



An
Coimisiún
Pleanála

Inspector's Report

ACP-323658-25

Development

Retention permission for a single storey dwelling house along with modifications to the existing entrance, the creation of a driveway and the installation of a concrete septic tank to serve the dwelling and for permission to replace the existing concrete septic tank with a Waste Water Treatment System and Tertiary Soil Polishing Filter and associated site works.

Location

Coolacussane, Dundrum, Co.
Tipperary.

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2560574

Applicant(s)

Sonya Steyn.

Type of Application

Retention and Permission.

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party

Appellant(s)

Sonya Steyn.

Date of Site Inspection

2nd December 2025.

Inspector

Carol Hurley

1.0 Site Location and Description

- 1.1. The application site which has a stated site area of 0.410 hectares is located at Coolacussane, Dundrum, Co. Tipperary. The village of Dundrum is located to the northeast of the site. The site is situated to the northwest of the R661 a designated Strategic Road.
- 1.2. Access to the site is located on the western side of the L5213. The gated entrance is set back from the roadside.
- 1.3. The existing dwelling is located to the rear (west) of an existing haybarn that is within the applicant's ownership. There are two dwellings to the front (east) of the haybarn that address the road but are not within the applicant's ownership.
- 1.4. The dwelling addresses a paddock with a west facing orientation.
- 1.5. The area can be characterised as rural with dwellings located in a linear fashion along the road.
- 1.6. The Cork – Dublin train line is located approximately 28m to the northwest of the dwelling.

2.0 Development Seeking Retention and Permission

- 2.1. The development seeking retention permission consists of;

(a) Single storey dwelling house. The dwelling is a cabin finished in timber cladding with a mono pitch roof and principal height of c.3.47m (above the base) on the western elevation. As per the plans submitted, the dwelling measures c. 11m (w) x c. 5.9m (d). Internally, the structure consists of two bedrooms, bathroom and open plan kitchen and lounge area.

The dwelling is set off the western extent of the red line boundary by c. 30m, c. 20m to the northern boundary and c. 6.6m to the closest point of the southern boundary.

(b) Modifications to the existing entrance and the creation of a driveway. These works are indicated to consist of the existing 4.47m wide agricultural entrance to lands being used to access the dwelling and the entrance set back 9.44m. A timber rail and post fence has been installed at the entrance with an agricultural

gate. The driveway extends in a westerly direction before continuing in a northerly direction towards the dwelling. This is stoned and enclosed with a timber and electric / stock fencing.

- (c) The installation of a concrete septic tank to serve the dwelling and Permission is sought to replace the existing concrete septic tank with a Wastewater Treatment System and Tertiary Soil Polishing Filter. The proposed OSWWTS is indicated to be located c. 10m to the west of the front elevation of the dwelling with the soil polishing filter located to the north of the tank.

2.2. The development includes for associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 7th August 2025 Tipperary County Council issued a decision to refuse permission for the development seeking retention and permission for the following reasons;

1. The dwelling proposed to be retained is the 7th dwelling within a 250-metre stretch of roadway and is therefore considered to be “Ribbon Development”. Policy 5-12 of the Tipperary County Development Plan 2022-2028 states that where 5 houses exist or are permitted along any continuous 250 metres of roadway, the Council will resist further development. Taking cognisance of the pattern of existing development in the immediate vicinity of the proposed site and the location in a rural area, it is considered that the development proposed to be destined would result in a 7th dwelling along a continuous 250 metres of roadway and is not defined as a “gap site”. Therefore, the proposed development would contravene the Policy 5-12 of Tipperary County Development Plan 2022-2028, and would, therefore be contrary to the proper planning and sustainable development of the area.
2. The application site is located in a rural area designated as ‘Open Countryside’ and constitutes “ribbon development” as designated under the Tipperary County Development Plan 2022. Section 5.5.2, Table 5.2 and Policy 5-11 of

Tipperary County Development Plan 2022-2028 set out the following requirements (inter alia) for new rural dwellings:

- An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own or ever owned a dwelling in a rural area.
- The applicant must demonstrate an 'Economic' or 'Social' Need to reside in the area in accordance with the requirements of Policy 5-11 of the Tipperary County Development Plan.

