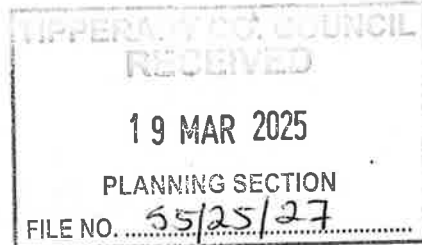




Comhairle Contae Thiobraid Árann  
Tipperary County Council



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

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

Applicant	CORMAC TULLY
Address	Ryemill, Ballinderry, Tipperary E45-VK28
Telephone No.	[REDACTED]
E-mail	

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

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ryemill, Ballinderry, Tipperary E45VK28
---	--

## 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:

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh,  
Co. Tipperary**

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

### FOR OFFICE USE ONLY

### DATE STAMP

Fee Recd. € 80.00

Receipt No NENAM10/127292

Date 20/3/2025

Received by Maura Quintisk

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.)

It is an office/storage unit proposed for the rear garden of my home. It is 5m x 3m. It will be 3 metres from boundary. It will not be used for residence and will be home office for WFL, or storage.
Proposed floor area of proposed works/uses: 15 sqm

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

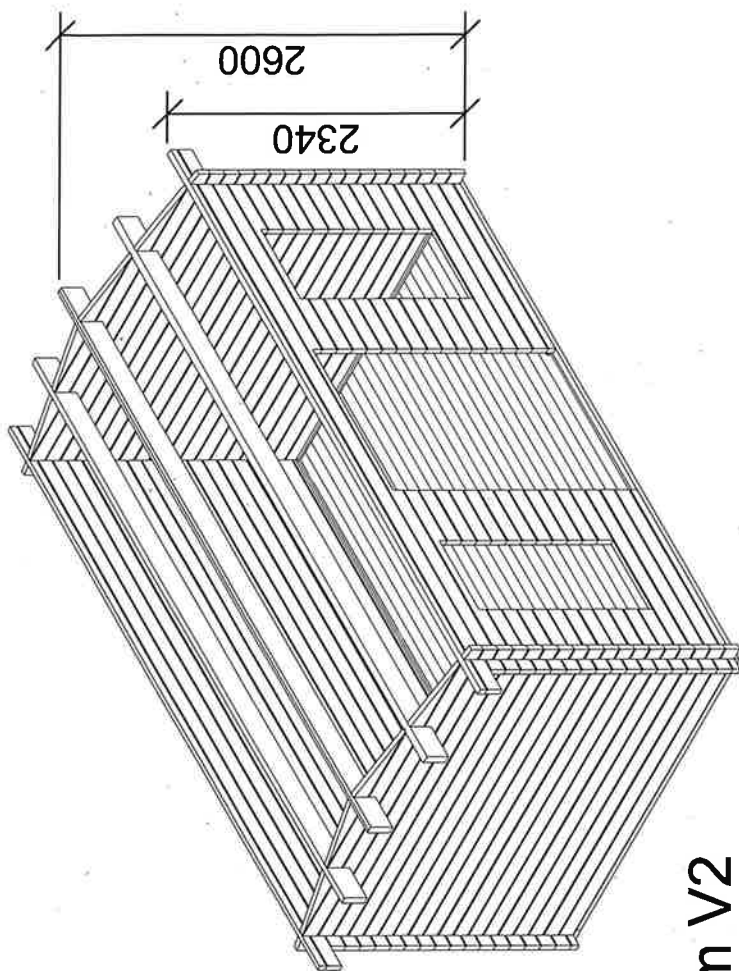
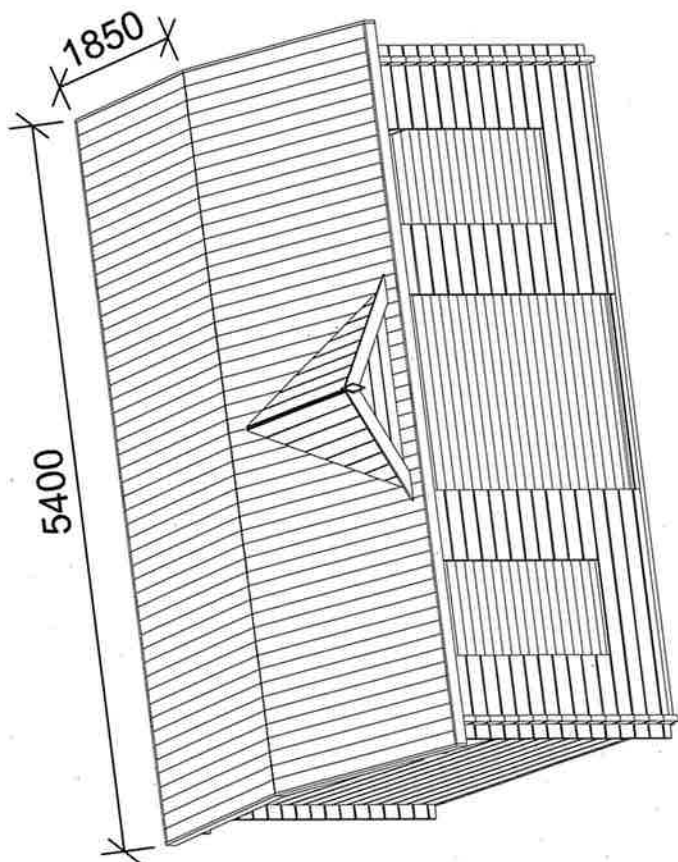
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the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

