



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:

<i>Applicant</i>	PATRICK STAPLETON
<i>Address</i>	3 COLLINS PARK, THURLES CO. TIPPERARY
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	EOGHAN FRANKS
<i>Address</i>	COBBS, TEMPLEMORE, CO. TIPPERARY
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [] Agent [x]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	3 COLLINS PARK THURLES CO. 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.

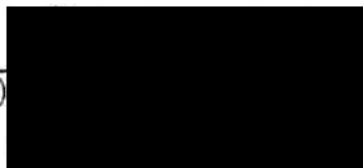
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

NEW GROUND FLOOR EXTENSION TO REAR OF EXISTING DWELLING
Proposed floor area of proposed works/uses: 24 sqm

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

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

Signature of Applicant(s)



Date: 06/10/2025

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.

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

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DATE STAMP

Fee Recd. € 80.00

Receipt No NENAM 1/0/132399

Date 15/10/2025.

Received by _____

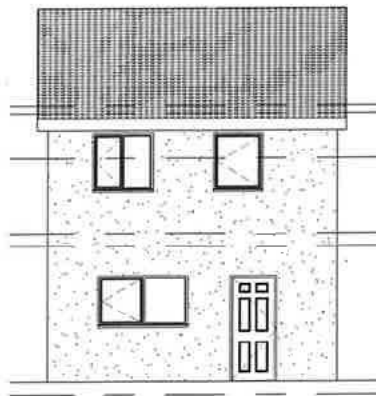
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 ANY VARIATIONS TO BE BROUGHT TO
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 PROPOSED DEVELOPMENT IS
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 THESE DRAWINGS HAVE BEEN
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 NOTE: THAT BEFORE ANY WORK
 COMMENCES ON SITE GROUND
 CONDITIONS MUST FIRST BE
 DETERMINED BY A NOMINATED ENGINEER.
 THESE DRAWINGS ARE NOT WORKING
 DRAWINGS.

CONSTRUCTION TO BE IN ACCORDANCE
 WITH ALL IRISH BUILDING REGULATIONS
 AND CODES OF PRACTICE AT THE TIME
 OF CONSTRUCTION.

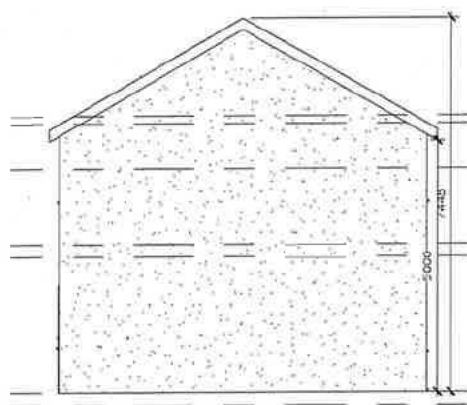
THE CONTRACTOR MUST ENSURE THAT
 ALL WORK PRACTICES ON SITE COMPLY
 WITH B.S. 8000.



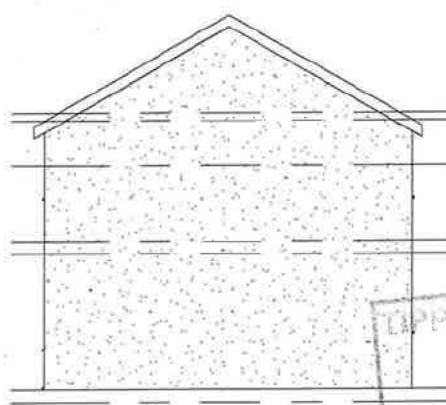
3 Front Elevation
 1 : 100



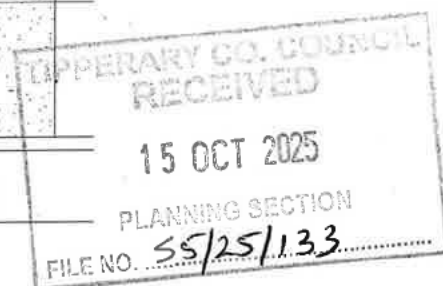
4 Rear Elevation
 1 : 100



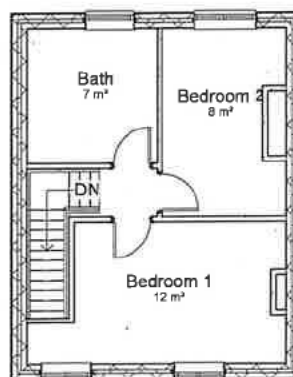
5 Side Elevation 1
 1 : 100



6 Side Elevation 2
 1 : 100



1 Ground Floor Plan
 1 : 100



2 First Floor Plan
 1 : 100



Eoghan Franks
 Design & Planning

Cobbs, Templemore, Co. Tipperary

Existing Layout

Project number 20-13
 Date July 25
 Drawn by E.F.
 Checked by E.F.
 Scale 1 : 100

