

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

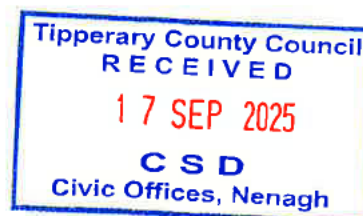
Applicant	SEAMUS HASSEY
Address	111 MAIN STREET TEMPLEMORE TIPPERARY
Telephone No.	
E-mail	

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;	
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)	MAIN STREET, TEMPLEMORE, TIPPERARY
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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.

Conversion of existing Building, the Old Post Office Sorting Office into a one person studio apartment. No changes to the building structure external.
Proposed floor area of proposed works/uses: 36-47 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: 15/09/25

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

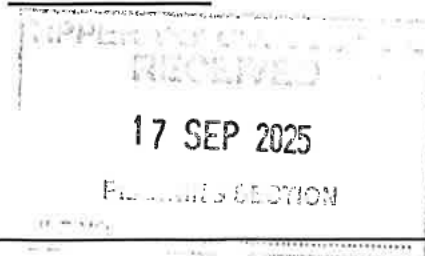
Fee Recd. € 80

Receipt No 131689

Date 17/9/25

Received by M. Lillis

DATE STAMP



To Be Paid by Card.

Please Phone [REDACTED]

From; Seamus Hassey

Main Street, Templemore, Tipperary



Date: 12/09/2025

To; Planning Department

North Tipperary Planning Authority

Tipperary County Council

Re: Section 5 Declaration / Exempted Development Application – Main Street, Templemore, Co. Tipperary

Dear Sir/Madam,

Please find enclosed an application pursuant to Section 5 of the Planning and Development Act 2000 (as amended), and Article 10 of the Planning and Development Regulations 2001 (as amended), seeking a declaration as to whether the proposed change of use and refurbishment of the former Old Post Office Sorting Office, Main Street, Templemore, constitutes exempted development.

The proposed development involves the refurbishment and change of use of the existing building to a one-person studio dwelling. The application details demonstrate that the development qualifies as exempted development. As outlined, the sorting office formed an integral part of the Post Office complex and should have been included in the original reclassification of the Post Office premises. This application seeks to regularise that anomaly.

This application seeks confirmation that the proposed works fall within the scope of exempted development as provided for under Class 14(a) of Schedule 2, Part 1 of the Planning and Development Regulations, thereby not requiring planning permission.

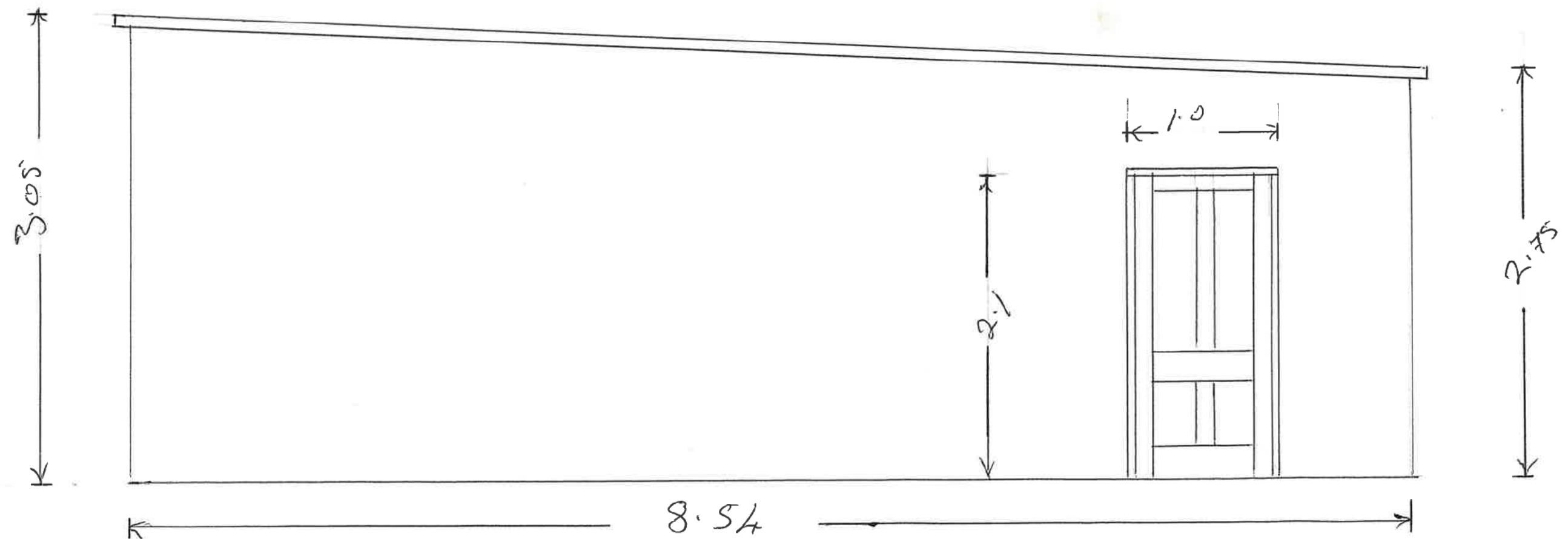
We respectfully request that the planning authority confirm the exempted status of this proposed development.

