

RN 177 773  
E80-00 CARD

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) 29 01 2024**

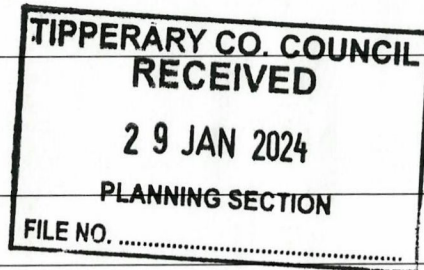
**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

Applicant	Billy & Eimear Crowley
Address	Clashnasmuth, Ahenny, Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

**2. Agent's (if any) address:**

Agent	
Address	
Telephone No.	
E-mail	
<p>Please advise where all correspondence in relation to this application is to be sent;</p> <p>Applicant [<input checked="" type="checkbox"/>]      Agent [ <input type="checkbox"/> ]</p>	



**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Clashnasmuth, Ahenny, Co Tipperary, E32 EA39
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**4. Development Details:**

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

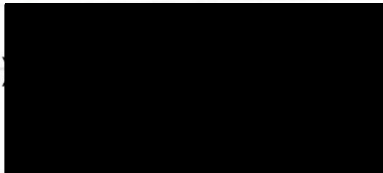
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

Renovation of existing Dwelling which includes extending floor area to rear of property by 35m <sup>2</sup> and placing natural slate hipped roof in place of existing flat roof at rear of dwelling. Demolition of existing garage (14m <sup>2</sup> ) & outhouse buildings (19m <sup>2</sup> ). All works are at rear of existing house which itself is nestled within existing farm buildings and is unable to be viewed from public Road as no direct sightlines are available between dwelling and public road. All external materials to match style of existing dwelling, Dashed Walls, Natural Slate Roof, etc.
Overall Floor area at rear of building is being increased by 35m <sup>2</sup>
Existing Garage and Outbuilding which are not habitable to be demolished have a combined area of 33m <sup>2</sup> .
Overall Floor area to be extended by 2m <sup>2</sup>

**5. Legal Interest of Applicant in the Land or Structure:**

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s)



Date:

29-1-24

**Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.**

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
<b><u>DATE STAMP</u></b>	
<b>Fee Recd. €</b> _____	
Receipt No _____	
Date _____	
Received by _____	



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Our Ref: S5/24/12

Date: 31<sup>st</sup> January 2024

Civic Offices, Clonmel

**Billy & Eimear Crowley**  
**Clashnasmuth**  
**Ahenny**  
**Co. Tipperary.**

**Re: Application for a Section 5 Declaration – Renovation of existing dwelling at Clashnasmuth, Ahenny, Co. Tipperary.**

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 29<sup>th</sup> January, 2023, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

---

for **Director of Services**

Billy & Eimear Crowley  
Clashnasmuth,  
Ahenny,  
Co Tipperary.  
29<sup>th</sup> January 2024

Dear Sir / Madam

Please find enclosed completed planning exemption form for works at Clashnasmuth, Ahenny, Co Tipperary including schedule of all documents below.

Kind Regards

---

Billy & Eimear Crowley

### **Schedule of Documents attached (2 copies each)**

- Site Location Map @ 1:2500
- Existing & Proposed Ground Floor Plans & Elevations
- Site Layout Plan
- Reference Photos

640710 mE, 630940 mN

**The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoin**



Folio: TY10988

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see [www.prai.ie](http://www.prai.ie).

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edge)

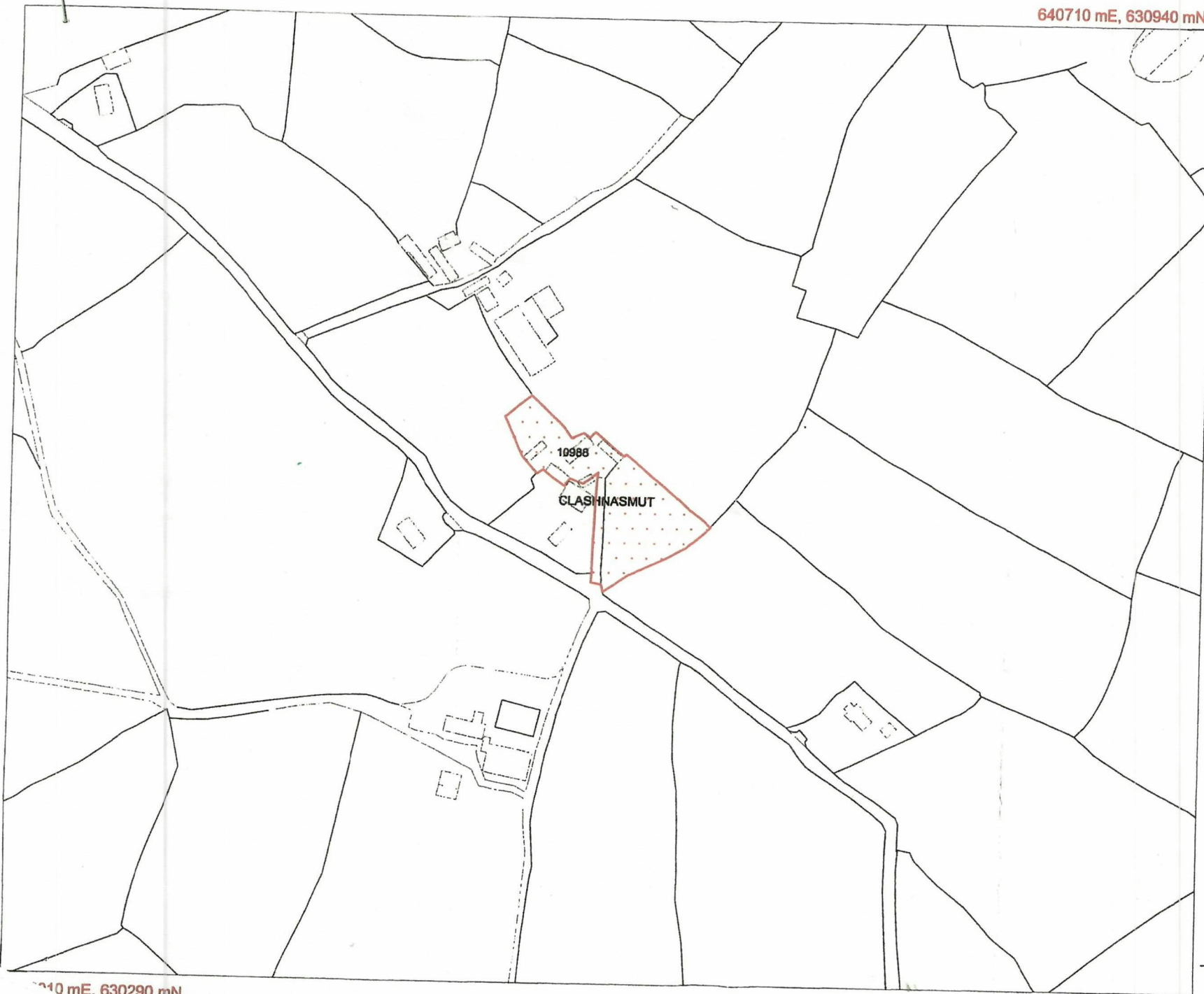
- Freehold
- Leasehold
- SubLeasehold

**Burdens (may not all be represented on map)**

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

**The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964) as inserted by Section 62 of the Registration of Deed and Title Act 2006.**



