



Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2560830

Appeal by Liam McGowan against the decision made on the 13th day of February, 2026 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Retention permission for the change of use of an existing domestic garage to an independent domestic apartment ancillary to the main house and all associated works at Rathdaniel, Tinure, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the development proposed to be retained, to the planning history pertaining to the application site, and also having regard to the clarifications regarding the occupancy of the domestic apartment/family flat in the grounds of appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with provisions of section 13.9.21 of the Louth County Development Plan 2021 - 2027, and would not adversely impact on the residential, visual or rural amenities of the area. The proposed development 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 permission, the Commission considered that Policy Objectives HOU 43, HOU 48 and section 13.7.4 of the Louth County Development Plan 2021 - 2027, which relate to applications for one-off rural housing in the open countryside, and NPO 28 of the NPF which, likewise, relates to one-off rural housing, and the 'Sustainable Rural Housing Guidelines for Planning Authorities', were not applicable in this instance given the specific nature of the development proposal, which is not for a one-off rural house in the open countryside. In that regard, the Commission further noted that the planning authority did not refuse permission in relation one-off rural housing policy and the Commission concurs with the authority in that regard. The Commission considered that the proposed development fell to be considered under section 13.9.21 of the Development Plan, as did the planning authority, which relates to a family flat/independent living unit on the site of an existing dwelling unit. In that regard, and subject to condition, the Commission considered that the applicant has demonstrated compliance with this said section based on the clarification submitted in the grounds of appeal (which was not available to the planning authority at the time of its decision-making). The Commission, therefore, decided to grant retention permission for the proposed

development. In relation to the planning authority's refusal reason number 2, the Commission noted that notwithstanding the wording of the development description as an 'apartment', the subject unit, as indicated above, should be considered under section 13.9.21 as 'a family flat/independent living unit on the site of an existing dwelling unit' and not a conventional apartment, and the only standard specified in that said section 13.9.21 is a requirement that the unit shall generally not exceed 50 square metres, which the proposed development meets. (The Commission also notes that the subject unit does not meet the definition of an apartment as defined in Appendix A of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' 2024). The Commission was, therefore, satisfied that the matter of a material contravention of the Development Plan did not arise in this instance, and the Commission, therefore, did not invoke section 37(2)(b) of the Planning and Development Act 2000, as amended. In relation to the planning authority's refusal reason number 3, the Commission noted that planning permission was granted for the detached garage on the site under planning register reference number 01/371 (albeit not in the exact location as indicated in that application).

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application and the further plans and particulars received by An Coimisiún Pleanála on the 12th day of March 2026 in the grounds of appeal 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. (i) The domestic apartment/family flat shall be occupied by an immediate family member of the applicant, specifically, it shall be occupied as stated in the plans and particulars received by An Coimisiún Pleanála on the 12th day of March 2026 in the grounds of appeal and shall not be occupied by any other persons pursuant to this Order.
- (ii) When the occupancy subject of (i) above ceases, the use of the structure for human habitation shall cease and the use shall revert to use as a domestic garage ancillary to the main house on the application site.
- (iii) The domestic apartment/family flat shall not be sold or let as an independent unit and shall remain in the same ownership as the main dwelling on the application site.

Reason: In the interest of clarity, to comply with the provisions of section 13.9.21 of the Louth County Development Plan 2021 - 2027 and in the interest of the proper planning and sustainable development of the area.



Tom Rabbette

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

Dated this 1st day of July 2026.