Yours faithfully,

Seamus Hassey

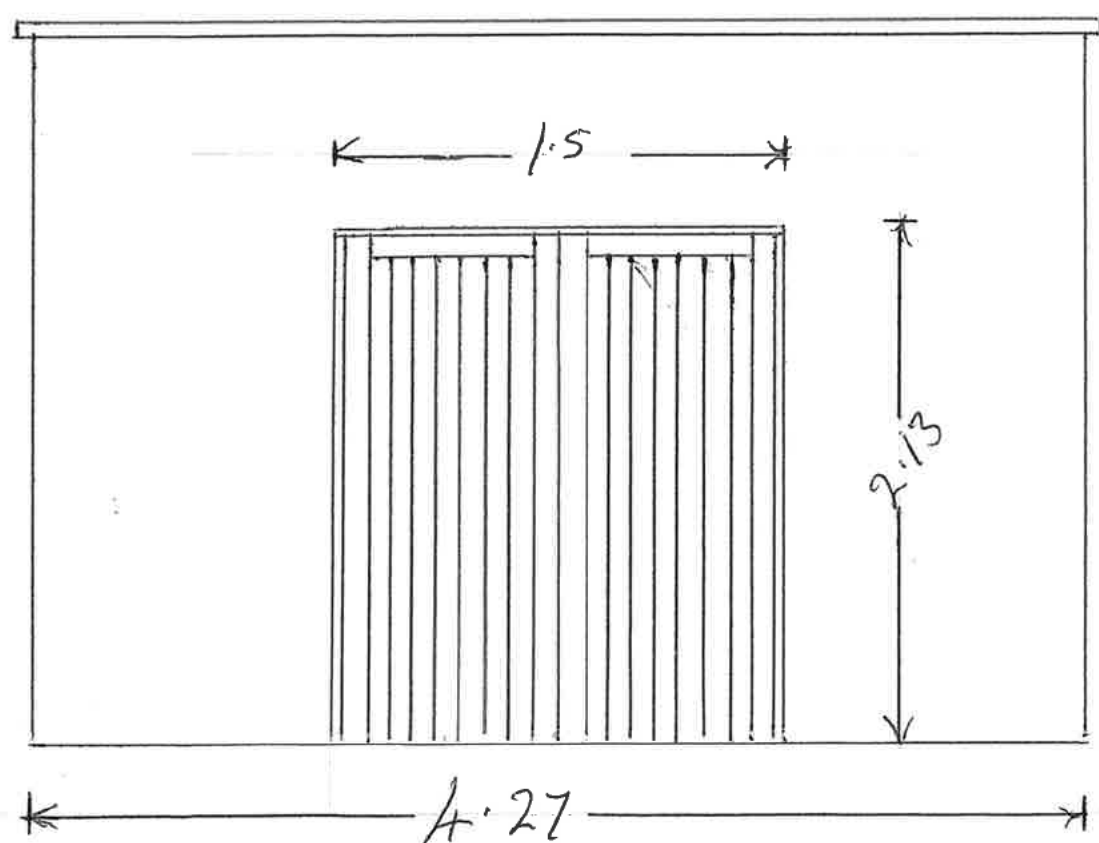


Sorting office of old Post office
Main St Templemore

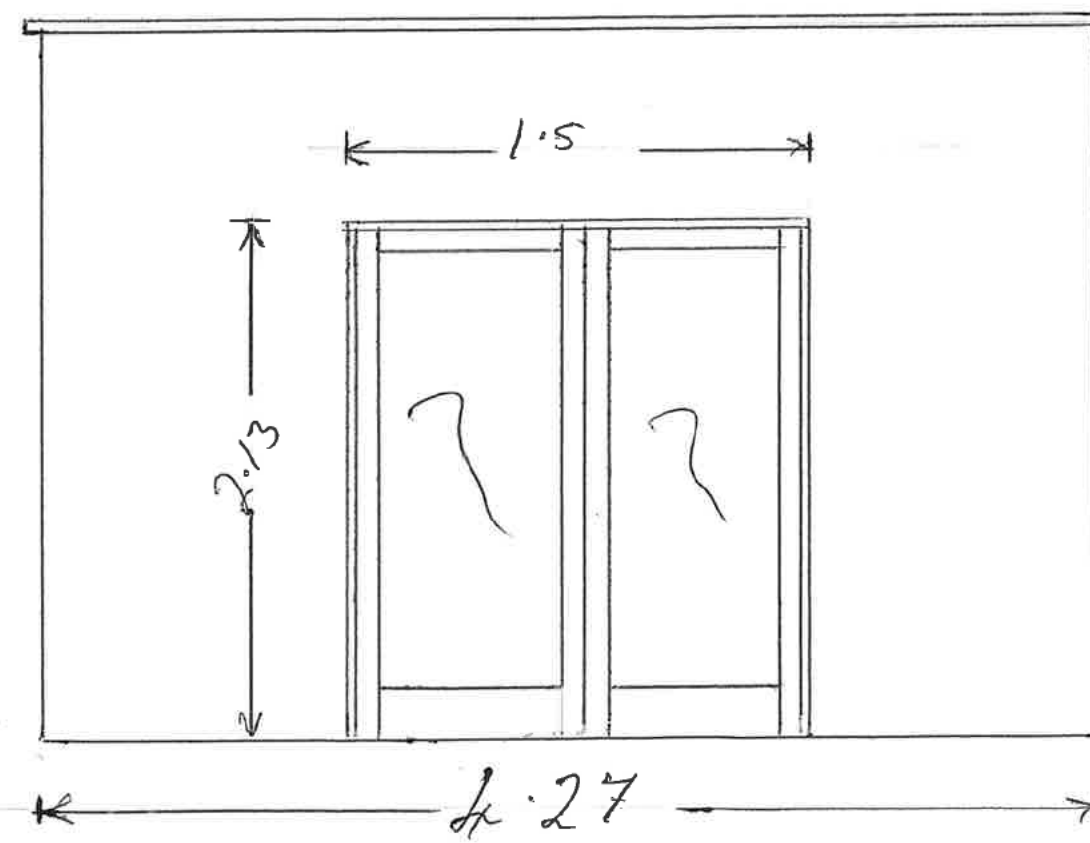


Side C No change

Sorting office of old Post office
