



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323684-25

### Development

a) a change of use from a residential dwelling house use to a care in the community dwelling house and b) an extension to the front of the dwelling house and c) changes to the front elevation of the existing dormer dwelling house.

### Location

Gortussa, Dundrum, Co. Tipperary.

### Planning Authority

Tipperary County Council.

### Planning Authority Reg. Ref.

2560622.

### Applicant(s)

Compass Child and Family Services  
CLG.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party vs Refusal.

### Appellant(s)

Compass Child and Family Services  
CLG.

### Observer(s)

None.

**Date of Site Inspection**

8<sup>th</sup> December 2025.

**Inspector**

C. Daly.

## **1.0 Site Location and Description**

- 1.1. The subject site, of area 1.813ha, consists of an existing detached pitched roof dormer dwelling towards the north-west end of the site with side gable end facing the road. It is within landscaped grounds with mature trees towards the southern boundary. There are two driveway access points and two gravel driveways from the adjacent local road, the L-1291-0. The site at the south-east end of a line of three detached dwellings and is directly opposite a detached dwelling. It is c.720m north of the edge of Dundrum village.

## **2.0 Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
- Change of use from a residential dwelling house to a care in the community dwelling,
  - an extension to the front of the dormer dwelling house and
  - changes to the front elevation of the house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Tipperary County Council decided to refuse permission for one reason which relate to the location removed from a designated settlement in the open countryside on unzoned and unserviced lands removed from the services and amenities offered in settlement centres. It is considered contrary to Policy 5-8 (specialised residential accommodation), Policy 6-3 (new healthcare) and Objective 6-F (support healthcare providers in settlements) of the Development Plan and would set an undesirable precedent for similar developments.

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

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

The Planner's Report notes the absence of a justification for the service in this location. It noted the planning exemption available under Class 14(f) for residences

for disabled people or those with mental illness and their carers. It noted a decision by ACP (RL05E.322247) where it was found that services for children in care did not meet the conditions required for this exemption.

It considered the proposed use to be similar to specialised residential and healthcare. It noted that policies in relation to same support such uses in settlements on suitably zoned lands. It noted the site location in the countryside removed from the nearest settlement at Dundrum by c.0.7km. Based on this and the lack of justification it did not consider the principle of the proposed development to be in accordance with development plan policy.

In relation to design/layout, it considered the proposed extension and elevation changes to be satisfactory. A refusal of permission for the reason outlined in Section 3.1 above was recommended.

#### 3.2.2. Other Technical Reports

- District Engineer: No objection given existing entrance.
- Chief Fire Officer: No report received.
- Water Services: No report received.

#### 3.3. Prescribed Bodies

- Uisce Éireann: No report received.

#### 3.4. Third Party Observations

None.

### 4.0 Planning History

#### Subject Site

**2460389:** Permission granted by the P.A. for the construction of a) a single storey extension to side of existing dwelling; b) a domestic garage and carport to rear of existing dwelling; c) the refurbishment and alterations.

Not implemented to date.

**20243:** Permission granted by the P.A. for roadside stone boundary wall with entrances as constructed.

**P315392:** Permission granted by the P.A. for the erection of a dwelling.

#### Other Relevant Sites

**23205:** Permission refused by the P.A. at Rathellan House, Raheen, Golden, for change of use of the former bed and breakfast establishment to provide a residential care facility and garden room.

The two refusal reasons related to (1) The site being removed by c.2.2km from the settlement of Bansha and in the open countryside removed from services and amenities contrary to policy; and (2) Would prejudice the delivery of the proposed N24 Cahir to Limerick Junction project.

## **5.0 Policy Context**

### **5.1. Tipperary County Development Plan 2022 – 2028 (the CDP)**

#### Volume 1

*Policy 5-7 Ensure that new residential development accommodates housing for a range of specialised needs, including those of the elderly, and contain appropriate mix of housing types and sizes. New housing shall incorporate the principles of Lifetime Adaptable Homes and Universal Design to cater for groups with specific needs in the county, as informed by a ‘Statement of Housing Mix’ as part of a ‘Sustainability Statement’ where applicable.*

*Policy 5-8 Support the provision of specialised residential accommodation facilities for the elderly, such as age appropriate homes, independent and assisted living units, day-care facilities, nursing homes and specialised care units (e.g. dementia specific units) in towns and villages, where they can readily connect with the services and amenities of the local community.*

#### **Section 6.3.3 Healthcare Facilities**

*The Council supports the implementation of ‘Healthy Ireland’ in its primary goal to improve health and wellbeing for people across all stages of life. New healthcare facilities may be provided by both the private and the public sector. The primary role of the Plan with respect to provision of healthcare facilities, including primary health care facilities, is to ensure that;*

*a) Adequate land is available in settlement centres to enable existing facilities be expanded, adapted or to provide new healthcare facilities.*

*b) To permit healthcare facilities in the appropriate locations subject to normal planning considerations.*

*Policy 6-3 Facilitate and encourage new healthcare facilities to locate on suitably zoned land in settlements in close proximity to public transport services, amenities and facilities.*

*Objective 6 – F Support the HSE, other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities in settlements with good public transport and pedestrian services, and access for parking and healthcare vehicles.*

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

*a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.*

*b) Buildings and structures shall integrate with the landscape through careful use of scale, form and finishes.*

*c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.*

#### Volume 3 Appendix 6 Development Management Standards

Section 4.12 (Domestic Extensions) includes guidelines for extensions including that “*b) The extension shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour*”.