640710 mE, 630290 mN  
Created: 04/09/2023

Creation Date: 04 September 2023 13:25:39

Application Number: D2023LR115241J

1:2500 Scale





Photo A



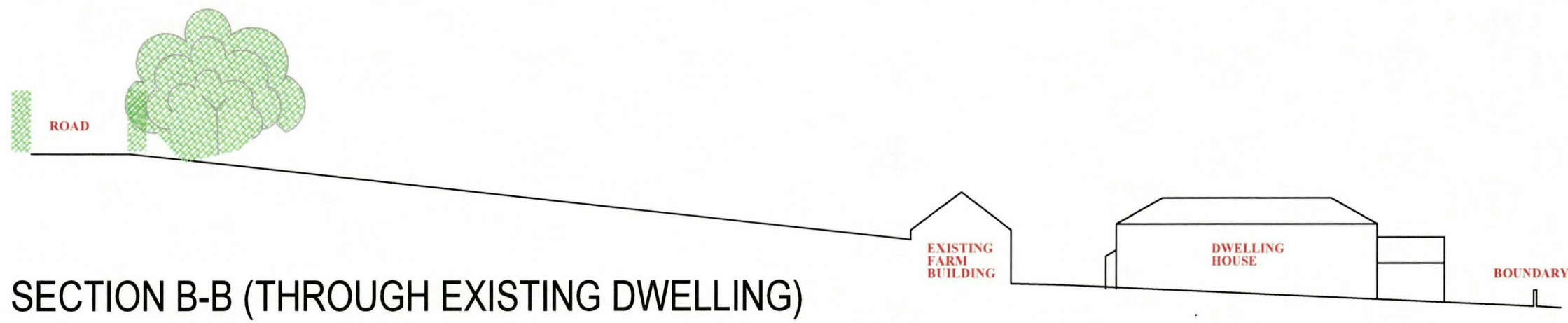
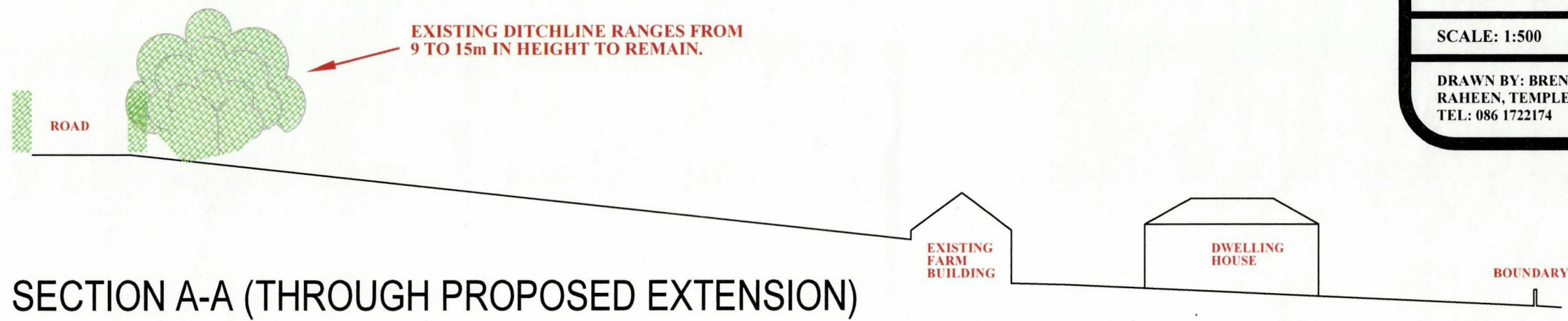
Photo B

Photos -  
Referenced to  
Drawing C105








Photo C

DRAWING: SECTIONS THROUGH SITE	
DRAWING NO: CLA06	REVISION: 0
PROJECT: PROPOSED UPGRADE WORKS LOCATION: CLASHNASMUTH, AHENNY, CO TIPPERARY CLIENT: BILLY & EIMEAR CROWLEY	
DRAWING PURPOSE: PLANNING	
SCALE: 1:500	DATE: JANUARY 2024
DRAWN BY: BRENDAN CROWLEY RAHEEN, TEMPLEORUM, CO KILKENNY. TEL: 086 1722174	