PP-106

Paddy Stapleton

3 Collins Park
 Thurles
 Co. Tipperary

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THE CONTRACTOR MUST ENSURE THAT
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Eoghan Franks
 Design & Planning

Cobbs Templemore Co. Tipperary

Elevations and section

Project number	20-13
Date	July 25
Drawn by	Author
Checked by	Checker
Scale	

PP-105

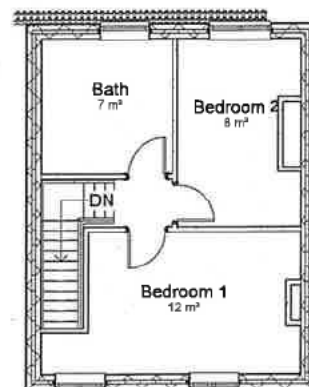
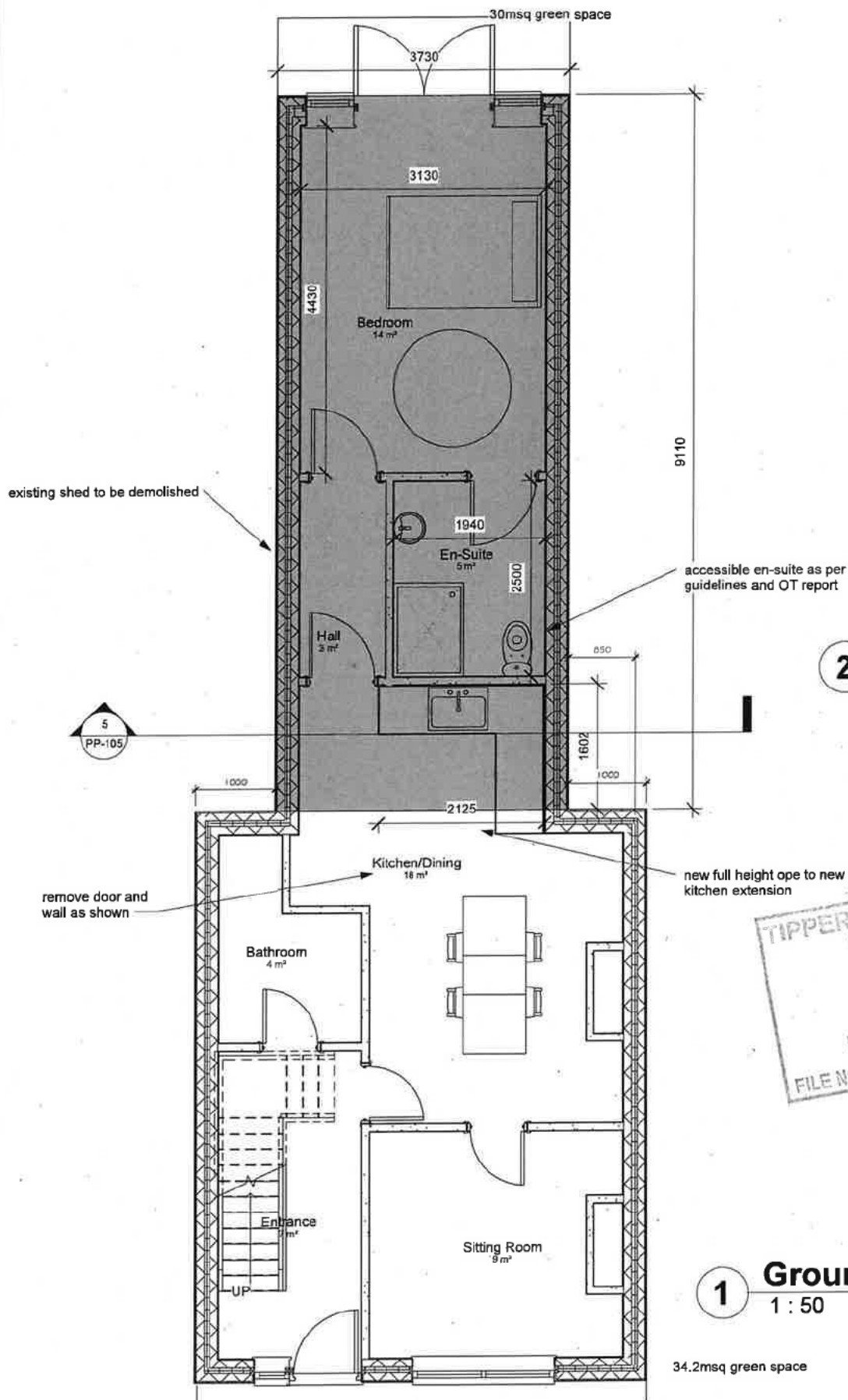
Paddy Stapleton

3 Collins Park
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 Co. Tipperary

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 OF CONSTRUCTION.

