



An
Coimisiún
Pleanála

Inspector's Report ACP-323067-25

Development

Proposed stable/barn food store steel tech building to use for shelter and house for rescued donkeys, upgrade of existing entrance, access road, underground effluent tank and all associated site works.

Location

Mainstown, Carrick on Suir, Co.
Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2521

Applicant(s)

Richard Northam
Alison Jones

Type of Application

Permission

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

First Party v Condition

Appellant(s)

Richard Northam
Alison Jones

Observer(s)

None

Date of Site Inspection

23rd October 2025

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Mainstown, a rural area approximately 3.0km north of Carrick-on-Suir Co. Tipperary. The site has a stated area of 0.1225Ha and forms part of a larger landholding within the ownership/control of the Appellants. This includes a dwelling house and associated buildings which are sited to the east of the subject site and which are accessed from the L-2605. Construction works were ongoing on the date of the site inspection in relation to recently permitted development associated with the dwelling house.
- 1.2. The appeal site is served by a field entrance from the L-6603, a narrow local road which runs to its southern boundary. An earthen bank/stone wall containing hedging and a number of trees forms the southern boundary of the site along the road.
- 1.3. The carriageway is narrow with high banks and hedgerow either side and a central grass margin along much of its length. Opportunities for two vehicles to pass are limited. The surrounding area is agricultural, with sporadic residential units and farmyards fronting the road travelling west from the site.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - Stable/barn food store steel tech building to shelter and house rescued donkeys.
 - Upgrade existing entrance and provide an access road.
 - Underground effluent tank.
 - All associated site works.

The plans indicate a modest standalone structure positioned to the eastern end of the appeal site, effectively to the rear of the Appellants' dwelling house. The structure, with a stated floor area of 67.0sq.m. provides for two stables, and a separate barn/food store. The stable block has an overall height of c. 4.5m and is stated to be of steel tech construction. A concrete apron is proposed with surface water and roof runoff discharging to a French drain. An underground effluent storage tank is also proposed.

- 2.2. The structure is set back a stated 4.70m from the roadside boundary and will be served by a new access road from the existing field entrance. This will be upgraded with new stone piers and walls and fitted with a sliding gate.
- 2.3. The plot does not appear to be separated in a physical manner from the wider landholding.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Tipperary County Council, by Order dated 26th June 2025 issued a notification of Decision to Grant Permission subject to 3 no. Conditions set out in Schedule 2 to the Decision.

- 3.3. Conditions forming part of the decision are set out below:

Condition No. 1

'Save where modified by the following conditions, the development shall be carried out in accordance with the drawings and documentation submitted with the planning application on the 20/02/2025 as amended by the Further Information submitted on

the 5/06/2025 in response to a Further Information Request issued on the 11/04/2025'.

Condition No. 2

(a) The sightline to the north west shall be as per the details submitted on the 5/06/2025. The sightline to the south east shall be taken from a 3m setback to a point 50m distant at the nearside road edge. The roadside boundary within the sight distance triangle shall be set back behind same. Replacement boundary treatment shall compose of an earthen bank to a consolidated height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.)

(b) ESB, Telecom poles or services connections on roadside shall be removed and either setback to the new fence line or laid underground in agreement with the service provider.

(c) The area between road boundary and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy'.

Condition No. 3

'Uncontaminated surface water runoff from the field entrances shall be collected separately from farmyard wastes and shall be disposed of directly, in a sealed system, to adequate stone filled soak pit. No effluent or slurry shall discharge onto the public road or any adjoining property, drain, stream or watercourse'.

3.4. Planning Authority Reports

3.4.1. Planning Reports

3.4.2. An initial planning report prepared by the planning officer culminated in a request for Further Information dated 11th April 2025. A subsequent planning report prepared following the response to Further Information and signed on the 25th June 2025, is consistent with the decision of the Planning Authority, recommending a grant of permission subject to conditions.

