

Tel: [REDACTED]  
Mobile: [REDACTED]

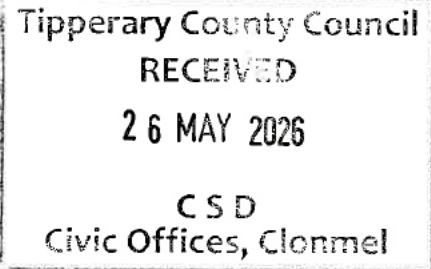
Woodlawn, Brigown,  
Mitchelstown, Co. Cork.

Our Ref:

Your Ref:

Date: 20<sup>th</sup> May 2026

The Secretary,  
Planning Section,  
Tipperary County Council,  
Civic Offices,  
Emmet Street,  
Clonmel  
Co. Tipperary.



**Re: Declaration of Exemption for the construction of an extension to an existing Cottage at Kilross, Co. Tipperary.**

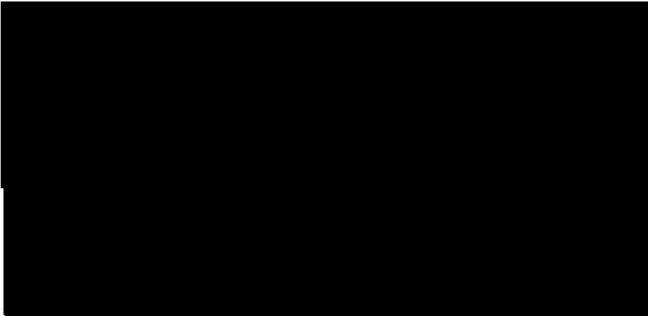
Dear Sir(s),

On behalf of my Client, James Gubbins, I wish to submit the following information & fee for an application for section 5 declaration of exemption to carry out the above-mentioned development.

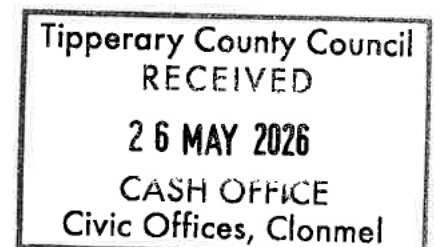
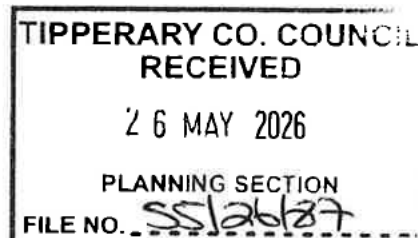
1. 2 copies of completed application form.
2. 2 copies of 1:10560 site location map.
3. 2 copies of 1:2500 site location map.
4. 2 copies of 1:500 site layout map.
5. 2 copies of plan & elevations. *3 photographs*
6. Application Fee in the amount of €80.00.

With regard to the relevant extension this was built in 1982.

Should you require any further information in connection with the above, please do not hesitate in contacting me.



Encls.



Tipperary County Council  
RECEIVED  
26 MAY 2026  
CASH OFFICE  
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration  
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	JAMES GOBBINS
Address	BALLYWILLIAM BALLYPREEN Co. Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	M. G. ROBINSON
Address	WOODHALL, BRIGOWN, MITCHELSTOWN Co. Cork
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [✓]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	NEW ROAD KINROSS Co. Tipperary E 34 AH92
---	---

TIPPERARY CO. COUNCIL  
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26 MAY 2026  
PLANNING SECTION  
FILE NO. 55/26/27

Receipt No 204 071  
Issued 26 05 2026  
€80.00 Cheque

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.

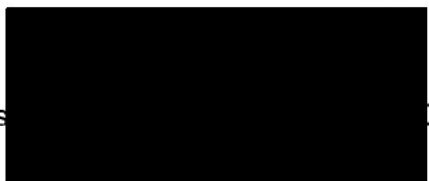
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

<i>EXISTING EXTENSION TO EXISTING COTTAGE</i>
Proposed floor area of proposed works/uses: <b>17</b> sqm

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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<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: *20<sup>th</sup> May, 2026*