Signature of Applicant(s)

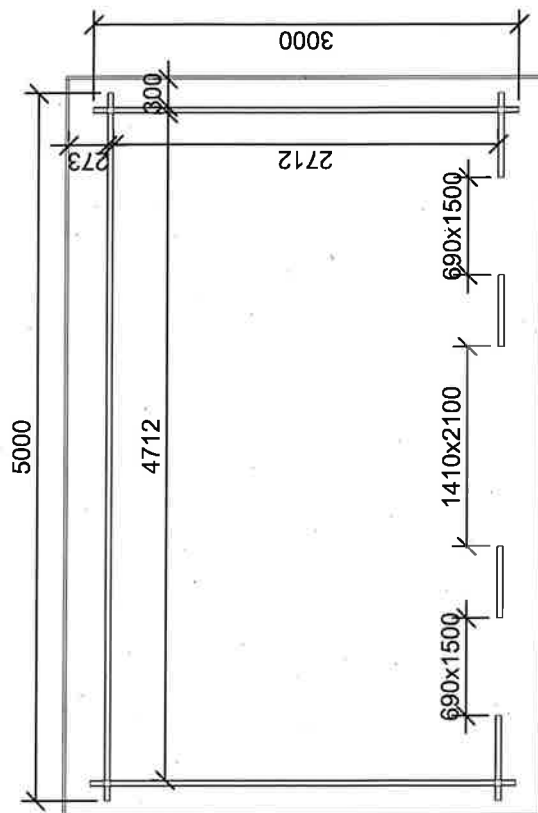
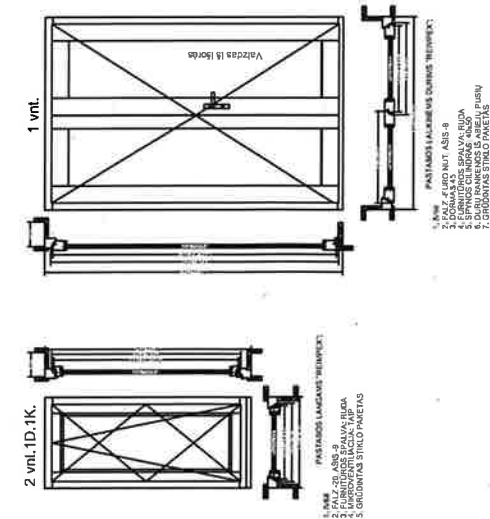


Date: 11/03/2025

**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.



## Kilkenny 45mm 5x3m V2



Gaeilge



BALLINDERRY

XY  
Scale 1 : 2500  
Townland Ballinderry  
Barony Ormond Lower  
County Tipperary



## Property Details

> Back

**Folio Number** TY46676F  
**Title Level** Freehold  
**Plan Number** BGVE9  
**Property Number** 1  
**Area of selected plans** 0.40 hectares.  
**Number of Plans on this folio:** 1  
**Address** Ryehill, Ballinderry,  
Nenagh, Co. Tipperary, E45  
VK28

Add to Basket

Create Alert

\*Tailte Éireann Registration Boundaries and Plan Area are **not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