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 ALL WORK PRACTICES ON SITE COMPLY
 WITH B.S. 8000.



2 First Floor Plan
 1 : 100

1 Ground Floor Plan
 1 : 50



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 Design & Planning

Cobbs Templemore Co. Tipperary

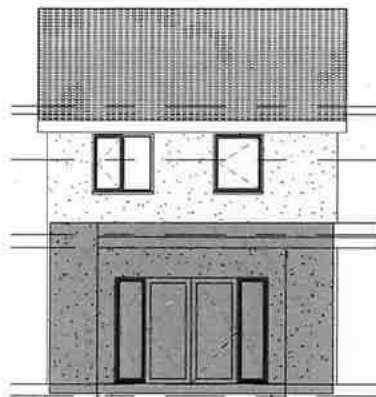
Floor Plan

Project number 20-13
 Date July 25
 Drawn by E.F.
 Checked by E.F.
 Scale As indicated

PP-106

Paddy Stapleton

3 Collins Park
 Thurles
 Co. Tipperary



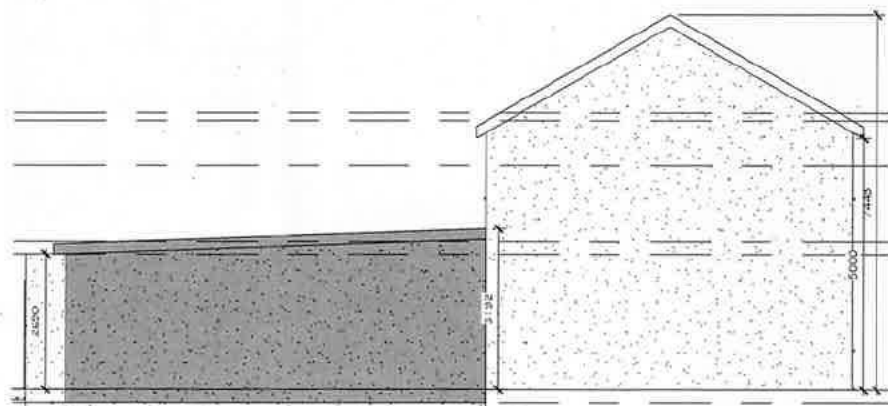
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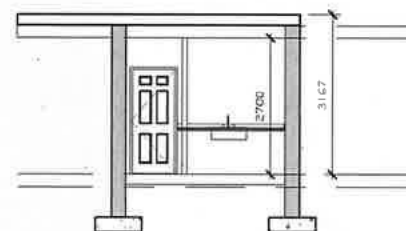
THE CONTRACTOR MUST ENSURE THAT
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1 Front Elevation
 1 : 100