3.4.3. The planning reports assessed the development under specific criteria including Principle of Development; Design/layout; Services; Architectural/Archaeological Heritage and Flood Risk. Matters raised as Further Information related to the adequacy/capacity of the underground tank to accommodate effluent and the manner in which it would be disposed of. Further Information was also sought in relation to sight visibility from the entrance. The response to the Further Information request was not deemed to be significant in nature and a decision was made to award planning permission subject to 3 no. conditions.

3.4.4. Other Technical Reports

3.4.4.1. District Engineer

The Municipal District Engineer by report dated 28th March 2025 raised concerns in relation to the insufficient nature of the proposed sightlines from the entrance and indicated that analysis as per Table 6.1 and Table 6.2 of the Tipperary County Development Plan was required. The report requested demonstration of a set back (4.5m) with 160m sightlines from the entrance based on a mandatory speed limit of 80kph, or provision of lesser sightlines where it could be demonstrated that the

operational speed of the road was less than the mandatory speed. **Note:** The Planning Authority's Further Information request sought 120m sightlines to the nearside road edge rather than the 160m as set out in the Engineering report.

A further report was prepared by the District Engineer dated 19th June 2025 following a response to the Further Information request. The report found that the provision of 15.5m sight lines at a 3.0m setback, together with an application for reduced sight lines was not acceptable. The report stipulated minimum sight lines of 70m in a rural area were required. The report concluded by recommending that permission be refused as minimum criteria set out in the Tipperary County Development Plan had not been complied with.

I note no further reports from internal divisions of the local authority with regard to the proposal.

3.5. Prescribed Bodies

None requested by the Planning Authority.

The appeal documents were referred by An Coimisiún Pleanála to An Taisce, the Department Applications Unit – Department of Housing, Local Government and Heritage and to the Heritage Council. No reports have been received.

3.6. Third Party Observations

None received by the Planning Authority.

4.0 Planning History

Planning History (Inclusive of wider landholding) is set out below

Reg. Ref. 24293

Permission GRANTED by Tipperary Co. Co. for a detached garage/household store, steel tech building and all associated works.

Decision Dated: 19/02/2025

Reg. Ref. 2448

Permission GRANTED by Tipperary Co. Co. for (1) demolition of existing car port and haybarn, (2) extensions and alterations to existing detached garage/stables (3) change of use from detached garage/stables to a 2no. bed self-catering holiday let (4) all associated site works.

Decision Dated: 29/08/2024

Reg. Ref. 2446

Permission GRANTED for (1) demolition of existing conservatory, utility room, boiler room to rear of existing bungalow (2) construction of new extension to rear (3) internal/external alterations (4) entrance porch (5) gazebo (6) decommissioning of existing septic tank and installation of secondary treatment system and soil polishing filter (7) associated works.

Decision Dated: 24/06/2024

Reg. Ref. 211858

Permission GRANTED for retention of car port extension, single storey extensions to front and rear, minor elevational changes and associated works.

Decision Dated: 17/02/2022

Reg. Ref. P313112

Permission GRANTED for dwelling, out offices, stables, septic tank and entrance.

Decision Dated: 05/07/1990

Reg. Ref. P39506

Permission GRANTED for bungalow, entrance and septic tank.

Decision Dated: 21/08/1984

Reg. Ref. P39149

Outline Permission GRANTED for bungalow and septic tank

Decision Dated: 21/11/1983

5.0 Policy Context

5.1. Development Plan

The Tipperary County Development Plan 2022-2028 came into effect on the 22nd August 2022 and is the operable Development Plan for the area. The rural area of

Mainstown is located approximately 3.0km north of Carrick-on-Suir and is within an Area under Urban Influence as defined in Figure 5.3 of the Plan. Carrick-on-Suir is defined as a District Town in the Tipperary County Settlement Hierarchy.