View Basket

Print Current View

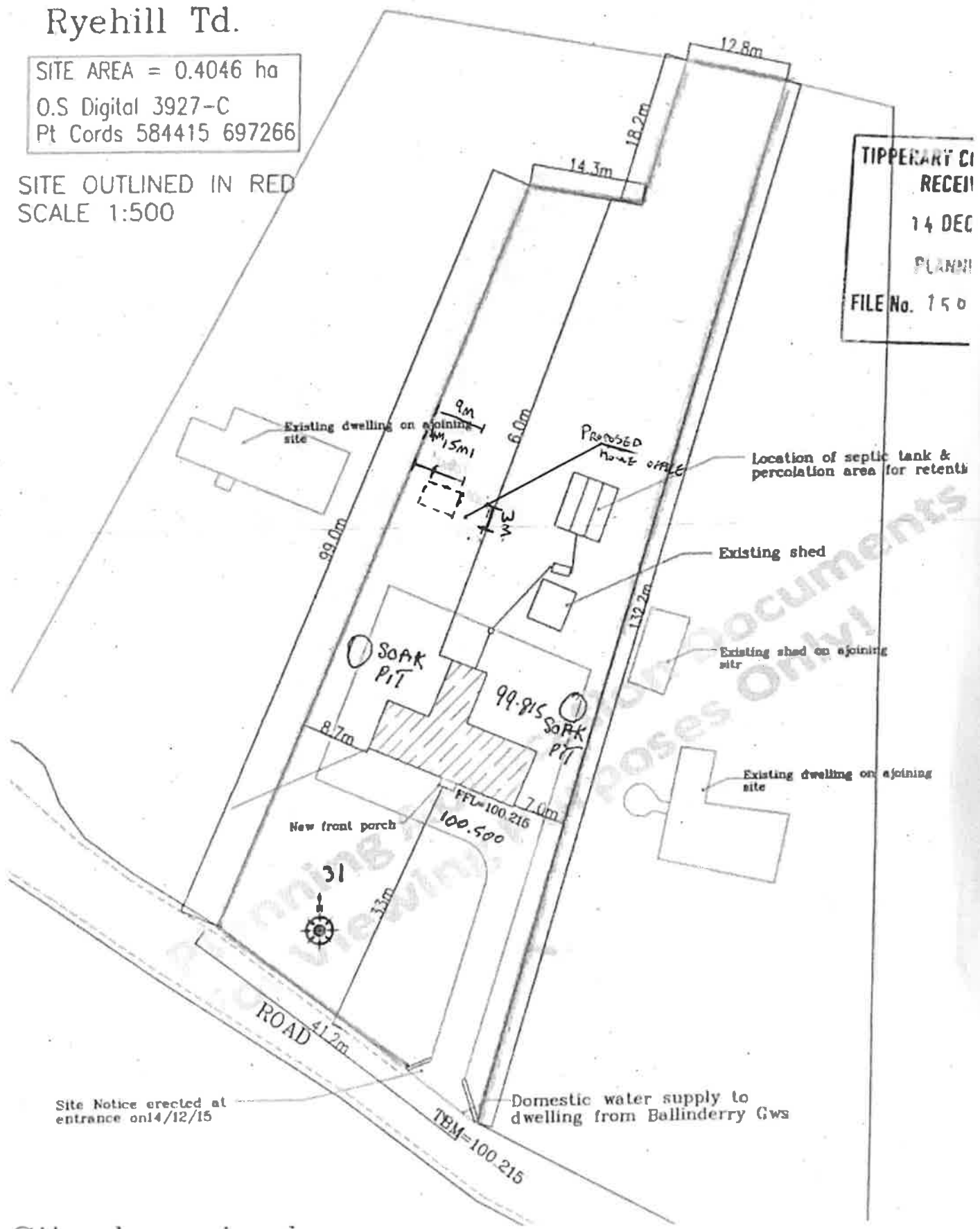
Help

# Ryehill Td.

SITE AREA = 0.4046 ha  
O.S Digital 3927-C  
Pt Cords 584415 697266

SITE OUTLINED IN RED  
SCALE 1:500

TIPPERARY CI  
RECEIVED  
14 DEC  
PLANNING  
FILE No. 150



Drawn : N. Lyons Woodfield, Birr. Tel no

# Rye Hill

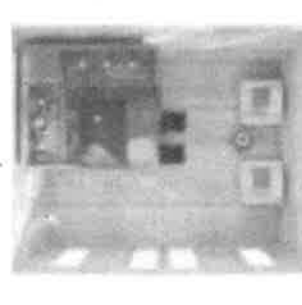
2000-2001  
2000-2001

SITE NOTICE  
ERECTED AT ENTRANCE  
14:12:2015

