



An
Coimisiún
Pleanála

Inspector's Report

ACP-323886-25

Development	Proposed compulsory acquisition of a derelict site
Location	known as Kearney's Castle, No. 16 and No. 17 Main Street, Cashel, Co Tipperary
Planning Authority Ref.	Tipperary County Council
Applicant :	Tipperary Co. Co.
Type of Application:	Compulsory Purchase Order
Observers:	Shane and Margaet Cummins, Michael Cummins, Allied Irish Bank plc
Date of Site Inspection:	26 th of January 2026
Inspector:	Caryn Coogan

1.0 Introduction

- 1.1 This case relates to a request by Tipperary County Council for consent from An Commission Pleanála for the compulsory acquisition of a property with an address at Kearney's Castle, No. 16 and No. 17 Main Street, Cashel, Co. Tipperary.
- 1.2 The application is made in accordance with Section 16(4) of the Derelict Sites Act, 1990, as amended.

2.0 Site Location/ and Description.

- 2.1 The subject site is called Kearney's Castle which is located on the east side of Main Street, Cashel, Co. Tipperary. The street frontage includes a 15th century tower house, and a three storey building to the south east side of the castle. There is an alleyway to the rear of the site on the north-west side of the castle building. This is a designated right of way according to the mapping provided with the application.
- 2.2 There are buildings to the rear of the castle building which extend into a deep site. It According to the file and mapping, the entire site area was former hotel.
- 2.23 There is boarding to the front of the Castle building to protect the structure and possibly pedestrians along the street. It is evident the structures are vacant and have been for a considerable length of time. They are falling into disrepair.
- 2.4 There is a yard and carparking are to the rear of the site. This is accessed from a public carpark area.

3.0 Application for Consent of Application

3.1. Notice of Intention to Acquire

- 3.1.1 Tipperary County Council advertised a Notice of Intention to Acquire Derelict Site Compulsorily under the Derelict Sites Act 1990, (as amended by the Planning and Development Act, 2000)" on the 25th of September 2025 in The Nationalist newspaper. A site notice was erected on the site on 24th of September 2025.
- 3.1.2 The copies of the relevant public notices are included on the file.
- 3.1.3 A map of the derelict site was placed on public display at the offices of Tipperary County Council, Emmet Street, Clonmel.

3.1.4 Submissions were invited by any owner, lessee, or occupier on or before the 24th of October 2025.

4.0 Application and Objection

4.1 Objections to Acquisition

4.1.1 There were 3No. submissions to the proposed acquisition which were submitted to Tipperary County Council as follows:

(a) Solicitors acting on behalf of **Shane and Margaret Cummins**, and also for Margaret in her capacity of administrator of her late husband's estate, Seamus Cummins in a letter dated 24th of September 2025.

4.1.2 The following main issues were raised:

- The above-mentioned parties have not received papers or an offer from Tipperary Co. Co.
- There is clarification of the areas referred to in the notice and a map of same is requested.

4.1.3 (b) Solicitors acting on behalf of **Michael Cummins** submitted a letter to the local authority dated 8th of October 2025.

4.1.4 The following issues were raised in the second submission.

- The building is the subject of ongoing litigation with AIB bank.

4.1.5 (c) Solicitors acting on behalf of Allied Irish Bank pl made a submission dated 23rd of October 2025.

4.1.6 The following issues were raised in the submission from the Bank's solicitors:

- The property is currently the subject of two active sets of legal proceedings.
 - (i) Possession proceedings before Clonmel Circuit Court bearing record number 2024/00114;
 - (ii) Well Charging proceedings before the High Court bearing record number 2025/66.
- Allied Irish Bank pl, as mortgagee, is seeking to obtain possession of the property following default on behalf of the borrowers. The defendants in these proceedings are individual members of the Cummin's family.