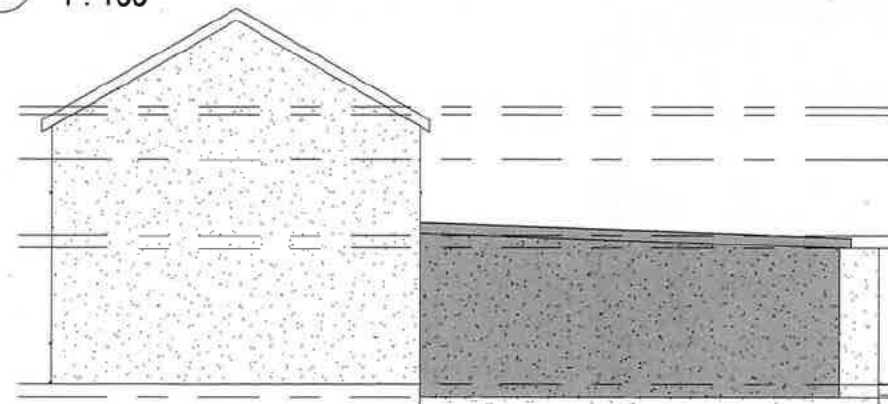
2 Rear Elevation
 1 : 100



3 Side Elevation 1
 1 : 100



5 Section 1
 1 : 100



4 Side Elevation 2
 1 : 100



Eoghan Franks
 Design & Planning

Cobbs, Templemore, Co. Tipperary

Elevations and section

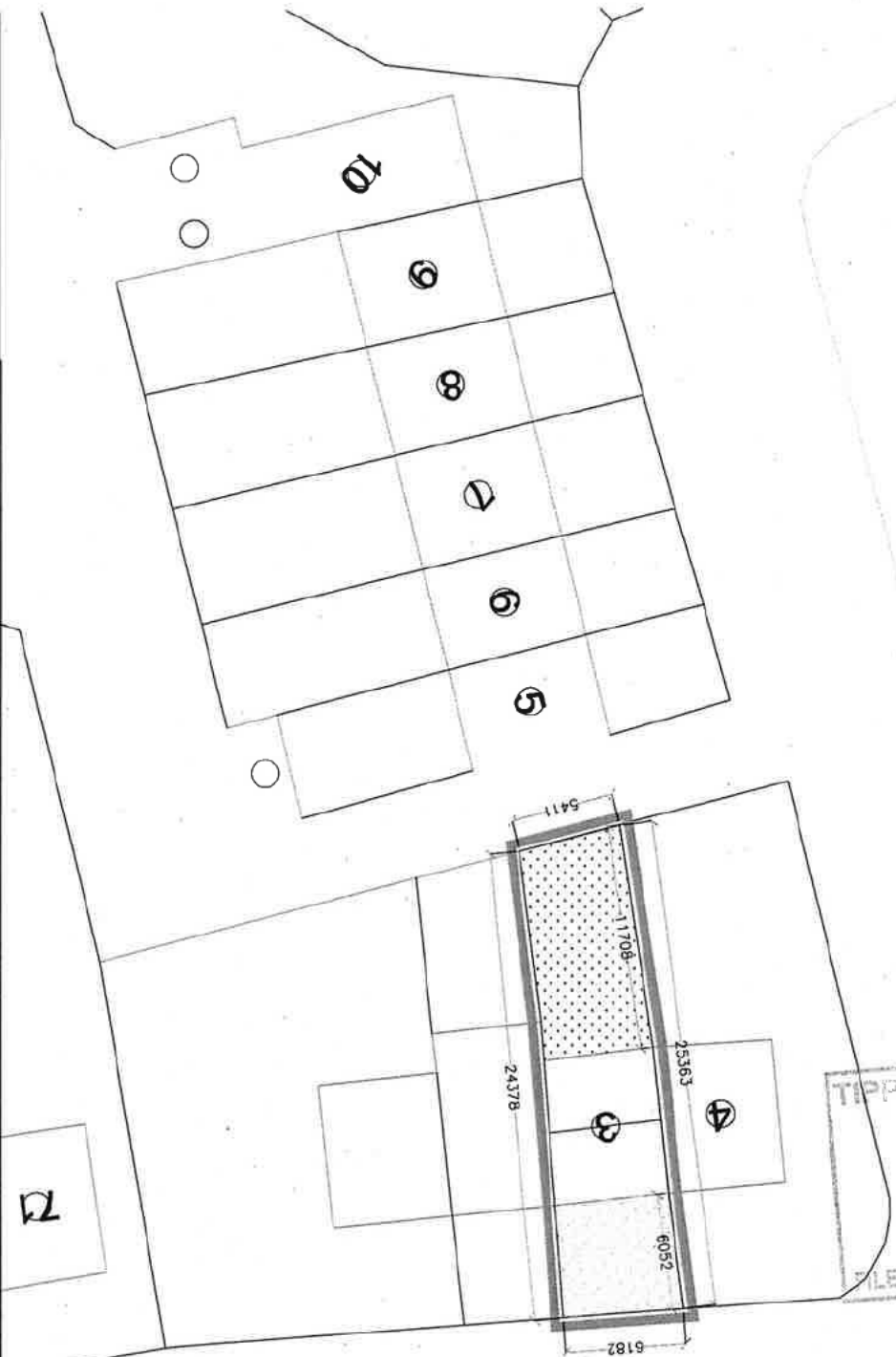
Project number	20-13
Date	July 25
Drawn by	Author
Checked by	Checker
Scale	1 : 100