The Planning Authority is not satisfied, having regard to the information submitted as part of this application that the applicant satisfies the requirements of the Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location. The applicant has not demonstrated a housing need owing to previously retaining ownership at least 2 no. dwellings within the Open Countryside. The proposed development would contravene the stated policies and objectives of the Tipperary County Development Plan 2022-2025 and would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the development, the design and nature of the structure, its use as a permanent place of residence, the poor aesthetic value of the structure and the likelihood of it deteriorating over time by virtue of the materials used in its construction, and the prevailing pattern of development of the area, it is considered that the development for which retention permission is sought:

(a) would form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of the area,

(b) would fail to accord with the 'Development and Design Standards' for residential structures as set out in Appendix 4, Rural Design Guide, of the Tipperary County Development Plan 2022-2028, by reason of the overall design and construction of such structure;

(c) would injure the amenities and depreciate the value of property in the vicinity;

(d) would result in a substandard residential development by reason of the nature of the building fabric, which would have a detrimental impact on the visual amenities of the area, and on the residential amenities of the occupants of the structure; and

(e) would set an undesirable precedent for similar type proposals in the area.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The signed Planning Officers report dated 29th July 2025 reflects the decision to refuse retention permission.

The report sets out the Site Location and Description, development seeking retention and permission, planning history, referrals for internal consultees and prescribed bodies, observations received, representations, planning policy overview, planning appraisal and recommendation.

The assessment noted that the principle of the nature of the development in the Open Countryside can be considered acceptable.

Noting that Part B of the application form was not included, the cover letter confirms that the applicant has previously owned a dwelling within the Open Countryside, immediately adjoining this site.

The adjoining cottage was retained by the applicant including a number of agricultural buildings. The cottage was sold by the applicant in order to construct the subject dwelling.

The applicants martial home (to the north) was retained by her former husband.

The applicant contends circumstances have changed since the lodgement of Register Reference 22/627 through the submission of a report prepared by an Occupational Therapist declaring a housing need due to exceptional health circumstances.

The Planning Officer contended that notwithstanding the health issues of the applicant, the pertinent issue is that the applicant owned a house (at least 2) in the immediate vicinity and has generated a need through the sale of her property.

The applicant does not comply with Policy 5-11 (Open Countryside).

The proposal constituted Ribbon Development as per Policy 5-12.

The dwelling meets the standards for a 2 person dwelling as per Quality Housing for Sustainable Communities 2007 and Design Manual 2022.

These types of dwelling are not in keeping with the vernacular of the area, provide low aesthetic value and would set a precedent for other similar development and do not meet the requirements of The Rural Housing Design Guide, Appendix 4 of the TCP 2022-2028.

The Planning Officer did not accept the report of the District Engineer in respect of the entrance and was not satisfied that the proposed entrance and sightlines meet the requirements of Table 6.1 and 6.2 of Appendix 6 of the TCDP. A Further Information was not recommended noting the other reasons for refusal recommended.

No concern was raised in relation to the proposed OSWWTS.

The assessment concluded that the development would not be acceptable and recommended that retention permission refused.

3.2.2. Other Technical Reports

The report of the District Engineer dated 17th July 2025 raised no objection and stated that the sightlines shown are acceptable.

The report includes a comment that all surface water shall be collected and disposed of within the curtilage of the site. Provisions in the form of cattle grid and soakaway should be installed to prevent runoff to and from the road. No runoff onto the road.

No report was received from the Water Services Clonmel.

3.3. Prescribed Bodies

The Planning Authority referred the application to Uisce Eireann. No response was received.

3.4. Third Party Observations

None

4.0 Planning History

ABP-315587-23 PA ref 22/627 - Refuse permission for retention for a single storey dwelling house along with modifications to the existing entrance, the creation of a driveway and the installation of a concrete septic tank to serve the dwelling and for permission to replace the existing concrete septic tank with a Wastewater Treatment System and tertiary soil polishing filter and associated works. Reasons for refusal relate to the non-demonstration that a rural housing need existed and the development would materially contravene the development plan objective, Policy 5-11. The development to be retained would lead to the demand for the uneconomic provision of further public services in an area where these are not proposed and would interfere with the rural character.

The development to be retained would constitute undesirable ribbon development (Policy 5-12) in a rural area outside lands zoned for residential development.

Given the nature of the structure with poor aesthetic value and likelihood of deterioration, the development would be a haphazard and substandard form of accommodation which failed to comply with Appendix 4, Rural Design Guide, of the Tipperary County Development Plan 2022-2028. To permit the development would set an undesirable precedent for similar type proposals in the area.

P.A. Ref: TUD-22-059 –

Warning Letter was issued on 25th July 2022 regarding the potential for unauthorised development consisting of a log cabin, associated water and wastewater infrastructure, formation of a driveway, creation of a circulation area and the setting back of an entrance.