- Allied Irish Bank pl formally objects to the proposed CPO under Section 16 of the Act.
- Allied Irish Bank pl has a registered legal interest in the property and is actively pursuing possession, which should be considered in the context of the proposed acquisition and or any compensation to be awarded in respect of same.
- Allied Irish Bank pl would be open to constructively engage in any offer of compensation from the local authority in accordance with the principles of Section 19 of the Act.

4.1.7 The Commission wrote to the solicitors acting on behalf of the 3No. parties stated above on 4th of December 2025 advising that the Local Authority had applied to the Commission in accordance with Section 16 of the Derelict Sites Act, 1990 (as amended), for the Commission's consent to the compulsory acquisition of the subject property. The letter also advised that the contents of the above-referenced submissions to the Local Authority would be considered by the Commission prior to its determination of the application.

4.1.8 There was one submission received from the 3No. parties, the solicitors acting on behalf of Shane and Margaret Cummins stating that they have not made an objection to the proposed acquisition.

4.2 **Local Authority's Application for Consent**

4.2.1 The Local Authority has requested that the Commission consent to the compulsory acquisition of the derelict site. The application for consent was submitted on 31st of October 2025 by email.

4.2.2. The application is accompanied by the following:

- The Local Authority covering letter requesting the matter be addressed as quickly as possible in order to secure the funding for same.
- Copies of the public notices
- A Map of the site are the subject of the CPO. Area is 0.194Ha with a Right of Way for Tipperary Co. Co. to pass and re-pass shaded yellow. [Note the

mapping states the site area is 0194Ha and the newspaper notice states it's 0.196ha].

- Copies of the submissions received during the public display period.

5.0 Planning History.

5.1 I examined the Tipperary Co. Co. Planning Register and I found one planning application relevant to the subject site:

Planning Reference 03570912

Tipperary Co. Co. Granted planning permission to Mr. Michael Cummins on the 30th of April 2003 for alterations to existing bar and lounge and alterations to existing shopfront to provide new entrance, this development is to an existing bar and shopfront which forms part of a hotel complex, part of which is a protected structure,

6.0 Policy Context

6.1 The development plan for Cashel town dates back to 2009, it is the Cashel and Environs Development Plan 2009.

The subject site is located on the Main Street of Cashel with a zoning objective 'Town Centre'.

It is located within the designated Architectural Conservation Area.

It is located within the designated Zone of Archaeological Potential and Archaeological Assets. This objective is to preserve and enhance Town Centre facilities.

The property includes Kearney's Castle which is listed in Appendix 5 Record of Protected Structures.

6.2 This site is also on the National Inventory of Architectural Heritage. Reg. No. 22105050. With a Rating of Regional Importance and stated to be in use as a 'Hotel'. with the following description :

Formerly detached multiple-bay six-storey medieval tower house, built c.1480, modified c.1600 and modernised c.1990, now in use as hotel. Rubble limestone

walls with crenellated parapet walls having cut-stone coping and quoins and dressed gutter stones. Carved stone gargoyles to upper front wall. Arrow slit openings with cut limestone surrounds. Round-headed window to top floor with limestone sill, moulded limestone surround, and having replacement uPVC and timber windows. Square-headed two-light window c.1600 with carved limestone label-moulding and fixed timber lattice window with coloured glass. Round-headed entrance opening c.1990 with dressed limestone surround and voussoirs, replacement timber doors and windows and cast-iron portcullis feature.

Section 4.3.5 Redevelopment of Sites and Areas

Despite the recent increase in development on previously derelict lands within the town, there are a number of visually poor and derelict sites that remain and which detract from the visual appearance and perception of the town. The Council has powers conferred under the Derelict Sites Act 1990 and Section 3 of the Local Government (Sanitary Services) Act 1964 and will implement such powers where deemed appropriate to secure the redevelopment and physical improvement of an area.

Similarly, where a structure is located in the ACA and the structure by way of its poor appearance materially detracts from the character of the ACA, the Council may compulsorily acquire the structure under Section 83 of the Planning and Development Act 2000-2007.

