



An
Coimisiún
Pleanála

Inspector's Report PL-501344-TY-26

Development	Permission for a single-storey dwelling, a garage and stables, construct a roofed horse walker and all associated site works.
Location	Kilmore Upper , Knockavilla , Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2660163
Applicant(s)	Tony Creane
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Tony Creane
Observer(s)	None
Date of Site Inspection	23 rd July 2026
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural part of Co. Tipperary south of Dundrum village. It is located west of Knockvilla village in the townland of Kilmore Upper.
- 1.2. The site is a large field, 6.2Ha with the eastern site boundary forming the roadside boundary. It is a large flat site with mature hedging along all boundaries. Currently the field access is at the southern extremity of the roadside boundary.
- 1.3. There are a number of dwellings north of the site and a car repair workshop immediately north of the site. There is another dwelling on the opposite side of the road to the site and a farmyard setback considerably from the road.
- 1.4. The road fronting the site is narrow, 3.2metres in width. It is straight in horizontal and vertical alignment.

2.0 Proposed Development

- 2.1. The development of a single-storey sustainable dwelling (298sq.m.), to install a septic tank and percolation area, to develop a garage and stables, to construct a roofed horse walker, to develop the existing site entrance and all associated site works.
- 2.2. The proposed entrance is located at the same location as the current field access off the local road, which is the southern extremity of the roadside boundary.
- 2.3. The dwelling is single storey and an L-shape, with 4 bedrooms. A small stable block is proposed beside the house, creating a courtyard layout.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. decided to **REFUSE** the proposed development for two reasons:

1. Policy 5 – 13 of the Tipperary County Development Plan 2022-2028 inter alia states that:

*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.*

Taking cognisance of the existing pattern of development in the immediate vicinity of the proposed site and the location in a rural area, it is considered that the development proposed would result in a 7th dwelling along a continuous 250 metres of roadway. The application site is not a "gap site". Therefore, the proposed development would, if permitted, contravene Policy 5-12 of the Tipperary County Development Plan 2022-2028, and would, therefore be contrary to the proper planning and sustainable development of the area.

2. This proposal is for, inter alia, a dwelling, garage, stables and horse walker. Section 5.5.2 (Rural Housing Policy) of the Tipperary County Development Plan (TCDP) 2022 states that,

"The Council will seek to protect the carrying capacity of and traffic safety of roads. Therefore, a new dwelling will only be permitted where the applicant has demonstrated, to the satisfaction of the Council, that the site selected offers a safe option in terms of safe entry and exit, and meets the road traffic safety requirements as set out in the Development Management Standards, Volume 3".

The applicant has failed to demonstrate that the required sightline standards as set out under Section 6.1 (Road Design and Visibility at a Direct Access) of Volume 3 (Development Management Standards) of the TDCP 2022 are achievable from the existing entrance from the required 4.5m setback (combined entrance). Therefore, the Planning Authority considers that the proposal would endanger public safety by reason of being a traffic hazard or obstruction to road users. The proposal is therefore considered to be contrary to a stated objective of the TCDP 2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The applicant should complete Part B of the Planning application Form relating to rural dwelling applications.
- Knockavilla is defined as a Settlement Node in the County Development Plan. There are no alternative sites available within 5km of the proposed site.
- The proposed dwelling would be the 7th dwelling along a 250m roadway, therefore it constitutes ribbon development. Policy 5-12 does not allow for a 7th dwelling and the proposal is therefore contrary to this policy and should be refused for this reason.
- The applicant has prepared and submitted 5-year Farm Business Plan for 2026-2031. The Plan does not demonstrate that the applicant has been engaged in farming/agricultural activity at that location for a continuous period of over **5 years prior to making the application** as is required under Policy 5-11.
- The third party evidence in support of beef farming is limited to a document with herd numbers for 9 sucklers with an address for the applicant at Turaheen Lower, Rossmore, Cashel Co. Tipperary. The Business Plan makes reference to using facilities at Ballagh, Cashel. It is unclear as to the applicants ownership of cattle prior to the last 18 months or the exact location of the lands at Ballagh.
- The information in support of the applicants horse training is that the horses are in training with a third party, no evidence in horse breeding has been submitted. It is unclear also to where the referenced foals have been kept to date.
- The applicant has submitted images of Registration of Ownership from HRI (Horse Racing Ireland) and Horse Passports (3 Race Horses & 4 Foals). The passports do not confirm the applicant is the owner of same and they are for animals dated from 2022 onwards. I accept that the Race Horses may be in training with a third party trainer and return to the applicant for off season purposes.