5.1.1. Relevant Development Plan Sections and Policies are set out below:

- Section 8.0 relates to Enterprise and Rural Development. The Council seeks under Section 8.4.1 to support the sustainable expansion of agriculture and horticulture where it respects the natural functions of the environment, including water systems and ecology.
- Appendix 6 Volume 3 sets out the Development Management Standards for the County with Section 6.0 relating to Parking, Traffic and Road Safety
- Table 6.1: '*X-Distance Requirements*' sets out the X-Distance according to Major Road Use.
- Table 6.2 '*Design Speeds and associated Y-Distances*' stipulates Y-Distances in metres for rural and urban non-national roads for mandatory speed limits and in relation to design speeds (operational speeds).
- Section 6.1 also stipulates that '*on non-national roads, in cases of particular difficulty, the use of a lower design speed for a given mandatory speed limit (as set out in Table 6.2) 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 the lower speed than identified in Column 2 of Table 6.2.*
- Section 6.1.1. of the Plan provides guidance in relation to Measuring Operational Speed.

- Section 11.2 Biodiversity of the Plan states that *'trees and hedgerows are important components of the local landscape/townscape. The protection and support of existing trees and hedgerows will be a consideration in the assessment of development proposals by the planning authority. Where trees or hedgerows are of particular local value, the Council may seek their retention, or where retention is not feasible, their replacement and will seek a proactive focus on new tree-planting as part of new development'*.

5.2. Natural Heritage Designations

At its closest, the appeal site is approximately 1.41km from the Lower River Suir SAC (Site Code 002137) and is approximately 9.34km from Slievenamon Bog NHA (Ref. 002388) to the north-west.

5.3. EIA Screening

The proposed development is not a type listed under Schedule 5, Part 1 of the Planning and Development Regulations 2001, as amended. 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 for Preliminary examination).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The decision of Planning Authority made on the 26th June 2025, is the subject of a First Party appeal in relation to Condition No. 2. The Appellants, Richard Northam and

Alison Jones provide a cover letter and associated documentation, photographs, plans and particulars setting out the matters raised. These may be summarised as follows:

- The Appellants purchased a bungalow and 4 no. acres with garage/stable and hay barn at the subject site in June 2023 and sought to convert an original garage/stable building into a self-catering holiday business with the intention of building new stables for two rescue donkeys.
- Reference to discussions with the Planning Authority to establish the status of the field entrance and to a supporting letter from a third party corroborating the time of establishment.
- Reference to matters arising in previous planning applications on site and to the Appellants efforts to resolve such issues predominantly relating to the field entrance, measures to improve sightlines, consent from third party landowner to remove hedgerow and proposals to utilise access from within the site. (Copies of letters issued to the Planning Authority are included)
- Contention that the Planning Authority view the holding as a commercial agricultural enterprise with commensurate sightline requirements. The operation on site is not commercial and provides no financial gain but rather is a hobby for the landowner's private use.
- The lane is of narrow width and serves only local traffic. The boundary of the appeal site contains a mature hedgerow, stone wall and 25 no. mature trees. The field gate is intended for occasional delivery of hay, food and bedding for the donkeys and will not be used for farm vehicles.
- Compliance with the conditions of planning will result in the loss of mature trees, hedgerow and boundary wall for a distance of 50m which is considered

unnecessary as the road is straight and removal would not improve sightlines. [Photographs attached]. Appellants have incurred expense in maintaining the trees, including removing ash die back and reducing tree heights.

- The works would impact negatively on wildlife, both flora and fauna including nesting birds, destroying habitats. The removal of trees and hedgerow would impact security, privacy levels and would visually impair the carriageway for other users.
- Teagasc categorises a commercial operation as requiring a minimum of three equines registered on the equine census.
- Appellants refer to a grant of planning permission for stables in the administrative area of Kilkenny Co. Co. wherein a planning condition limiting use of the structure to that of the applicant/family is noted, highlighting an inconsistency in approach.

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority dated 15th August 2025 may be summarised as follows:

- Reference made to the long-standing nature of the agricultural entrance (established pre-2009 and widened since 2018).
- The Tipperary County Development Plan 2022-2028 sets out guidance in relation to required sightlines under Section 6.0, Volume 3, Appendix 6 Development Management Standards.
- 160m sightlines in both directions from 4.5m set back is the standard requirement for an agricultural entrance which may be reduced on submission

of a speed survey where findings demonstrate that the operational speed is lower than the design speed.