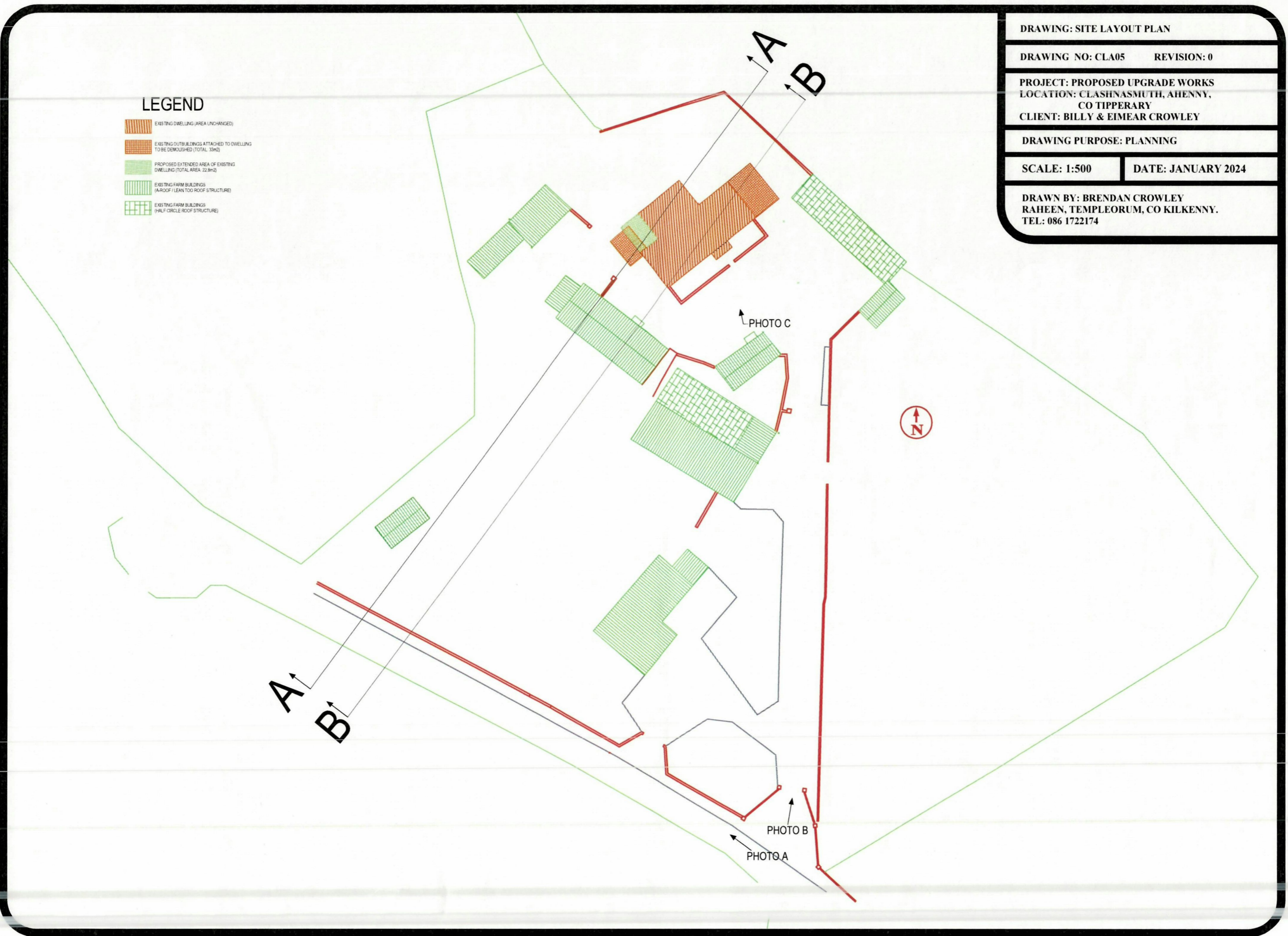


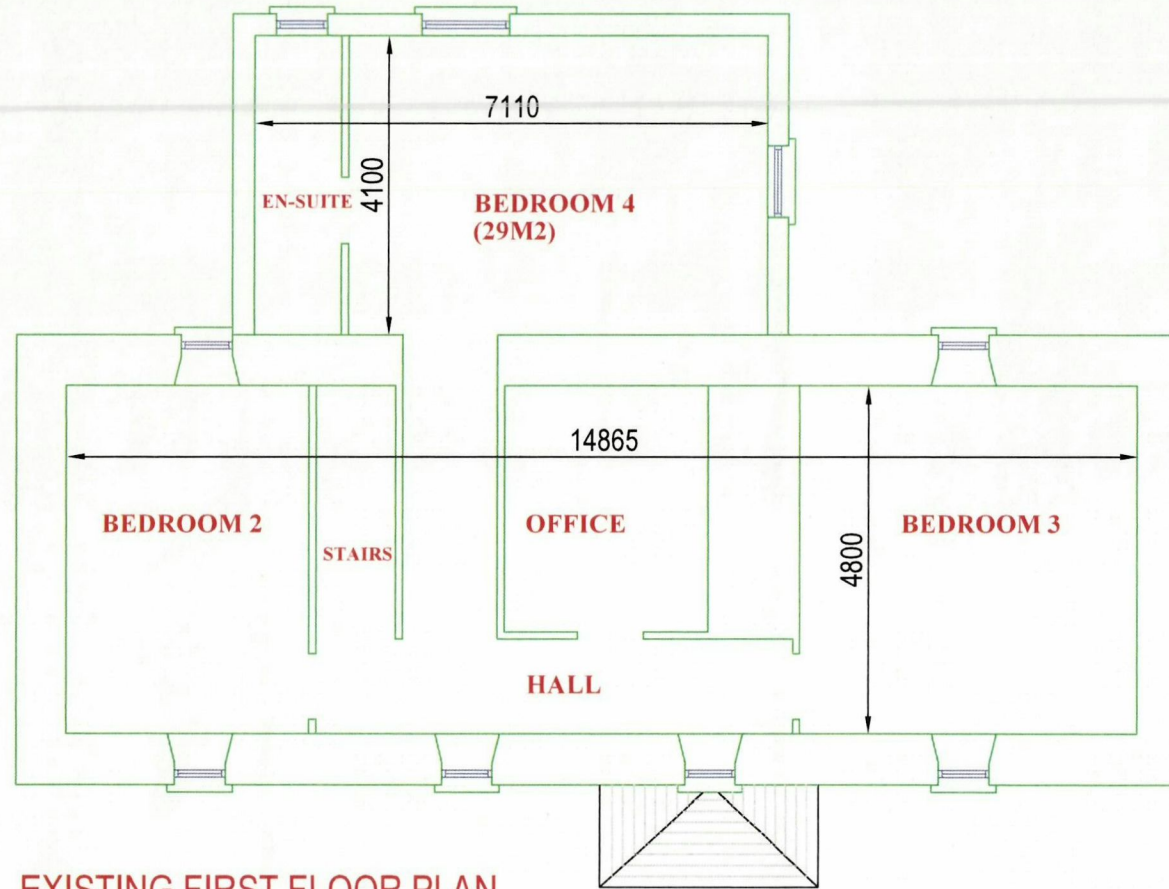


**LEGEND**

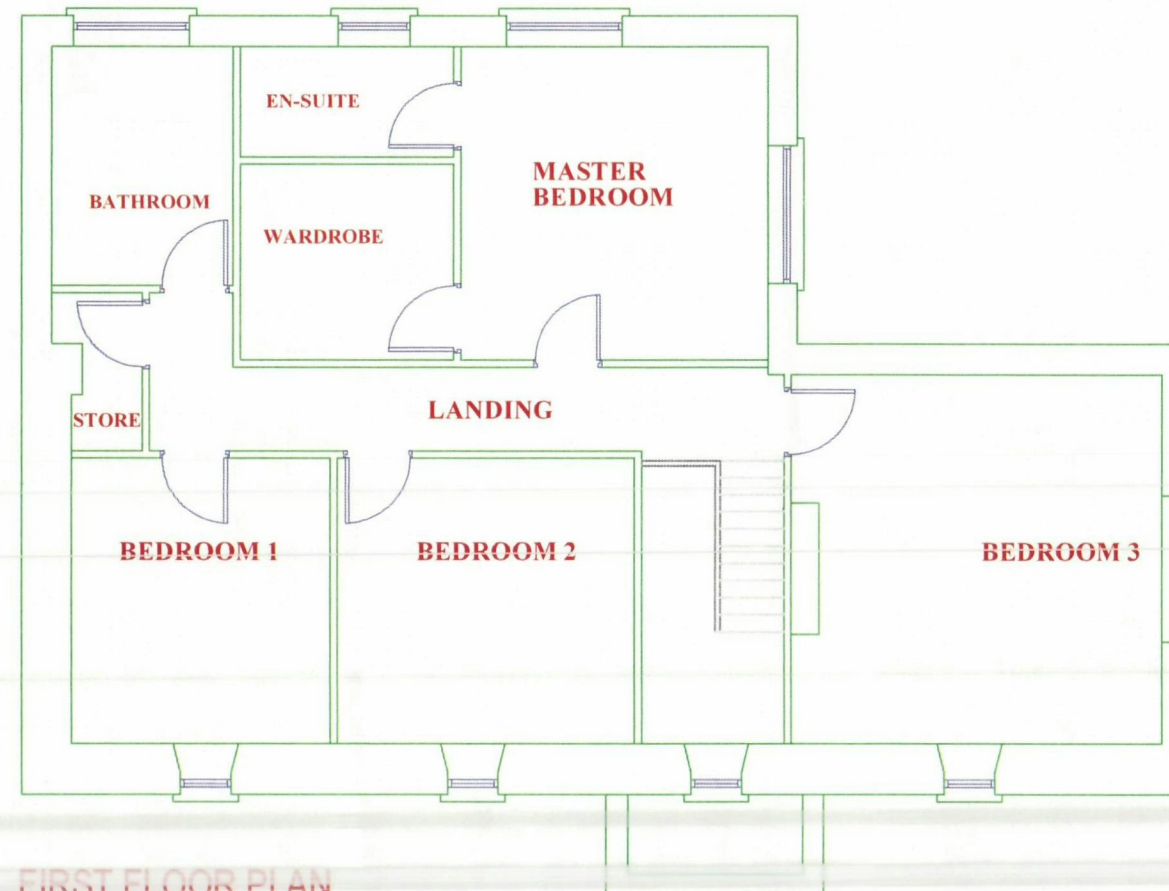
-  EXISTING DWELLING (AREA UNCHANGED)
-  EXISTING OUTBUILDINGS ATTACHED TO DWELLING TO BE DEMOLISHED (TOTAL 33m<sup>2</sup>)
-  PROPOSED EXTENDED AREA OF EXISTING DWELLING (TOTAL AREA 22.8m<sup>2</sup>)
-  EXISTING FARM BUILDINGS (A-ROOF / LEAN TOO ROOF STRUCTURE)
-  EXISTING FARM BUILDINGS (HALF CIRCLE ROOF STRUCTURE)

DRAWING: SITE LAYOUT PLAN	
DRAWING NO: CLA05	REVISION: 0
PROJECT: PROPOSED UPGRADE WORKS LOCATION: CLASHNASMUTH, AHENNY, CO TIPPERARY CLIENT: BILLY & EIMEAR CROWLEY	
DRAWING PURPOSE: PLANNING	
SCALE: 1:500	DATE: JANUARY 2024
DRAWN BY: BRENDAN CROWLEY RAHEEN, TEMPLEORUM, CO KILKENNY. TEL: 086 1722174	