- The Business Plan states the applicant owns the site and has grazing rights to 16ha over a 7 year period.
- The overall design, scale, orientation and material finishes of the proposed dwelling is satisfactory and is considered to meet the requirements of Appendix 4 of TCDP 2022-2028.
- The proposed sewage treatment system meets the requirements EPA CoP 2021 and therefore complies with Policy 15-5 of the TCDP 2022-2028.
- The Archaeology could be addressed by way further information if the Planning Authority was minded to grant permission and it is not considered that same amounts to a refusal reason

3.2.2. **Other Technical Reports**

- Engineering report: No objections

3.3. **Prescribed Bodies**

3.3.1 The planning authority issued a number of referrals to the statutory bodies. The following were notified of the planning application:

Department of Housing, Local Government and Heritage;

Uisce Eireann

Inland Fisheries Ireland

An Taisce

The Heritage Council

3.3.2 ***Minister for Housing, Local Government and Heritage***

It is also noted that the proposed development site is within a relatively rich archaeological landscape and is in proximity to the following recorded monuments that are subject to statutory protection in the Record of Monuments and Places (RMP) established under section 12 of the National

Monuments (Amendment) Act 1930-2014: TS060-152---- Barrow - ditch barrow; TS060-003-Enclosure; TS060-004---- Enclosure; TS060-131---- Burnt mound.

It is possible that hitherto previously unknown archaeological features/deposits be disturbed during the course of groundworks required for the proposed development. Therefore, the Department of Housing, Local Government and Heritage recommends that an Archaeological Impact Assessment (including Archaeological Test Excavation) be carried out as Further Information.

3.3.3 Uisce Eireann

No objection subject connection agreements.

3.4. Third Party Observations

There were no third-party objections received.

4.0 Planning History

4.1 *Planning Reference 23/60271*

Permission sought by the same applicant for a) develop a single-storey sustainable dwelling, b) install a septic tank and percolation area, c) develop a garage and stables, d) construct a roofed horse walker, e) develop the existing site entrance and all associated site works. Application Withdrawn prior to a decision issuing.

5.0 Policy Context

5.1 Development Plan

Tipperary County Development Plan 2022 – 2028

The site in question is located within the ‘open countryside’ as identified in figure 5.3. in an Area under Urban Influence. Section 5.5.2 Rural Housing Policy is applicable.

Table 5.3: Housing Need Definitions

The Council has provided a definition of ‘Economic’ and ‘Social’ need in the context of rural housing policy, as set out below;

Economic A person who is actively engaged in farming/agricultural activity on the landholding on which the house is to be built, meeting either of the following:

(a) A farmer of the land – defined as a landowner with a holding of >20ha. Or

(b) An owner and operator of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha, who is engaged in farming activity on a daily basis, where it is demonstrated that the farming/agricultural activity forms a significant part of their livelihood.

Rural Housing Policy 5-11 (Category 1 B) is applicable.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment. And all the criteria below is met: (i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purposes of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application (ii) The applicant does not, or has never owned a house in the open countryside, (iii) A detailed 5-year business plan will be required to demonstrate 'compliance with Section (i).

Rural Housing 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

4.1 Rural Residential Development

The design, orientation, landscaping and other features of all new one-off houses outside designated settlements shall comply with the relevant policies of the Plan and the Rural Design Guideline for one-off houses in the open countryside set out in Appendix 4 of the Plan.

4.3.1 New Rural Houses Connections to public services shall be made where available. For an on-site wastewater disposal system, the standards, guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021), shall be met. A report prepared by a qualified site assessor in accordance with the standards shall be submitted with the planning application.