## CABIN DETAILS

Wall thickness	45mm
Size	5m x 3m (16.4ft x 10ft)
Doors	Premium living type doors
Windows	Premium living type windows
Roof	Steel roof tiles
Ridge height	2500mm
Wall height	2100mm
Floor bearers	45mm x 50mm
Floor & Roof Boards	19mm

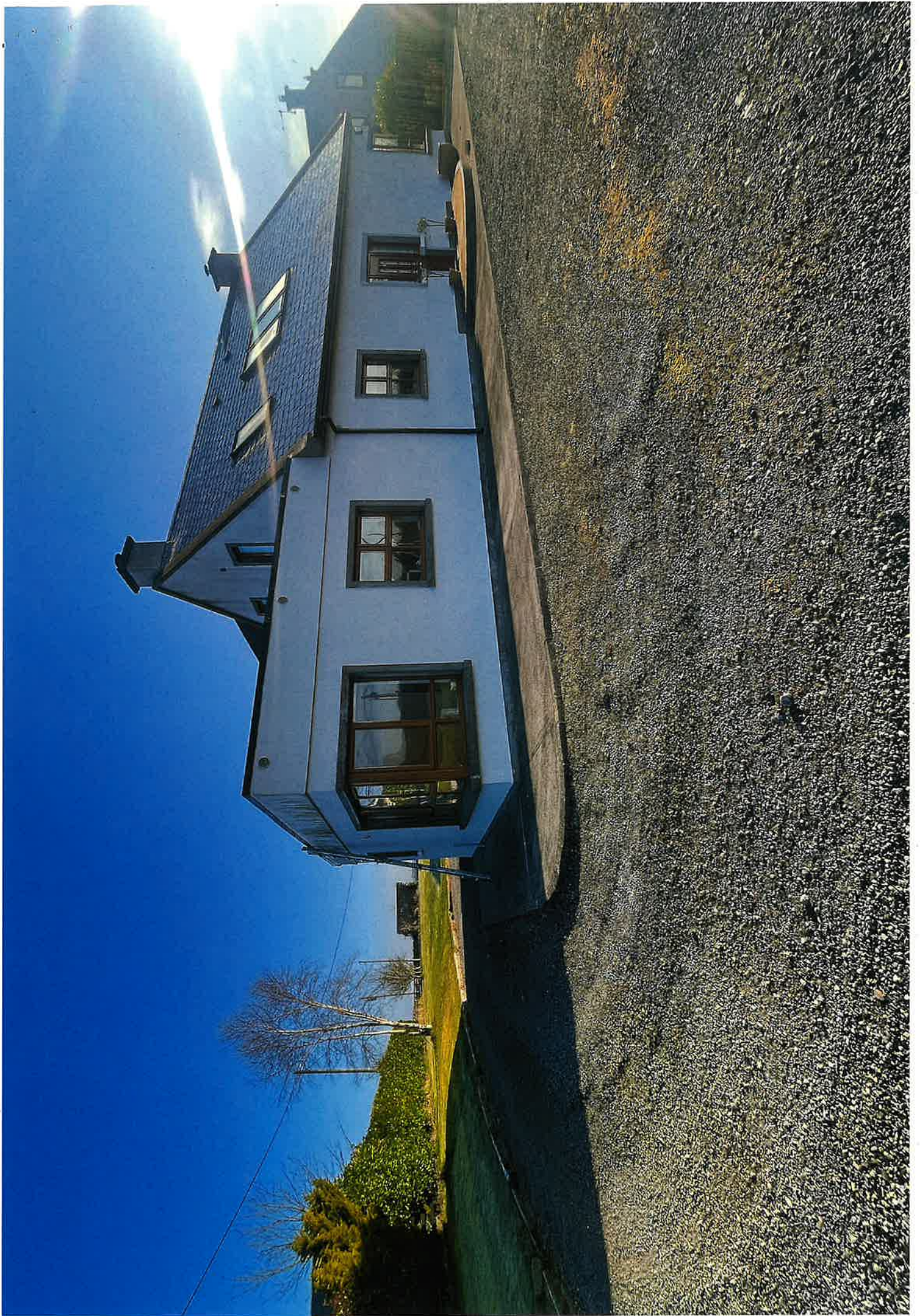




# KILKENNY LOG CABIN 5m X 3m











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 5000/601  
e customerservice  
@tipperarycoco.ie