**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.

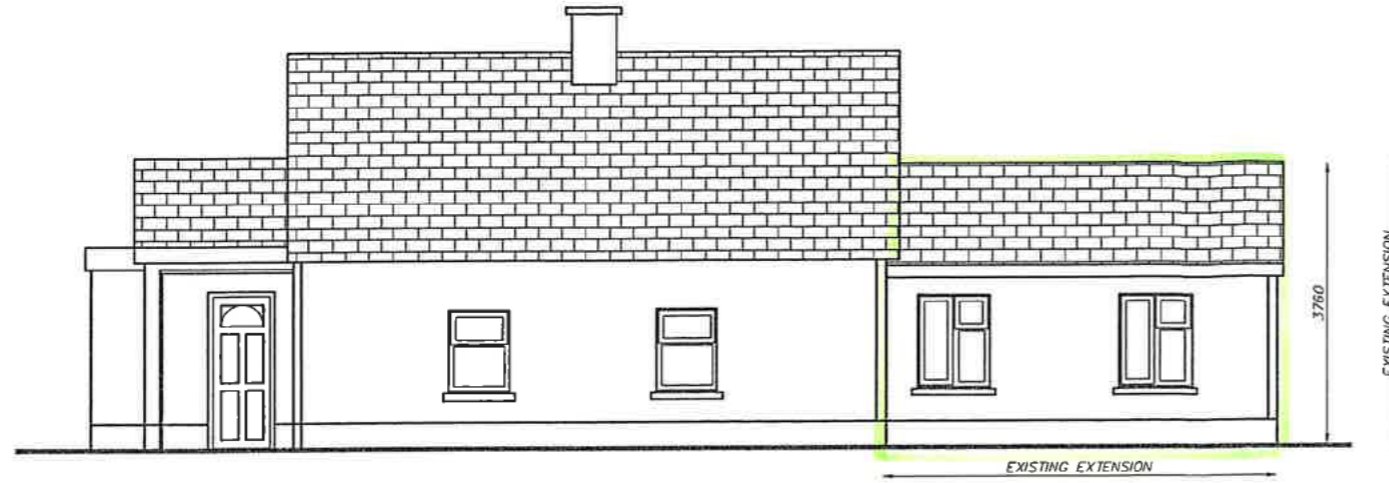
(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional 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>OR</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>Fee Recd. €</b> <u>80.00</u>	<b>DATE STAMP</b> <b>TIPPERARY CO. COUNCIL</b> <b>RECEIVED</b> <b>26 MAY 2026</b> <b>PLANNING SECTION</b> <b>FILE NO. 551267</b>
<b>Receipt No</b> <u>204071</u>	
<b>Date</b> <u>26.05.2026</u>	
<b>Received by</b> <u>C. Allen</u>	

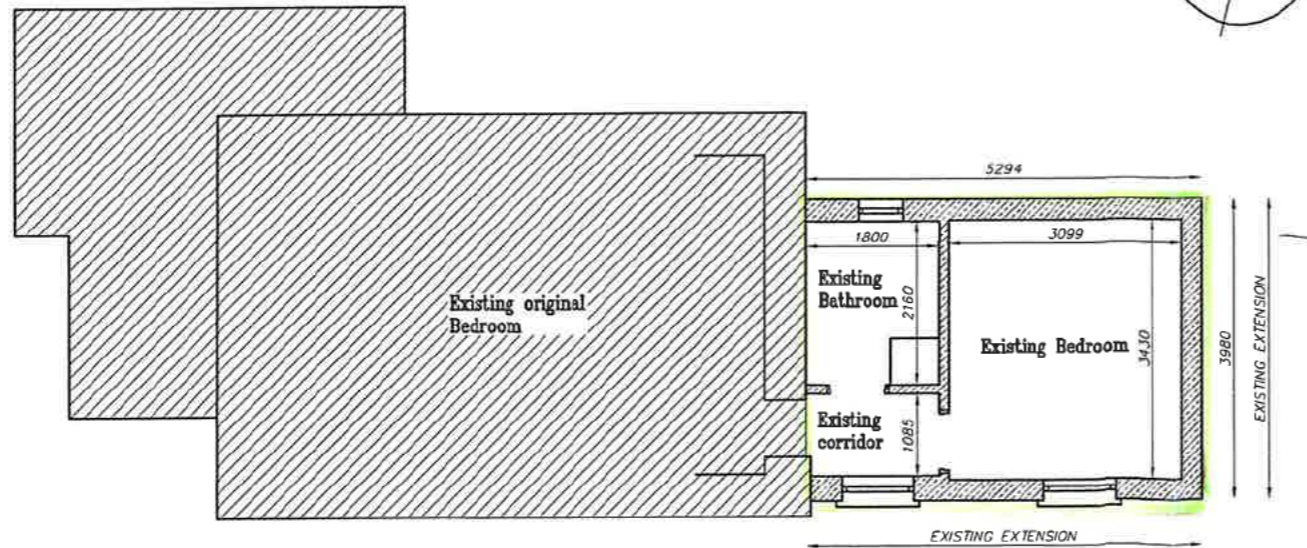
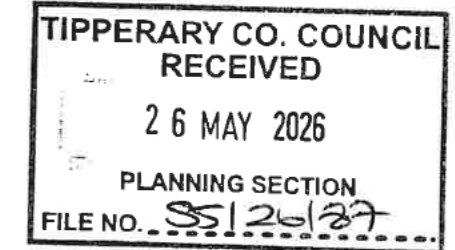
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DO NOT SCALE DRAWINGS  
REPORT ANY DISCREPANCIES IN DRAWINGS TO ARCHITECT.



Southern Elevation



Eastern Elevation



Floor Plan

*EXTENSION OUTLINED  
IN GREEN.*

CLIENT : JAMES GUBBINS  
DRAWING : FLOOR PLAN, SOUTHERN & EASTERN ELEVATIONS.  
DATE : MAY 2026  
SCALE : 1:100  
DRAWING NO. : 004 / JM / 026

# Site Location Map

SITE SHADED IN RED.  
 APPLICANTS HOLDINGS  
 OUTLINED IN BLUE.

CLIENT: SANDY GULLBOWS.