**EXISTING FIRST FLOOR PLAN**  
(EXISTING) 100.5m<sup>2</sup>



**FIRST FLOOR PLAN**  
(PROPOSED) 118m<sup>2</sup>

DRAWING: FIST FLOOE PLANS

DRAWING NO: CL04 REVISION: 0

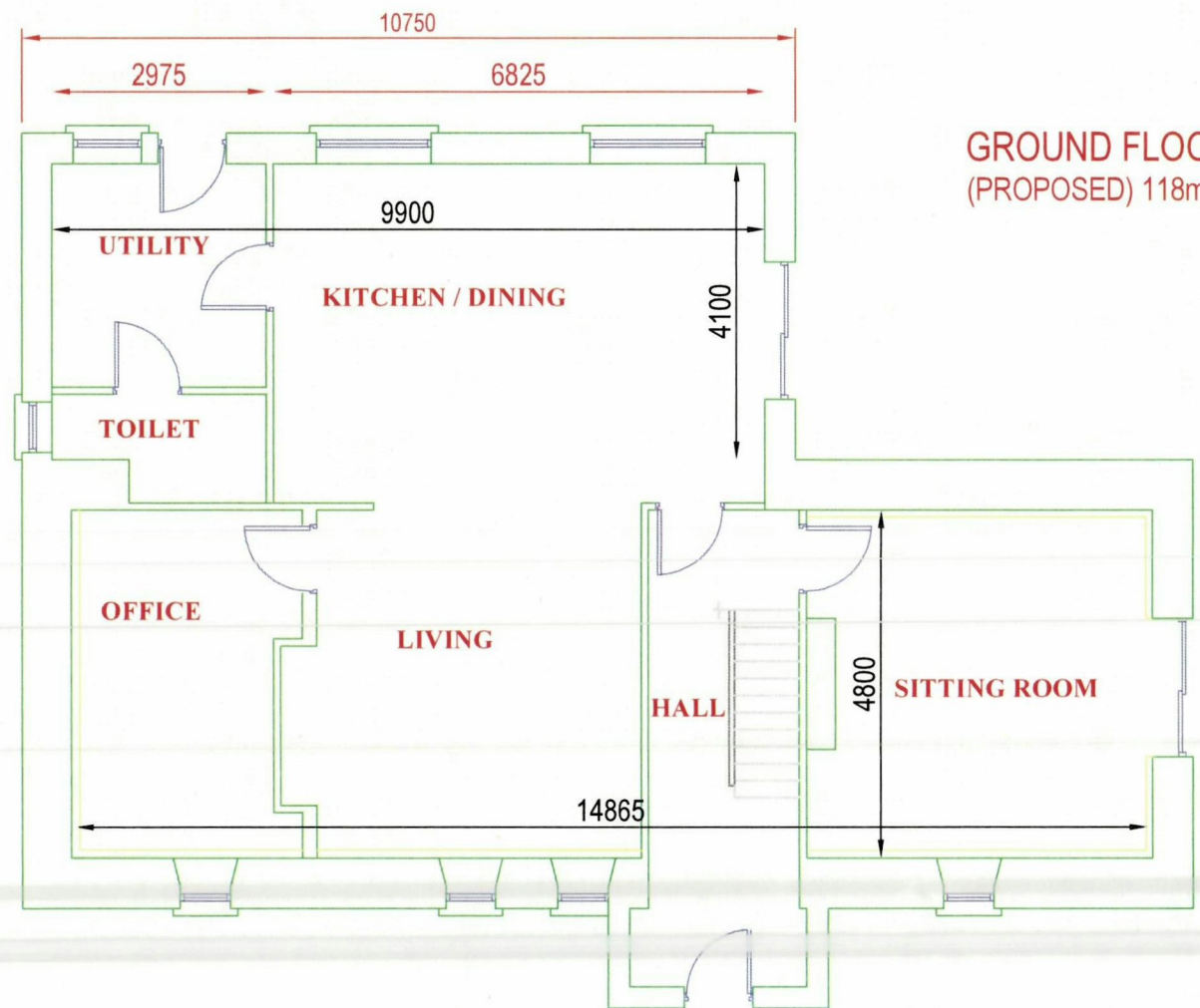
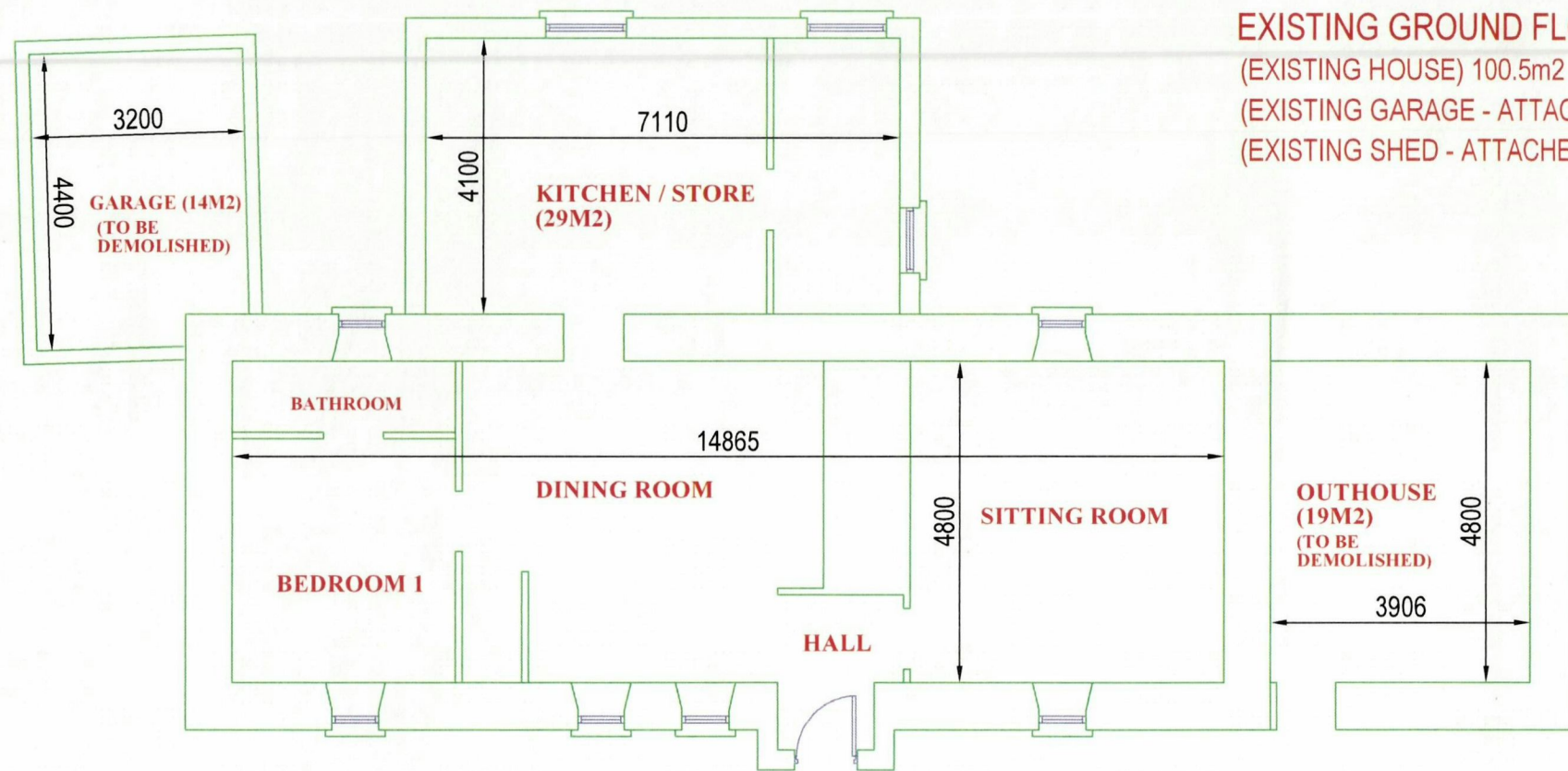
PROJECT: PROPOSED EXTENSION  
LOCATION: CLASHNASMUTH, AHENNY.  
CLIENT: BILLY & EIMEAR CROWLEY

