



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	RALPH O CALLAGHAN
Address	CHURCHTOWN CARRICK-ON-SUIR E32 XD95
Telephone No.	
E-mail	

2. Agent's (if any) address:

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

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	1 ST MOLLERANS CARRICK-BEG CARRICK ON SUIR CO. TIPPERARY E32 E729
---	---



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.)

EXTENSION TO COUNCIL BUILT HOUSE RENT TO BUY SCHEME.
EXTENSION DATE 1972 CONSISTS OF KITCHEN, BATHROOM AND HALLWAY.
Proposed floor area of proposed works/uses: 40 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(



Date: 1/9/25

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:

**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

FOR OFFICE USE ONLY

Fee Recd. € €80.

Receipt No 195942

Date 1/9/2025

Received by [Signature]

DATE STAMP

Tipperary County Council
RECEIVED
01 SEP 2025
CASH OFFICE
Civic Offices, Clonmel

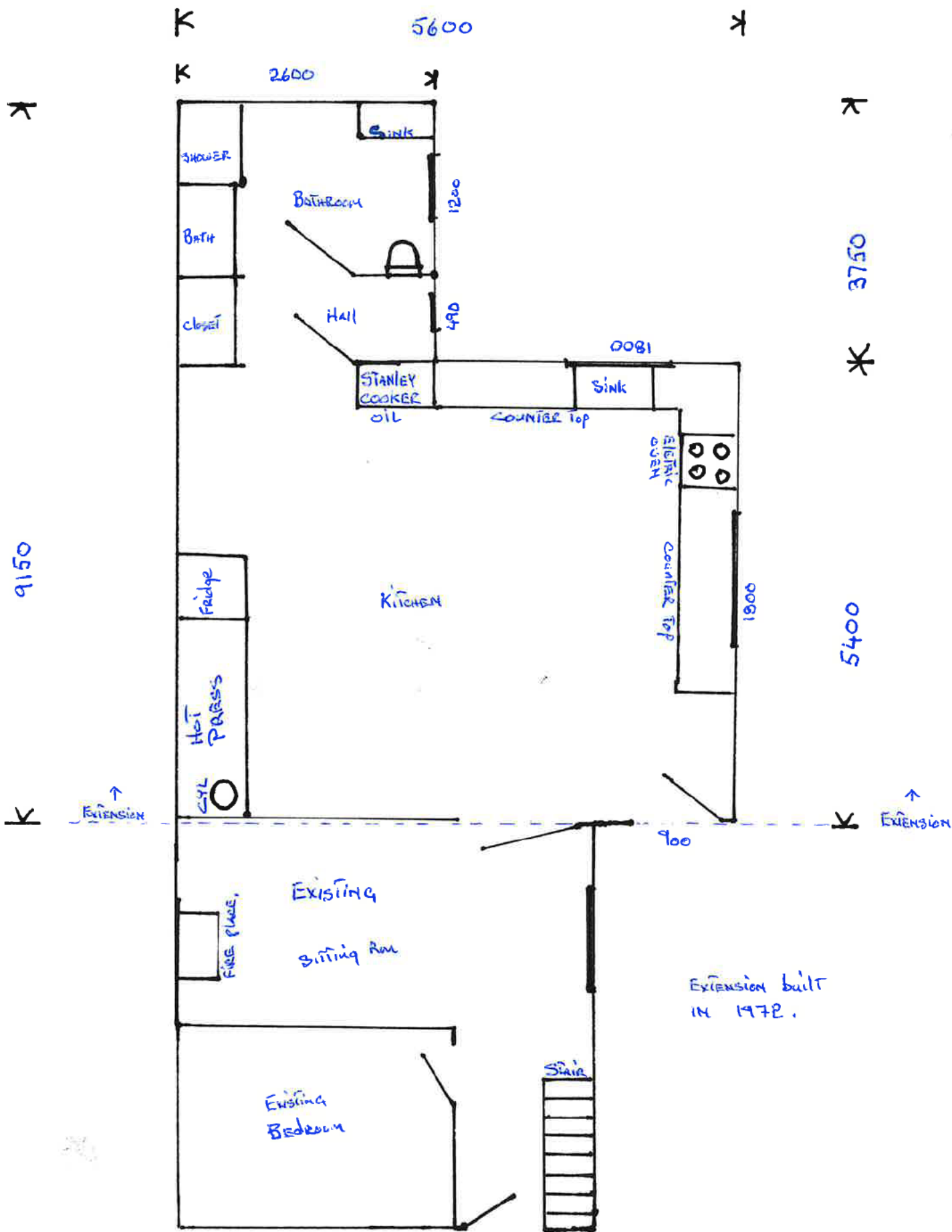
THE MEASUREMENTS FROM EXISTING HOUSE
NOT EXTENSIONS

1980



OLDER MAP ON TRANSFER DEED WOULD SHOW THAT THE BOUNDARY RAN PARALLEL TO THE EXISTING HOUSE AT 3.5 METRES AND THEN IN A STRAIGHT LINE TO THE END OF THE GARDEN WHICH IS SHOWN ON BOTH MAPS. AS 10 METRES. IN THE EVENT OF ANY DISPUTE ABOUT THESE BOUNDARIES THE MEASUREMENTS ON THE OLDER MAP WOULD PROBABLY BE PREFERRED. IN ANY CASE AN ENGINEER'S REPORT WOULD BE REQUIRED AND NOT WITHIN





1 ST MOLLERANS
CARRICK BEG,
CARRICK ON SUIR
E32 E729

Side door.

START OF EXTENSION.

ORIGINAL
HOUSE WALL.



















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: 3rd September 2025 Our Ref: S5/25/119 Civic Offices, Clonmel

Ralph O Callaghan
Churchtown
Carrick on Suir
Co. Tipperary

Re: Application for a Section 5 Declaration – extension to house dated 1972 consisting of a kitchen, bathroom and hallway at 1 St. Mollerans, Carrick-Beg, Carrick on Suir, Co. Tipperary E32 E729

Dear Mr O Callaghan,

I acknowledge receipt of your application for a Section 5 Declaration received on 1st September 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.: S5/25/119

Applicant: Ralph O'Callaghan

Development Address: 1 St. Mollerans, Carrickbeg, Carrick on Suir, Co. Tipperary

