



An
Coimisiún
Pleanála

Inspector's Report ACP-323641-25

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| Development | The construction of a dwelling and all associated site works and services. |
| Location | Oldgrange TD., Clonmel, Co. Tipperary. |
| Planning Authority | Tipperary County Council. |
| Planning Authority Reg. Ref. | 24198. |
| Applicant(s) | Michael Tobin and Rebecca Kerin. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant Permission. |
| Type of Appeal | Third Party v. Grant. |
| Appellant(s) | Mr and Mrs Richard Carroll. |
| Observer(s) | None. |
| Date of Site Inspection | 8 th December 2025. |
| Inspector | C. Daly. |

1.0 Site Location and Description

- 1.1. The site, of area 0.315 ha, consists of part of an agricultural field between two detached bungalow type rural dwellings. The site slopes modestly downhill from the front towards the rear. The boundaries include a raised earth roadside embankment and the site boundaries consist of hedging and there is no rear boundary with the field. There is an ESB pole in the front boundary with associated wire traversing the front of the site boundary.
- 1.2. There are a number of rural dwellings a short distance to the north on both sides of the local road. The site is along Oldgrange road, a local road (L-3510), c. 810m south-east of the R665 regional road and is c.7.2km south-west of the town of Clonmel.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Construction of a single storey dwelling with pitched roofs which intersect with two perpendicular elements, domestic pitched roof garage to the side, septic tank and percolation area.
 - New site entrance and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council initially decided to request further information in relation to documentary evidence confirming the applicant's association with the rural area and in relation to the site boundaries of the adjacent permitted dwelling to the south and its amenity area which forms part of the subject site.

Subsequently the Council decided to grant permission subject to 11 no. conditions.

Notable conditions include:

- Condition no. 2 is a rural occupancy condition for a minimum period of 7 years.

- Condition no. 3 includes specific external materials requirements including dark coloured roof, smooth render finishes and local stone where indicated.
- Condition no. 4 requires the garage be used for purposes incidental to the enjoyment of the house.
- Condition no. 5 includes a requirement for 90m sightlines from 2m back and new roadside boundary hedge where the roadside boundary is removed.
- Condition no. 9 includes a requirement for the vehicular access to be recessed by 5m and to have a maximum width of 3m inside the piers increasing via splay walls to a maximum opening of 13m with the splay walls required not to exceed 1.2m in height.
- Condition no. 10 requires all service cables to be located underground.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted that the site includes the amenity space to the north of the previously permitted adjacent dwelling. It noted the site location within an area under urban influence where policy 5-11 applies. Based on the documentation submitted, it noted that while the applicant appeared to have an association to the area, more documentary evidence is required to substantiate the claim to have resided in the rural area within 10km of the site for a 10 year period.

The report noted that the dwelling would be the 6th dwelling within a 250m stretch of road and it noted F.I. is required to establish a social connection to the area in this circumstance. It noted that part of the site forms part of the amenity space for the adjacent permitted dwelling to the south with this required to be addressed before the site can be considered to be a gap site. Otherwise it noted no siting or design issues and no issues in terms of impacts on residential amenity were noted. Based on speed survey, it was satisfied that the sightlines are acceptable.

The report concluded that F.I. is required in relation to the applicant's association with the area and regarding the site boundaries of the adjacent southern dwelling.

Following F.I. the second Planner's Report noted in relation to Item 1 that the school records and birth certificate meet the criteria to build a house at the location with a

social connection demonstrated. In relation to Item 2 it noted that ACP granted retention permission (ABP-322417-25) on the adjoining site such that the subject site is considered to be a gap site. It concluded by recommending that permission be granted subject to 11 no. conditions.

3.2.2. Other Technical Reports

- District Engineer: No report received.
- Water Services Clonmel: No report received.

3.3. Prescribed Bodies

- Uisce Eireann: No report received.
- Development Applications Unit: No response received.
- An Taisce: No response received.
- The Heritage Council: No response received.

3.4. Third Party Observations

One third party observation was received which can be summarised as follows:

- This is backland development and also ribbon development.
- The design is out of keeping with the character of the area.
- There is an issue with the site including part of lands for a dwelling permitted adjacent to the south.
- There will be overlooking of adjacent residences.
- There are houses available in the area for sale.
- Road safety issues noted.
- Public health concerns in relation to groundwater impacts.