Main St Templemore



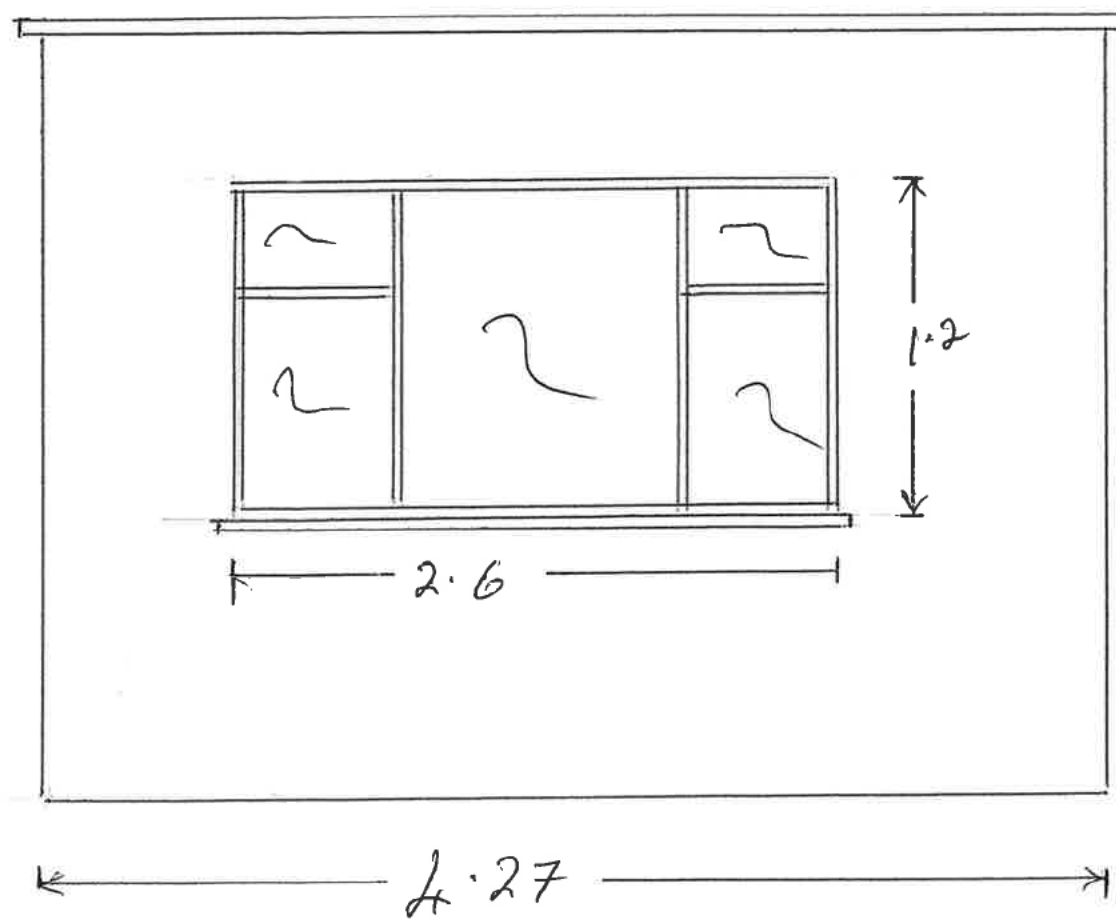
Existing Back B



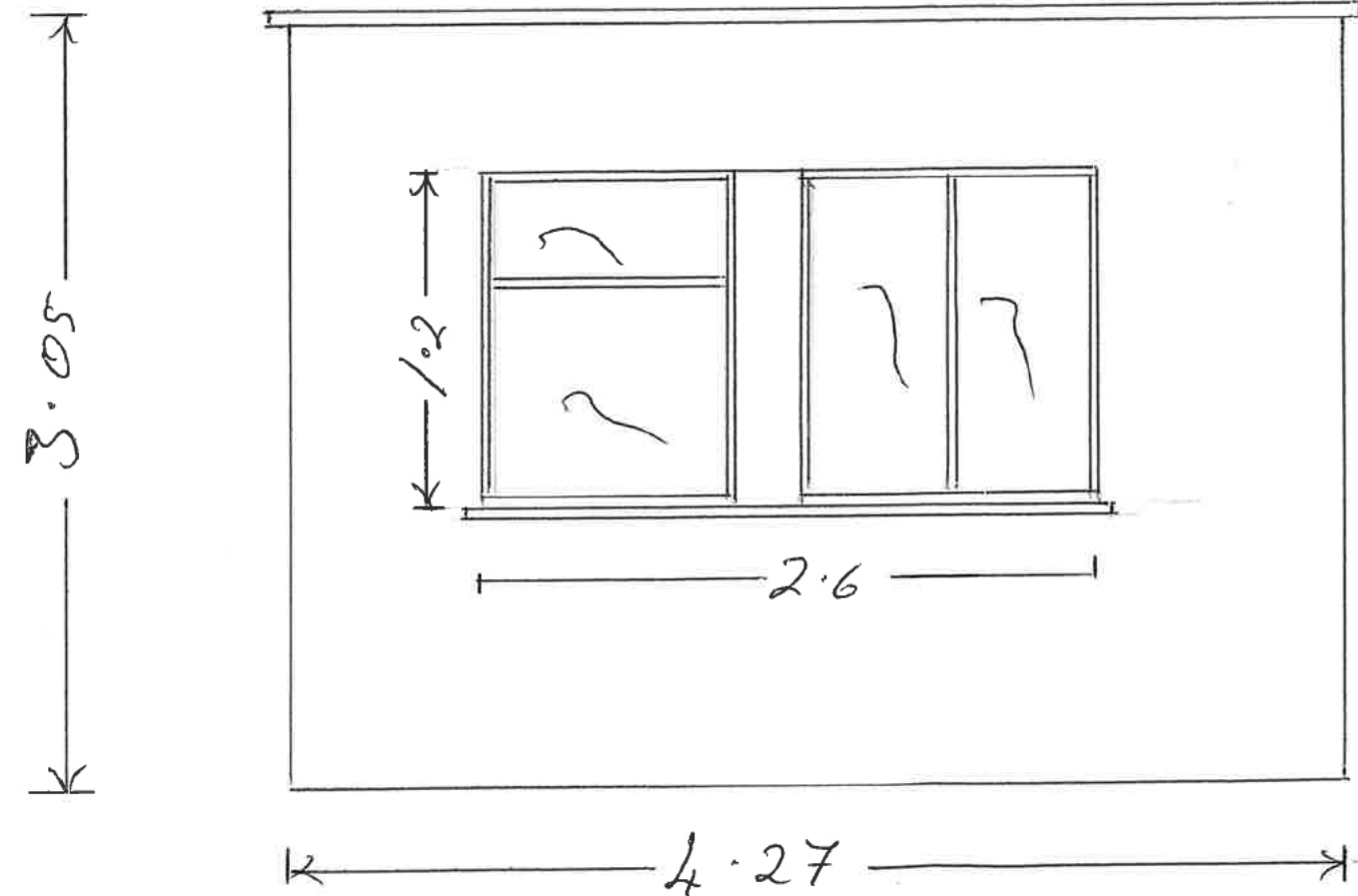
Proposed Back B

Sorting office of old Post office
Main St Templemore

TIPPERARY
REL