Enforcement Notice was issued on 10th May 2024 requiring that the following be undertaken;

- (a) Deconstruct and remove the Log Cabin from the site.
- (b) Remove block base and return the land to original state.
- (c) Remove associated water and wastewater infrastructure and return land to original state.

- (d) Remove crushed stone forming driveway and circulation area cover with a layer of topsoil and seed.

5.0 Policy Context

5.1. National Planning Framework First Revision April 2025

- 5.1.1. National Policy Objective 28 - To provide a distinction between areas under urban influence for rural housing.

In rural areas under urban influence, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

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

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

- 5.2.1. These Guidelines identify a number of rural area typologies. The subject site being within 'Open Countryside' would appear to exhibit characteristics of 'Stronger Rural Area'. These areas tend to have a stable well-developed town and village structure and in the wider rural areas around them. The stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.

- 5.2.2. Appendix 4 'Ribbon Development' – The guidelines recommend against the creation of ribbon development for several reasons including, road safety, future demands for the provision of public infrastructure in addition to visual impacts.

5.3. Tipperary County Development Plan 2022-2028

This plan became effective on 22nd August 2022.

The subject site is located within an area designated as 'Open Countryside' as per Figure 5.3

Table 5.3 Housing Need Definitions

The Council sets out the definition of 'Social' need in the context of rural housing policy;

A person with a demonstratable housing need on the basis of exceptional medical circumstances. Any planning application must be supported by documentation from a registered medical practitioner and disability organisation, proving that a person requires to live in a particular environment, and in a dwelling designed and built purposely to suit their medical needs.

Policy 5-11 - Facilitate proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside, and designations illustrated in Section 5.5.1, and Table 5.2: Rural Housing Technical Principles for Applicants *

In '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.

**For Clarity*, I have removed the section of this policy that relates to 'Areas Under Urban Influence' and 'Primary Amenity Areas' as they do not relate to the subject proposal.

Policy 5-12 - Where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting 'ribbon development' the Council will seek to resist further development in the interest of road traffic safety, visual amenity

and groundwater quality. An additional individual dwelling, either within, or extending the existing ribbon pattern, will be facilitated in the following circumstances:

- (i) The applicant can demonstrate an Economic or a Social Need (as outlined in Table 5.3), existing or shared accesses are used where practicable, and it is demonstrated that no alternative exists outside of Ribbon Development.
- (ii) Where the site is a 'Gap Site', defined as a site located within a line of existing and permitted dwellings, one dwelling site only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwellings

Policy 15-5 - In line with the provisions of Section 5.3.1 of the Draft Water Services Guidelines for Planning Authorities (or any review thereof) new development will connect to existing water infrastructure, where capacity exists, in order to maximise the use of existing infrastructure and reduce additional investment costs. There is a general presumption that development will be focused into areas that are serviced by public water supply and wastewater collection network.

In settlement centres where, municipal treatment plants do not have the capacity to cater for additional development, the Council will facilitate development, where the developer has agreed proposals for the up-grade of the treatment plant and/or network, as may be necessary, with Irish Water in accordance with the Draft Water Services Guidelines for Planning Authorities, and any amendment thereof, and the Irish Water Connection Charges Policy. The Council will require that such infrastructure is in place, prior to the commencement of the development.

The Council may consider, on a site-specific basis, on-site waste water treatment proposals in cases where a connection to a municipal treatment plant has been demonstrated to be unfeasible or in settlements which are not served by treatment plants. Developments shall be subject to the criteria set out below:

- (a) Small Business, Community and Public Developments: the development shall be served by an on-site treatment system which demonstrates compliance with the Waste Water Treatment Manual: Treatment System for Small Communities,

Business, Leisure Centres and Hotels, (EPA, 1999) (or any amendment thereof). or

- (b) Private Residential Developments: the development shall be served by individual treatment plants in compliance with the Code of Practice: Waste Water Treatment Systems for Single Houses, (EPA, 2021) (or any amendment thereof).

In both cases as above

- i. the development shall connect to the municipal treatment plant, where and when such facilities become available⁶⁵ .
- ii. the development will not have an adverse human health, environmental or ecological impact on the receiving environment, including groundwater or surface water courses⁶⁶.
- iii. the development shall demonstrate compliance with the Development Management Standards set out in Volume 3.

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

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

Rural Housing Design Guide (Volume 3, Appendix 4)

This document provides guidance in relation to site selection, identification of site issues to be considered and design and layout.