4.0 Planning History

Subject Site

15/600912: Permission granted on part of subject site and adjacent to south for a dwelling, garage, entrance and WWTS.

25/18: Permission granted by the P.A. and on appeal (Ref. ABP-322417-25) for retention of alterations to the northern and western site boundaries from those permitted under planning reference number 15/600912.

Adjacent Sites

05/784: Permission granted by the P.A. at adjacent site to north for a bungalow dwelling, entrance and septic tank system.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028 (the CDP)

Volume 1

Section 5.5 Residential Development in the Open Countryside

In 'Areas under Urban Influence', facilitate the provision of single housing in the countryside based on the core consideration of demonstrable 'economic or social' need to live in a rural area, and siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

Per Figure 5.3 the site is located within an Area Under Urban Influence.

Table 5.2 sets out Rural Housing Technical Principles for Applicants in relation to Site and Design, Housing Need and Occupancy, Sustainable Low-Carbon Design and Function, Road Traffic Safety and Environment, Flooding and Cultural Heritage.

This notes that the Tipperary Rural Housing Design Guidelines set out in Volume 3 apply.

Table 5.3 sets out Housing Need Definitions.

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....

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 open 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.*

Section 15.6 Planning Policy

Policy 15-2 requires compliance with the Water Services Guidelines for Planning Authorities and the EPA Code of Practice for Domestic waste water treatment systems for all new on site wastewater treatment.

Policy 15-4 requires compliance with Irish Water regulations for drinking water supply.

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

Policy 15-7 requires, inter alia, on site drainage provisions.

Volume 3 Appendix 6 Development Management Standards

Section 4.1 Rural Residential Development

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

Section 4.3.1 relates to wastewater treatment systems for new rural houses.

Section 4.14 Domestic Garages

The scale and detail of domestic garages shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm and should be discreetly located on the site to compliment the dwelling appearance and finish.

Section 6.1 Road Design and Visibility at a Direct Access sets out sightline requirements (Table 6.1) including a 2m setback for accesses on lightly trafficked roads (single residence) and 90m sightlines (Table 6.2) where the mandatory speed limit is 50kph or the operational speed is 60kph.

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 above.

Section 6.1.1 sets out details for measuring operational speed.

5.2. National Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The above guidelines seek to facilitate people from rural areas in the planning system. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes.

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.1.7km east of the Lower River Suir Special Area of Conservation (SAC) (site code 002137) at its closest point.
- c.5.7km south-west of the Marlfield Lake Proposed Natural Heritage Area (PNHA) (site code 001981).
- c.6.5km south-east of the Cahir Park Woodland PNHA (site code 000947).
- c.9.8km north-west of the Nier Valley Woodlands SAC and PNHA (site code 000668).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal on behalf of Mr and Mrs Richard Carroll can be summarised as follows:

- Issues with the development permitted on the adjacent site not carried out in accordance with the permission including in relation to elevations and the house footprint and the location of the septic tank and percolation area.
- The relocation of the septic tank and percolation area on the adjacent site to the rear of the adjacent dwelling was not a non-material variation to the layout as contended by the P.A. in permitting it which it was not empowered to do and this was not agreed under Condition 5 of the permission.
- Permitting the proposed house would consolidate an unauthorised development and would prevent the owners of the adjacent southern dwelling from regularising their permission. The proposal is not located between two permitted houses.
- This is ribbon development and the applicant has not demonstrated a social need, no attempt was made to create a shared entrance and alternative sites were not explored.
- The applicants' family land holding is extensive and alternative sites exist closer to his parents' house with at least one site which was previously granted permission but not implemented.
- This would create an undesirable precedent with potential, if granted, for another gap site to be permitted for a house to the north.
- The applicant must demonstrate compliance also in relation to economic need as well as social need as all criteria must be met.
- No case was presented in relation to a requirement to reside close to family.
- The applicants stated to live in Cahir with no requirement to live in a rural location given their work locations.
- There is no evidence that either applicant resided within 10km of the site for at least 10 years.
- The Planner's Report referred to a birth certificate although a marriage certificate is noted to be in the file.
- There has been a failure to demonstrate that either applicant owns or has ever owned a house in the open countryside, not just the local rural area.