DRAWING PURPOSE: PLANNING

SCALE: 1:100

DATE: JANUARY 2024

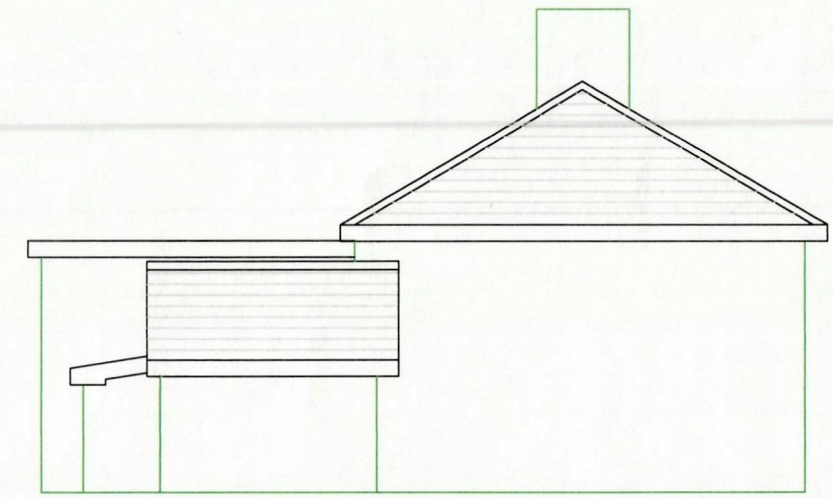
DRAWN BY: BRENDAN CROWLEY  
RAHEEN, TEMPLEORUM, CO KILKENNY.  
TEL: 086 1722174



<b>DRAWING: GROUND FLOOR PLANS</b>	
DRAWING NO: CL03	REVISION: 0
PROJECT: PROPOSED EXTENSION LOCATION: CLASHNASMUTH, AHENNY. CLIENT: BILLY & EIMEAR CROWLEY	
DRAWING PURPOSE: PLANNING	
SCALE: 1:100	DATE: JANUARY 2024
DRAWN BY: BRENDAN CROWLEY RAHEEN, TEMPLEORUM, CO KILKENNY. TEL: 086 1722174	



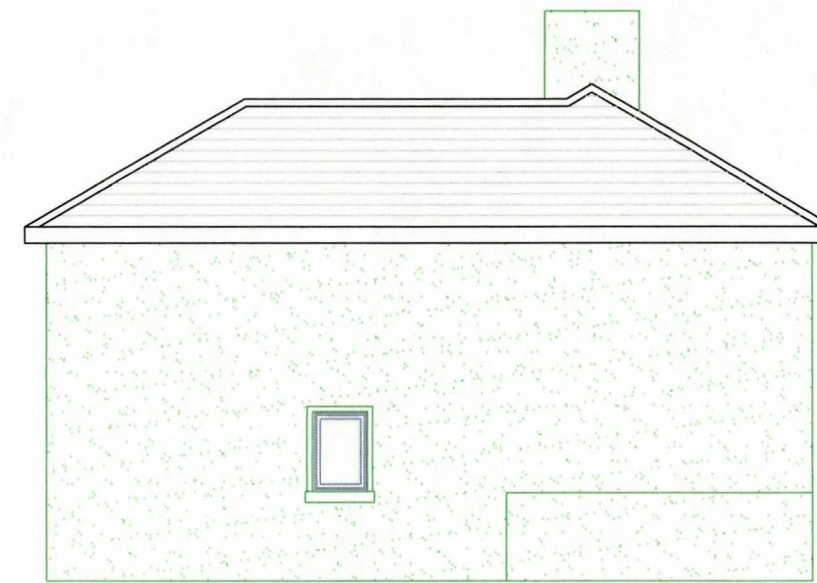
**NORTH WEST ELEVATION  
(EXISTING)**



**SOUTH WEST ELEVATION  
(EXISTING)**



**NORTH WEST ELEVATION  
(PROPOSED)**



**SOUTH WEST ELEVATION  
(PROPOSED)**

**DRAWING: ELEVATIONS (2)**

**DRAWING NO: CLA02      REVISION: 0**

**PROJECT: PROPOSED EXTENSION  
LOCATION: CLASHNASMUTH, AHENNY.  
CLIENT: BILLY & EIMEAR CROWLEY**

**DRAWING PURPOSE: PLANNING**

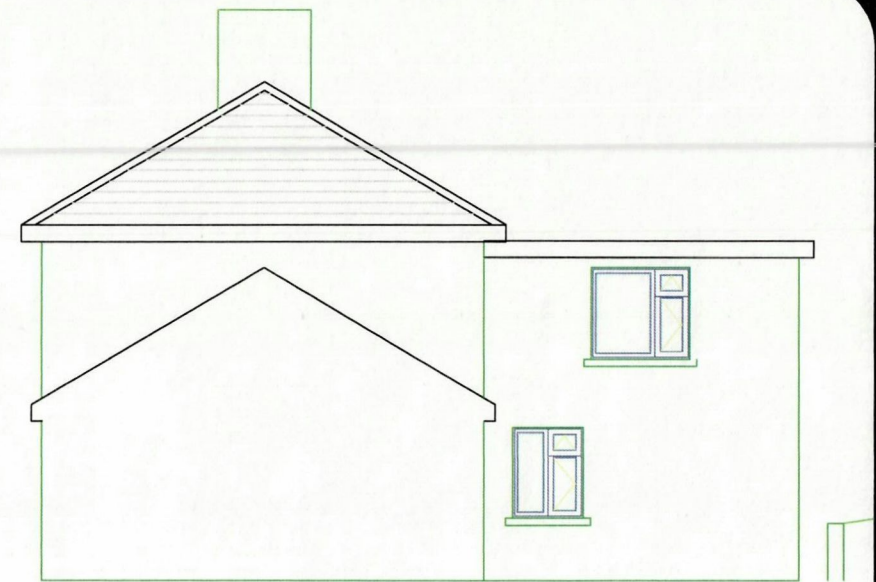
**SCALE: 1:100**

**DATE: JANUARY 2024**

**DRAWN BY: BRENDAN CROWLEY  
RAHEN, TEMPLEORUM, CO KILKENNY.  
TEL: 086 1722174**



SOUTH EAST ELEVATION  
(EXISTING)



NORTH EAST ELEVATION  
(EXISTING)



SOUTH EAST ELEVATION  
(PROPOSED)



NORTH EAST ELEVATION  
(PROPOSED)

DRAWING: ELEVATIONS

DRAWING NO: CLA001      REVISION: 0

PROJECT: PROPOSED EXTENSION  
LOCATION: CLASHNASMUTH, AHENNY.  
CLIENT: BILLY & EIMEAR CROWLEY

DRAWING PURPOSE: PLANNING

SCALE: 1:100

DATE: JANUARY 2024

DRAWN BY: BRENDAN CROWLEY  
RAHEEN, TEMPLEORUM, CO KILKENNY.  
TEL: 086 1722174

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

Planning & Development Act 2000, as amended  
Planning & Development Regulations 2001, as amended

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**Planning Ref.:** S5/24/12  
**Applicant:** Billy & Eimear Crowley  
**Development Address:** Clashnasmuth, Ahenny, Co. Tipperary  
**Proposed Development:** renovation of the existing dwelling

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#### 1. GENERAL

On the 31<sup>st</sup> of January 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- renovation of the existing dwelling.

Having reviewed the details submitted, it was noted that the description above does not accurately reflect the full extent of the works proposed. The applicant in addition to renovating the structure is proposing to demolish two attached garages and modify (extending same and new roof) the existing two storey extension to the rear. As such the proposal will be considered as the demolition of two existing sheds and the renovation and extension of the subject dwelling.

It should be noted that this is a repeat declaration, S5/23/148 also applies.