## **5.2. Natural Heritage Designations**

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

- c.1.05km north-west of the Dundrum Sanctuary Proposed Natural Heritage Area (PNHA) (site code 000950).

- c.1.3km north-west of the Lower River Suir Special Area of Conservation (SAC) (site code 002137).
- c.1.95km north-east of the Annacarty Wetlands PNHA (site code 000639).
- c.3.3km south of the Aughnaglanny Valley PNHA (site code 000948).
- c.5.6km south-west of the Inchinsquillib and Dowlings Woods PNHA (site code 000956).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal on behalf of Compass Child and Family Services CLG can be summarised as follows:

- The P.A. erred in characterising the proposed use as a form of institutional healthcare use when it involves the use of an existing dwelling to provide accommodation for up to 4 children in care supported by care staff.
- The model of care mirrors family life rather than institutional care which operate at a different scale and for a different purpose.
- The reliance on the refusal at Rathellen House is misplaced as it involved a 9-bed facility with 8 residents assessed as a healthcare use and partly refused due to a conflict with the N24 road corridor.
- There has been no objection from neighbours and there are no servicing or infrastructure issues.
- Policy 5-8, 6-3 and Objective 6-F are aimed at institutional and medicalised facilities requiring proximity to settlement based services.
- Class 9 of Part 4, Schedule 2 of the regulations defines the use class for residential institutions but excludes the use of a house for that purpose and this interpretation has been confirmed by ACP in relation to referrals.
- ACP determinations (RL.2059, RL.2430, RL.2552 and R56/3/20) recognise the domestic character of this type of use and this confirms that such developments retain their residential character.

- The applicant included the proposed use within the application as permission was also required for a modest porch extension and elevation alterations.
- The proposed use is functionally comparable to a large family household or a household with foster children and live-in carers as supported by the Council's technical reports.
- The P.A. found the design changes acceptable and accepted the adequacy of the wastewater treatment system with no increase in loading.
- The modest development is consistent with TCDP policy on extensions and the dwelling will continue to function as an ordinary family-style home.
- The children in care at the residence will live in and travel from the dwelling in the same manner as any other resident and this places a higher threshold on children in care than other children which is unreasonable.
- The location 0.7km from Dundrum village provides convenient access to schools, community facilities and services while offering the calm semi-rural environment central to therapeutic needs.
- The NPF and the Housing for All Strategy emphasise diverse and socially inclusive communities and housing solutions for vulnerable groups.
- The RSES supports social inclusion, equality of opportunity and housing choice.
- The correct assessment is against residential policies relating to amenity, servicing and community integration for such a modest proposal.
- The submitted 'Location and Setting of Residences' outlines the therapeutic rationale for semi-rural locations within easy reach of schools and services.

## **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:



- Nature of the Use
- Policy on Extensions
- Other Issues

## **7.2. Nature of the Use**

- 7.2.1. The P.A. refusal reason cited Policies 5-8, 6-3 and Objective 6-F of the CDP. The appellant has raised issues suggesting that these policies were misapplied. I note Policy 5-8 refers to support for the provision of specialised residential accommodation facilities for the elderly and then gives examples such as day-care facilities. This policy, in my view, refers to accommodation for the elderly and not to specialised care facilities for children.
- 7.2.2. I note Policy 6-3 refers to the facilitation and encouragement of new healthcare facilities. While there may be an element of health support available to children under the proposed use, the main support would be care support for the residents. I do not consider the proposed use to be a healthcare facility which would include medical related facilities and would not necessarily include residential facilities. I note Objective 6 – F refers to healthcare facilities and their providers and the support for same.
- 7.2.3. To note, the above policies and objective refer to the location of such facilities in settlements. The P.A. in its decision stated that the proposed residential use for children in care is akin to such uses. In my opinion the proposed use is significantly more akin to the normal use of a dwelling as accommodation and a residential setting for a family with children. In my opinion the substantive difference in this regard is the need for support staff and I consider this akin to parental or foster care support that would be provided in a standard dwelling.
- 7.2.4. I also note that the preference for the location of housing within settlements is a general planning policy goal and one which is not generally confined to certain types of residence. This is for reasonable sustainable development purposes. In this context I note that the proposed use is to be located at an existing residence at a long-established and permitted residence and a new dwelling is not proposed. I note that, while not ideally located within the nearest settlement, the dwelling is c.720m from the settlement of Dundrum and is, in my view, reasonably accessible to

that settlement on foot or bicycle or otherwise notwithstanding that a location within the settlement would be preferable in planning terms. I note that there would be no material increase occupancy or intensity of use / occupancy on the site.