- Policy 5-9 requires climate actions and measures to be incorporated into new residential developments and permitting a car dependent development in a rural location would be contrary to climate objectives.
- The proposed backland development will have a negative impact on the residential amenity of the adjacent dwelling to the north including in relation to overlooking, car lights shining into the side and rear windows and into their side and rear garden notwithstanding the existing low hedge.
- If the dwelling was aligned with the adjacent dwelling this would somewhat allay some of the appellant's concerns and all side windows should be eliminated with a separate application required to enable observations.

6.2. **Applicant Response**

The response on behalf of the applicants, Michael Tobin and Rebecca Kerian, can be summarised as follows:

- The proposal is compliant with planning policy. Supporting documents included proof of local ties, road safety considerations and site suitability.
- In relation to condition no. 5 of 15/600912, the septic tank and percolation area complies with this condition.
- In relation to the creation of the gap site, this matter was considered and resolved in relation to the permission granted per reg. ref. 2518 (ABP-322417-25) and this makes use of a natural gap between the two dwellings.
- The Pre-Planning consultation confirmed the proposal met the criteria for exception to ribbon development.
- It is confirmed that the applicants have never owned a dwelling and this is their first property ownership. Landlord details submitted.
- Notes specifically how the applicants meets the criteria for local need.
- The boundary adjustment of 2017 is not relevant and the land remains in family ownership and has been used for agricultural purposes.
- In relation to overlooking, the Planner's Report found no issue and there will be no overlooking and a two metre high boundary hedge between the properties.

- The ridge height proposed is over 1.7m below the ridge height of the appellant's dwelling.
- The proposal will make a contribution to the community given the contribution to the family farm, the local community and the school where enrolments are low.
- The Council's decision should be upheld.

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:

- Rural Housing Policy and Ribbon Development
- Design and Residential Amenity
- Wastewater Treatment
- Road Safety
- Other Issues

7.2. **Rural Housing Policy and Ribbon Development**

7.2.1. I note the appellant has raised issues in relation to compliance with CDP policy on ribbon development and local need requirements. I note the site location within an area designated under urban influence. In this regard, Section 5.5 refers to the consideration of single housing in the countryside on the basis of demonstrable economic or social need and Table 5.3 provides definitions of these needs. I note Policy 5-11 states, inter alia, that "*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*" and where "*the applicant does not, or has never owned a house in the open countryside*". Therefore, an applicant can meet the criteria by demonstrating compliance with either category 1 (economic need) **or** category 2 (social need).

- 7.2.2. In this case, I note the applicable social need criteria is for a person who has resided in the rural area “*within 10km of the site where they intend to build for a substantial period of their lives (10 years)*”. Based on the school attendance letters submitted, I am satisfied that Michael meets this criterion as the attendance dates were for over 10 years and that they show him having spent at least 10 years of his life in the area as required. I note the appeal response by the applicants confirms they do not and have never owned a house in the open countryside. I note this also states Michael’s work on the family farm in the immediate area, their wish to support the near immediate family and that Karen works from home four days a week. I am satisfied that the applicants have demonstrated a social need, as defined in the CDP, for a rural dwelling in this area. In this context I note no requirement to demonstrate an economic need or to be currently living in the area.
- 7.2.3. In relation ribbon development Policy 5-12 is applicable as there would be 5 houses within a continuous 250m section of roadway. This policy allows for the facilitation of such development where an applicant can demonstrate an economic or social need per Table 5.3 of the CDP, that existing or shared accesses are used where practical and where it is demonstrated that there is no alternative outside of ribbon development. I note per my above assessment that a social need has been demonstrated. Should permission be granted I recommend a standard condition in relation to occupancy.
- 7.2.4. In relation to alternatives outside of ribbon development, I note per the submitted documentation that the applicants do not own alternative sites and that the gap site has been created as a consequence of the development permitted recently under reg. ref. 25/18 (ABP-322417-25). I note one dwelling is proposed for the gap site and agricultural access would be provided consistent with Policy 5-12 (ii).
- 7.2.5. I note that the recent grant of permission effectively created the gap site allowing the proposed development in principle. Based on the proposed site layout and that permitted to the south, while it may be possible in design terms to use the existing entrance to the south as a shared entrance, this is not practical given its location outside the applicant’s ownership and noting that no consent has been provided for same from the adjacent house owner(s). Accordingly, I am satisfied that the applicant meets criteria (i) and (ii) of Policy 5-12 where ribbon development can be permitted.