Development Management Standards (Volume 3, Appendix 6)

Table 6.1: X Distance Requirements

Table 6.2: Design Speeds and associated Y-Distances

5.4. **Natural Heritage Designations**

The subject site is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The site is located c.220m to the southeast of Annacarty Wetlands pNHA (00639) and c. 979m to the northwest of Dundrum Sanctuary pNHA (000950).

The site is located 1.5km to the southwest and 2.3km to the east of the Special Area of Conservation for Lower River Suir (002137).

The nearest Special Protection Area of Slievefelim to Silvermines Mountains (004165) is c. 12.23km to the northwest.

6.0 **EIA Screening**

The development has been subject to preliminary examination for environmental impact assessment. 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.

See completed Form 1 and 2 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of the first party appeal can be summarised as follows;

- The applicant has an established housing need for a dwelling. As part of the applicants divorce settlement, the applicant retained the areas marked in red and blue on the Site Location Map. This includes part of the agricultural lands, outbuildings/stables and derelict cottage. The applicant sold the derelict cottage and used the proceeds to purchase the timber cabin. The applicant is now in her 70's and has ill health.
- The applicants refutes that the reason for refusal in respect of ribbon development is cogent given the context of the personal situation of the applicant. The dwelling is modest in size and discretely located, utilising an existing entrance which was not raised as an issue with the roads section. This access existed prior to becoming the entrance to the dwelling.
- It is submitted that the difficult circumstances of the applicant in this instance must supersede the technical nature of the reason for refusal.
- In relation to the concerns regarding the substandard material and residential accommodation, the structure has been in place for several years and is completely hidden from view and is in excellent structural condition.
- The structure is designed to have a life span of more than 35 years. It is requested that the Commission acknowledge that there are new innovative modern methods of construction employed to provide dwellings. A diverse range of materials and construction types are required to address the housing shortage.
- The applicant refers to the upcoming exemption for 45sqm dwellings in respect of the concerns raised in relation to ribbon development and the nature of the structure in terms of finishes.
- It is requested that the Commission consider the difficult and stressful circumstances of the applicant and the low impact nature of the development.

7.2. Planning Authority Response

Tipperary County Council by response dated 10th October 2025 respectfully requests that the decision of the Planning Authority in relation to Register Reference 2560574, to refuse retention permission be upheld.

7.3. Observations

None

8.0 Assessment

8.1. 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 visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the development Including Rural Housing Policy
- Ribbon Development
- Design of the Structure
- Wastewater treatment disposal
- Water Framework Directive Screening
- Appropriate Assessment

8.2. Principle of the development, Including Rural Housing Policy

Table 5.2 sets out the Rural Housing Technical Principles for Applicants. Section 2 sets out that an applicant seeking a new rural dwelling ‘must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own a dwelling in a rural area’.

Figure 5.3 of the Development Plan indicates that the site is located within ‘Open Countryside’.

As part of the appeal documents, it is set out that the applicant is divorced and originally lived in an immediately adjacent family dwelling. As part of the divorce, the

overall property including the primary dwelling and a derelict cottage was divided between the parties. The applicant retained part of the agricultural lands, outbuildings/stables and a derelict cottage. It is submitted that the applicant could not afford to renovate the cottage and subsequently sold the property and used the proceeds to purchase the dwelling which is the subject of the appeal. At time of site visit, I note that the cottage has since been renovated.

The Planning Officers report sets out that it is the applicant's contention that their circumstances have changed since the lodgement of Register Reference 22/627 through the submission of a report prepared by an Occupational Therapist setting out the housing need of the applicant due to exceptional medical circumstances.

I acknowledge the applicant's health issues as set out in the supporting occupational therapists report; and notwithstanding the provision of the Development Plan for a social need due to exceptional health, I contend that Policy 5-11 requires that an applicant for permission for a dwelling in areas designated as being 'Open Countryside' does not or has never owned a house in the open countryside. As the applicant has previously owned a house in the Open Countryside, the social need provision does not apply in this instance and the applicant does not comply with Policy 5-11 and therefore has not established a sufficient housing need. I consider that to authorise the retention permission sought would contravene this policy of the Development Plan. I note that there is no change since the previous decision of An Bord Pleanala under ABP-315587-23.

8.3. Ribbon Development

- 8.3.1. The applicant contends that the proposed development does not represent ribbon development, given the context and location of the development utilising what was an existing entrance. It is further contended that the issue was not raised by the Roads Section.
- 8.3.2. Having regard to the timeline since the previous application and subsequent appeal, I do not consider that anything material has changed since the assessment undertaken in ABP-315587-23 (Planning Register 22/627). The County Development Plan (Tipperary County Development Plan 2022-2028) and the requirements remain the same.