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

Date: 20<sup>th</sup> March, 2025

Our Ref: S5/25/27

Civic Offices, Nenagh

**Cormac Tully  
Ryemill  
Ballinderry  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Installation of office/storage unit in the rear garden, 5m x 3m for a home office or storage at Ryemill, Ballinderry, Co. Tipperary.**

Dear Mr Tully,

I acknowledge receipt of your application for a Section 5 Declaration received on 20<sup>th</sup> March, 2025, 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

---

**Planning Ref.:** S5/25/27  
**Applicant:** Cormac Tully  
**Development Address:** Ryemill, Ballinderry, Co. Tipperary  
**Query:** Office / store proposed for rear garden.

---

#### **1. GENERAL**

On the 20/03/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Cormac Tully, as to whether or not the construction of 'office / store proposed for rear garden' constitutes development and is or is not exempted development.

#### **2. STATUTORY PROVISIONS**

The relevant planning legislation is set out below;

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

**Section 2(1)** of the same Act 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,*

**Section 3 (1)** of the Planning and Development Act 2000, as amended, defines "development" as: -

*In this Act, except where the context otherwise requires, "development" means—(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 4** provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

**Section 4(2)(a)** of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

**Section 4 (2)(a)** of the Planning and Development Act 2000, as amended, states as follows: -

*(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—  
(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

*(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

**Section 4** (4) of the Planning and Development Act 2000, as amended, states as follows:

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

## **Planning and Development Regulations 2001, as amended**

**Article 6** (Exempted Development) of the Planning and Development Regulations 2001, as amended states:

(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 – 8** inclusive refer to development within the curtilage of a house.

**Class 3** provides for the following exemption;

*The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.*

### **Conditions and Limitations**

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

**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-

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(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 to which the Section 5 relates is located at Ryemill, Ballinderry, Co. Tipperary.

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

15601056 – Planning permission granted for removal of the circular annex with flat roof and bay windows to the front elevation and construct new entrance door with open porch, install fire escape roof light to first floor bedroom and retention permission for the existing septic tank and percolation area in its current location and all associated site works

03510326 - Planning permission granted for dwelling with rooms in attic space and dormers to rear, plus new site entrance, septic tank and all associated site works. All similar to original design on original planning that expired

5115093 - Outline permission granted to develop site for 3 detached houses.

#### ***c. Assessment***

##### **A) “Is or is not Development”**

Having considered all of the details and documentation on file with regards the question asked, the Planning Authority is satisfied that the proposal constitutes “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

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

The proposed office / store would be within the curtilage of the existing dwelling and to its rear.

The stated floor dimensions of the proposed office / store are 5m x 3m. The floorarea of the structure would therefore be 15sqm. It is noted from the submitted photographs that there are two existing structures within the curtilage of the dwelling. There is no proposal to demolish same. The total area of the current proposal taken together with other such structures on site would exceed 25sqm.

The proposed office / store would not reduce open space less than 25sqm.

As per the submitted plans and particulars, the proposed office / store would not be constructed with the same materials as the existing dwelling. Same is located to the rear of the dwelling.

The proposed office / store would have a maximum ridge height of 2.5m (pitched roof).

Details in relation to the use of the structure have been provided. It is stated that the structure would be used as an office / store and would not be used for residential use.

**C) Is the exemption restricted under Article 9**

I note no restrictions that would apply based on the information presented at this stage.