- 7.2.6. I note the appellant has raised issues with the recent permission which effectively created the gap site, particularly that the proposed development is not located between two permitted houses. This contention mainly rests on the relocation of the septic tank and percolation area for the adjacent dwelling to the south and in relation to the validity of the contention of the P.A. that this was a non-material variation of the previous permission. I note the January 2017 letter on behalf of the Director of Services submitted in this regard in relation to the relocation of the wastewater treatment system. It confirms the relocation is acceptable and states that it must satisfy condition no. 5 of reg. ref. 15/600912.
- 7.2.7. The applicants' response to this notes full compliance with condition no. 5 in that the EPA 2009 Code of Practice was complied with in relation to the installation of the system which was supervised by an engineer and that a maintenance contract was done in accordance with the condition. On this basis, I agree with the P.A. and with the Commission, which in granting an amendment to this permission, effectively allowed for the relocation of the wastewater treatment system and percolation area associated with the revised site boundaries. In any event I note that in granting permission for developments subsequent to a parent permission, that such permissions alter the parent permission including its conditions insofar as the development description and/or conditions applied provide.
- 7.2.8. Based on the above, I do not consider that the proposal is located excessively close to two permitted houses. In relation to issues raised in relation to potential non-compliance with permissions for development, I note that any potential enforcement issues are under the jurisdiction of the P.A. and are not matters relevant to the Commission in its consideration of the subject application.
- 7.2.9. In relation to the appellants' argument that an undesirable precedent would result from the creation of the gap site with this allowing for a further house to be permitted to the north, I note that I consider the gap site to have effectively been created by the most recent permission for the adjacent southern dwelling and that any subsequent application for the site to the north must be considered on its own merits. Accordingly, I am satisfied that a grant of permission would create no significant planning issues in this regard.

7.3. Design and Residential Amenity

- 7.3.1. In relation to the design and layout of the dwelling, I note the appellant has raised issues in relation to backland development given the rear part of the dwelling which would extend c.15m to the rear of the main front part of the dwelling. I note backland development generally refers to the location of a house or other significant structure behind an existing dwelling or line of dwellings. I do not consider this to be the case in this instance given that the dwelling would align with the adjacent dwelling to the south and that there is effectively no established building line in this regard.

Rural Design Guide

- 7.3.2. In relation to the house design, I note Table 5.2 refers to siting and design and the development standards set out in the Tipperary Rural Housing Design Guide of Volume 3. In relation to siting this includes that the aim is to respect and reflect the scale and approach of the existing pattern of development. I note the permitted site layout adjacent to the south, which I consider the proposed development to be sufficiently consistent with, particularly in relation to distance from the front and rear boundaries (to reduce visual impact) and with a distance of c.6m (c.11m from the boundary with the northern dwelling) noted from the northern boundary and a lesser distance from the southern boundary.
- 7.3.3. In the context of the number of rural dwellings along Oldgrange Road to the north with limited separation distances from side boundaries and the effective creation of the gap site by the recently permitted development for the adjacent house to the south, I consider the site layout, including in relation to the orientation of the dwelling to benefit in relation to passive solar gain, to be sufficiently consistent with the rural design guide. I have formed this view with due regard to CDP Policy 5-12 in relation to ribbon development.
- 7.3.4. In relation to the design of the house and garage, I note the generally simple building forms proposed with intersecting main pitched roof elements such that in my view excessively large or monolithic forms are avoided. I note the generally narrow plan depth of the two main building elements, the general simplicity of the design including in relation to well proportioned windows and doors, smooth plaster and natural stone finishes and minimal ornate decoration. I note the scale with ridge height of 5.52m and eaves height of c2.6m would not be excessive. Should

permission be granted I recommend a standard condition in relation to external finishes for a rural area.