- 7.2.5. I note that Policy 5-7 of the CDP refers to ensuring residential development accommodates housing for a range of specialised needs. In my opinion the proposed use can also be considered to be such a specialised type of residential development as supported by this policy.
- 7.2.6. I also note the modest impact of the proposed use given that it is intended to cater for 4 children and support staff.
- 7.2.7. I also note the referrals cited by the appellant which have been superseded by the more recent referral (RL05E.322247) referenced in the Planner's Report which found that there is no exemption available for a house for children under social care placements. I note this refers to statutory exemption criteria and, in contrast to the above assessment, is less a planning merits assessment than a legal assessment of the availability of an exemption under the law or regulations. In this context, I do not consider it persuasive in relation to the planning merits of this appeal.
- 7.2.8. Based on the above, I consider that the P.A.'s reliance on Policy 5-8, 6-3 and Objective 6-F of the CDP does not provide sufficiently strong grounds to recommend that permission be refused, particularly given that the proposal is for a use with similar planning impacts to the established dwelling and that Policy 5-7 in my view supports the development.
- 7.2.9. Notwithstanding that the dwelling is located in the open countryside on unzoned land outside a settlement centre, I do not consider that the proposed use would give rise to significantly different planning impacts given its modest scale and by comparison with the existing permitted and long-established use. Noting the similarities of the proposed use to that of a standard residential dwelling, I have no significant concerns in relation to impacts on residential amenity in terms of significant noise, overlooking, overbearing or overshadowing impacts.
- 7.2.10. I consider the proposed use of the dwelling acceptable. Accordingly, I recommend that the P.A. reason for refusal not be upheld given the lack of a strong policy basis and where another policy provides sufficient basis for the proposed use.

### **7.3. Policy on Extensions**

- 7.3.1. I note Section 4.12 of Appendix 6 (Volume 3) of the CDP seeks that such extensions integrate with the dwelling and following appropriate window proportions among other criteria. I note that the proposed extension and elevation changes would be modest in scale and would incorporate external materials such as new horizontal cement board cladding fitted to the new extension and the existing render finish to be painted. In my view these modest additions and changes would integrate with the character of the dwelling and of the area and would not give rise to any significant concerns in relation to visual impact. I note their general consistency with Section 4.12 for domestic extensions. Should permission be granted, I recommend a standard condition to ensure that the external finishes match the existing.

### **7.4. Other Issues**

- 7.4.1. I note the NPF and RSES have been incorporated into the CDP. I agree with the appeal that the NPF, Housing for All Strategy support housing solutions for vulnerable groups and socially inclusive communities and that this supports the proposed use in principle.
- 7.4.2. In relation to drainage, I note that a significant expansion of the footprint of the dwelling is not proposed for the large site such that I do not consider that it would give rise to a need for surface water drainage measures. I note the site is serviced by the public water mains.
- 7.4.3. In relation to wastewater treatment, I note that no significant expansion of habitable space/rooms (8 no. bedrooms would remain) is proposed that would give rise to a significant increase in the loading requirement for the established wastewater treatment system.
- 7.4.4. In relation to access, I note the District Engineer raised no concerns and that no changes are proposed to the existing roadside entrances. I do not consider that the proposed development would result in a significant increase in trips to and from the site such that I do not consider there to be a requirement for an assessment of the two vehicular entrances.

## **8.0 EIA Screening**

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.3km north-west of the Lower River Suir SAC the nearest European site.
- 9.2. The proposed development comprises change of use from a dwelling house to a care in the community dwelling, extension to the front house and front elevation changes. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- The relatively small-scale nature of the development and the connection to the public water network and on site wastewater treatment system.
  - The distance from the nearest European site and lack of ecological connections thereto.
  - Taking into account the screening determination by the P.A..
- 9.5. 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.
- 9.6. 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 c1.45km south-west of the Multeen\_030 (IE\_SE\_16M020900) river waterbody (status “good”), the nearest surface water body, and is above the Templemore (IE\_SH\_G\_131) ground waterbody (status “good”). The proposed development comprises the change of use from a dwelling house to a care in the community dwelling, extension to the front house and front elevation changes.
- 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 seeks 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 relatively small-scale nature of the development and the connection to the public mains for water supply and the on-site wastewater treatment system.
  - The distance from the nearest surface water bodies.
- 10.4. I conclude on the basis of objective information, that the proposed development would 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

I recommend that permission be granted subject to conditions.

## **12.0 Reasons and Considerations**

Having regard to the policies and provisions of the Tipperary County Development Plan 2022 – 2028, the location within the open countryside in an unserviced area, to the nature of the proposed change of use, to the form, design and scale of the development and its relationship with the surrounding area, it is considered that subject to compliance with the conditions set out below, the development 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 the proposed use and design. The 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ciarán Daly

Planning Inspector

12<sup>th</sup> December 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323684-25
<b>Proposed Development Summary</b>	Change of use from a dwelling house to a care in the community dwelling, extension to the front house and front elevation changes.
<b>Development Address</b>	Gortussa , Dundrum , Co. Tipperary.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (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.  <i>Project above refers to the minor works and not the change of use.</i>
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	



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

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

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