**Tailte  
Éireann**

**CENTRE COORDINATES:**  
 ITM 580238,631662

**PUBLISHED:**  
 19/05/2026

**ORDER NO.:**  
 50536997\_3

**MAP SERIES:**  
 6 Inch Raster LK041  
 6 Inch Raster TY066  
 6 Inch Raster TY073+073A

**M.G. ROBINSON**  
 ARCHITECTURAL AND PLANNING  
 CONSULTANT

WOODDAWN BRIGDOW MITCHELTOWN CO. DUB  
 TEL: 01-836-1111 FAX: 01-836-1112  
 WWW.MGRBINSON.COM

**TIPPERARY CO. COUNCIL**  
 RECEIVED  
 Dublin 8,  
 Ireland,  
 D08F6E6 MAY 2026

**PLANNING SECTION**  
 FILE NO. SS.2024.27

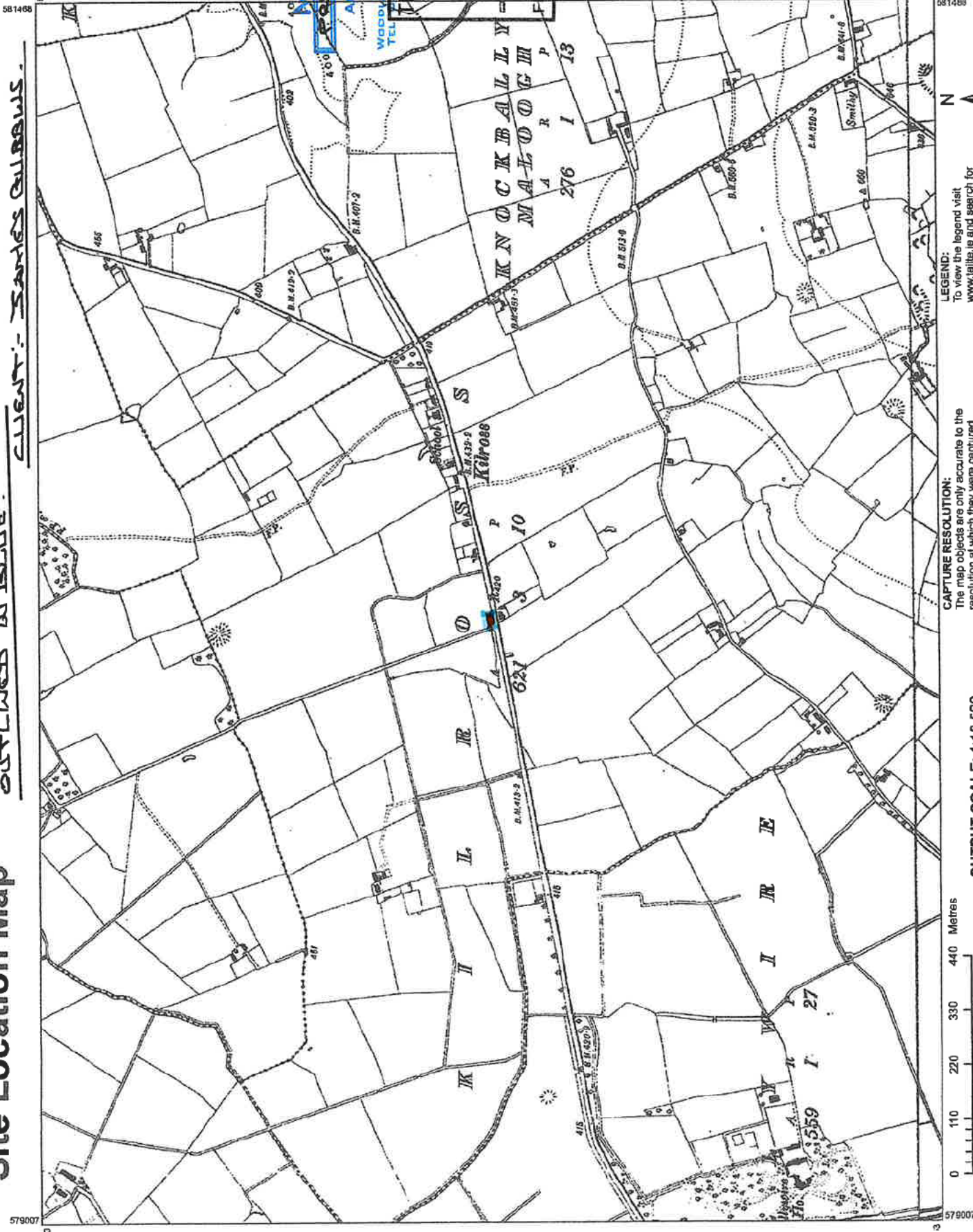
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**CAPTURE RESOLUTION:**  
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 resolution at which they were captured.