Policy ENV 10: Derelict Sites It is the policy of the Council to implement the provisions of the Derelict Sites Act, 1990, the Sanitary Services Act 1964 and the Planning and Development Act 2000-2007 to prevent or remove injury to amenity arising from dereliction.

6.3 Derelict Sites Act 1990 (as amended)

6.3.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.3.2. Section 3 of the Act defines 'derelict site' as: "any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."

6.3.3. Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.

6.3.4. Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.

6.3.5. Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.

6.3.6. Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.

6.3.7. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

6.3.8. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

6.3.9. Section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of An Commission Pleanála.

Tipperary Co. Co. Derelict Sites Register:

Order No. ENV-C-19-10

Kearneys Castle, Main Street, Cashel, Co Tipperary E25 X732

Date of Notice: 26th of January 2024

6.4 Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Suir SAC (Site Code: 002137) which is located approximately 3.5km to the west of the site.

7.0 Assessment

7.1 The subject site is located on Main Street, Cashel, and it creates an iconic statement along the streetscape. The stone house tower dating back to the 15th century is known locally as Kearney's Castle, and the associated buildings behind it, and overall use of the site was a hotel. It is now on the Council's Derelict Sites list since 2024. On the opposite side of the street to Kearney's Castle is Cashel tourism office and Heritage Centre. The site also includes the adjoining building northeast of the castle building, which was formerly a bar associated with the hotel.

7.2 The site address is No. 16 and No. 17 Main Street, Cashel, Co. Tipperary. The entire site and buildings were vacant at the time of my site inspection. The buildings appeared to be in reasonable structural condition externally with no obvious cracking or damage to external walls. The doors and windows, front and back, are still intact. The front elevation is illustrated on Photo Plates, 2,3 and 11 taken during my site inspection. There is also an alleyway/ right of way immediately to the southwest of the castle structure, which provides pedestrian access to the rear of the subject site, and a residential property on the adjoining site to the rear of a shop on Main Street. The parking area at the rear of the property is in good condition, with access from a public carpark area [Plates 7 and 8]. There is an old stone wall bounding the carpark

area. The buildings to the rear, which formed the function rooms and bedrooms associated with the former hotel, would appear to be ad hoc extensions overtime and hold little architectural merit [Plate 12]. However, these too appeared to me, to be structurally sound during my inspection. Overall, the rear of the site, is in a tidy condition, apart from a number of wheelie bins to the rear. It was apparent to me that the property had been left unoccupied for a prolonged period and is not being maintained or managed properly. As stated earlier, the old 15th century tower feature to the front of the site, is in my opinion, an iconic feature in the centre Cashel town. It is a landmark building adjacent to the number of key tourist related buildings in the town centre. The contiguous building on the Main Street within the site is in poor condition and in a state of neglect and dis-repair, [Plate 11]. The front of the Castle Structure was boarded up during my inspection, and there is vegetation growing from the top of the tower structure. I would be seriously concerned for the future of the castle building if it is not maintained on a regular basis given it's age and current structural condition.

- 7.3 The condition of the subject property relative to its surrounding area is at odds in my opinion. I consider that the property falls within category (b) of section 3 of the Derelict Sites Act, 1990, which states that a derelict site is any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood because of the neglected, unsightly or objectionable condition of the land in question or of any structures on it. I note that category (a) relates to structures which are in a ruinous, derelict or dangerous condition. However, having inspected the site, I do not consider that the structures are in a dangerous condition, or that they could be considered ruinous, noting that they did not appear structurally unsound or compromised in any way. Furthermore, there were no significant amounts of litter strewn around the site, nor any indications of waste or debris being deposited or collected on the property. Therefore, I do not consider that the site falls within category (c) of section 3 of the Act. However, and as noted above, I consider that the subject property demonstrably detracts from the amenity, character and appearance of streetscape in the vicinity of the site, including the surrounding adjoining buildings, which in my view, renders it derelict under section 3(b) of the Act. I note the legislative steps taken by Local Authority leading up to the making this application to acquire the derelict site compulsorily.

