

An
Coimisiún
Pleanála

Commission Order

ACP-323765-25

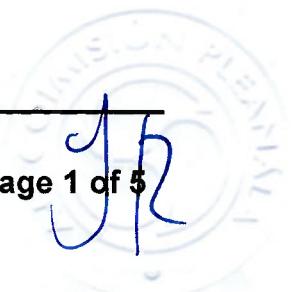
Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 25119

Appeal by Paul Barnaville of Fennor, Gortnahoe, Thurles, County Tipperary against the decision made on the 9th day of September, 2025 by Tipperary County Council to refuse permission for the proposed development.

Proposed Development: Retention permission for an existing domestic building, containing home gym, home office and store, and a separate domestic garage/garden store, both at rear of dwelling, at Fennor, Gortnahoe, County Tipperary.



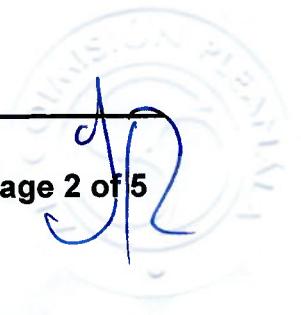
Decision

GRANT retention permission for separate domestic garage/garden store in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE retention permission for existing domestic building, containing home gym, home office and store for the reasons and considerations marked (2) under.

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 development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be retained and 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 within three months of the date of this Order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The domestic building and the 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 interest of residential amenity.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, 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 within three months of the date of this Order 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, that is, detached domestic building, containing home gym, home office and store, shall, *inter alia*, be modest in scale and shall not exceed 20 square metres, 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 square metre limit cited above, it is considered that the development proposed to be retained would be contrary to the said section 3.11 of the development plan 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.



Tom Rabbette
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 2nd day of **July** 2026