- 7.3.5. I also note a lack of specified boundary screening for the site to enable it to settle into its setting and should permission be granted I recommend a specific condition requiring all boundaries to include native species planting. I note the existing side boundary hedge screening is located outside the site boundaries. In this overall context I consider the building design to be largely consistent with the rural design guide. Issues in relation to road safety and wastewater treatment are dealt with separately below where compliance is noted to be achieved.
- 7.3.6. In relation to the climate issues raised by the appellants, I note that rural design guide references Part L of the Building Regulations where it states that dwellings must be planned and designed to be Near Zero Energy Buildings. It notes that “*A NZEB house has a very high energy performance, covered mostly by energy from renewable sources produced either on-site or nearby. In terms of Building Energy Rating (BER), new dwellings should be generally rated as A2 or higher which means they will be more energy efficient and will have a lower energy cost*”.
- 7.3.7. Given that the new dwelling would be legally required to meet Part L of the Building Regulations and that the site is within the local community and close to the place of work, I consider that it would be a highly energy efficient building and reasonably sustainable in travel impact terms. In this regard, I consider that for a one-off rural dwelling the proposed dwelling would be reasonably consistent with the climate policies and objectives of the CDP, with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Impact on Residential Amenity

- 7.3.8. In relation to impacts on residential amenity as raised in the appeal, I note that no windows would directly overlook the adjacent residence to the north above ground floor level. I also note the 11m separation distance from the boundary with the

dwelling to the north and that an agricultural passageway would separate the site boundary from the boundary of the adjacent dwelling as well as the hedge along the side boundary of the northern dwelling. While noting the conservatory on the southern side of the adjacent dwelling and its open spaces, I do not consider that undue overlooking impacts would result from the dwelling given the separation distances and noting there would be no first floor habitable room windows facing north. I also note that enhanced screening can be provided along the side site boundaries if considered necessary by either party.

- 7.3.9. Noting the above and position of the dwelling behind the line of the dwelling to the north, I do not consider that significant negative impacts would result in terms of overlooking, overbearing or overshadowing given that there would be no element above ground floor level and noting the existing boundary screening and that I have recommended additional boundary screening be provided by condition. ON this basis I am satisfied that there would be no undue negative impacts in this regard. I also do not consider that car headlights shining towards the adjacent dwelling would be a significant issue noting the position of the driveway in relation to same and that any such impact would be highly time limited in any event, i.e. car parking movements are generally brief.

7.4. Wastewater Treatment

- 7.4.1. I note the submitted Site Suitability Assessment Report prepared by Prosurv Limited. This notes the aquifer type to be Locally Important (LI) with moderate groundwater vulnerability. I note per the Site Characterisation Form that the depth to bedrock was noted at greater than 3m given the trial hole depth of 3m. It noted sandy silt above gravelly silt. The groundwater protection response is noted at R1. The sub-surface percolation test result using standard methods was noted to be 9.5. Based on this, it is proposed that a septic tank system and percolation area be installed. The depth of unsaturated soil and/or subsoil beneath invert of gravel is noted to be 2.15m.
- 7.4.2. I note that per the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent less than or equal to 10) 2021 and the Site Layout Plan this would be consistent with Table 6.2 (Minimum Separation Distances), Table 6.3 (Minimum Unsaturated soil and/or subsoil requirements) and with Table 6.4 (Percolation) Values. I am therefore satisfied that the proposed WWTS would

accord with the EPA Code and with Policy 15-2 of the CDP. Should permission be granted, I recommend a condition to require adherence to the EPA code.

7.5. Road Safety

- 7.5.1. I note that sightlines of 90m in both directions from a 2.4m setback are demonstrated to be achievable. I note that this would be consistent with Section 6.1 of Volume 3 of the CDP given the speed limit of 60kph on the local road and noting, from my site visit, that the road is lightly trafficked. I note the Council had no issues in terms of road safety that could not be dealt with by condition.
- 7.5.2. I note the front boundary entrance includes splayed walls, pillars and gates which, noting that most of the site frontage can include native hedgerow planting, I consider would not be excessive for the site. Should permission be granted, I recommend a condition to provide for this and similar conditions to the P.A. to ensure the vehicular access adheres to CDP policy.