- 7.4 There is very scant information on the background to the purchase of the subject site on file. I searched Tipperary Co. Co. Derelict Sites List and I noted the subject site was added to the Council's Derelict Sites Register on 26th of January 2024. It states on the CPO file that on the 22nd of September 2025, following a report from Shane Grogan, Town Regeneration Officer, (the report is not on file) that Tipperary Co. Co were satisfied it had to purchase the property to avoid the derelict condition of the buildings does not continue, and a Compulsory Purchase Order under Section 14 of the Derelict Sites Act 1990 was that notices be served on all parties and published in the local newspaper. The notices were published and provided on site on 24th of September 2025.
- 7.5 The application to compulsorily acquire the property was submitted to the Commission on 31st of October 2025. There are two submissions who formally objected to the CPO. There were three third party submission during the public display period, however Shane and Margaret Cummins confirmed in their letter to the Commission dated the 10th of December 2025, that they have not made an objection to the CPO.
- 7.6 There was an objection from Mr. Michael Cummins stating the building is the subject of ongoing litigation with the AIB bank. In addition, Allied Irish Bank plc objected to the CPO on the grounds that it is the mortgagee associated with the property, and there is currently two active legal proceedings to obtain possession of the property following default on behalf of the borrowers of the mortgage. The Bank's submission details two active sets of legal proceedings, one before Clonmel Circuit Court and the other before the High Court.
- 7.7 There are no details on file as to who is maintaining the property. From my inspection, it is clear there is no ongoing regular upkeep of the site, and the boarding of the façade of the castle building at ground floor level on the Main Street, is a cause for concern. As stated, the weed growth on the roof of the Castle building is evident and is another serious cause for concern. In my opinion, it is apparent that the property is not being properly maintained or managed and that it continues to have a serious, material detrimental effect on the amenity, character and appearance of the building when viewed from Main Street, and the surrounding vicinity. The legal proceedings referred to in the third-party submissions, are a matter

for the Courts, in my view, and the Commission need not concern itself with such matters for the purposes of this application.

7.8 The Objectors have not considered the derelict condition of the premises or addressed the concerns regarding the condition of the property in the lead-up to the application being made to the Commission, in terms of its inclusion on the Derelict Sites List. In my opinion, the property still falls within the description of a derelict site, and it remains in an neglected, unsightly and objectionable condition, as per category (b) of section 3 of the Derelict Sites Act, 1990 (as amended). In summary, I consider there is sufficient evidence from the documentation on file, and from conducting my own inspection of the property, to determine that the current condition of the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood. I am also concerned the castle building, which is an iconic structure along the streetscape, could become a dangerous structure if allowed to continue to disintegrate without ongoing maintenance.

7.9 I also consider that the Local Authority has taken all reasonable steps to address the neglected, unsightly and objectionable condition of the site. The application is also in accordance with several policies and objectives contained in the Cashel Town and Environs Plan 2009, including Policy ENV 10: Derelict Sites and Section 4.3.5 Redevelopment of Sites and Areas, which states, *'here a structure is located in the ACA and the structure by way of its poor appearance materially detracts from the character of the ACA, the Council may compulsorily acquire the structure under Section 83 of the Planning and Development Act 2000-2007'*.

In conclusion, and in having regard to all the information available on the file and the continued condition and appearance of the site, which as stated constitutes a derelict site, I consider that it is appropriate for the Local Authority to compulsorily acquire Kearney's Castle, No's 16 and 17 Main Street, Cashel, Co. Tipperary.

8.0 Recommendation

I recommend that the Commission confirm the Compulsory Purchase Order based on the reasons and considerations set out below.

9.0 Reasons & Considerations

Having regard to the derelict, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character or appearance of lands in the neighbourhood, having considered the objection made to the compulsory acquisition, and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provision of Cashel and Environs Development Plan 2009

it is considered that the site detracts to a material degree from the amenity, character or appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3 b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Caryn Coogan

Planning Inspector

08/02/2026