Proposed Development: Rear extension to house built c.1972.

1. GENERAL

On the 1st of September 2025, 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”:

- The construction of a rear extension, measuring 40sqms built c.1972

The works are to be located at 1 St. Mollerans, Carrickbeg, Carrick on Suir, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the **Local Government (Planning and Development) Act 1963**, as amended, states as follows:-

“In this Act, ‘development’ 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..”

Section 2(1) of the Local Government (Planning and Development) Act 1963, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Article 4 of the **Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967**, as amended states:

Exempted Development.

- 4 (4) Subject to sub-article (5) of this article, in areas other than county boroughs, boroughs, urban districts and towns specified in the First Schedule to the Act, development of each class specified in column 1 of Part III of the Schedule to these Regulations shall be

exempted development for the purposes of the Act provided that 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 Part III of the said Schedule opposite the mention of that class in the said column 1.

Part 1 'Exempted Development General:

Class 1 of Part 1 of the **Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967**, considers the following works to be exempted development;

The extension of a dwelling house by any addition to the rear thereof where the height of the extension does not exceed that of the dwelling house and the original floor area is not increased by more than 120 square feet or, in the case of a two-storey extension, 90 square feet on each floor.

Article 5 (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development shall not be exempted development for the purposes of the Act.

120 square feet is 11.14 sq m.

3. ASSESSMENT

a. Site Location

The site comprises of an end of terrace two storey detached property at 1 St. Mollerans, Carrickbeg, Carrick on Suir, Co. Tipperary. This is a predominately residential area on the southern side of Carrick on Suir.