7.6. Other Issues

- 7.6.1. In relation to drainage matters, I note that three soakpits are proposed to the front and one to the rear and noting the significant site area that would not be developed / paved, should permission be granted I recommend a condition to provide for the incorporation of such SUDS measures to ensure drainage provision is catered for on the site.
- 7.6.2. I note water supply is proposed from the public mains. I note no pre-connection agreement from Uisce Éireann on the file. Should permission be granted I recommend a condition to require the submission of a connection agreement for water services prior to commencement.
- 7.6.3. I note the ESB pole in the front boundary and associated wire traversing the front boundary. Should permission be granted, I recommend a standard condition in relation to same.

8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment Screening

9.1. The subject site is c.1.7km east of the Lower River Suir Special Area of Conservation (SAC) (site code 002137). The proposed development comprises a new dwelling, garage and on-site wastewater treatment system. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.2. The reason for this conclusion is as follows:

- The relatively small-scale nature of the development.
- The distance from the nearest European site and lack of ecological connections thereto.
- Taking into account the screening determination by the P.A..

9.3. 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.

9.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located c.200m north of the Knocknagree_010 (IE_SE_16K520950) river waterbody (status “moderate”) and is above the Clonmel (IE_SE_G_040) ground waterbody (status “good”). The proposed development comprises a new dwelling, garage and on-site wastewater treatment system. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development 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.

10.3. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development and the wastewater treatment system designed to accord with the EPA Code of Practice for Domestic Waste Water Treatment Systems.
- The distance from the nearest surface water bodies and the absence of direct surface water hydrological pathways to the surface waterbodies.

10.4. 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 jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission be granted subject to the below conditions.

12.0 Reasons and Considerations

Having regard to the policies and provisions of the Tipperary County Development Plan 2022 – 2028, the location within a rural area and the applicant's rural housing need, to the nature and scale of the proposed development and its relationship with surrounding property, the surrounding pattern of development, it is considered that subject to compliance with the conditions set out below, the proposed development would comply with the rural housing policy of the Development Plan and with Policy 5 – 12 thereof

and would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, traffic safety and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 ---- day of 1st August 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.

Reason: In the interest of clarity.

2. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

3. The garage shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any residential, commercial, agricultural or industrial purposes.

Reason: In the interests residential amenity.

4. (a) The proposed entrance boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development.

(b) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site, and along the front boundary inside the area required for sightlines other than directly at the entrance.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. a) The entrance gates, with cattle grid at the entrance, 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. The entrance gates between the pillars shall not be more than three metres in width and not more than one metre in height.

(b) 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 and 13 metres in width.

(c) Sightlines shall be made available from a position 2.4 metres back from the edge of the public road at the centre of the proposed vehicular access to a point 90 metres in both directions at the near roadside edge. The roadside boundary within the sightline triangle shall be set back behind same.

Reason: In the interest of traffic safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.
Reason: In the interests of visual and [residential] amenity.
7. (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.
8. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply.
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
9. (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 ≤ 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 ≤ 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

10. The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as

the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Ciarán Daly

Planning Inspector

12th December 2025

Appendix 1

Form 1 - EIA Pre-Screening

| | |
|---|--|
| Case Reference | ACP-323641-25 |
| Proposed Development Summary | Construction of a dwelling, garage and all associated site works and services. |
| Development Address | Oldgrange TD., Clonmel, 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road | |

| | |
|---|--|
| development under Article 8 of the Roads Regulations, 1994. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units. |

| | |
|---|---|
| 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)? | |
| Yes <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

| | |
|---|--|
| Case Reference | ACP-323641-25 |
| Proposed Development Summary | Construction of a dwelling, garage and all associated site works and services. |
| Development Address | Oldgrange TD., Clonmel, Co. Tipperary. |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (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). | Briefly comment on the key characteristics of the development, having regard to the criteria listed. New dwelling and garage (263sqm.), On site wastewater treatment system not to EPA Code. Water supply via public network. Site area 0.263ha. |
| Location of development (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). | Briefly comment on the location of the development, having regard to the criteria listed The rural site in an agricultural area is 1.7km east of the Lower River Suir Special Area of Conservation (SAC) (site code 002137). There are no sites of social or cultural interest in the vicinity. |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Modest scale, domestic nature and wastewater treatment system in accordance with the EPA Code. |

| Conclusion | |
|--|------------------------------|
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA is not required. |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)