**OUTPUT SCALE:** 1:10,000

0 110 220 330 440 Metres

# Planning Pack Map

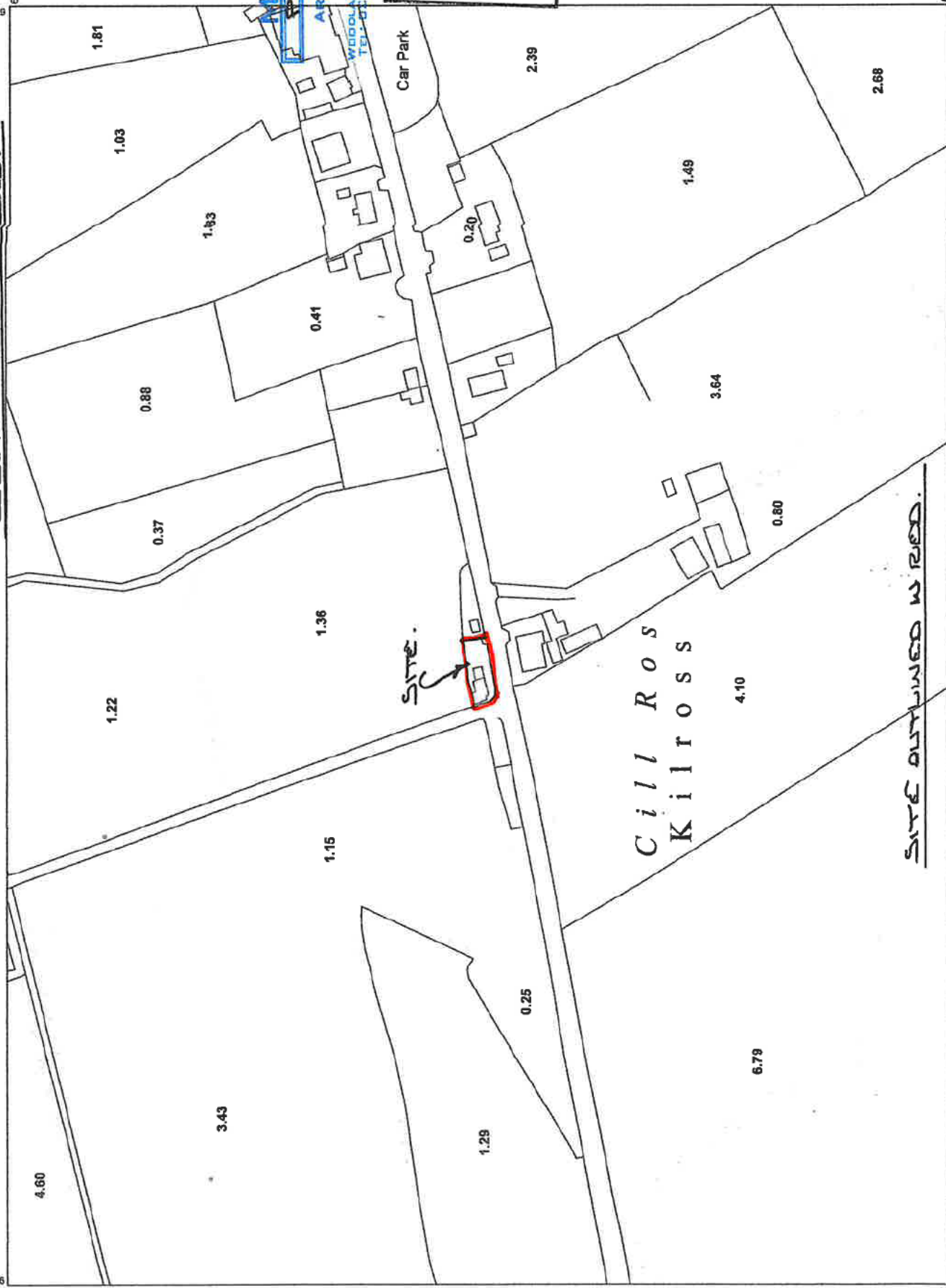


Tailte  
Éireann

CLIENT: ~~SAMES COLLABS.~~

580529  
631877

579946



**CENTRE COORDINATES:**  
ITM 580238,631662

**PUBLISHED:** 19/05/2026  
**ORDER NO.:** 50536997\_3

**MAP SERIES:** MAP SHEETS:  
1:5,000 5236  
1:2,500 5236-B  
1:2,500 5236-D  
1:2,500 5237-A

**PREPARED BY**  
**M. ROBINSON**  
**ARCHITECTURAL AND PLANNING CONSULTANT**  
WOODLAWN SIBGOWN MITCHELSTOWN CO. DUB  
TEL: 015 84845 MOBILE: 087 797231

**COMPILED AND PUBLISHED BY:**  
**TIPPERARY CO. COUNCIL**  
Phoenix Park  
Dublin 8, RECEIVED  
D08F6E4 6 MAY 2026

**WWW.PLANNINGSECTION**  
**FILE NO. S516127**

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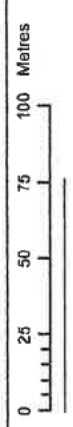
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LEGEND:  
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**CAPTURE RESOLUTION:**  
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**OUTPUT SCALE:** 1:2,500



579946



WESTERN ELEVATIONS.