Figure 1 Subject Site



b. Relevant Planning History

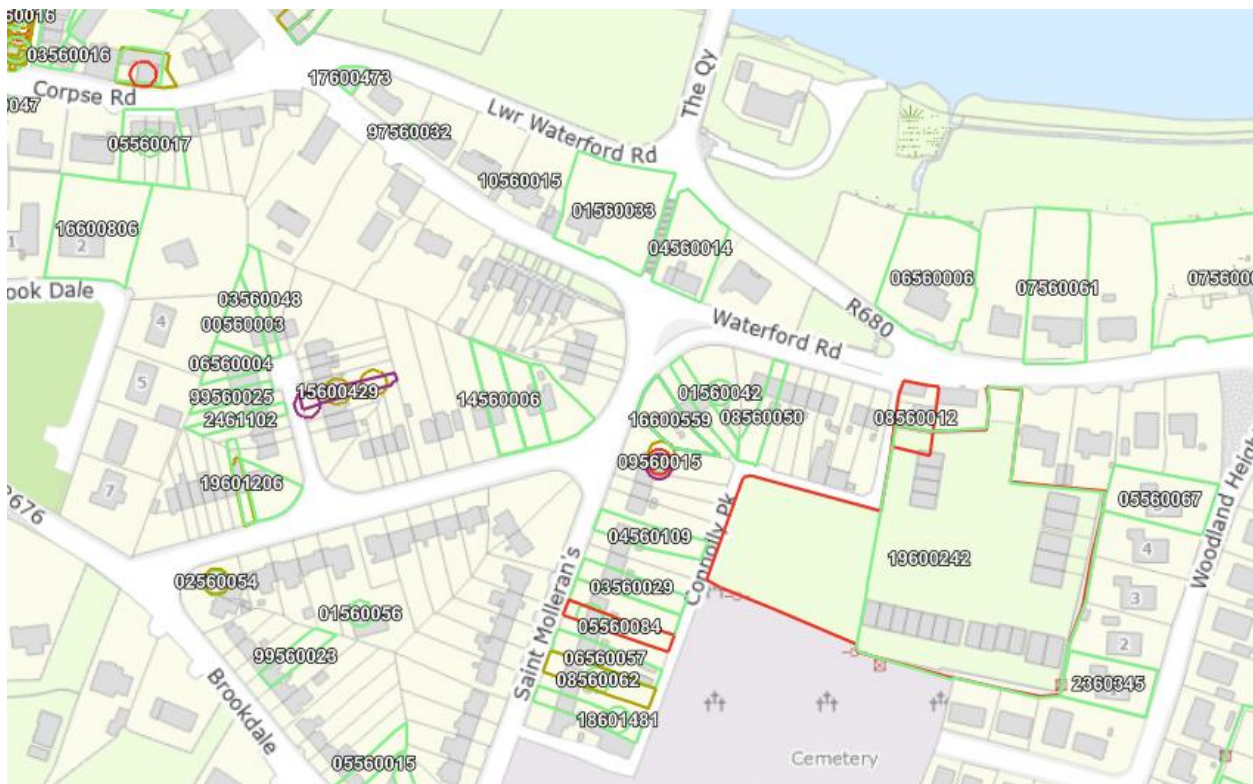
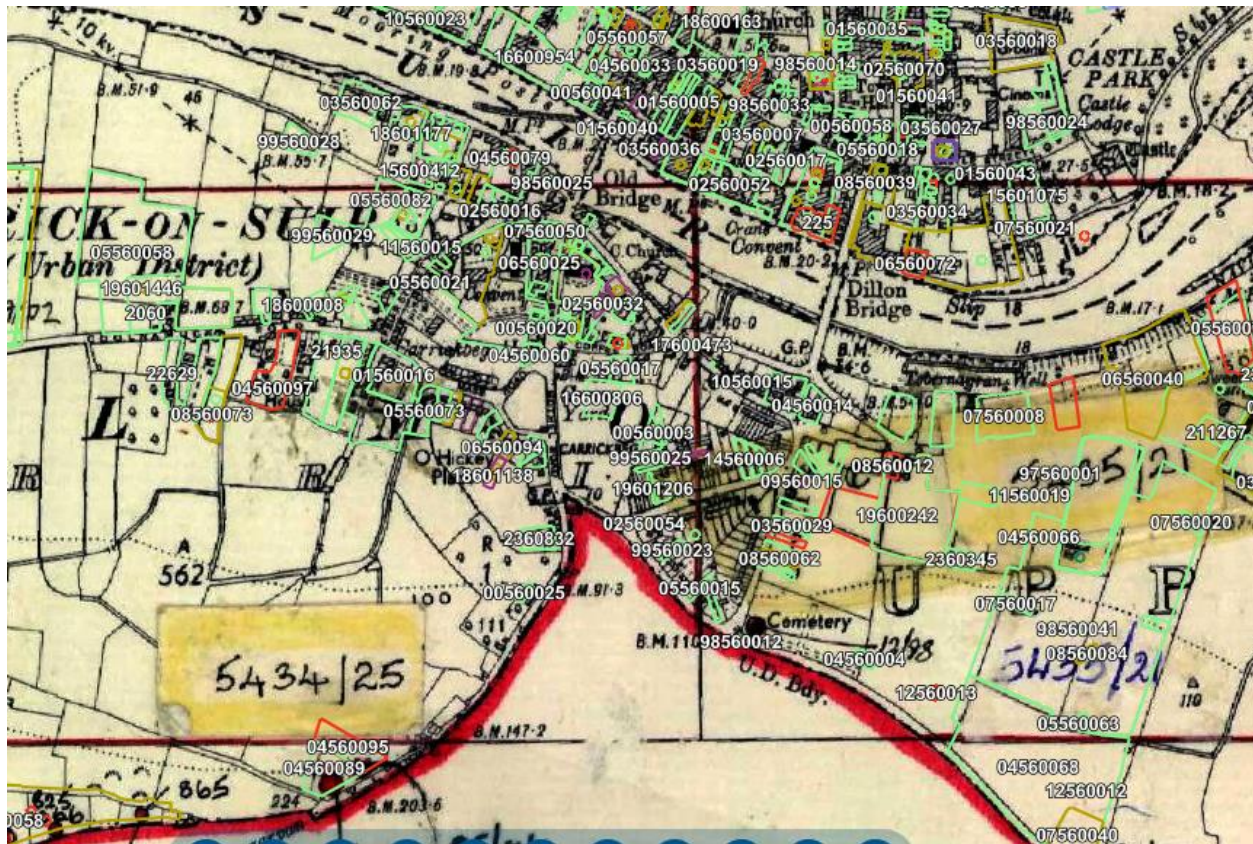
On site