PP-105

Paddy Stapleton

3 Collins Park
 Thurles
 Co. Tipperary

Thurles Durlas



Eoghan Franks
Design & Planning



Cobhs, Templemore, Co. Tipperary

Existing Site Layout

Project number 25-27
Date AUG 25
Drawn by DRW
Checked by CHK
Scale 1:250

PATRICK STAPLETON

3 COLLINS PARK
THURLES
CO. TIPPERARY



APPLICATION BOUNDARY
LANDMARK
RETENTION

68

69

70

71

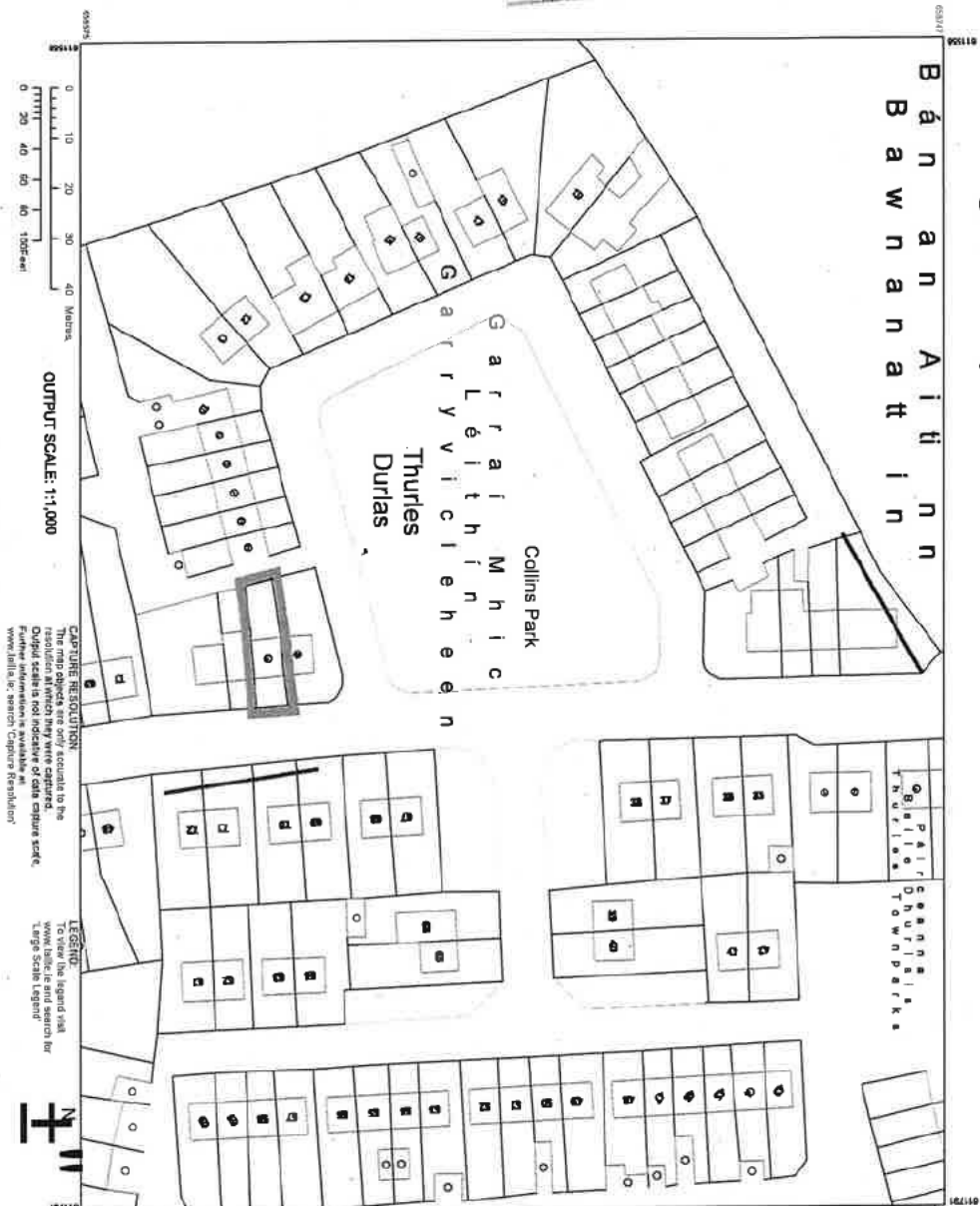
72

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10. THE CONTRACTOR MUST ENSURE THAT ALL WORK IS COMPLETED ON THE DATE SPECIFIED IN THE CONTRACT.



Planning Pack Map

- APPLICATION BOUNDARY
- LANDOWNERS LAND
- PERMISSION
- RETENTION



CAPTURE RESOLUTION
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LEGEND
The map is a topographic map. The map is a topographic map. The map is a topographic map.

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PUBLISHED: 13/08/2025
ORDER NO: 50484312.1
MAP SERIES: MAP SHEETS:
1:2,500 4895-B

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Eoghan Franks
Design & Planning



Cobbs, Templemore, Co. Tipperary

LOCATION MAP

Project number: 25-27
Date: AUG 25
Drawn by: DRW
Checked by: CHK
Scale: 1:250
PP-101

PATRICK STAPLETON
3 COLLINS PARK
THURLES
CO. TIPPERARY

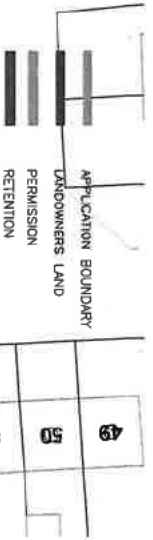
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PP-101
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10 20 30 40 Metres
20 40 60 80 100Feet