- 8.3.3. In this regard I refer to Policy 5-12 of the Tipperary County Development Plan 2022-2028 which restricts further development where 5 houses exist or are permitted within any continuous 250m section of roadway, in the interest of road traffic safety, visual amenity and ground water quality.
- 8.3.4. I note that the report of the District Engineer of the Local Authority recommends no objection, that the sightlines shown are acceptable. The Planning Officer did not accept this recommendation having regard to the intensification of use of the entrance to provide for a dwelling and agricultural holding. The Planning Officer was not satisfied that the proposed entrance and sightlines met the requirements of Table 6.1 and Table 6.2 of the Development Plan. A request for Further Information in this regard was not considered necessary given the other substantive issues raised.
- 8.3.5. The subject dwelling while occupying a backland location, establishes have a new domestic vehicular entrance onto the local road, which also serves the adjoining agricultural buildings. I acknowledge that while this entrance previously only served agricultural lands, I consider that the change in nature of the use of the entrance is material. Notwithstanding the concerns set out in the report of the Planning Authority, I note the context of the road being that of a Local Road and at time of site visit visibility was not unduly constrained.

Notwithstanding the report of the District Engineer, I would concur with the Planning Officer regarding the omission of Part B of the Planning Application Form which introduces doubt regarding the calculation of sightlines, regard being had to Table 6.2 which requires a Y Distance of 120m for Rural Non-National Roads with speed limits of 60km/h. I would submit that a complete application would include the above information. I do not consider that these deficiencies in information would warrant a refusal given the substantive reasons outlined above.

- 8.3.6. In any event, I consider that an additional domestic vehicular access creates proliferation of entrances onto the road which are sought to be resisted in the interest of traffic safety, visual amenity and groundwater quality and would be contrary to Policy 5-12 of the Tipperary County Development Plan 2022-2028. To permit the entrance to serve the dwelling would contribute to existing patterns of linear roadside ribbon development which extends the urban influence, as set out in Section 2.4 Ribbon Development of the Rural Housing Design Guide.

8.3.7. I acknowledge the concerns of the applicant and the stated established housing need with supporting medical documentation. I do not agree that the specific circumstances of the applicant in this instance should supersede the technical nature for the reason for refusal, as set out in the grounds of appeal. I submit that notwithstanding any medical conditions which could establish a 'Social Need' as defined in Table 5.3, the applicant does not meet the requirement for houses in the 'Open Countryside' Policy 5-11 by reason of having previously owned a house in the open countryside. I do not consider that the context of the subject site would warrant the extension of the ribbon development within the circumstances set out in Policy 5-12, i.e., demonstration of an economic or social need or the site is considered a Gap Site. The development seeking retention permission does not accord with Policy 5-12 and Section 2.4 of the Rural Housing Design Guide.

8.3.8. I note the applicant's reference to the potential changes set out in the Public Consultation for Review of Exempted Development in respect of the determination of Ribbon Development and concerns raised regarding the use of substandard materials. I would contend that potential amendments to the provisions of Exempt Development were part of a public consultation only and have not been formalised. In this regard, the assessment of Ribbon Development and design and finishes is based upon the requirements of the Tipperary County Development Plan 2022-2028 which is the overarching policy.

8.4. Design of the Structure

8.4.1. The third reason for refusal by the Planning Authority related to the design and nature of the structure which contended that the poor aesthetic value of the structure and the likelihood of deterioration over time by virtue of the materials used in its construction together with the prevailing character of the area concluded that the development is a haphazard and substandard form of development and would detract from the overall appearance of the area and would injure the amenities and depreciate the value of property in the vicinity. The reason considered that by nature of the building fabric the development would form a substandard residential development which would have a detrimental impact on the amenities of the area and on the residential amenities of the occupants of the structure.