None recorded

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

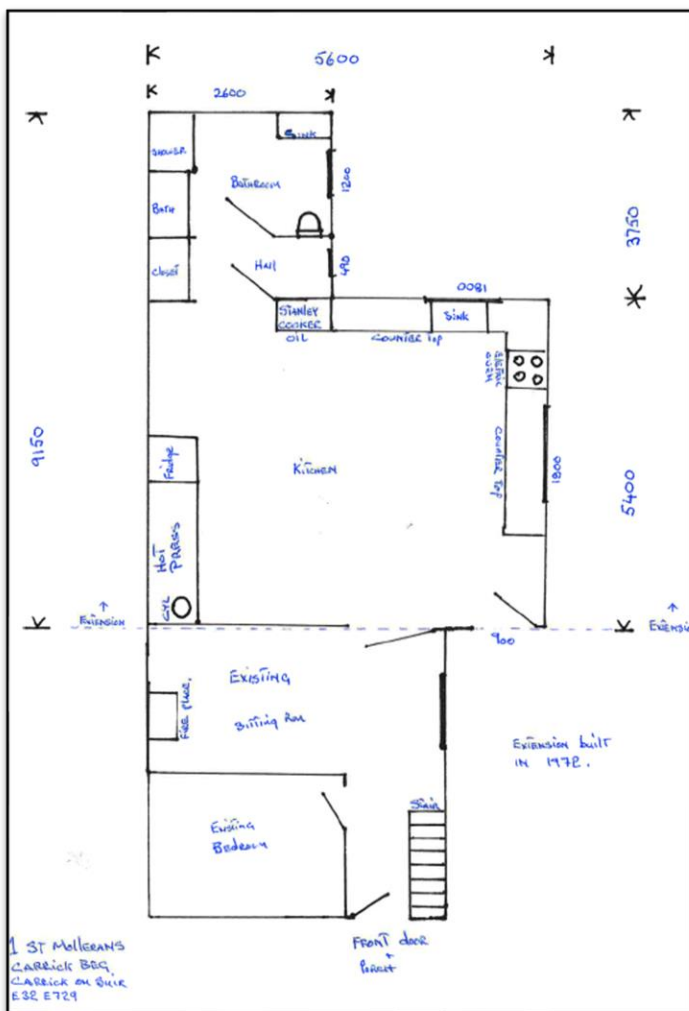
A) "Is or is not Development"