17 SEP 2025
PLANNING SECTION
FILE NO. 55/25/125



Existing Front A

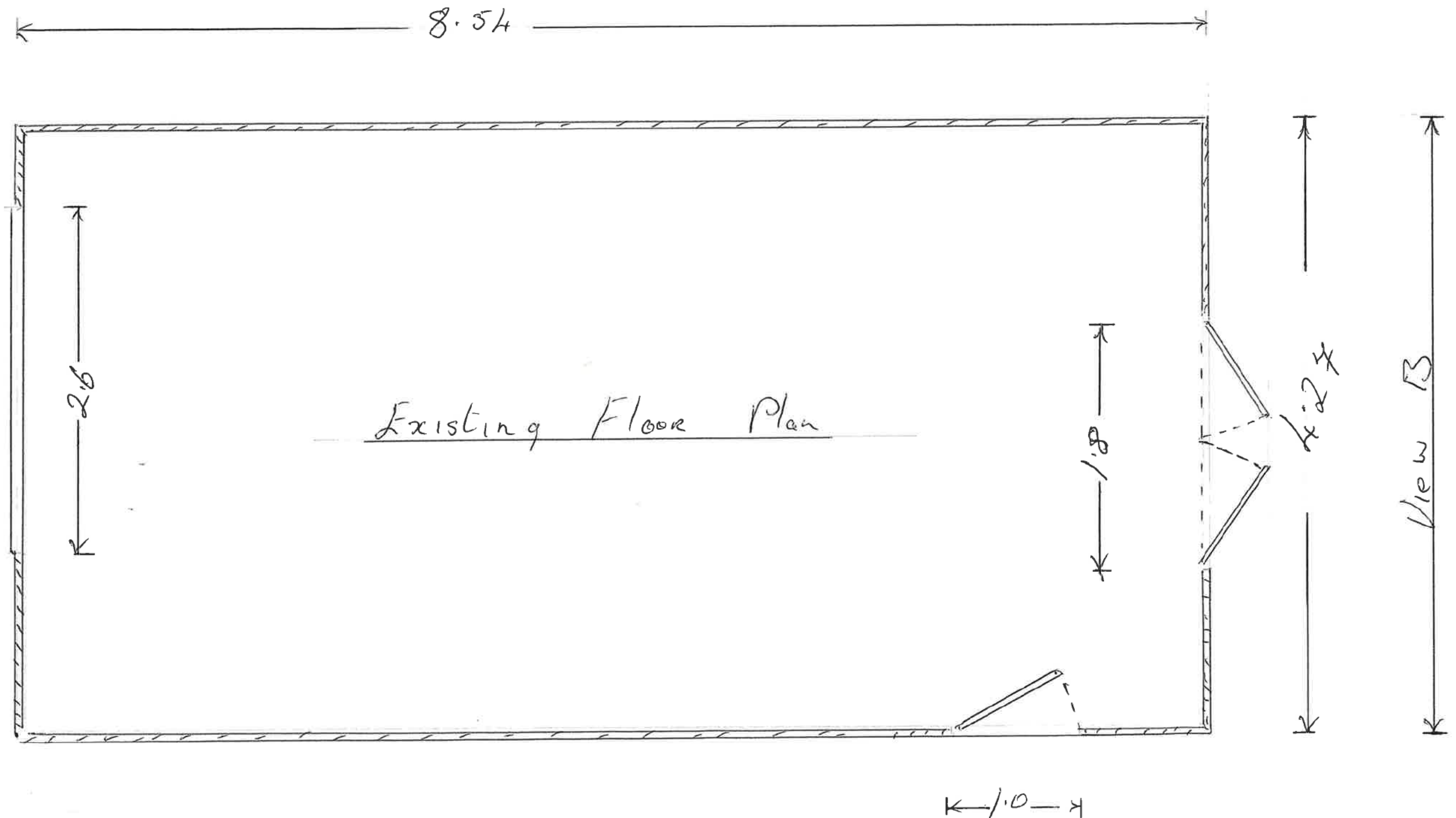


Proposed Front A

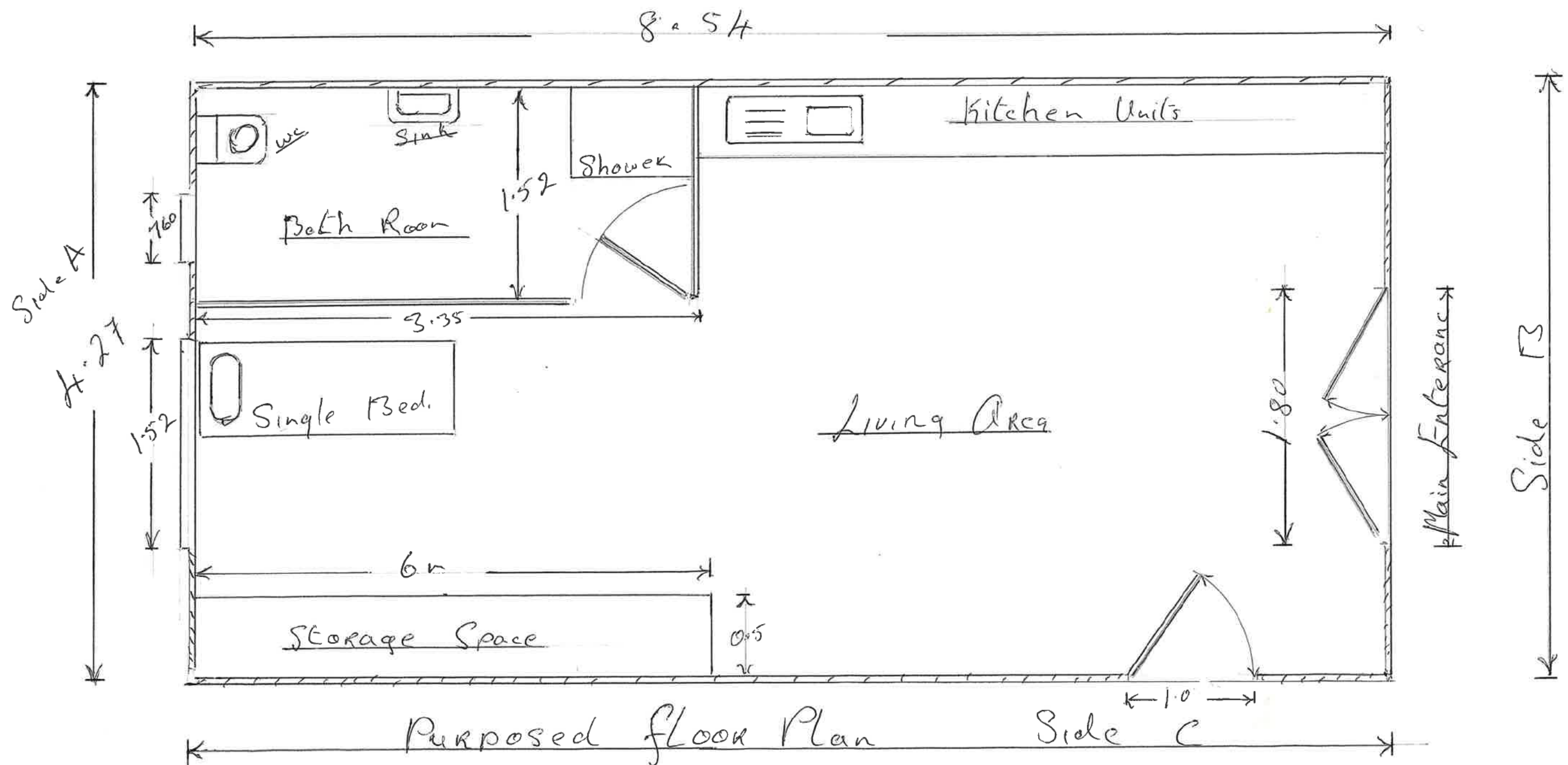
Sorting office of old Post office
Main St Templemore