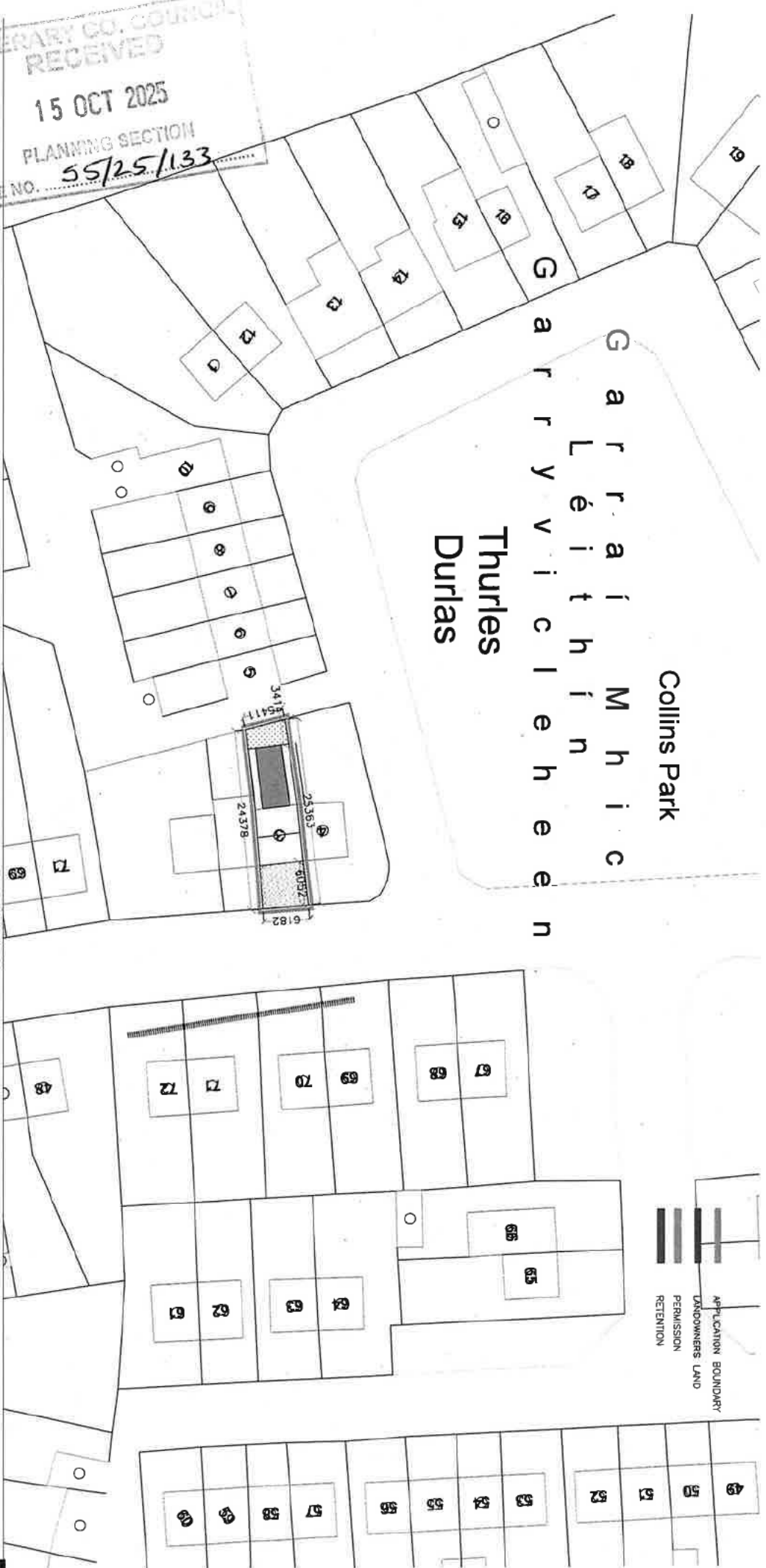
OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
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Output scale is not indicative of data capture scale.
Further information is available at:
www.taiite.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit
www.taiite.ie and search for
'Large Scale Legend'