It is considered that the above listed proposal constitutes “works” as understood by the Local Government (Planning and Development) Act 1963. The above listed proposals therefore constitute “development” within the meaning of the Local Government (Planning and Development) Act 1963

B) “Is or is not Exempted Development”

The works proposed comprise of the construction of a single storey extension to the rear of the dwelling measuring 40 sqms.

Figure 3 Floor plans



As indicated in the submitted documentation, the works proposed were undertaken c. 1972.

As illustrated above, the works are set entirely behind the rear building line of the building on site. They do extend beyond the side wall.

Having regard to the time of construction, the provisions of the Local Government (Planning and Development) Act, 1963, and the Planning and Development (Exempted Development) Regulations, 1967 are noted.

As set out in these regulations, an extension can be considered to be exempt provided the original floor area is not increased by more than 120 square feet (11.148 sqms). The works undertaken exceed this threshold.

It is noted that no other conditions or limitation were associated with this exemption.

C) Restrictions under Article 5

It is noted that no restrictions under Article 5 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967 would apply to the construction element.

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

It is noted that the works were undertaken prior to the introduction of Appropriate Assessment and Environmental Impact Assessment. As such the works are not restricted by same.

4. RECOMMENDATION

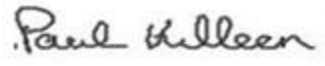
A question has arisen as to whether the construction of a rear extension, measuring 40sqms built c.1972 is or is not exempted development. The subject site is located at 1 St. Mollerans, Carrickbeg, Carrick on Suir, Co. Tipperary.

In considering this declaration, the Planning Authority had regard to:

- (a) Sections 2, 3 & 4 of Local Government (Planning and Development) Act 1963,
- (b) Part 1 Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.
- (c) Article 5 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967
- (d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the works constitute development and are not considered to be exempted development as they exceed the 120 square feet limit in place at the time of construction as set out in Part 1, Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.

Signed:

Handwritten signature of Paul Killean in black ink.