17 SEP 2025
PLANNING
FILE NO. 25/25/125

View A

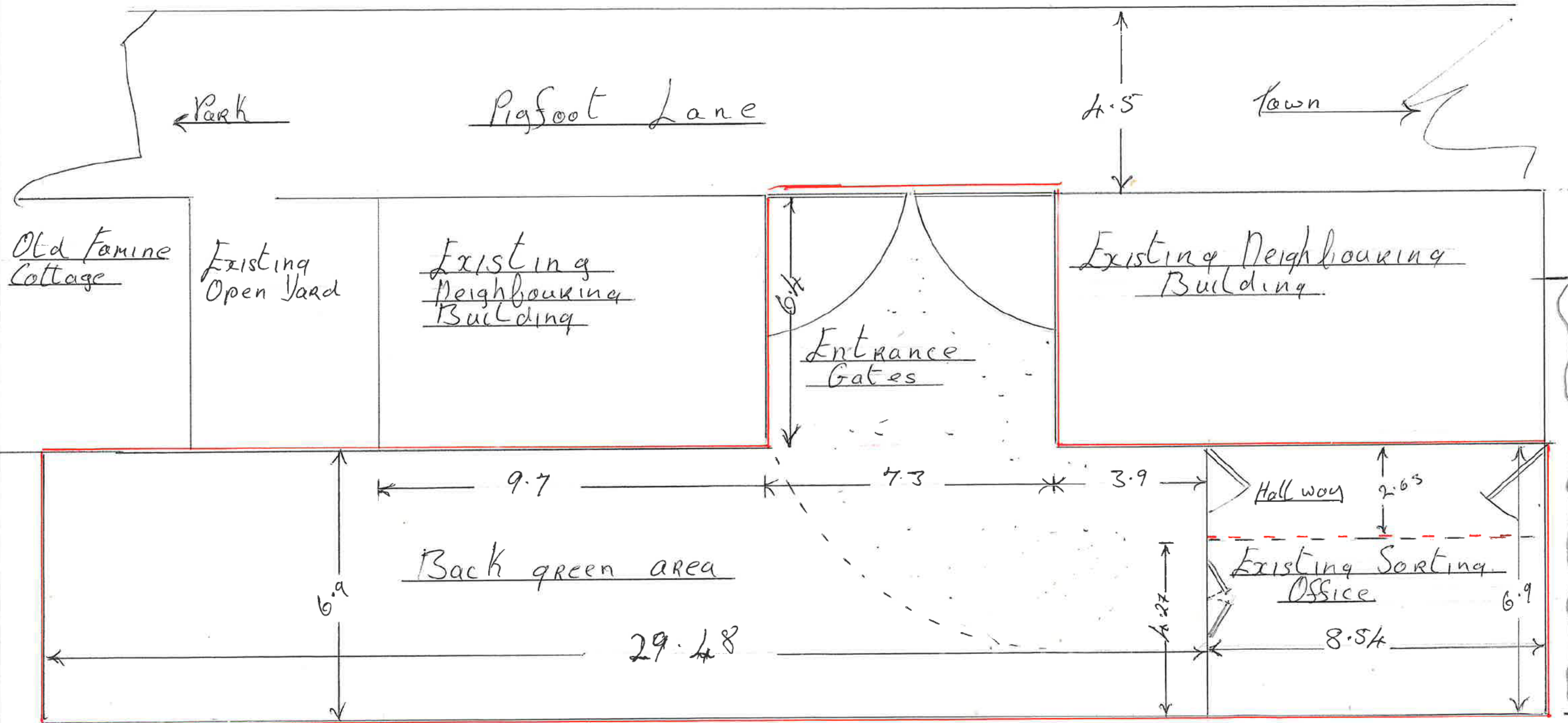


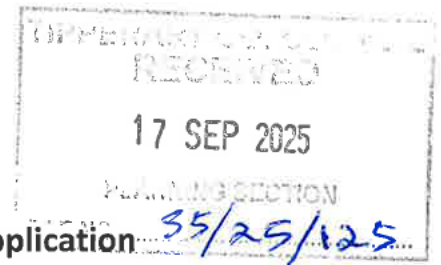
Purposed changes to sorting office at
old Post office Templemore



Existing Site Plan of sorting office of Old Post Office Templemore

TIPPERARY COUNCIL
RECEIVED
17 SEP 2025
FILE 55/25/125





Section 5 Declaration / Exempted Development Application

Applicant: Seamus Hassey

Address of Proposed Development: Main Street, Templemore, Co. Tipperary

1. Introduction

This application is made pursuant to Section 5 of the Planning and Development Act 2000 (as amended) and Article 10 of the Planning and Development Regulations 2001 (as amended), seeking a Section 5 Declaration confirming that the proposed development qualifies as exempted development under Class 14(a) of Schedule 2, Part 1.

The proposal involves the change of use and related refurbishment works to an existing commercial premises, namely the Old Post Office Sorting Office, converting it into a single-person studio dwelling.

2. Site and Existing Context

- The subject property is the Old Sorting Office, formerly an integral part of the Templemore Post Office complex.
- While the main Post Office building was reclassified from commercial to residential use, the sorting office — being directly associated with and functionally dependent on the Post Office — should have been reclassified at that time.
- Its continued designation as a standalone commercial property is therefore the result of a procedural misunderstanding, not an accurate reflection of its historical use or planning context.
- The building has remained derelict since 2011.
- Current zoning: Town Centre, where residential use is acceptable in principle.
- The property is not a protected structure and lies outside the Main Street ACA impact zone.

