



An
Coimisiún
Pleanála

Direction
CD-021636-25
ACP-323765-25

The submissions on this file and the Inspector's report were considered at a meeting held on 30/12/2025.

The Commission decided, by majority decision 2:1, to make a split decision, to

(1) **grant** retention permission (subject to conditions) for separate domestic garage/garden store

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

(2) **refuse** retention permission for existing domestic building, containing home gym, home office and store

for the reasons and considerations marked (2) under.

Planning
Commissioner:

Date: 31/12/2025

Tom Rabbette

DRAFT WORDING FOR ORDER

Reasons and Considerations (1)

Having regard to the nature, scale and use of the domestic garage/garden store to be retained and to its location to the rear of the application site, it is considered that, subject to compliance with the conditions below, the development proposed to be retained would not adversely impact on the visual or residential amenities of the area and would be consistent with section 4.14 'Domestic Garages' of Volume 3, Appendix 6 of the Tipperary County Development Plan 2022-2028. The proposed development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The domestic garage/garden store shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for human habitation or for any residential, commercial, agricultural or industrial purposes.

Reason: In the interests clarity and residential amenity.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from the roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

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

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

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

Reasons and Considerations (2)

It is a requirement of the planning authority that the floor area of the development type proposed to be retained i.e. detached domestic building, containing home gym, home office and store, shall, *inter alia*, be modest in scale and shall not exceed 20 sq.m. as indicated in section 3.11 'Working from Home' of Volume 3, Appendix 6 of the Tipperary County Development Plan 2022-2028, this requirement is considered reasonable. Having regard to the floor area of the domestic building to be retained, which is over three times the 20 sq.m. limit cited above, it is considered that the development to be retained would be contrary to the said section 3.11 and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention permission for the domestic building, containing home gym, home office and store, the Commission considered that the floor area of the structure would greatly exceed the floor area limit for such developments cited in the statutory development plan for the area and would, therefore, be contrary to the development plan requirements. The exceedance would be further compounded in this instance with the granting of retention permission for the separate domestic garage/garden store. In the circumstance, the Commission was not satisfied that the domestic building,

containing home gym, home office and store, with the floor area proposed, was justified, particularly in the context of the development plan requirements.