the system, the percolation area or the loading requirements of both developments. The issue of sewage treatment and potential impact on public health cannot be assessed. There has been no consent or agreement submitted with the application to connect into the existing septic tank system on the adjoining site. I consider this to be a serious omission from the planning application, and in my opinion should have formed a reason for refusal. Therefore I am recommending the development be refused on this basis (a new issue).

## **8.0 AA Screening**

8.1. Having regard to the nature and small scale of the proposed development and the distance from 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.

## **9.0 Recommendation**

The planning authority's decision to refuse planning permission for the development should be upheld by the Board.

## **10.0 Reasons and Considerations**

1. The Board considered that the applicant has failed to satisfy the definition of 'Economic' and 'Social Need' in the context of the rural housing policy, as set out in Table 5.3 of the Tipperary County Development Plan 2022-2028, and did not meet with the requirements of Policy 5-11 of the development plan,

which seeks to facilitate individual dwellings in the countryside outside of settlements, in accordance with the National Planning Policy NPO 19 for New Housing in the Open Countryside, consistent with Section 5.5.1, and Table 5.2: 'Rural Housing Technical Principles for Applicants'. The proposed development would therefore be contrary to Policy 5-11 of the Tipperary County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

2. The submission documents do not include sufficient information regarding the treatment and disposal of sewage effluent from the development. In addition, there has been no consent or agreement submitted with the application to connect into the existing septic tank system on the adjoining site. The proposed development as presented would be prejudicial to public health.
3. The existing mobile home, is inconsistent with the character of the area, in terms of design, and would set an inappropriate precedent for other such development in the area and therefore would be inconsistent with Design Guidance for rural houses in Appendix 4 of the Tipperary County Development Plan, 2022 – 2028, and therefore be contrary to the proper planning and sustainable development of the area.

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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Caryn Coogan  
Planning Inspector

26<sup>th</sup> of March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	APB 321000/24		
<b>Proposed Development Summary</b>	Retention of existing mobile home		
<b>Development Address</b>	Richmond House, 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>	<b>X.</b>
		<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>		State the Class here.	Proceed to Q3.
<b>No</b>	<b>X</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4



4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

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

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