3. Proposed Development

- Conversion of the existing sorting office building into a one-person studio apartment.
- No alterations to the external stonework or building footprint.
- The existing building structure provides for a floor area of 36.47 m², which meets the current planning requirements of a minimum of 32 m² for a one-person studio dwelling.
- Internal works include:
 - A combined kitchen/living/bedroom area.
 - A separate shower room and toilet.
 - Provision of built-in storage.
- Access: via existing gate to Pig's Foot Lane, consistent with other residential dwellings in the area. This ensures the dwelling has its own independent entrance, separate to nearby properties.
- Amenity: direct access to adjoining green space and proximity to local parklands.
- Utilities: connections to existing public water supply and wastewater services.
- Finishes: to match existing dwellings in the local area.

The unit is specifically intended to provide accommodation for an elderly resident (parent). All living accommodation is at ground floor level, ensuring accessibility and compliance with universal design principles, consistent with Policy SC13 supporting housing for the elderly.

4. Planning and Policy Justification

The proposal aligns with relevant national, regional, and local policy objectives, including:

- Tipperary County Development Plan
 - Policy 4-1: Support for reuse and redevelopment of existing buildings.
 - Policy TC10: Encourage re-utilisation and redevelopment of buildings.
 - Policy TC11: Promote reuse of redundant/derelict sites.
 - Policy SC13: Support provision of housing for the elderly.
- National Planning Framework – “Town First”
 - Promotes regeneration of town centres and reuse of derelict properties.
- Housing for All
 - Supports delivery of affordable, appropriate housing in sustainable locations.

Specific Context of the Sorting Office:

- The sorting office formed a functional and physical part of the Templemore Post Office and should logically have been included in the earlier reclassification of the Post Office building from commercial to residential.
- Its designation as a separate commercial entity is anomalous, as it never operated independently of the Post Office.
- This application therefore seeks to regularise the planning status of the sorting office by confirming its exemption for residential conversion, in line with the intention of the earlier application and consistent policy support for reusing such structures.

5. Environmental & Heritage Considerations

- Environmental Impact: No loss of habitat or ecological impact as the works are confined to the existing structure.
- Architectural Heritage:
 - The property is not a protected structure.
 - The development involves refurbishment only, without demolition or excavation.
 - The proposal will not adversely affect the integrity of Main Street ACA or surrounding built heritage.

6. Conclusion

This proposed change of use represents the appropriate re-use of a redundant building, consistent with local and national planning objectives. Importantly, the Old Sorting Office was an integral part of the Post Office complex and its omission from the earlier

reclassification process was a matter of misunderstanding rather than planning intent.

The present application corrects that anomaly, ensuring the building is reused in a manner entirely consistent with:

- the original purpose of the exemption under Class 14(a),
- the Town First national policy, and
- the housing objectives of Tipperary County Council.

It is respectfully submitted that this development qualifies as exempted development under Section 5 of the Planning and Development Act 2000 (as amended) and Article 10 of the Planning and Development Regulations 2001 (as amended).



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17 SEP 2025
PLANNING SECTION
FILE NO. *58/25/125*

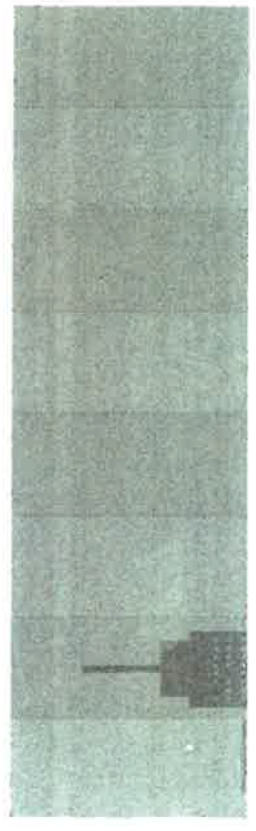
52°47'46.0"N 7°50'08.5"W

Google Maps



Imagery ©2025 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2025 20 m

Red is Banbury area
Green is development
TY20980F





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

Date: 17th September 2025 Our Ref: S5/25/125 Civic Offices, Nenagh

Seamus Hassey
111 Main St
Templemore
Co. Tipperary

Re: Application for a Section 5 Declaration – Conversion of existing building, the old post office sorting office into a one person studio apartment. No changes to the building structure. 36.47sqm, at Main St, Templemore, Co. Tipperary.

Dear Mr Hassey,

I acknowledge receipt of your application for a Section 5 Declaration received on 17th 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.: S5/25/125

Applicant: Seamus Hassey

Development Address: Main Street, Templemore, Co. Tipperary.

Proposed Development: conversion of existing building, the old post office sorting office into a one-person studio apartment. No changes to the building structure external. (Floor area of proposed works/uses is 36.47sqm).

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

“Conversion of existing building, the old post office sorting office into a one-person studio apartment. No changes to the building structure external. (Proposed floor area of proposed works/uses is 36.47sqm)”

The question relates to the sorting office at the old post office. The sorting office is a detached structure located to the rear of the old post office building, which has since been converted to a residence under Article 10(6)a. The declaration application references the previous 10(6)(a) exemption and states that the sorting office formed an integral part of the post office complex and should have been included in the original reclassification of the post office premises. The application further states that clarification is sought that the proposed works fall within the scope of exempted development as provided under Class 14(a) of Schedule 2, Part 1 of the Planning and Development Regulations, and thereby do not require planning permission.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

And,

“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 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."

Class 14, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended

sets out an exemption for:

Development consisting of a change of use—

- (a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,
- (b) from use as a public house, to use as a shop,
- (c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,
- (d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,
- (e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.
- (g) from use as a hotel, to use as a hostel (other than a hostel where care is provided),
- (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,
- (i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and (j)
- (j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

The Planning Authority notes that there is no relevant exemption for a change of use from a post office/sorting office to a residence under Class 14, Schedule 2, Part 1 of the Planning and Development Regulations 2001

Article 10 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions for changes of use.

Article 10 states:

10(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempt development for the purposes of the Act, provided that the development, if carried out will not

- (a) involve the carrying out of any works other than works which are exempted development
- (b) contravene a condition attached to a permission under the Act,**
- (c) be inconsistent with any use specified or included in such a permission, or**
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2)

(a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—

- (i) as an amusement arcade,
- (ii) as a motor service station,
- (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
- (iv) for a taxi or hackney business or for the hire of motor vehicles,
- (v) as a scrap yard, or a yard for the breaking of motor vehicles,
- (vi) for the storage or distribution of minerals,
- (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
- (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
- (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100sqm 00 square metres.