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FILE NO. 55126187



TIPPERARY CO. COUNCIL  
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26 MAY 2026  
PLANNING SECTION  
FILE NO. SS/26/27



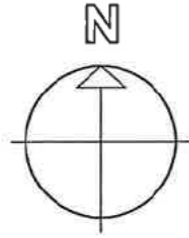
EASTERN SIDE ELEVATION

TIPPERARY CO. COUNCIL  
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26 MAY 2026  
PLANNING SECTION  
FILE NO. SS120187



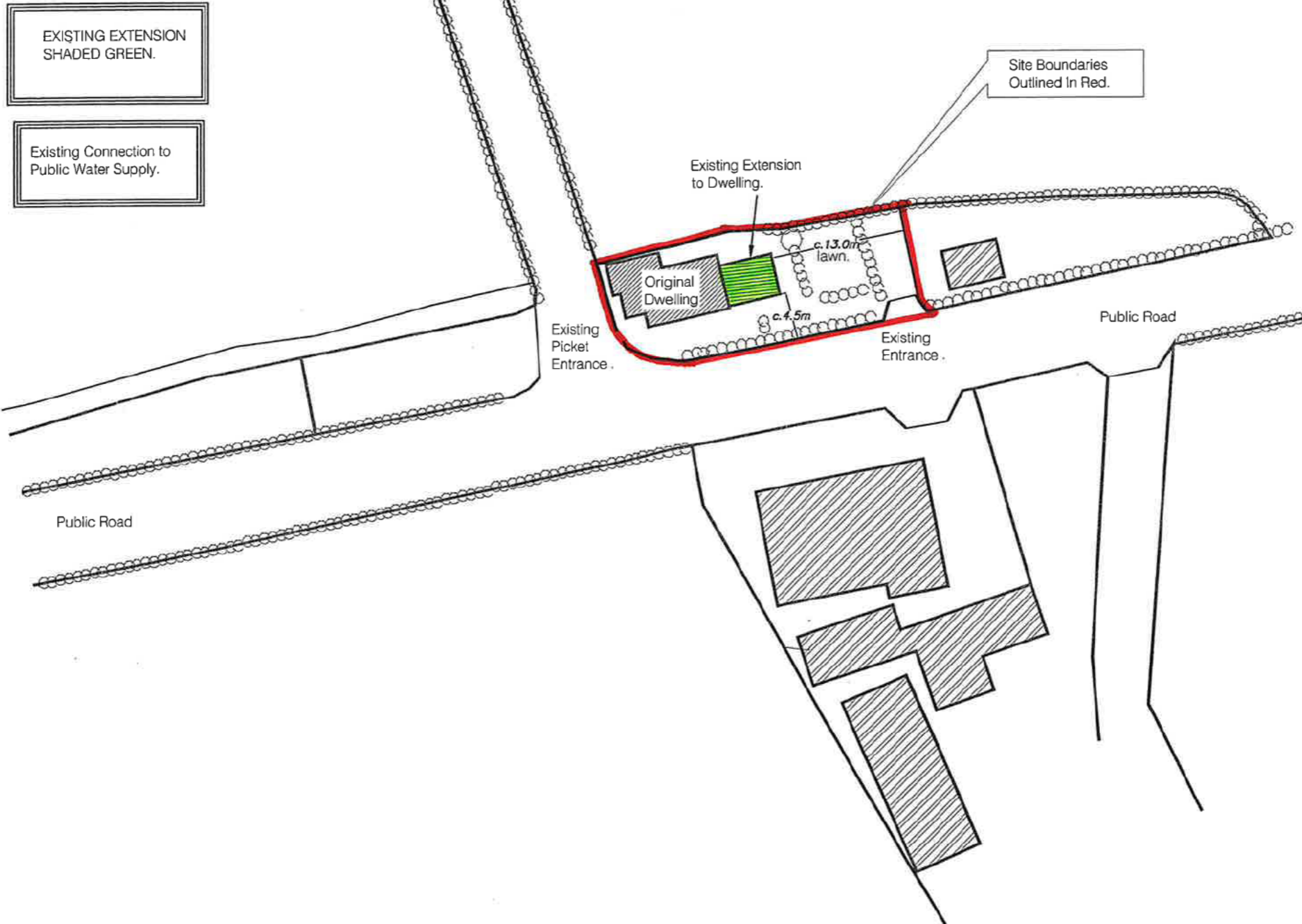
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26 MAY 2026  
PLANNING SECTION  
FILE NO. SS/26/27

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KILROSS TD.

KILROSS



TIPPERARY CO. COUNCIL  
RECEIVED  
26 MAY 2026  
PLANNING SECTION  
FILE NO. SS/26/27

1:500 SITE LAYOUT MAP

CLIENT : JAMES GUBBINS  
DRAWING : SITE LAYOUT PLAN  
DATE : MAY 2026  
SCALE : 1:500  
DRAWING NO. : 003 / JM / 026



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/6000  
e customerservice@tipperarycoco.ie  
tipperarycoco.ie

Date: 26<sup>th</sup> May 2026

Our Ref: S5/26/87

Civic Offices, Clonmel

**James Gubbins,  
C/O M.G Robinson,  
Woodlawn,  
Brigown,  
Mitchelstown,  
Co. Cork.**

**Re: Application for a Section 5 Declaration – Existing extension to existing cottage at New Road, Kilross, Co. Tipperary, E34 AH92.**

Dear Mr. Robinson,

I acknowledge receipt of your application for a Section 5 Declaration received on 26<sup>th</sup> May 2026, in connection with the above.