District planner

Date: 22/09/25

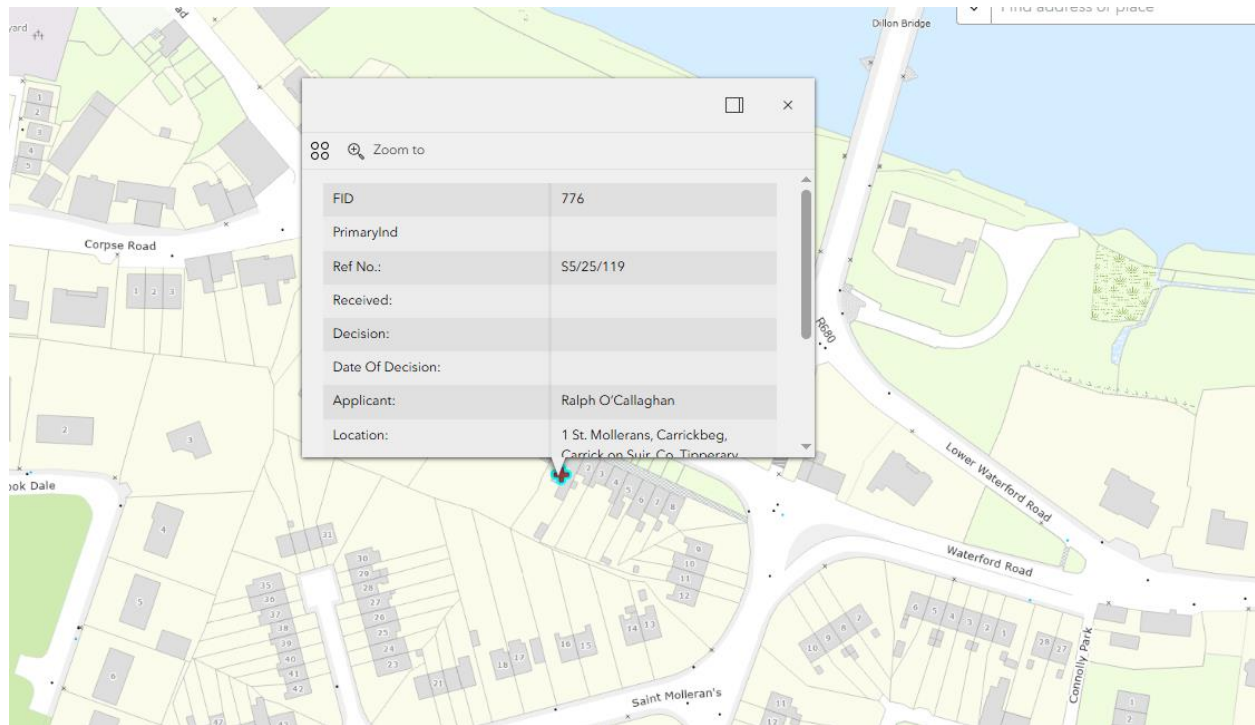
Handwritten signature of C. Conway in blue ink.

Signed:

Senior Executive Planner

Date: 23.9.2025

Figure 4 Site entered on Planning register





Date: 24th September 2025

Our Ref: S5/25/119

Civic Offices, Nenagh

Ralph O Callaghan
Churchtown
Carrick on Suir
Co. Tipperary

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

Dear Mr O Callaghan,

I refer to your application for a Section 5 Declaration received on 1st September, 2025 in relation to the following proposed works:

Rear extension to house built c.1972 at 1 St. Mollerans, Carrickbeg, Carrick on Suir, Co. Tipperary

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

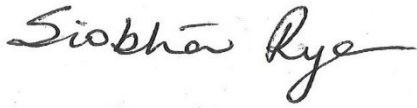
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 & 4 of Local Government (Planning and Development) Act 1963,
- b) Part 1 Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.
- c) Article 5 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967
- d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the works constitute development and are **not considered to be exempted development** as they exceed the 120 square feet limit in place at the time of construction as set out in Part 1, Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.

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

A handwritten signature in black ink, reading "Siobhán Rye". The signature is fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly distinguishable.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/119** **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. 41983 dated 17th April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Ralph O Callaghan, Churchtown, Carrick on Suir, Co. Tipperary, re: Rear extension to house built c.1972 at 1 St. Mollerans, Carrickbeg, Carrick on Suir, 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 Local Government (Planning and Development) Act 1963,
- b) Part 1 Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.
- c) Article 5 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967
- d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the works constitute development and are **not considered to be exempted development** as they exceed the 120 square feet limit in place at the time of construction as set out in Part 1, Class 1 of the Local Government (Planning and Development) Act, 1963, (Exempted Development) Regulations, 1967.

Signed:



Dave Carroll

A/Director of Services

**Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**

Date: 24/09/2025