(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.

(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.

(6) (a) In this sub-article —

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and
- (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)

(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall —

- (I) primarily affect the interior of the structure,
- (II) retain 50 per cent or more of the existing external fabric of the building, and
- (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.
 - (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of 47 any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.
 - (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
 - (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.
 - (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
 - (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
 - (ix) **No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.**
 - (x) No development shall relate to any structure in any of the following areas:
 - (I) **an area to which a special amenity area order relates;**
 - (II) an area of special planning control;
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8 of any type of establishment to which the Major Accident Regulations apply.
 - (xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
 - (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
- (e)(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;
- (ii) Details of each notification under subparagraph (i), which shall include information on—
- (I) the location of the structure,
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and
 - (III) the Eircode for the relevant property,
- shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority’s website.
- (iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

3. ASSESSMENT

a. **Site Location**

The site is located at Main Street, Templemore, Co. Tipperary. The structure is not a Protected structure, however same is situated within an Architectural Conservation Area (ACA) and zone of archaeological interest.

b. **Relevant Planning History**

2260310 Planning permission granted to Margaret Hassey for a change of use of the ground floor from retail to residential together with associated works.

Note: Planning ref 2260310 relates to a ground floor area of the main dwelling at the front of the site, however the structure, which is the subject of this application, together with the lands to the rear (north) of such structure were included within the red line site boundary.

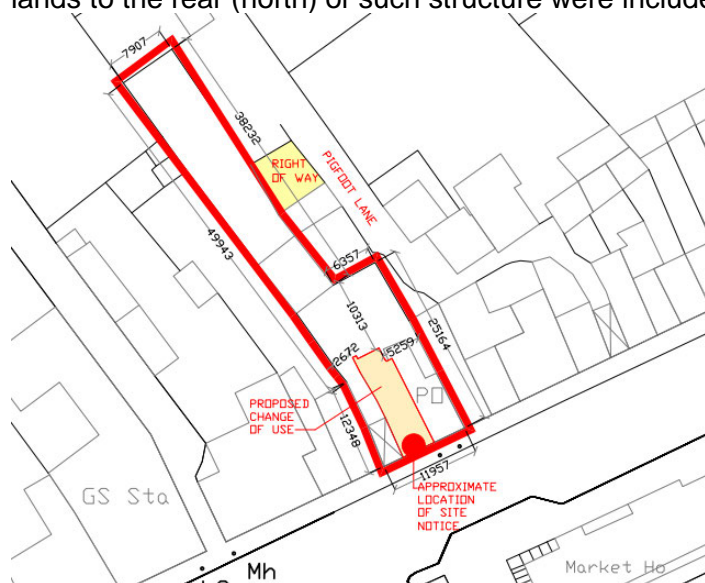


Figure 1: Site layout plan for application reference 2260310, including the old sorting office and all open space to the north of same.

Article 10(6) Notification 6a25/09 relates to the site. Notification was received by the Planning Authority on 27.05.2025 and receipt of same was acknowledged on 28.05.2025. It is noted that this acknowledgement included an advice note stating that it is the developers responsibility to ensure compliance with Planning Legislation and Building Control Legislation.

Section 5.25.89: application received for an exemption certificate in relation to works to replace doors and windows, internal partition and insulation to structure.

The works related to modifications to the interior of the structure and modifications to the exterior of the structure to facilitate a change of use of the building from a post office sorting use to use as a 1 bed apartment. The Planning Authority consider that the proposed change of use from sorting office to residential as notified to the Planning Authority on 27.05.2025 may not comply with the requirements of Article 10.6.a. It was further considered that the proposed residential unit did not comply with minimum standards (as set out in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022) in relation, floor areas, provision of private open space etc. Finally, the Planning Authority considered that the proposed external alterations to provide windows and doors to the building as proposed would affect the character of the building and therefore would not comply with article 4(1)(h) as set out above.

c. **Assessment**

A) "Is or is not Development"

I consider the proposal would involve the undertaking of works to the structure and the material change of use of the building. The proposals constitute *development* as defined by the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The PLANNING AND DEVELOPMENT ACT (EXEMPTED DEVELOPMENT)

REGULATIONS 2022 S.I. no 75 of 2022 introduced an exemption that allows for change of use of certain classes of development to residential provided the requirements as set down under the legislation is satisfied. With regard to the details submitted and requirements of the legislation I note as follows:

Article 10 (6) (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 6 or 12 of Part 4 to Schedule 1

The application states that the subject structure was last used as a post office sorting office. It is considered that the use the structure therefore would fall into Class 3 as defined in Part 4, Exempted Development – Class of Use as follows:

CLASS 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

‘relevant period’ means the period from the making of these Regulations until 31 December 2025

S.I. No. 75 of 2022 extends the provisions of Article 10(6) by amending the ‘relevant period’ from 31st December 2021 to 31st December 2025. The application was received on 17.09.2025, within the relevant period as extended.

Article 10 (6) (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*
- (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

The applicant has stated that the office building is vacant since 2011, and while evidence of same has not been submitted with the application, the planning authority is aware of a newspaper article that the Post Office has not been operating at this location since that date.

(d) (i) The development is commenced and completed during the relevant period.

The application has not provided any details in relation to the commencement or anticipated completion date of the proposed works, therefore it is not possible for the Planning Authority to ascertain if such works will be commenced and completed during the relevant period.

(ii) Subject to sub-paragraph

(iii), any related works, including works as may be required to comply with subparagraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

The details provided suggest that the works proposal comprise a change of use which shall not affect the character or external appearance of the structure. It is noted however that the application drawings do not accurately reflect the structure on site. It is noted that the drawings submitted show a detached structure whereas the development on site, is constructed on the western boundary wall and is linked by an extended area over an enclosed corridor to connect to another building on the eastern boundary. Also, the drawing submitted illustrates existing timber door whereas no door exists.

See images below.