#### 2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”*

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Schedule 2, Part 1 'Exempted Development - General:

**Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

### **Conditions and Limitations**

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
  - (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
  - (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

- (a) The demolition of a building, or buildings, within the curtilage of—
  - (i) a house,
  - (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.
    1. No such building or buildings shall abut on another building in separate ownership.
    2. The cumulative floor area of any such building, or buildings, shall not exceed:
      - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
      - (b) in all other cases, 100 square metres.
    3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act if the carrying out of works would-

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use



### 3. ASSESSMENT

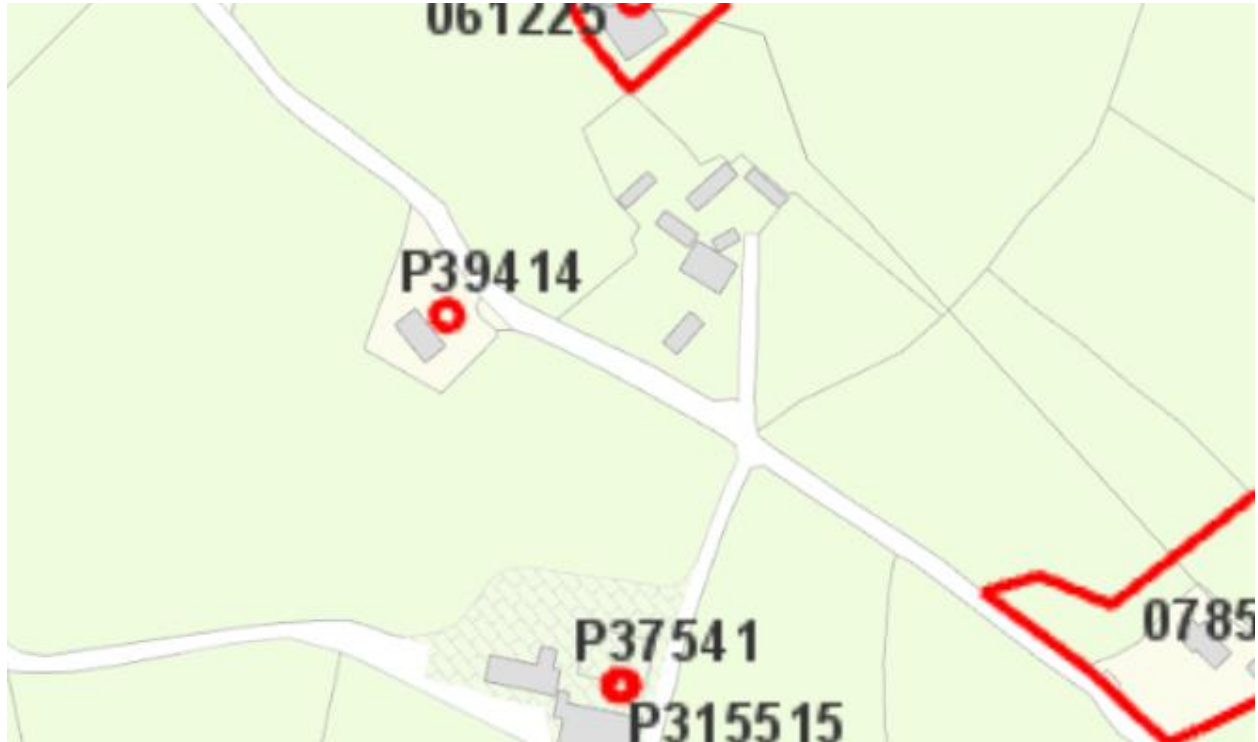
#### **a. Site Location**

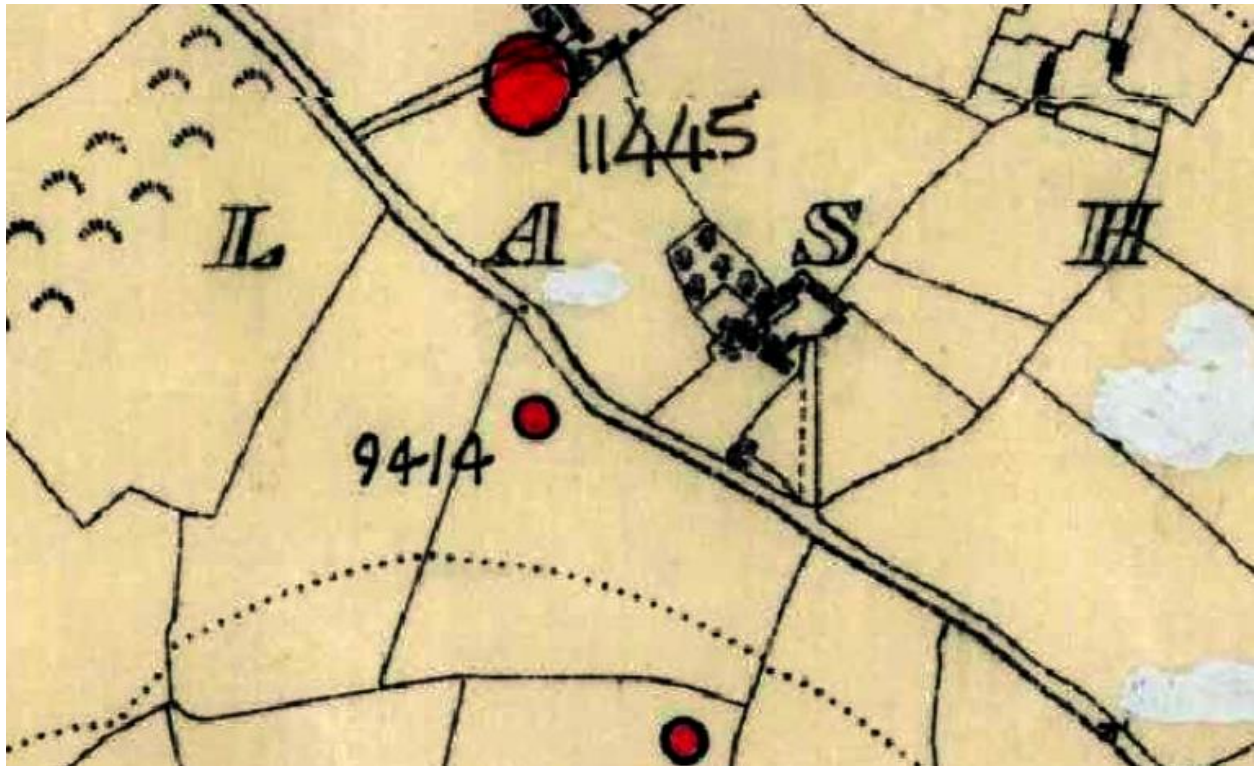
The site comprises a detached two storey dwelling at Clashnasmuth, Ahenny, Co. Tipperary.

#### **b. Relevant Planning History**

S5/23/148 – renovation of the existing dwelling – development but not exempted development.

*Figure 1 Planning history*





**c. Assessment**

**A) “Is or is not Development”**

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

**B) “Is or is not Exempted Development”**

As noted above, this is the second declaration sought on the subject site. Under the first declaration (S5/23/148), the applicant proposed to demolish the existing two storey flat roofed rear extension, attached garage and attached shed and replace same with a two storey extension. The combined area to be demolished was 91 sqms. The combined area of the extension was 81.18 sqms. Having regard to the provisions of Class 1 and Class 50 of the Planning and Development Regulations, 2001, as amended, these works were not deemed to constitute exempted development.

Under this declaration, the applicant has stated that the exiting rear extension is not going to be demolished but rather extended. The drawings submitted are identical to those submitted under the previous declaration.