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

Yours sincerely

for **Director of Services**

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

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

---

<b>Planning Reference:</b>	S5/26/87
<b>Applicant:</b>	James Gubbins
<b>Development Address:</b>	New Road, Kilross, Co. Tipperary E34AH92
<b>Proposed Development:</b>	Existing extension to existing cottage (17sq.m)

---

### 1. GENERAL

On 26<sup>th</sup> May 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by James Gubbins c/o M.G Robinson as to whether or not the following works constituted development and if so, whether same was exempted development:

***Existing extension to existing cottage (17sq.m)***

**The extension was constructed in 1982.**

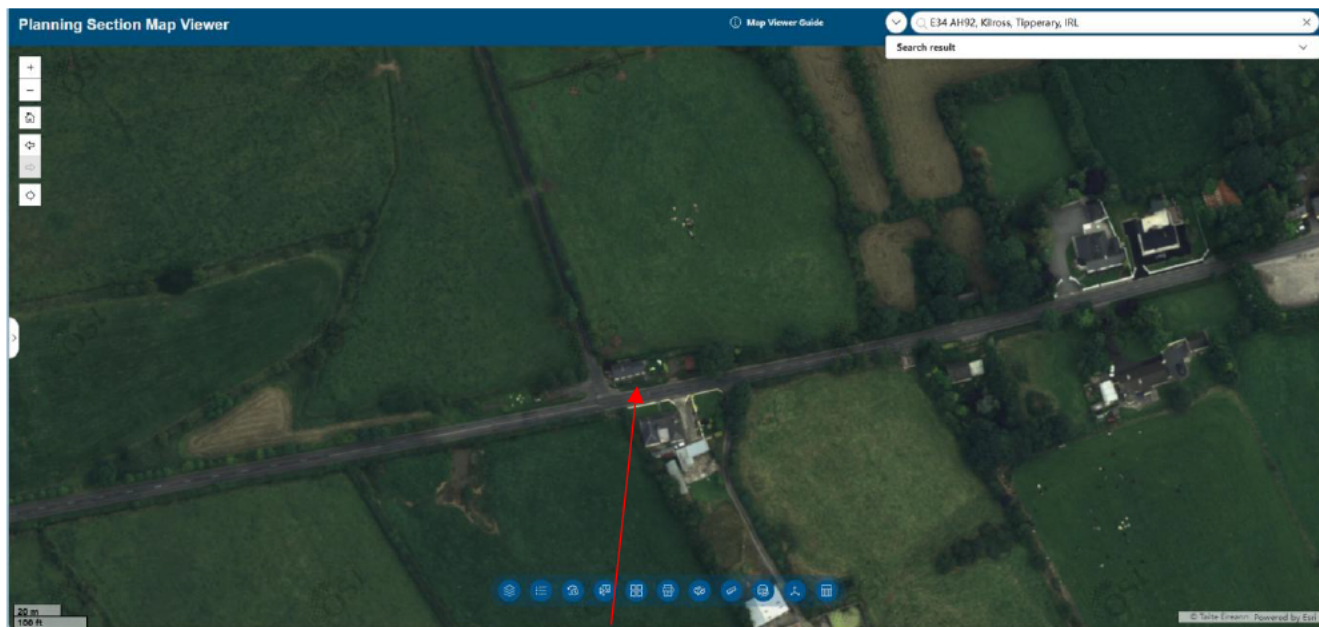


Figure 1 Site Location

### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

#### LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963

**Section 3 of the Act states:**

- (1) "Development" in this Act means, save where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS 1977 (S.I. 65 of 1977)**

Article 10 Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977) states:

Exempted Development.

10. (1) *Subject to article 11, development of each class specified in column 1 of Part I of the Third Schedule shall be exempted development for the purposes of the Acts, provided such development complies with the limitations specified in the said column 1 in relation to that class and with the conditions specified in column 2 of the said Part I opposite the mention of that class in the said column 1.*

Schedule 3, Part 1 'Exempted Development - General:

***Development within the curtilage of a dwelling house***

Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 1977, as amended states:

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions</i>
<b>CLASS 1</b>  <i>Any works for the provision of an extension <b>to the rear</b> of a dwellinghouse or the conversion for use as part of a dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse, where the height of any structural addition does not exceed that of the dwellinghouse and the original floor area of the dwellinghouse is not increased by more than 18 square metres.</i>	

Article 11 Local Government (Planning And Development) Regulations 1977 (S.I. 65 of 1977) states:

***Restriction on exemption***

11. (1) *Development to which article 10 relates shall not be exempted development for the purposes of the Acts—*

*(a) if the carrying out of such development would—*

*(i) contravene a condition attached to a permission under the Acts or be inconsistent with any use specified in a permission under the Acts,*