8.4.2. I note that ABP-315587-23 included a similar reason for refusal.

- 8.4.3. Policy 5-11 of the Tipperary County Development Plan 2022-2028 facilitates proposals for dwellings in the open countryside which accord with Table 5.2. Table 5.2 sets out that the Tipperary Rural Housing Design Guidelines within Volume 3 of the Development Plan will apply.
- 8.4.4. The Guidelines recommend that the design of dwellings should be simplistic, rectangular with a narrow form and well-proportioned windows and doors with quality predominantly natural materials.
- 8.4.5. The structure to be retained is a single storey mono-pitched timber cabin type structure. I acknowledge that the structure does not specifically align with the recommendations of the Rural Housing Design Guidelines as it has a boxy form with disproportionately sized windows to the front elevation and finishes that may not be as robust as desired. I acknowledge the reasons for refusal by both the then An Bord Pleanála in respect of PL92.315587 and more recently the Planning Authority in respect of Register Reference 2560574.
- 8.4.6. However, in this instance, in my opinion there are site specific conditions that ameliorate for undue impact to the visual amenities of the area. I acknowledge the concerns regarding the potential for the establishment of an unacceptable precedent, however consideration of the merits of the subject site must be taken into consideration as part of the overall assessment.
- 8.4.7. The subject property is very modest in scale and is located to the rear of the existing complex of taller farm buildings which in my opinion significantly aids the integration of the structure into the surrounding landscape. I note that the train line is located c. 30m to the north of the site but is not visible due to a planted field boundary. The closest dwelling on the northern (opposite) side of the tracks is more than 50m from the subject site and not readily visible. The closest dwelling to the south is also c. 50m away. There are no dwellings to the southwest. From site visit, the field onto which the structure addresses with the front elevation is enclosed with planted boundaries and is for the full extent within the blue line of ownership beyond that of the specific red line of the application site. I do not agree that the structure has a detrimental impact on the visual amenities of the area. The structure does not disrupt established views or vistas from adjacent existing dwellings. I would submit that the structures' location amongst the complex of farm buildings mitigates for the apparent haphazard form of

the structure. I would consider that if the site itself was indeed a 'gap site' and formed part of the linear frontage addressing the road, the merits of the development would be different where it would likely be contended that such a structure would be inconsistent with the prevailing character and would in that instance be haphazard in form and detrimental to the visual amenities of the area.

- 8.4.8. Similarly, having regard to the separation distances outlined above, I do not concur that the structure seeking retention permission would injure the amenities and depreciate the value of property in the vicinity.
- 8.4.9. The wording of the third reason for refusal intimates that by virtue of the finishes there is a likelihood of the structure deteriorating over time and that the nature of the building fabric would result in a substandard residential development which would have a detrimental impact on the residential amenities of the occupants of the structure.
- 8.4.10. In terms of finishes, while such finishes are not specifically in accordance with those recommended in Section 4.5 of the Rural Housing Design Guide in respect of materials, I would reiterate the subject sites inconspicuous location in relation to concerns regarding visual integration and potential for impact. I would submit that a dwelling occupying a roadside location with a north facing orientation could deteriorate in appearance over time if not appropriately maintained by the occupants. In my opinion the onus lies the property owners for continued maintenance and conditions are rarely attached to planning permissions regarding the requirement for ongoing maintenance.

As part of the applicant's response to the appeal, it is submitted that the dwelling is constructed out of pressure treated timber which has an indicative life span of in excess of 35 years. Furthermore, the response contends that the structure is well maintained.

- 8.4.11. Having visited the site, I do not consider that the structure, which has been in place for several years demonstrates signs of deterioration and in the absence of information to demonstrate otherwise I do not submit that undue impact to the amenities arises.
- 8.4.12. The report of the Planning Authority accepts that the structure complies with the standards for a single person 2 person dwelling as set out in Quality Housing for Sustainable Communities 2007. This suggests a quality internal layout for the amenities of the occupants.

8.4.13. I would remain of the opinion and concur with the assessment of the Planning Inspector associated with ABP-315587-23 that during my site visit the structure appeared well constructed and did not indicate the potential for it to deteriorate to an unacceptable degree over time.

8.4.14. Furthermore, while the design issues are noted and acknowledged, based on the merits of the site, the backland nature, location adjoining the trainline, the existing boundary treatment, the guidance nature of the Rural Housing Design Guidelines and the substantive concerns outlined above, if the Commission is minded to refuse permission, I consider that the design of the dwelling is not used as a reason for refusal.

8.5. Waste Water Treatment

8.5.1. I note that the development seeks the retention of the installation of a concrete septic tank to serve the dwelling and seeks permission for its replacement with a wastewater treatment system and tertiary soil polishing filter.

8.5.2. I note that the issue of wastewater disposal does not form part of the grounds of appeal and the Planning Authority raised no objection to same.

8.5.3. As per the EPA CoP 2021, the Ground Water Protection Response is R1 which indicates that the installation of an OSWWTS is 'acceptable subject to normal good practice'.