Figure 2 Existing and proposed ground floor plan

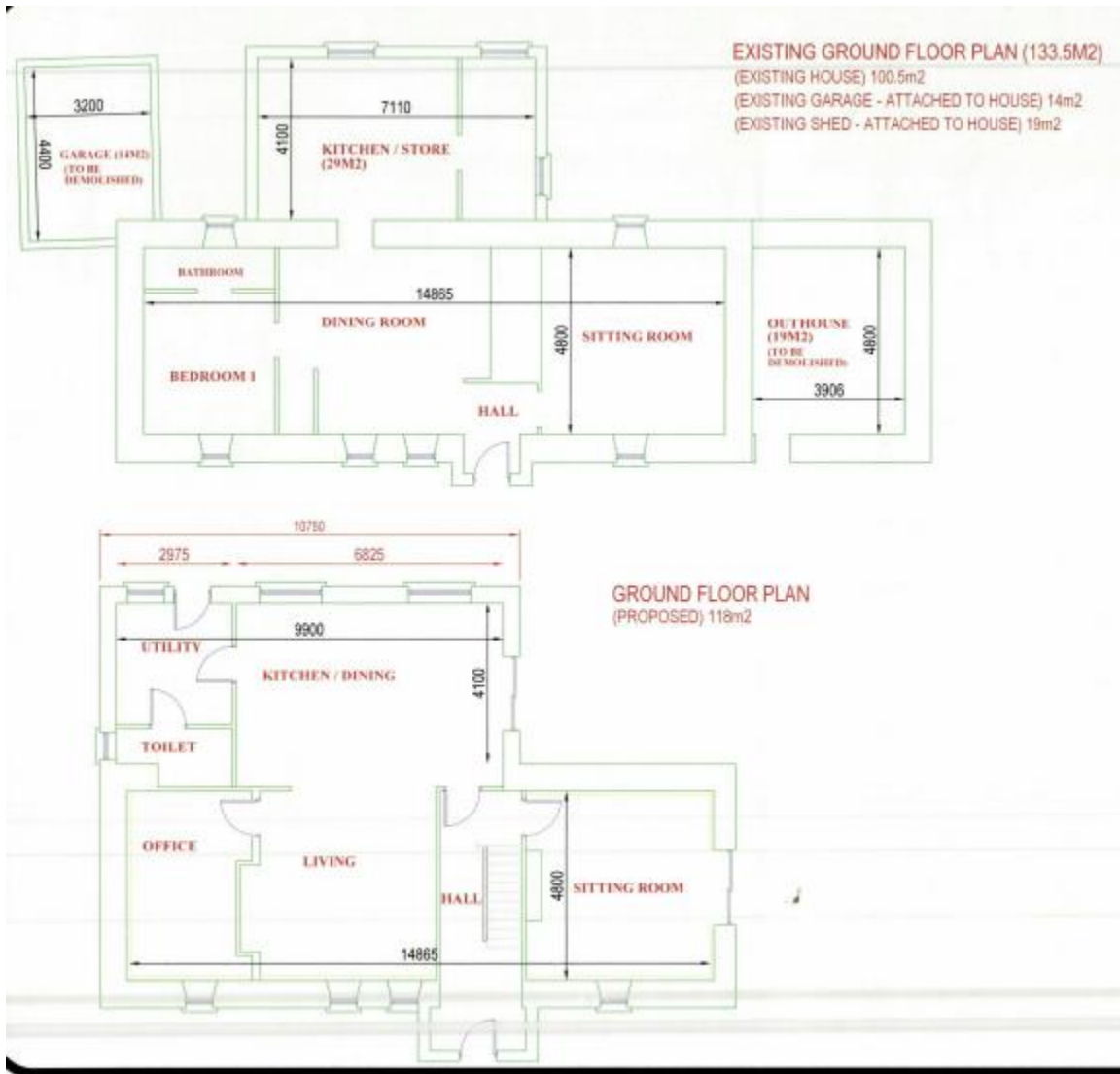


Figure 3 Existing and proposed first floor

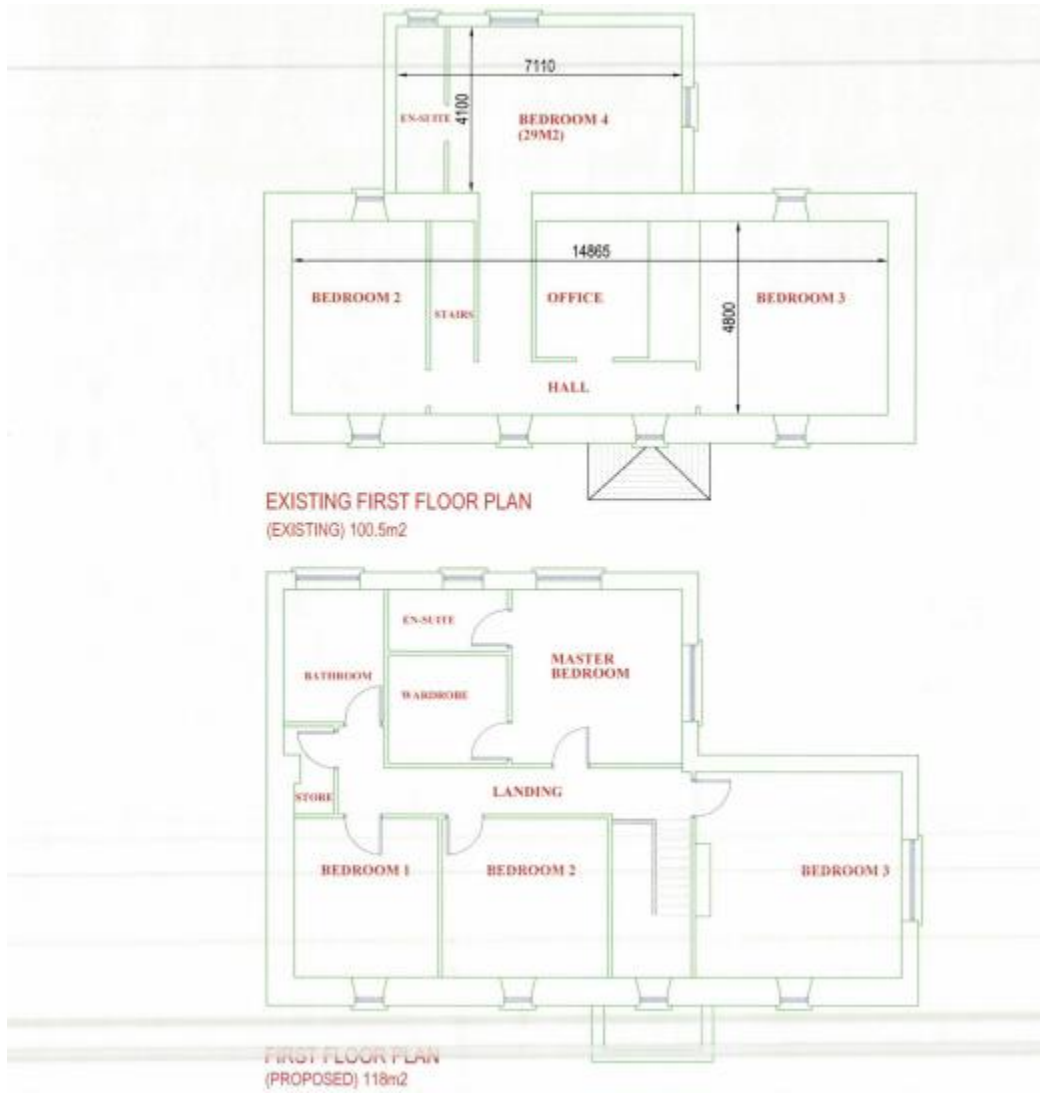


Figure 4 Existing and Proposed Rear Elevation



As illustrated in the figures above, the existing rear extension is going to be significantly remodelled. From a practical perspective, there is a question over the nature of the works queried under this declaration. Given the extent of the remodelling and having regard to the previous declaration, is it realistic to assume that the existing rear extension is going to be retained and extended rather than simply demolished and rebuilt?

Based on the drawings submitted, the existing ground floor is going to be extended by 11.48 sqm, likewise the first floor is going to be extended by 11.48 sqms. The flat roof is going to be replaced by a hipped roof.

The question that must now be asked relates to the planning status of the structure to be extended. Under the previous declaration, the querist confirmed that the rear extension was constructed in the 1980's. As set out above, there is no planning history on site. The extension exceeds the exemption available under Class 1 of Part 1 of the Third Schedule of the Planning and Development Regulations 1977, which was limited to 18 sqm.

As presented, the querist has asked if the extension proposed constitutes exempted development. Notwithstanding the question marks over whether it is possible to extend the existing structure owing to same appearing to be unauthorised, the Planning Authority is required to consider the question asked. As set out above, the original dwelling was previously extended to the rear. The area of the original extension was 58.30 sqms. The work proposed will provide an additional 22.96 sqms.