Collins Park
G a r r a í M h i c
L é i t h í n
v i c l e h e e n
Thurles
Durlas



Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary

Proposed Site Layout

Project number 25-27
Date AUG 25
Drawn by DRW
Checked by CHK
Scale 1:500

PATRICK STAPLETON

3 COLLINS PARK
THURLES
CO. TIPPERARY

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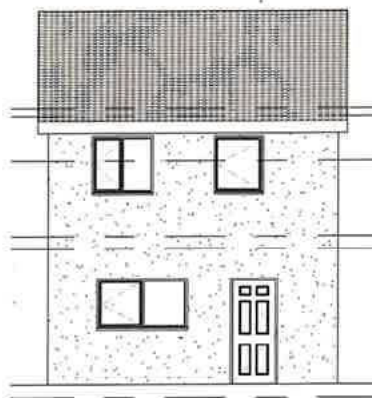
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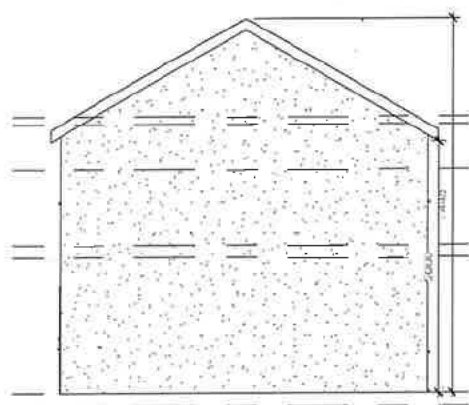
THE CONTRACTOR MUST ENSURE THAT
ALL WORK PRACTICES ON SITE COMPLY
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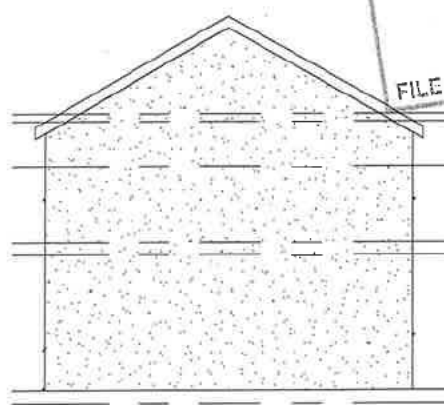
3 Front Elevation
1 : 100



4 Rear Elevation
1 : 100



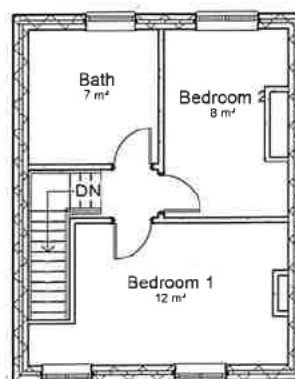
5 Side Elevation 1
1 : 100



6 Side Elevation 2
1 : 100



1 Ground Floor Plan
1 : 100



2 First Floor Plan
1 : 100



Eoghan Franks
Design & Planning

Existing Layout

Project number 20-13
Date July 25
Drawn by E.F.
Checked by E.F.
Scale 1 : 100

PP-106

Paddy Stapleton

3 Collins Park
Thurles
Co. Tipperary

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Eoghan Franks
 Design & Planning

Cobbs, Templemore, Co. Tipperary

Elevations and section

Project number	20-13
Date	July 25
Drawn by	Author
Checked by	Checker
Scale	

PP-105

Paddy Stapleton

3 Collins Park
 Thurles
 Co. Tipperary



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

=====

15/10/2025 15:48:42

Receipt No. : NENAM1/0/132399

EOIN FRANKS,
COBBS,
TEMPLEMORE, CO. TIPPERARY.

REF: PADDY STAPLETON

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : DEIRDRE O BRIEN
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



[External] Exemption Application

From Eoghan Franks <[REDACTED]>
Date Mon 13 Oct 2025 9:45 PM
To Planning Group <planning@tipperarycoco.ie>

 7 attachments (2 MB)

25-27 Existing dwelling.pdf; 25-27 Existing dwelling.pdf; 25-27 Extension.pdf; Existing Site Layout Plan.pdf; Location Map.pdf; Proposed site Layout plan.pdf; Exemption Form.pdf;

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

Find attached an exemption application

Any questions please feel free to contact me

Regards
Eoghan



Eoghan Franks
Design and Planning

Cobbs
Templemore,
Co. Tipperary,
E41 T273





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,
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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: 15th October, 2025

Our Ref: S5/25/133

Civic Offices, Nenagh

**Patrick Stapleton
C/O Eoghan Franks
Cobbs
Templemore
Co. Tipperary**

Re: Application for a Section 5 Declaration – Construction of new ground floor extension to rear of existing dwelling at 3 Collins Park, Thurles, Co. Tipperary

Dear Mr Franks,

I acknowledge receipt of your application for a Section 5 Declaration received on 15th 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 Reference: S5/25/133
Applicant: Patrick Stapleton
Development Address: 3 Collins Park, Thurles, Co. Tipperary
Proposed Development: Construction of new 24m2 ground floor extension to existing dwelling

1. GENERAL

On the 15th October a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Patrick Stapleton C/O Eoghan Franks as to whether or not the following works constituted development and if so, whether same was exempted development:

- Construction of new 24m2 ground floor extension to existing dwelling

It appears the new extension will be accommodated by demolition of an existing single storey structure at the rear of the site. This structure abuts an extension to the south to No. 2.

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.”

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) states that notwithstanding paragraphs 9a0, (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.