*(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,*

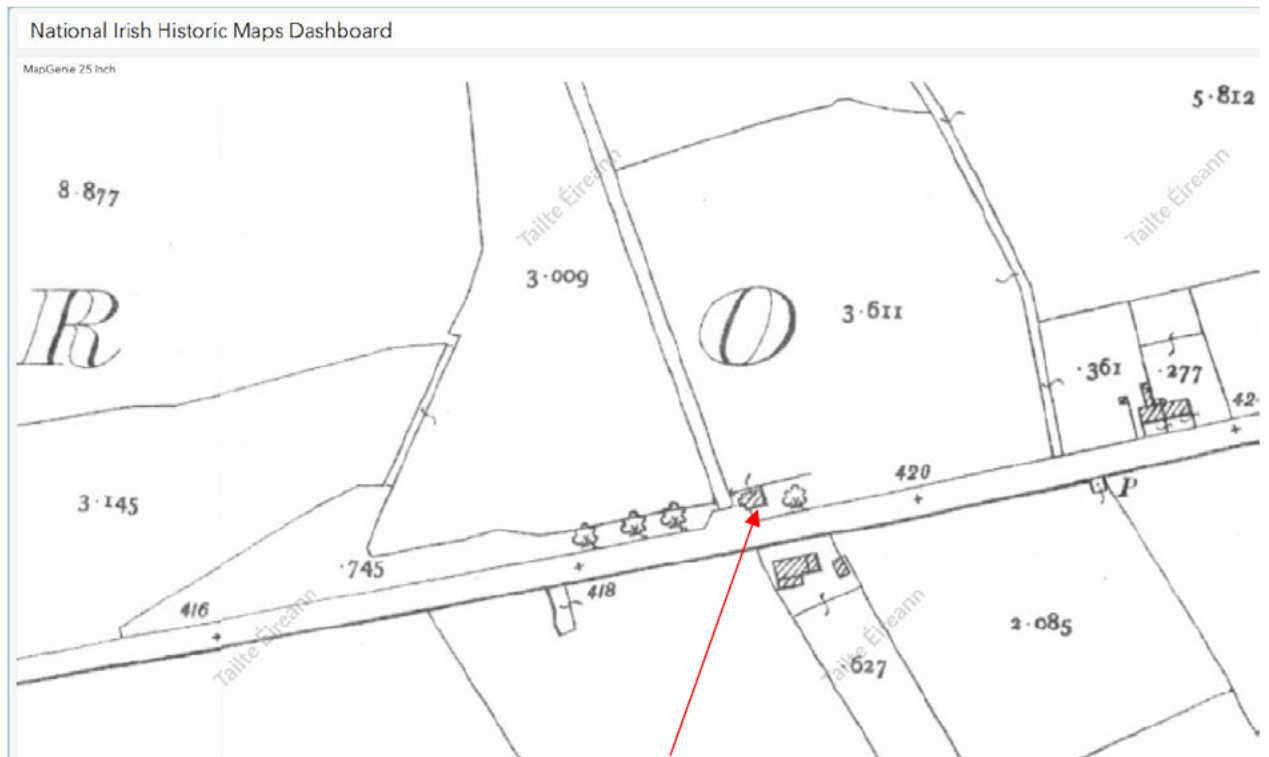
**3. ASSESSMENT**

***a. Site Location***

The subject site is located at New Road, Kilross, Co. Tipperary E34AH92. The dwelling is located on the junction where the L-81151-0 Local Road adjoins the R-662-1 Regional Road. The dwelling on the site is not protected and is not located within a zone of archaeological potential.

***b. Relevant Planning History***

No planning history traced. Dwelling evident the 25 Inch B&W (1897-1913) edition map. Extension not evident.



**c. Assessment**

**A) “Is or is not Development”**

Having considered all of the details and documentation on file with regards the question posed and the description of the proposal, the Planning Authority is satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of the Local Government (Planning And Development) Act 1963.

The question arises as to whether or not these works constitute exempted development.

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

The application for a Section 5 Declaration refers to the extension to the cottage which I consider is to the side of the house. It appears the original dwelling faced the Regional Road (south) and the “front door” was located in the small porch (facing south) on the western elevation.

I note following a review of the Aerial Imagery the extension is evident in the 1995 and 1996-2000 dataset therefore the current 2001 Regulations were not in force at the time of construction.

I have reviewed the various Regulations in effect from 1963 to present (cited below) and note that there is no exemption for an extension to the **side** of the dwelling. The cover letter states the extension was built in c.1982.

- S.I. No. 221/1964 - Local Government (Planning and Development) Act, 1963, (Permission) Regulations, 1964.
- Local Government (Planning and Development) Act, 1976
- Local Government (Planning and Development) Regulations, 1977.

**C) Restrictions under Article 11**

I note no restrictions that apply. The dwelling is not located within a Zone of Archaeology

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)  
Screening for AA is not required in respect of the proposal which is not considered to constitute exempted development.

Screening for EIA is not required in respect of the proposal.

#### 4. **RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the provision the existing extension to existing cottage (17sq.m) at New Road, Kilross, Co. Tipperary constitutes “development” and is or is not “exempted development”.

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

- (a) Section 3 of the Local Government (Planning and Development) Act 1963,
- (b) Class 1 of Schedule 2, Part 1 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977),
- (c) Article 10 and 11 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977).
- (d) The details submitted by the applicant.