8.5.4. In relation to the Site Characterisation Form, the aquifer type is identified as being Poor with moderate vulnerability.

8.5.5. The stated depth of the trial is 2.2m, no bedrock or water were encountered. A subsurface value of 16.53 was recorded and no surface value was recorded. The T Test Result indicates that the site is suitable for the installation of the WWTS.

8.5.6. The site layout plan indicates compliance with Table 6.2 'Minimum Separation Distances' of the EPA CoP 2021.

8.5.7. The percolation area of 15sqm accords with Table 10.1 of the EPA CoP 2021.

I note that the documents recommended to be appended to the Site Characterisation Form as per Section 3.4 do not appear to accompany the application. While the soils are described as being a sand gravel clay mix, no photographs of the trial hole have been included to conclude the type of soil. I would submit that a complete application

would include the above information. I do not consider that these deficiencies in information would warrant a refusal given the substantive reasons outlined above.

8.6. Water Framework Directive

8.7. The application site is located at Coolacusanne, Dundrum, Co. Tipperary.

8.8. The development seeking retention permission consists of a dwelling, modifications, to the existing entrance, creation of a driveway and the installation of a concrete septic tank and permission to replace the existing septic tank with a Wastewater Treatment System and Tertiary Soil Polishing Filter and associated site works.

8.9. No water deterioration concerns were raised.

8.10. The site is located c. 516m to the southwest of the IE_SE_16M021000 (Multeen_040) river which flows in a westerly direction and is located within the River Sub Basin Multeen_040.

8.11. The groundwater body is the IE_SE_G_131 (Templemore) which is described as a poorly productive bedrock.

8.12. The site overlies a poor aquifer which is described as generally unproductive except for Local Zones with Moderate Vulnerability.

8.13. The Ironmills PWS Inner Protection Area is located c. 4.1km to the northwest (separated by the train line).

8.14. As per Table E1 of the EPA Code of Practice: Domestic Wastewater Treatment Systems (Populations Equivalent ≤ 10), R1 would apply.

‘Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)

8.15. Foul water is proposed to be disposed of via an onsite wastewater treatment system and tertiary soil polishing filter. The Site Characterisation Form concluded that the site is suitable for the installation of a Tertiary Treatment System and Infiltration /Treatment Area).

8.16. 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 & ground water waterbodies in order to

reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

8.17. 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.

8.18. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Ground Water Protection Response R1.
- Location-distance from nearest surface Water bodies and/or lack of hydrological connections.
- The development subject to compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)

8.19. 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.

9.0 AA Screening

I have considered the development seeking permission and retention in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The site is located 1.5km to the southwest and 2.3km to the east of the Special Area of Conservation for Lower River Suir (002137).

The Special Protection Area of Slievefelim to Silvermines Mountains (004165) is separated from the subject site by c. 12.23km to the northwest.

- 9.1. The development seeking retention permission consists of single storey dwelling house along with modifications to the existing entrance, the creation of a driveway and the installation of a concrete septic tank to serve the dwelling and for permission to replace the existing concrete septic tank with a Wastewater Treatment System and Tertiary Soil Polishing Filter and associated site works.
- 9.2. Having considered the nature, scale and location of the development seeking retention and permission 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:
- The works are limited in scale.
 - Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
 - There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.
- 9.3. I conclude that on the basis of objective information, that the development seeking retention and permission 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the 1st party appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that retention permission be refused for the reasons set out hereunder.

11.0 Reasons

1. Having regard to the policies of the Tipperary County Development Plan 2022-2028, in relation to rural housing need, it is considered that as the applicant previously owned an existing dwelling in the designated open countryside of

County Tipperary, which was adjacent to the appeal site, a rural housing need has not been demonstrated under Development Plan Policy 5-11. The development to be retained leads to demand for the uneconomic provision of further public services in an area where these are not proposed and interferes with the rural character of the area. The development to be retained therefore materially contravenes the Policy as set out in the Development Plan and if permitted would be contrary to the proper planning and sustainable development of the area.

2. Having regard to policy 5-12 of the Tipperary County Development Plan 2022-2028 in relation to ribbon development, it is considered that the development to be retained, which includes a domestic vehicular entrance onto the local road with more than five existing houses within a continuous 250m section of the road, constitutes undesirable ribbon development in an area outside lands zoned for residential development which results in numerous accesses onto rural roads and extends urban influence . Given the context of the application, the extension of the existing ribbon development cannot be facilitated in this instance and to permit the development would therefore be contrary to Policy 5-12 of the Tipperary County Development Plan 2022-2028 and Section 2.4 of the accompanying Rural Housing Design Guide, Appendix 4, Volume 3.