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

**AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

**EIA**

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

**4. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Ryemill, Ballinderry, Co. Tipperary is or is not exempted development:

- 'office / store proposed for rear garden'

Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the 'office / store proposed for rear garden', is development and is **not exempted development**. The proposal fails to satisfy:

- Condition / limitation 2 of Class 3 of the Planning and Development Regulations 2001 as amended which stipulates that '*The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*'

**Executive Planner**

*Olive O'Donnell*

**Date:** 09/04/2025

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date:** 9/4/2025





## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

### STEP 1. Description of the project/proposal and local site characteristics:

<b>(a) File Reference No:</b>	S5.25.27
<b>(b) Brief description of the project or plan:</b>	As per planners report
<b>(c) Brief description of site characteristics:</b>	As per planners report
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>€ Response to consultation:</b>	N/a

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
River Shannon Callows SAC	<a href="https://www.npws.ie/protected-sites/spa/000216">https://www.npws.ie/protected-sites/spa/000216</a>	Within 10km	None	No
Lough Derg, North East Shore SAC	<a href="https://www.npws.ie/protected-sites/spa/002241">https://www.npws.ie/protected-sites/spa/002241</a>	Within 15km	None	No
Barroughter Bog	<a href="https://www.npws.ie/protected-sites/spa/002231">https://www.npws.ie/protected-sites/spa/002231</a>	Within 10km	None	No
Cloomoylan Bog	<a href="https://www.npws.ie/protected-sites/spa/002248">https://www.npws.ie/protected-sites/spa/002248</a>	Within 10km	None	No
Derrycrag Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/spa/002261">https://www.npws.ie/protected-sites/spa/002261</a>	Within 15km	None	No

Loughatorick South Bog	<a href="https://www.npws.ie/protected-sites/spa/000308">https://www.npws.ie/protected-sites/spa/000308</a>	Within 15km	None	No
Pollnacknockaun Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/spa/000319">https://www.npws.ie/protected-sites/spa/000319</a>	Within 15km	None	No
Ballyduff/Clonfinane	<a href="https://www.npws.ie/protected-sites/spa/000641">https://www.npws.ie/protected-sites/spa/000641</a>	Within 15km	None	No
Kilcarren Firville Bog	<a href="https://www.npws.ie/protected-sites/spa/000647">https://www.npws.ie/protected-sites/spa/000647</a>	Within 10km	None	No
Rosturra Wood	<a href="https://www.npws.ie/protected-sites/spa/001313">https://www.npws.ie/protected-sites/spa/001313</a>	Within 0	None	No
Liskeenan Fen	<a href="https://www.npws.ie/protected-sites/spa/001683">https://www.npws.ie/protected-sites/spa/001683</a>	Within 15km	None	No
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 15km	None	No
Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/sac/004096">https://www.npws.ie/protected-sites/sac/004096</a>	Within 15km	None	No
Slieve Aughty Mountains SPA	<a href="https://www.npws.ie/protected-sites/sac/004168">https://www.npws.ie/protected-sites/sac/004168</a>	Within 15km	None	No

### STEP 3. Assessment of Likely Significant Effects

**(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> </ul>	None.

<ul style="list-style-type: none"> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	None.
<b>In-combination/Other</b>	None.

**(b) Describe any likely changes to the European site:**

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None.
---	-------

**(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

☐ Yes ☒ No

**STEP 4. Screening Determination Statement**

**The assessment of significance of effects:**

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land

use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

### Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> 09/04/2025

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5.25.27
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds?  (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>





Date: 10<sup>th</sup> April, 2025

Our Ref: S5/25/27

Civic Offices, Nenagh

Cormac Tully  
Ryemill  
Ballinderry  
Co. Tipperary

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

Dear Mr Tully,

I refer to your application for a Section 5 Declaration received on 20<sup>th</sup> March, 2025, in relation to the following proposed works:

**Office / store proposed for rear garden at Ryemill, Ballinderry, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the 'office / store proposed for rear garden', is development and is **not exempted development**. The proposal fails to satisfy:

- Condition / limitation 2 of Class 3 of the Planning and Development Regulations 2001 as amended which stipulates that '*The total area of such structures constructed, erected or placed within the curtilage of a house*



*shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metre's.*

**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

*Geraldine Quinn*  
\_\_\_\_\_  
for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/27**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT:    Section 5 Declaration**

I, Dave Carroll, A/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. 40781 dated 2<sup>nd</sup> January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Cormac Tully, Ryemill, Ballinderry, Co. Tipperary re: Office / store proposed for rear garden at Ryemill, Ballinderry, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the 'office / store proposed for rear garden', is development and is **not exempted development**. The proposal fails to satisfy:

- Condition / limitation 2 of Class 3 of the Planning and Development Regulations 2001 as amended which stipulates that *'The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

**Signed:**

  
\_\_\_\_\_

**Date: 10/04/2025**

**Dave Carroll**

**A/Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**