- The lowest sightline acceptable is 70.0m.
- Existing sightlines serving the entrance are 15.5m to the west and 15.5m to the south-east.
- The Planning Authority contends that as the lands can be accessed via the substandard entrance, there is a planning gain in improving same, even if minimum sightline distances cannot be achieved.
- Sightlines should be improved insofar as possible on lands within the applicant's ownership and 50m sightlines from a 3.0m setback to the southeast would represent a significant improvement to the existing arrangements.
- The Planning Authority considers that Condition No. 2 is both fair and reasonable and requests the Commission to uphold its inclusion.

6.3. Observations

None

7.0 Assessment

- 7.1. This is a First Party appeal against Condition No. 2 of Tipperary County Council's notification of decision to grant planning permission for development permitted under Reg. Ref. 2521. Having reviewed the proposal, I am not satisfied that the appeal can be considered under the provisions of Section 139 of the Planning and Development

Act 2000, as amended. This is due to the inclusion within this assessment of a New Issue as set out in Section 7.4 of the report. As such, the assessment is not being confined to the specific appeal of Condition Number 2 of the Planning Authority's decision. I consider, therefore, that the main issues for consideration in this appeal relate to the following:

- Principle of Development
- Sight Visibility Requirements.
- New Issue

7.2. Principle of Development

- 7.2.1. The proposal before the Planning Authority centred on the construction of a modest stable block and integrated barn/foodstore. The proposal would replace a garage/stable block on the landholding for which the Appellants were granted permission for a change of use to a two-bedroom self-catering holiday let.
- 7.2.2. The proposed structure is modest in scale and height, comprising two stables for the housing of 2 no. donkeys. Matters in relation to waste disposal were addressed as part of the application and I note correspondence from Teagasc confirming the acceptability of the underground storage tank. External finishes to the structure are appropriate for its rural setting and it is not anticipated that the structure would give rise to matters of visual impact or would be likely to impact the amenities of neighbouring properties.
- 7.2.3. The development of a stable block is acceptable in principle on this site.

- 7.2.4. I note that the Planning Authority as part of its assessment accepted that the site has the benefit of an existing entrance onto the L-6603. In its appeal response, the Planning Authority also acknowledges the *'long standing agricultural entrance at this location, which was in place since pre-2009, albeit widened since 2018'*. This is further corroborated in a letter dated 1st July 2024 from a third-party Mr. John Curran, a resident of the area. I note from site inspection that the entrance does not appear to be in use and is somewhat overgrown.
- 7.2.5. I am satisfied from the documentation before me that the entrance serving the site has been established for some time, was constructed as an agricultural access to a field and is not the subject of current planning enforcement or investigation by the Planning Authority. As such I am satisfied that the description of the development as contained within the public notices referring to the upgrading of an existing entrance rather than the requirement for a new entrance is correct and is not in dispute.
- 7.2.6. I note the Appellants contention that the Planning Authority has assessed the proposed development on the basis that it comprises a commercial agricultural enterprise, rather than an extension of the private use of the landholding. I note in this regard references by the Appellants to the rescue donkeys as pets and to the activity as a hobby rather than a farming enterprise. I note also that the Appellants envisage limited, occasional use of the field gate for the delivery of hay, food stuffs and bedding and that the entrance would not be used for farm vehicles. Small machinery held by the Appellants is stated to be kept on site in the garage. I note no reference in this regard to the manner in which effluent from the stables will be spread on the landholding and if evacuation of the underground effluent tank would necessitate larger specialised equipment such as a tractor and slurry spreader. I note also that the

Planning Authority did not impose a condition regarding the vehicle type permitted to use the entrance, and in any case, the enforcement of such a condition in practice would be difficult. Notwithstanding the intended limited use of the entrance, it is nonetheless clear, that an intensification of use and a formalisation of the entrance will occur as a result of the proposed development.