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

6.1 Road Design & Visibility at a Direct Access A direct access is a vehicular access from any residential, commercial or agricultural property to and from a public road. New direct accesses shall not be permitted within 90m of the exit of a roundabout on a national road, or within 50m of the exit on a non national road.

5.2 National/Regional Plans/Policies

National Planning Framework

In accordance with National Policy Objective 19, the future focus will continue to be on the facilitation of single houses in the countryside, based on the Core considerations of demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing, whilst having regard to the viability of the smaller towns and rural settlements. It will continue to be necessary to demonstrate a functional Economic and/or Social need to live in the commuter catchment of large towns and cities, including Kilkenny City and Waterford City.

Sustainable Rural Housing Development Guidelines April 2005

In assessing individual housing proposals in rural areas planning authorities will therefore in some circumstances need to form a view as to whether that proposal

would contribute to or exacerbate ribbon development. Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

5.4 Natural Heritage Designations

There are a number of European Sites within 15km of the subject site

There are a number of European sites within 15km of the subject site. However there are none in close proximity to the subject site.

Lower River Suir Site Code 002137 (150m west)

Anglesey Road SAC Site Code 002125

Galtee Mountains 000646

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (Refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A summary of the first party appeal is as follows:

7.1.1 *Compliance with Development Plan Policy*

There is some ambiguity regarding the Ribbon Development policy as interpreted by Tipperary Co. Co. In Volume 3 Appendix 4- Rural Housing Design Section, section 2.4 Ribbon Development, the footnote on page 10 defines Ribbon Development as 5 or more existing or permitted dwellings along one side of 250m stretch of road. The proposed dwelling is the 4th dwelling along the same side of the road, and therefore does not constitute ribbon development. This is also in line with the description of Ribbon Development in the Sustainable Rural Housing Guidelines.

The proposed development is only the 4th house along this stretch of road, is located on a cul-de-sac rather than on an approach road to a town or village. The site is located in 'Open Countryside' designation.

Section 5-13 of the Tipperary County Development Plan does not apply to this proposal.

- The dwelling is a new farmhouse and it is not extending urban influence into the countryside
- The reuses an existing entrance, there is no new access proposed
- No roadside features or hedgerows will be lost
- There is no servicing issue
- The house is setback a significant separation distance from the road.

The proposal is for a farmhouse in the open countryside.

7.1.2 The operational speed of the road is below the speed at a Y-distance on rural non-national roads which requires assessment under Table 6.2 of the Tipperary County development Plan. In other words there is no requirement for the assessment of sightlines. An average speed approaching from the left was measured at 38 km/h and the average speed approaching from the right was measured at 37.22 km/h.

7.1.3 ***Response to Planner's Report***

- In the pre-planning meeting the applicant was advised to comply with Policy 5-11 (Category 1B) of Tipperary County Development Plan and that there were no reasonable alternative sites available. The applicant submitted evidence that he has an economic need to reside in the area through his active engagement of farming/ bloodstock. He provided a herd profile and

registration number, transcripts of his training in farming practices, registration of ownership from HRI and horse passports.

- Maps identifying lands purchased by the applicant at Kilmore since January 2021 with beneficial access since then.
- The applicant currently rents stables at Ballagh, Clonoulty, Co. Tipperary.
- Horse passports do not state the name of the owner, the passports change hands during the sale of the horse or are produced by the breeder.
- Part B of the Planning Application Form, submitted in support of this appeal.

7.2. Planning Authority Response

There were no further issues raised by the planning authority on appeal.

8.0 Assessment

- Compliance with Rural Housing Need
- Ribbon Development
- Sewage Treatment
- Design and Layout
- Traffic
- Other Matters

8.1. Compliance with Rural Housing Need

- 8.1.1 Any applicant applying for planning permission for a rural dwelling in Co. Tipperary must comply with criteria set out under section 5-11 of the county development plan. They must fill out a Part B Form which is supplementary information relating to Rural Housing Need. The applicant did not submit Part B Form with his planning application, which was highlighted in the Planner's Report on file. The First Party

appeal did include a completed Part B Form which I will assess below in conjunction with the other material presented with the planning application.

