

An  
Coimisiún  
Pleanála

Commission Order  
PL-500600-TY-26

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**Planning and Development Act 2000, as amended**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 2560936**

**APPEAL** by John Eustace against the decision made on the 19<sup>th</sup> day of December 2025, by Tipperary County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of two number three-bedroom bungalows with carparking, connection to services, bin storage and ancillary site works with a new shared entrance off the Choille Bheithe estate road at Choille Bheithe, Nenagh, County Tipperary.

## **Decision**

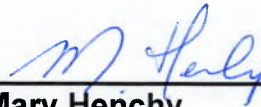
**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

The use, size and quality of the open space, that is zoned 'Amenity' in the Nenagh and Environs Local Area Plan 2024-2030, and serves adjoining residential properties would be seriously compromised by; the vehicular access that is proposed to traverse the open space to serve the proposed two houses, by the alteration proposed to the boundary of the open space area and, by the proximity of the front elevation of the proposed houses to the open space. The proposed development would materially contravene the 'Amenity' zoning objective which seeks to preserve and enhance open space, biodiversity and amenity uses 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 permission, the Commission did not concur with the Inspector that the amenity space was not usable and had limited benefit to the adjoining residential properties, while limited in area, the Commission considered it has potential to provide functional play space and provides passive amenity to adjoining properties. Similar to other open spaces within housing estates in Nenagh, the lands are zoned 'Amenity' and in accordance with the zoning matrix set out in the Nenagh and Environs Local Area Plan 2024-2030, residential is not normally permitted.

There is no evidence on file that the current path that traverses the green area is authorised, the Commission noted from the pictures on file that the path does not appear to be dishd to accommodate this access. Although ordinarily these matters might warrant further consideration and a request for further information, to establish if the amenity area is conditioned open space, in this instance given the substantive reason for refusal above, it was decided not to pursue these matters under the current appeal.

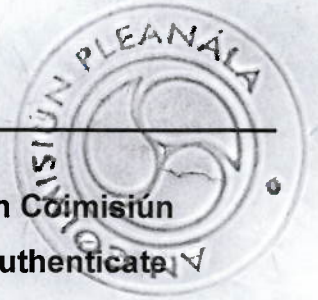


**Mary Henchy**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



Dated this *14<sup>th</sup>* day of *May* 2026.