



Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Planning Register Reference Number: 18/600949

Appeal by Andy Hennessy care of Cummins and Voortman Limited of Ballyline Via Callan, County Tipperary against the decision made on the 12th day of April, 2019 by Tipperary County Council to refuse permission for development comprising (a) retention of minor physical external changes to existing multi-purpose commercial (office and light industrial/Class 4) building, namely: original solid timber workshop doors replaced with predominantly glass Alu-Clad units on the north-eastern elevation, inclusion of roof windows on the south-western pitched roof slope and construction of a large feature window on the south-eastern roadside elevation/gable in lieu of original small high level unit and all associated works and (b) permission for change of use of the existing light industrial/Class 4 portion of the existing building as a dedicated commercial storage area ancillary to the existing office located within the same building, all at Knockgraffon, Cahir, County Tipperary in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of minor physical changes to existing multi-purpose commercial (office and light industrial/Class 4) building, namely: original solid timber workshop doors replaced with predominantly glass Alu-Clad units on the north-eastern elevation, inclusion of roof windows on the south-western pitched roof slope and construction of a large feature window on the south-eastern roadside elevation/gable in lieu of original small high level unit and all associated works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below. REFUSE permission for change of use of the existing light industrial (Class 4) portion of the existing building as a dedicated commercial storage area ancillary to the existing office located within the same building based on the reasons and considerations marked (2) under

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations (1)

Having regard to the scale and form of the physical changes to the existing building, it is considered that, subject to compliance with the condition set out below, the development for which retention is sought, would not adversely impact the physical appearance or character of the existing building, would be acceptable in terms of the visual amenity of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse retention permission for the minor external changes to the existing building, the Board considered that these physical works, which confer no legal status on any use within the building, are compatible with the design and form of the existing building, would not constitute an inappropriate design change to the building and would be acceptable in terms of the visual amenity of the area.

Condition

The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Reasons and Considerations (2)

1. On the basis of the information submitted with the planning application and the appeal, which confirms that the proposed commercial storage area use will be open to visiting members of the public, and that the existing office use is an integral component of this proposed use, it is considered that the proposed overall use of this premises is not sufficiently described in the documentation submitted with the planning application and the appeal, in terms of the overall unit of activity including the authorised status of the linked office use, and that the full scope of future generated activity at the proposed commercial premises is not properly detailed. In this regard, the Board is not satisfied, on the basis of the information presented within the planning application and the appeal, that the proposed change of use would be in accordance with paragraph 5.6.2 'Enterprise in the Open Countryside' of the South Tipperary County Development Plan, 2009 (as varied) which records that 'uses that would entail significant customer draw, including non-farm related shops/retailing will not be considered appropriate' and is not, therefore, in accordance with Policy ED9. The proposed development would, therefore, be contrary to the provisions of the current development plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed change of use would result in additional traffic movements to and from the subject site, at an entrance/egress point where sightlines are substandard. In this regard, the proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.