7.2.7. Therefore, while noting the matters raised in this appeal and notwithstanding the limited scale of the structure and intended use/ operation thereof, I am of the view that given the intent to access the facility via the existing substandard entrance, it is important that appropriate sight visibility splays are in place in the interests of road safety. In this regard, I am of the view that while the principle of development on site is acceptable, it is incumbent to ensure access to and from the site is conducted in a manner ensuring the safety of all road users.

7.3. Sight Visibility Requirements

7.3.1. Having established that the site requires appropriate sightlines, the question now arises as to the extent of those sightline. Condition No. 2 (a) of Reg. Ref. 25/21 reads as follows:

(a) The sightline to the north west shall be as per the details submitted on the 5/06/2025. The sightline to the south east shall be taken from a 3m setback to a point 50m distant at the nearside road edge. The roadside boundary within the sight distance triangle shall be set back behind same. Replacement boundary treatment shall compose of an earthen bank to a consolidated height of 1.2 metres that shall be

planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.)

7.3.2. The Tipperary Development Plan 2022-2028 Volume 3 requires at Table 6.1 ‘X-Distance Requirements’, where X is defined as ‘*the distance back along the minor road or direct access from which the full visibility is measured*’ that for multiple residential, commercial, agricultural or other uses onto national roads, regional and local roads an X-Distance of 4.5m is required, or on regional or local roads which are lightly trafficked (single residence) 2.0m applies.

7.3.3. Table 6.2 Vol 3 of the Development Plan refers to Design Speeds and associated Y Distances for a range of mandatory speed limits and design speed (operational speeds). The Plan states that ‘*on non-national roads, in cases of particular difficulty, the use of a lower design speed for a given mandatory speed limit (as set out in Table 6.2) may be accepted. 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 the lower speed than identified in Column 2 of Table 6.2.*’ Section 6.1.1 of the Plan sets out the requirements for determining the operational speed of the roadway. The Section refers to steps to calculate the 85th percentile (the speed at which 85% of the traffic is travelling) and also refers to an alternative methodology described in Section 10.2 of DN GEO 03031: Rural Road Link Design (TII April 2017) as a means of determining a design speed based on the physical characteristics of the road section. The Plan states that the *minimum design or operating speed that will be allowable under any circumstances for a rural non-national road shall be 50kph. The Council’s decision on*

the appropriate design or operating speed shall be final. Under Table 6.2, applying a design speed of 50 km/h gives a requirement for 70m Y-Distance.

It should be noted that the Development Plan does not clearly differentiate between new entrances and the upgrading of existing entrances.

- 7.3.4. While requiring 120m sight lines on a mandatory speed limit of 60km/hr for the roadway, the report of the District Engineer states that a lower operational speed as per Table 6.2 of the Development Plan and lesser sight lines may be accepted provided a demonstration of lower operational road speed applies. The report noted that an assessment of the operational speed of the road was not undertaken and that the assessment must be fully completed and speed measurements undertaken in order for proposals based on reduced sightlines to be considered. The Appellants as part of the response completed Section (ii) Technical Site Details indicating the results of a speed survey conducted on the 28th April 2025 with a finding of Operational Speed (KM/h) of 29km (approach from left) and 40km (approach from right). Notes attached to the survey indicate that *'as the entrance is existing we propose to improve the existing entrance to achieve a bad situation and make it better as per the enclosed drawing'*. The response also stated that vehicles using the road and travelling at speeds greater than 25-30km would cause a danger to other road users. The response does not stipulate if the survey was conducted in accordance with the guidance in Section 6.1.1 of the Plan or in accordance with Section 10.2 DN GEO03031: Rural Road Link Design (TII April 2017). In this regard it would not appear that all steps to demonstrate the 85% percentile speed of traffic were taken- i.e. measurements over three days between 07.00am and 07.00pm as per Section 6.1.1 of the Development Plan.