8.1.2 The applicant is claiming to comply with the requirements of Rural Housing Policy 5-11(B)

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/livestock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment. And all the criteria below is met: (i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purposes of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application (ii) The applicant does not, or has never owned a house in the open countryside, (iii) A detailed 5-year business plan will be required to demonstrate 'compliance with Section (i).

According to Part B, the applicant Mr. Tony Creane, resides with his parents at Turraheen Lower, Rossmore, Co. Tipperary. He is a company director at the Europlan Group, Clonmel which is 33.7km from the subject site. It is submitted the applicant purchased the site in 2021-22. He has not previously owned a dwelling house in the open countryside. There was a 5-year business plan submitted with the planning application. It is stated the applicant has Level 5 and 6 Certificates in Agriculture. He has 35 years' experience in farming with a herd number since 2011. He states he has been farming at the subject site since 2021 which includes livestock husbandry, pasture management, calving/ foaling, machinery operation. On the day of my site inspection, I witnessed no farming activity associated with the subject site. It is submitted the applicants owns 6.2ha, he leases 4ha and he has a grazing agreements for 16ha for 7years from 2026. He states he owns 9No. cattle in addition to new stock purchased in March 2026 – i.e. 40No. calves. The 9No. sucklers are registered to the family homestead at Rossmore, Cashel. The new calves will require daily farm presence to ensure feeding, checking, welfare and security. There is no mention of the wintering of the livestock in terms of housing,

storage of feed and slurry storage of same, at the site location. It is stated in the Business Plan that cattle shed is rented, but there is no indication of the location of the shed relative to the site. It is also stated he owns 3No. horses and 4No. foals. I note, the equine passports submitted do not indicate ownership. These horses are currently at the Ballagh, Cashel, but will be relocated to the current proposed facilities. There is no evidence to support the claims the horses are at Ballagh, Cashel.

- 8.1.3 I note the Planning Report stated the applicant has not been engaged in farming practices at this location for the previous five years. The supporting documentation would indicate the 9No. cattle are associated with the family home address at Rossmore, Cashel. Also it is unclear about where the horses are located at Ballagh, Cashel. Although the applicant has indicated he will be leasing land in 2026 and purchasing 40No. calves there is no evidence to substantiate these claims. I would question the viability of the Business Plan if the leasing of 16ha is for a seven year period only.
- 8.1.4 Although the applicant has provided certificates in terms of agricultural training, there is no solid proof of farming at this location for the past 5 years. The Business Plan is vague, and there would appear to be no physical evidence on site to back up the claims made in the business plan. Given the applicant's current position at Europlan Group as stated on the Part B form, I am not convinced he has demonstrated an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/livestock activity on an area greater than 20ha, which is required under section 5-11 (B) of the Rural Housing Policy in the development Plan. The bulk of the landholding, 16ha, is being leased for a 7 year period only. The applicant's position at the Europlan Group would need further clarification in order to determine if it is economically essential for the applicant to reside at this location in the open countryside. The evidence presented is unclear and open to debate. I am not convinced by the evidence presented the applicant has presented demonstrates a genuine economic need to reside at this location, and therefore I conclude that he does not comply with Policy 5-11 of the Rural Housing Policy. I

concur with the planning authority's decision to refuse planning permission for the development on this basis.