Condition 2a of Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001 as amended clearly states that where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has

been obtained, shall not exceed 40 square metres. The cumulative floor area of the previous extension and the works proposed is 81.18 sqms. As such, it exceeds the 40 sqms threshold.

With respect to the structures to be demolished, the total floor area is 33 sqms. As per Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended the demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule is exempted development. These demolition works are not being undertaken in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively.

If we consider Class 50(a) the demolition of a building, or buildings, within the curtilage of (i) a house is exempted development provided no such building or buildings abut on another building in separate ownership or the cumulative floor area of any such building, or buildings does not exceed: in the case of a building, or buildings within the curtilage of a house, 40 square metres.

As the cumulative floor area of the structures to be demolished is less than 40 sqms, the demolition of same can be considered under Class 50 a.

#### C) Restrictions under Article 9

As the extension proposed is not exempted development, the restrictions on exempted development do not apply.

With respect to the structures to be demolished, it is stated same were developed in the 1980's. Class 3 of Part 1 of the Third Schedule of the Planning and Development Regulations 1977, included an exemption for the erection of a garage/shed within the curtilage of a house. There was no condition limiting the area attached and therefore I am satisfied the demolition of the 2 sheds is not restricted under Article 9.

#### D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 566 metres from the Lower River Suir SAC, 13.5 kms from the River Barrow And River Nore SAC, 14.0 kms from the River Nore SPA and 11.2 kms from the Hugginstown Fen SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of domestic extension to the rear of the property

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC's referenced above and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. RECOMMENDATION**

Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1, Class 1 and Class 50, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) Class 1 and Class 2 of Part 1 of the Third Schedule of the Planning and Development Regulations 1977, and,
- (e) The information provided by the applicant,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended.

The demolition of the two sheds is exempted development as same falls under the exemption set out under Class 50 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

The proposed extension is **NOT** “exempted development” as the floor area of the extensions proposed, together with the floor area of previous extensions constructed or erected after 1 October 1964, exceed 40 square metres as set out under Class 1 of Schedule 2 part 1 of the Planning & Development Regulations 2001.

The development would not be likely to have significant effects on the environment and would not require an EIA.

Signed: Paul Hillen

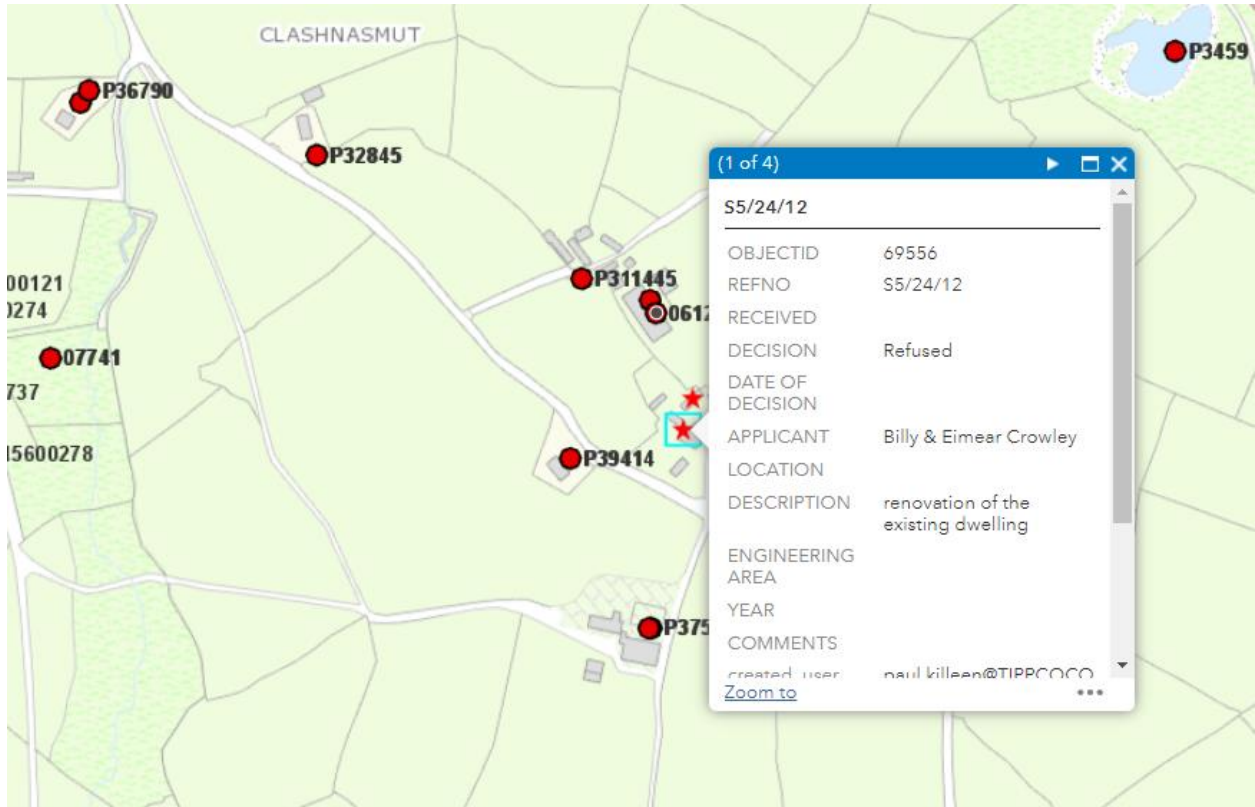
Date: 20/02/24

*C. Conway*

Signed:  
Senior Executive Planner

Date: 22.02.2024

Figure 5 Site entered on register





**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/12**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 36275 dated 4<sup>th</sup> December, 2023, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Billy & Eimear Crowley, Clashnasmuth, Ahenny, Co. Tipperary, re: Renovation of the existing dwelling at Clashnasmuth, Ahenny, Co. Tipperary is development and is exempted development.

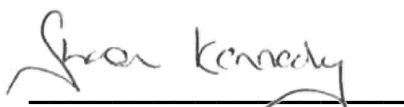
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1, Class 1 and Class 50, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) Class 1 and Class 2 of Part 1 of the Third Schedule of the Planning and Development Regulations 1977, and,
- (e) The information provided by the applicant,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended. The demolition of the two sheds is exempted development as same falls under the exemption set out under Class 50 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

The proposed extension **is NOT "exempted development"** as the floor area of the extensions proposed, together with the floor area of previous extensions constructed or erected after 1 October 1964, exceed 40 square metres as set out under Class 1 of Schedule 2 part 1 of the Planning & Development Regulations 2001.

**Signed:**



**Sharon Kennedy**  
**Director of Services**  
**Planning and Development (including Town Centre First and Just Transition), Emergency Services and Emergency Planning and Tipperary/Cahir/Cashel Municipal District**

**Date: 23/02/2024**



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 23 February 2024

Our Ref: S5/24/12

Civic Offices, Nenagh

**Billy & Eimear Crowley,  
Clashnasmuth,  
Ahenny,  
Co. Tipperary.**

**Re: Declaration under Section 5 of the Planning and Development Act 2000**

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 29<sup>th</sup> January 2024, in relation to the following proposed works:

**Renovation of the existing dwelling at Clashnasmuth, Ahenny, Co. Tipperary**

**WHEREAS** a question has arisen as to whether the proposed development is or is not exempted development:

**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

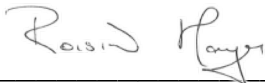
- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1, Class 1 and Class 50, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) Class 1 and Class 2 of Part 1 of the Third Schedule of the Planning and Development Regulations 1977, and,
- (e) The information provided by the applicant,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended. The demolition of the two sheds is exempted development as same falls under the exemption set out under Class 50 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

The proposed extension **is NOT "exempted development"** as the floor area of the extensions proposed, together with the floor area of previous extensions constructed or erected after 1 October 1964, exceed 40 square metres as set out under Class 1 of Schedule 2 part 1 of the Planning & Development Regulations 2001.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



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for **Director of Services**