- 7.3.5. However, having driven the carriageway I would agree with the Appellants that safe speeds on this narrow local road would not rise much above 35kph. Opportunities for vehicles to pass are limited and over its course, the road width is one vehicle wide with poor horizontal alignment.
- 7.3.6. The Planning Authority, notwithstanding concerns raised in the District Engineer's report considers there is merit in providing improvements to the existing substandard access. In this regard, I would agree, subject to a 2.0m set back, that the requirement for 50m to achieve satisfactory sightlines from the entrance in an south easterly direction is warranted and reasonable.
- 7.3.7. While I am aware that the works to provide the set back of the roadside boundary would be likely to necessitate the removal of existing trees and hedgerow, I note that the area is not within a sensitive landscape designation, and views from the roadway are not listed within the Development Plan- Appendix 3 Landscape Character Assessment and Schedule of Views and Routes. I also note concerns raised in relation to loss of wildlife, flora and fauna by removing the boundary. I am of the view that the overall loss of biodiversity as a result of the works would be short term in nature pending establishment of replacement planting and would be addressed by ensuring an appropriate composition and mix of native hedging and tree species as part of replanting measures. I note in this regard that the Appellants refer to removal of Ash die back at this location as part on ongoing tree management. Should the Commission be minded to award planning permission, a planning condition specifying the use of native tree and hedging species similar to that set out in Condition No. 2(a) is recommended. The provision of an earthen embankment to the height specified in

Condition 2(a), together with proposed planting would also ensure privacy and security levels are maintained.

7.3.8. Condition No. 2 (a) requires that sight lines to the north-west are to accord with details submitted to the authority on the 5th June 2025. This includes Drawing Ref: Site Layout and Access Road Sheet 06.SBFI which illustrated 15.5m sightlines from the entrance to the north-west. I note also in the response from the Appellants agent *'because the ownership to the right of the existing entrance is not ours, the landholder Thomas & Jim Kirwan are willing to set there road boundary back to achieve 70mts sightlines'*. A letter from Mr. Thomas Kirwan was received by the Planning Authority on the 20th February 2025 in which the author consented to removing part of his roadside boundary to improve sight lines from the subject entrance. Sightlines of 15.5m are significantly deficient.

7.3.9. The extent of third-party roadside boundary removal is not, however, illustrated on the layout plan provided and the red line boundary of the site has not been revised to incorporate these lands. As such, notwithstanding the consent of the third parties referenced, there is a lack of clarity as to the delivery and enforceability of the measures outlined to provide improved visibility in this direction. Furthermore, the initial layout plan submitted with the application Ref: Site Layout and Access Road Section Details Sheet No. 03.SB indicated that removal of third-party roadside boundary (7m) resulting in improved sightlines of 21.50m. This is significantly below the 70m cited above. These works are again, however, outside the red line boundary of the application. Furthermore, it should be noted that the 70m sightlines referred to in the Further Information response have not in any case been demonstrated on the plans provided.

7.3.10. Accordingly, having reviewed the decision of the Planning Authority I am of the opinion that there is a lack of clarity in relation to the extent of visibility which can be provided in a westerly direction from the entrance. In addition, I consider that works to achieve improved visibility in this direction are reliant upon works to third party lands which are not contained within the red line application site boundaries and such works are therefore not enforceable by a planning condition which might otherwise be applied. Based on the plans and particulars provided therefore, it would appear that visibility to the west is limited to the 15.5m sightline shown as being provided within the Appellants own lands which is significantly below minimum requirements and is unsatisfactory.

7.4. **New Issue**

7.4.1. As set out in previous sections of this report, I am satisfied that the principle of a stable block of the size and scale proposed is acceptable on this site and may be accommodated without loss of amenity to the surrounding area. However, I am of the view that required sight visibility splays from the existing entrance, particularly to the north-west, cannot be delivered under Condition No. 2(a) given that the works to third party lands are outside of the red line site boundary and notwithstanding, the required sightlines have not been fully demonstrated. Furthermore, while necessary to facilitate the development, the provision of sightlines to the south-east would necessitate the removal of trees which the Appellants are eager to preserve.