**AND WHEREAS** Tipperary County Council has concluded that;

The existing extension to existing cottage (17sq.m) constitutes “development” within the meaning of the Local Government (Planning and Development) Act 1963 and is NOT “exempted development”.

**Note to Applicant:**

There was no exemption for an extension to the side of the dwelling at the time of construction.

**District Planner:**



**Date:** 16/06/2026

**Senior Executive Planner:**



**Date:** 16.6.2026

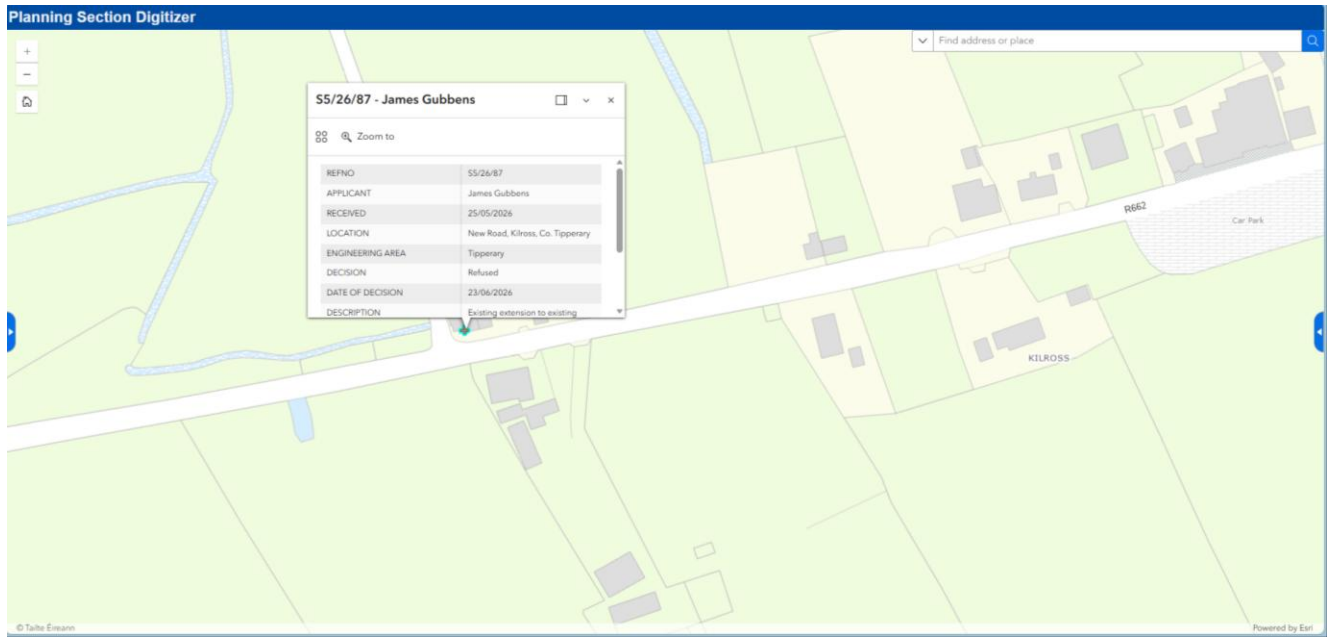


Figure 3 Planning Register

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/87**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, 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. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from James Gubbins, C/O M.G Robinson, Woodlawn, Brigown, Mitchelstown, Co. Cork, re: Existing extension to existing cottage (17sq.m) at New Road, Kilross, Co. Tipperary E34AH92 is development and is exempted development.

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

- gq
- a) Section 3 of the Local Government (Planning and Development) Act 1963,
  - b) Class 1 of Schedule 2, Part 1 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977),
  - c) Article 10 and 11 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977).
  - d) The details submitted by the applicant.

Tipperary County Council has concluded that the existing extension to existing cottage (17sq.m) constitutes "development" within the meaning of the Local Government (Planning and Development) Act 1963 and is **NOT "exempted development"**.

**Note to Applicant:**

There was no exemption for an extension to the side of the dwelling at the time of construction.

**Signed:** Brian Beck  
**Brian Beck**  
**Director of Services**

**Date: 17/06/2026**



Date: 17<sup>th</sup> June 2026

Our Ref: S5/26/87

Civic Offices, Nenagh

**James Gubbins  
C/O M.G Robinson  
Woodlawn  
Brigown  
Mitchelstown  
Co. Cork**

**Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.**

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 26<sup>th</sup> May 2026 in relation to the following proposed works:

**Existing extension to existing cottage (17sq.m) at New Road, Kilross, Co. Tipperary E34AH92.**

**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) Section 3 of the Local Government (Planning and Development) Act 1963,
- b) Class 1 of Schedule 2, Part 1 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977),
- c) Article 10 and 11 of the Local Government (Planning and Development) Regulations 1977 (S.I. 65 of 1977).
- d) The details submitted by the applicant.

Tipperary County Council has concluded that the existing extension to existing cottage (17sq.m) constitutes "development" within the meaning of the Local Government (Planning and Development) Act 1963 and is **NOT "exempted development"**.

**Note to Applicant:**

There was no exemption for an extension to the side of the dwelling at the time of construction.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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

*Geraldine Quinn*

---

for **Director of Services**