8.2 Ribbon Development

- 8.2.1 The first reason for refusal states that under Policy 5-13 of the development plan, further ribbon development of more than 5No. dwellings, will be resisted within any continuous 250m section of roadway. The reason for refusal stated the proposed development represents the 7th dwelling along a 250m stretch of roadway.
- 8.2.2 In the Tipperary County Development Plan, Volume 3 Appendix 4 -Rural Housing Design Guide and Policy 5-12, Volume 1 it states, '*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*'. I note in the appeal submission, the applicant has claimed on appeal that, the Rural Housing Design section of the Tipperary County Development Plan states the 250m is along one side of the road. That is not correct.
- 8.2.3 The stated policy in the Tipperary County Development Plan 2022-2028 does not clearly defines whether the 250m stretch of road is one or two sides of the road. It is apparent from the assessment of this planning application and the basis for Reason No 1 of the Refusal, that both sides of the road have been taken into consideration by Tipperary Co. Co.
- 8.2.4 I refer to the Appendix 4 of Sustainable Rural Housing Guidelines DOEHLG 2005, which states under the relevant appendix that ribbon development is '*where 5 or more houses exist on any one side of a given 250 metres of road frontage*.'
- 8.2.5 At the appeal location, there is a pocket of 5No. dwellings to the north of the site. One of the rural dwellings includes a car repair/ servicing outlet. There are cars covering the curtilage of the neighbouring site to the immediate north and along the narrow country road fronting the site. The subject site is much larger than the adjoining residential curtilages and has a greater road frontage. The proposed dwelling equates to the fourth dwelling along 250m of one side of the road, and the 7th dwelling if both sides of the road are included.

8.2.6 In my opinion, based on the national guidelines, the ribbon development is counted along one side of the road. Accordingly, this is the fourth dwelling along one side of a 250m section of road. Therefore, in accordance with Policy 5-13, an additional individual dwelling, either within, or extending the existing ribbon pattern, will be facilitated where the applicant can demonstrate an Economic or a Social Need existing or shared accesses are used where practicable, and it is demonstrated that no alternative exists outside of Ribbon Development. This issue has been addressed under Section 8.1 of this report.

8.3 Sewage Treatment

8.3.1 The planning application included a Site Suitability Report which indicated the proposed development will be served by public water mains. The underlying aquifer is locally important and it is highly vulnerable. There are 6No. individual dwellings with separate sewage treatment systems within 250metres of the site. Following the percolation testing on site, a secondary treatment and polishing filter was recommended to serve the proposed dwelling. It is proposed to install a 6PE Effluent Treatment System followed by discharge to groundwater via percolation trenches with an invert level of 0.4m below ground level to ensure there is a minimum of 900mm of unsaturated soil between the base of the trench and the water table encountered at 1.3m. The proposed sewage treatment system is in line with the relevant EPA Guidelines for Small Sewage Treatment Systems for Individual Dwellings.

8.4 Design and Layout

8.4.1 The proposed dwelling is a low profile (6.24sq.m.) single storey contemporary house with a floor area of 206sq.m. It is L-shaped, with a separate stable block unit creating a central courtyard effect. The dwelling is set deep into the site. The overall design, scale, orientation and material finishes of the proposed dwelling is satisfactory and in accordance with the Rural Housing Design Guidelines Volume 3 Tipperary County Development Plan 2022-2028. The stable building and the roofed horse walker are all below 7metres in height. On balance, I do not consider the proposed development would detract from the visual qualities of the area.

8.5 Traffic

8.5.1 The second reason for refusal stated the applicant has failed to demonstrate that the required sightline standards as set out under Section 6.1 (Road Design and Visibility

at a Direct Access) of Volume 3 (Development Management Standards) of the Tipperary County Development Plan 2022 are achievable from the existing entrance from the required 4.5m setback (combined entrance).

8.5.2 It is proposed to utilise and upgrade the existing agricultural access to the site. The road fronting the site and giving access to the site is a narrow country road. The planning report states there is a speed limit of 60km per hour along the road. However, I did not see any speed limit sign in the vicinity. Furthermore, the approach to the site is very slow due to the narrow width of the road. The road is also a cul de sac, it is not a through road and carries a very limited amount of traffic, only local traffic. The Planning Report on file, states the required sightline is 160m in both directions based on Table 6.2. of the development plan. The applicant has submitted on appeal that he measured the speed from the left to be 38.63km per hour and 37.22km per hour from the right. According to the submitted basic traffic survey, the speed check was carried out on the 12th of May 2026 at 13.30hours. I do not consider the survey to be a sufficient assessment of the prevailing speeds along this stretch of the local road. However, I do believe given the width of the road, the cars parked along both sides of the road north of the site, the low level of traffic associated with the cul de sac, it would be very difficult to approach the site at a speed of 50-60km per hour. The configuration of the road fronting the site and to the south of the site, is straight. Given the proposed entrance is at the southern extremity of the roadside boundary, the required sightlines would require alterations to third party lands south of the proposed access. There has been no third-party consent to alterations or maintenance of the hedgerow to provide sufficient sightlines. In my opinion, a more central location along the roadside boundary could have been examined by the applicant, however, this was not carried out on appeal.