7.4.2. While I consider that the development in its current form should be refused permission, the circumstances presenting offer an opportunity to provide a resolution. One option before the Commission is to seek the relocation of the entrance within the application site boundaries. However, this would no doubt continue to require the removal/setback of roadside boundary/trees as currently proposed and appears to have been

discounted by the Appellants as indicated in 'Letter 3' forming part of the appeal submission. A further option before the Commission would involve permitting access to the structure via the wider landholding. Again, this course of action has been previously considered by the Appellants as also set out in Letter 3 where the following is stated *'we will access the stables and field from a pathway from the bungalow. We no longer need the gate access and will once again leave nature to take its course and grow over the entrance'*

The Commission is advised that under Reg. Ref. 2448 the Planning Authority was satisfied that the existing vehicular entrance serving the wider landholding onto the L2605 could cater for the commercial development proposed at that time (tourism accommodation) and the findings of a speed survey confirmed a lower operational road speed. 70m sight lines with 3.0m set back were demonstrated. Finally, I note that the landholding previously had the benefit of a stable block which was the subject of a change of use under Reg. Ref. 2448.

Given the foregoing, it is considered that the stables may be accessed through the established vehicular access serving the wider landholding to the east of the appeal site outlined in blue on the site location maps provided. A planning condition to give effect to this requirement is therefore recommended.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to a European site and is approximately 1.4km west of the Lower River Suir SAC (Site Code 002137). The proposed development is located within a

rural agricultural area and comprises the construction of a single storey stable/barn and food store with underground effluent storage and all associated site works.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. small scale nature of the development.
- The separation between the appeal site and the nearest European Site, together with absence of an ecological pathway.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

The appeal site is located approximately 600m from the River Glenbrook_010 to the west which flows south to connect to the River Suir. The plot is approximately 1.41km east of the River Lingaun_SC_010 m which also connects with the River Suir.

The development comprises the construction of a stable/barn food store steel tech building to house 2 no. donkeys; the upgrading of an existing entrance; provision of an access road and underground effluent tank and associated works.

I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order

to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Separation distance from nearest Water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the planning history relating to the land and to the restricted visibility available for vehicles utilising the proposed entrance, it is considered that subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would accord with the proper planning and sustainable development of the area.

I recommend that planning permission is granted subject to the conditions set out hereunder.

Conditions

1	<p>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 5th June 2025, 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>Reason: In the interest of clarity.</p>
2	<p>The following shall be complied with:</p> <ul style="list-style-type: none">(a) The stable /barn food store hereby permitted shall not be accessed by the field gate within the application site boundaries but shall instead be served solely by the vehicular entrance to the east of the site serving the applicants overall landholding including dwelling house and associated outbuildings as detailed on Drawing Ref 02.SB lodged on the 20th February 2025.(b) The access road and works to upgrade the existing entrance as proposed in the application shall be omitted.(c) The structure shall not be sold, let or otherwise transferred or conveyed, save as part of the overall holding. <p>Reason: In the interests of road safety.</p>
3	<p>The structure shall not be used for the carrying on of any trade or business and shall not be used for commercial purposes but shall fulfil a use incidental to the enjoyment of the residential property of which it forms part.</p> <p>Reason: In order to preserve the amenities of the area.</p>

4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 and any statutory provision amending or replacing them, the use of the permitted development shall be restricted to that of stable/barn food store, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>All external finishes to the structure including colour thereof, shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>Uncontaminated surface water runoff shall be collected separately from farmyard wastes and shall be disposed of directly, in a sealed system, to adequate stone filled soak pit. No effluent or slurry shall discharge onto the public road or any adjoining property, drain, stream or watercourse.</p> <p>Reason: In the interests of public health and to ensure the protection of the environment.</p>
7.	<p>All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicants/ developers own expense.</p> <p>Reason: To protect the amenities of the area.</p>

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.

Patricia Byrne
Planning Inspector

5th December 2025

Appendix 1

Form 1

EIA Pre-Screening

Case Reference	323067-25
Proposed Development Summary	Proposed stable/barn food store steel tech building for the shelter of donkeys; upgrade existing entrance, access road, underground effluent tank and all associated site works.
Development Address	Mainstown Carrick on Suir Co. Tipperary
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____

Date: _____