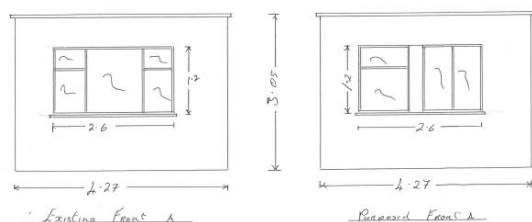
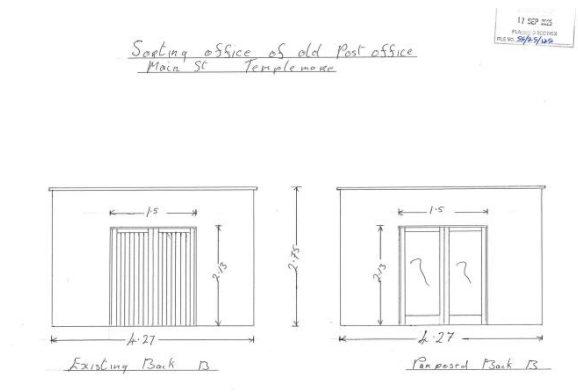


Figure 2: Existing and Proposed elevations

Figure 3: actual structure on site

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

It is conceded that the structure, while within the ACA, does not form part of the streetscape and does not impact on the architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

The proposal does not conflict with the above.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

The proposal is for 1 no. residential units.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The development has a floor area of 36.46 sq m. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025) specifies a minimum floor area of 32 sq m for studio apartment. A storage area of 3 sq m is shown on the drawings.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

The development will avail of adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

The building is not a protected structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

It is noted that planning permission 2260310 was granted to Margaret Hassey for a change of use of the ground floor from retail to residential together with associated works. Permission was granted subject to condition no. 1 that the proposed development be carried out in accordance with the drawings submitted with the application.

As part of the application documentation submitted, a site layout plan was submitted and while not specifically labelled as such, it is noted that the site layout plan appears to illustrate the private open space to the back of the dwelling to serve the change of use area. The site layout plan includes the full extent of the lands to the rear of the site within the wider site including the structure which is the subject of this application, in addition to lands north of same. The proposed change of use would render the private open space between the subject structure and the main house unsuitable as a private open space area as same would no longer provide a private area for the residents of the main dwelling.

Furthermore, it is noted that the use of the proposed structure as a separate dwelling may impact on the escape route from the rear of the premises requiring occupants to escape through a separate residential unit.

It is considered that the proposed change of use would contravene condition no. 1 of planning permission 2260310.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates

(II) an area of special planning control

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply

The development is not in contravention of these requirements.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

I note the development site is situated within a zone of archaeological potential, and therefore should any excavations be required to enable the proposed development, same may conflict with restrictions under article (vii) and (viiA) of Article 9(1). The proposal submitted does not provide details of any proposed excavations on site, however it is noted that in order to connect the structure to the public sewer, public mains etc excavations would be required.

The development is removed from any SAC, SPA and also the neighbouring PNHA.

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on the Any Natura 2000 sites can be excluded. The restriction under (viiB) does not apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

The development does not include the provision of an on-site wastewater treatment and disposal system.

Having regard to the information provided it is considered that the proposed development does not meet the criteria set down under Article 10 (6) as set out above.

4. APPROPRIATE ASSESSMENT (AA) / ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required. EIA is not required in respect of the development.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether the conversion of an existing building, the old post office sorting office into a one-person studio apartment at Main Street, Templemore is “development” and is or is not “exempted development”,


AND WHERE AS Tipperary County Council in considering this referral had regard particularly to -

(a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,

- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2025).
- (d) The application and drawings submitted.

AND WHEREAS Tipperary County Council has concluded that the “*Conversion of existing building, the old post office sorting office into a one-person studio apartment at Main Street, Templemore*” constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** “exempted development”.

Reason: The Planning Authority considers that the proposal does not meet the requirements of Article 10(6) (d) parts (ix) & (xi) of the Planning and Development Regulations 2001, as amended

Signed: 
Executive Planner

Date: 02.10.2025

Signed: 
Senior Executive Planner

Date: 09/10/2025

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/25/125
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes,	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and 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	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <u>[specify class & threshold here]</u>	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required
Signature of Recommending Officer:	Marion Carey
Date:	02.10.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.25.125
(b) Brief description of the project or plan:	As per planners report
€ Brief description of site characteristics:	As set out above
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
€ Response to consultation:	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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 – Lower River Suir SAC	https://www.npws.ie/protected-sites/search/by-code?code=002137	Within 15km	No ecological connection via ground/surface water.	No
000934 – Kilduff Devilsbit Mountain SAC	https://www.npws.ie/protected-sites/search/by-code?code=000934	Within 15km	No ecological connection via ground/surface water.	No

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

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:

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

<ul style="list-style-type: none"> • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None anticipated
In-combination/Other	No likely significant in-combination effects
(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"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None anticipated
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Step 4. Screening Determination Statement
<p>The assessment of significance of effects:</p> <p>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.</p>
<p>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 intervening land uses 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</p>

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.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain 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) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Marion Carey 02.10.2025	



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
e customer
@tipperary
tipperaryco

Date: 10th October 2025

Our Ref: S5/25/125

Civic Offices, Nenagh

Seamus Hassey
111 Main St.
Templemore
Co Tipperary

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

Dear Mr Hassey

I refer to your application for a Section 5 Declaration received on 17th September 2025 in relation to the following proposed works:

conversion of existing building, the old post office sorting office into a one-person studio apartment. No changes to the building structure external. (Floor area of proposed works/uses is 36.47sqm). Main Street, Templemore, 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) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2025).
- (d) The application and drawings submitted.

AND WHEREAS Tipperary County Council has concluded that the "*Conversion of existing building, the old post office sorting office into a one-person studio apartment at Main Street, Templemore*" constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** "exempted development".

Reason: The Planning Authority considers that the proposal does not meet the requirements of Article 10(6) (d) parts (ix) & (xi) of the Planning and Development Regulations 2001, as amended

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**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/125**

Delegated Employee's Order No: _____

SUBJECT: Section 5 Declaration

99 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 3rd 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 Seamus Hassey, 111 Main St. Templemore, Co Tipperary re:, conversion of existing building, the old post office sorting office into a one-person studio apartment. No changes to the building structure external. (Floor area of proposed works/uses is 36.47sqm). Main Street, Templemore, Co. Tipperary is development and is exempted development.

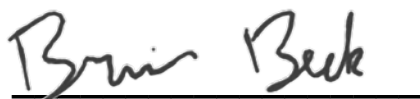
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AND WHEREAS Tipperary County Council has concluded that the "*Conversion of existing building, the old post office sorting office into a one-person studio apartment at Main Street, Templemore*" constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** "exempted development".

Reason: The Planning Authority considers that the proposal does not meet the requirements of Article 10(6) (d) parts (ix) & (xi) of the Planning and Development Regulations 2001, as amended

Signed:



Brian Beck

Director of Services

Date: 10/10/2025