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.

Carol Hurley
Planning Inspector

18th December 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP- 323658-25
Proposed Development Summary	Retention for single storey dwelling house, modifications to existing entrance, creation of a driveway, installation of a concrete septic tank to serve the dwelling and permission to replace the existing concrete septic tank with a Waste Water Treatment System and Tertiary Soil Polishing Filter and associated site works.
Development Address	Coolacussane, Dundrum, 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,	

<p>Schedule 5 or a prescribed type of proposed road 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 checked="" 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>S. 5 P.2 10(b)(i) construction of more than 500 dwelling units.</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: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323658-25
Proposed Development Summary	Retention for single storey dwelling house, modifications to existing entrance, creation of a driveway, installation of a concrete septic tank to serve the dwelling and permission to replace the existing concrete septic tank with a Waste Water Treatment System and Tertiary Soil Polishing Filter and associated site works.
Development Address	Coolacussane, Dundrum, 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).	Retention permission is sought for a single storey dwelling with modifications to the existing entrance, the creation of a driveway and the installation of a concrete septic tank to serve the dwelling. Permission is also sought to replace the existing concrete septic tank with a Wastewater Treatment system and tertiary soil polishing filter. No demolition works are proposed. Undue use of natural resources will not arise nor will undue pollution or nuisance. The development seeking retention and permission will not give rise to risk of accident / disasters or to human health.
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).	The application site is not proximate to any protected sites. There are no archaeological features within or proximate to the site. There are no water courses that traverse the site.
Types and characteristics of potential impacts	The development would not have the potential to significantly impact on any ecologically sensitive sites or locations.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>There are no direct hydrological connections present which would give rise to significant impact on nearby watercourses (whether linked to any European Site or other sensitive receptor) or any drinking water source.</p> <p>The existing foul water drainage system is proposed to be replaced with an Waste Water Treatment System and Tertiary Soil Polishing Filter to be designed in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10).</p> <p>The Site Characterisation Report concludes that the site is suitable for a WWTS.</p>
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP-323658-25	Townland, address	Coolacussane, Dundrum, Co. Tipperary
Description of project	Retention permission for a single storey dwelling house along with modifications to the existing entrance, the creation of a driveway and the installation of a concrete septic tank to serve the dwelling and for permission to replace the existing concrete septic tank with a Wastewater Treatment System and Tertiary Soil Polishing Filter and associated site works.		
Brief site description, relevant to WFD Screening,	<p>The application site is located c.392.5m to the north of the Cappagh (Galway)_10 (IE_SH_25C030100). This river is located within Cappagh (Galway)_010 river sub basin.</p> <p>The site overlies a Poor Aquifer which is generally unproductive except for in local zones and has moderate vulnerability.</p> <p>The groundwater body is IE_SE_G_131, Templemore with a poorly productive bedrock.</p> <p>The subsoil is Till Type, described as Sandstone Till (Lower Paleozoic/Devonian) and is poorly drained.</p>		
Proposed surface water details	Surface water discharges to a water holding tank in the yard on site.		

Proposed water supply source & available capacity	Existing public mains.					
Proposed wastewater treatment system & available capacity, other issues	Tertiary Treatment System and Infiltration Treatment Area.					
Others?	Not applicable					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		IE_SE_16M021000 (Multeen_040)	Moderate	Not at Risk	N/A	Drainage

		516m (closest point on same side of train line)					
Groundwater waterbody			IE_SE_G_131 (Templemore)	Good	At Risk	Anthropogenic Agricultural	Drainage
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Removal and replacement of OSWWTP	IE_SE_16M021000 (Multeen_040)	None	None	None	No	Screened Out

3.	Removal and replacement of OSWWTP	IE_SE_G_131 (Templemore)	Drainage	Seepage to ground water	Standard Construction Measures / Conditions	No	Screened Out
OPERATIONAL PHASE							
4.	Surface		Indicated that surface water runoff is collected within the curtilage of the site, within a water holding tank.	None, the collected surface water is indicated to be for use by the horses.		No	Screened out
5.	Ground			Seepage to ground water. Foul water to be disposed of by means of a Tertiary Treatment System and Infiltration /Treatment Area.	Noting the Ground water Response of R1, the proposed Treatment System subject to design in accordance with EPA Code of Practice for	No	Screened out

					Domestic Waste Water Treatment Systems (Population Equivalent ≤10)		
--	--	--	--	--	--	--	--