8.5.3 I do not support the sightline reason for refusal, because I consider the prescribed requirements of 160m in both directions as specified in reason for refusal no. 2 to be excessive at this location given the low volume of traffic associated with the cul de sac, and the physical constraints associated with the local road providing access to the site.

8.6 Other Matters

8.6.1 The planning authority referred the planning application to the statutory bodies. The Department of Housing, Local Government and Heritage responded stating the site

location is within relatively rich archaeological landscape, and in close proximity to a number of National Monuments and that extensive further information is required in the terms of an Archaeological Impact Assessment.

9.0 AA Screening

- 9.1 I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The site lies approximately 150m east of the Lower Suir SAC (Site Code 002137) 10km south of the Slievefelim to Silvermines Mountains SPA.
- 9.2 The site is not immediate to a European site.
- 9.3 The proposed development comprises a single dwelling unit, domestic garage, on site wastewater treatment system and associated works. No nature conservation concerns were raised in the planning appeal.
- 9.4 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. The reason for this conclusion is as follows:
- Nature of the works e.g. a single dwelling unit of small scale.
 - Location and distance from the nearest European site and there is no hydrological connections from the subject site.
- 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. Likely significant effects are excluded and thereafter 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 approximately 150m east of a water body referred to as Multeen River, a tributary of the Lower River Suir
- 10.2. The development comprises a single storey dwelling domestic garage and associated works.

10.3. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

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

10.5 **Conclusion**

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.

11.0 **Recommendation**

11.1. I recommend the planning authority's decision to refuse is upheld by the Commission.

12.0 Reasons and Considerations

Having regard to the rural housing policies in the Tipperary County Development Plan 2022-2028, in particular Table 5.3 and Policy 5-11 Rural Housing Policy, the Commission having considered the totality of the information on the file concluded that the applicant has not demonstrated either a social or economic need for a house at this location in the open countryside. The Commission considered the proposed development would contribute to non-essential housing in the Open Countryside and would therefore be contrary to policy 5-11 of the Tipperary County Development Plan and would not be in accordance with the proper planning and sustainable development of the area.

Note: 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

31st of August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP PL- 501344-TY-26
Proposed Development Summary	Permission for single-storey dwelling, a garage and stables, construct a roofed horse walker and all associated works
Development Address	Kilmore Upper, Knockvilla, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold.	Schedule 5 Part 2 Class 10 (b) (i) – Construction of more than 500 dwelling units. Schedule 5 Part 2 Class 11 (c) – Wastewater treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP- 501344-TY-26
Proposed Development Summary	Permission for a single-storey dwelling, a garage and stables, constructed roof walker and all associated works,
Development Address	Kilmore Upper, Knockvilla, 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	The proposed development is for a single storey house , garage, stables and roofed horse walker and WWTS. It is a modest development and would not involve any demolition works. It would not require the use of substantial natural resources and would not pose a risk of major accident and/or disaster. Normal pollution and nuisance can be expected during the construction phase. The site is in a rural area and there are existing houses adjacent to the north and east. The proposed development would be similar to existing development in the vicinity. The WWTS has been considered in the report. It is to accommodate a single house and waste generation would be very limited. There has been no information provided regarding the management of waste associated with the livestock.
Location of development	The development is situated in a rural area on grassland which is relatively abundant in the area. There is a farm on the opposite side of the road. The site is removed from sensitive habitats and centres of population. The closest European site is a tributary of the River Suir, 150m west of the site. There are no protected structures in the immediate vicinity

Types and characteristics of potential impacts	The proposed house and WWTS would have no significant environmental impact. It would be consistent with the existing pattern of development in the immediate vicinity, it would be located away from any environmentally significant area, and the proposed development is substantially below a threshold that could be considered relevant for EIA.
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.

Inspector: _____ **Date:** _____