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

- 4. (4) 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 of the Planning and Development Regulations 2001, as amended states:

Exempted Development

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

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

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

Development within the curtilage of a house

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

Conditions and Limitations

1.

(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2.

(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

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

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

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

(a) The demolition of a building, or buildings, within the curtilage of—

(i) a house,

(ii) an industrial building,

(iii) a business premises, or

(iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class

3. **ASSESSMENT**

a. Site Location

The site is located at 3 Collins Park, Thurles, Co. Tipperary

b. Relevant Planning History

None recorded.

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 would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

It is note clear that the proposal satisfies condition/limitation 5 attached to Class 1. Further information is required to confirm the position in this regard.

It appears the new extension will be accommodated by demolition of an existing single storey structure at the rear of the site. This structure abuts an extension to the south to No. 2. Part of the structures for demolition appears in use as a house and part may be ancillary storage accommodation. As these structures are not shown on the site layout plan or drawings submitted further information should be sought regarding same before a determination regarding whether removal of same meet planning exemptions.

C) Restrictions under Article 9

The restrictions under Article 9 do not apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

EIA

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

4. **RECOMMENDATION**

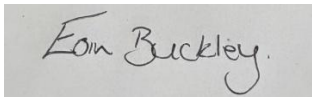
Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing all structures on the site. It appears that there are single storey structures at the rear of the dwelling that will be demolished to facilitate the extension. The use of the structures should be confirmed as should whether they abut any building under separate ownership.
2. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing the area of private open space (in sq m), reserved exclusively for the use of the occupants of the house, that will remain with the extension in place.

Signed:

A rectangular box containing a handwritten signature in black ink that reads "Eoin Buckley".

Date: 22/10/2025

Signed:

A handwritten signature in black ink that reads "Jonathan Flood".

Date: 03/11/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/133
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a. No referrals made.

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 screening in Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	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:

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 Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No impacts

Operational phase e.g. <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 	No impacts	
In-combination/Other	No impacts	
(b) Describe any likely changes to the European site:		
Examples of the type of changes to give consideration to include: <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 	No impacts	
(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		
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.		
.		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

site.		
(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:	Eoin Buckley, Planner	Date: 22/10/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/133
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, specify class _____	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): _____	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	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
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@tipperarycoco.ie
tipperarycoco.ie

Date: 3rd November, 2025

Our Ref: S5/25/133

Civic Offices, Nenagh

**Patrick Stapleton
C/O Eoghan Franks
Cobbs
Templemore
Co. Tipperary**

Re: Application for a Section 5 Declaration – Construction of new 24m² ground floor extension to existing dwelling at 3 Collins Park, Thurles, Co. Tipperary

Dear Mr Franks,

I refer to an application received from you on 15th October 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

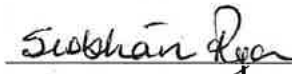
Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing all structures on the site. It appears that there are single storey structures at the rear of the dwelling that will be demolished to facilitate the extension. The use of the structures should be confirmed as should whether they abut any building under separate ownership.

2. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing the area of private open space (in sq m), reserved exclusively for the use of the occupants of the house, that will remain with the extension in place.

Further consideration of your request for a declaration cannot be considered until the above information is received.

Yours sincerely


for **Director of Services**

To: Eoghan Franks [REDACTED]
Subject: Re: [External] Ref No: s5/25/133

Dear Eoghan

I wish to acknowledge receipt of your email and advise that I have forwarded it to the relevant section.

Kind Regards

Claire Cooney,
A/Assistant Staff Officer, Planning
Civic Offices, Clonmel, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: planning@tipperarycoco.ie
Website: www.tipperarycoco.ie



From: Eoghan Franks [REDACTED]
Sent: Sunday 9 November 2025 6:55 pm
To: Planning Group <planning@tipperarycoco.ie>
Subject: [External] Ref No: s5/25/133

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

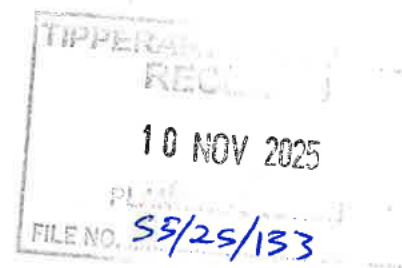
Hi Siobhan

Please find site layout plans attached
Existing small shed to be demolished. Its 8msq

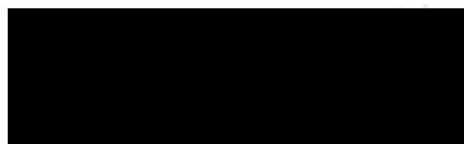
Regards
Eoghan



Eoghan Franks
Design and Planning



Cobbs
Templemore,
Co. Tipperary,
E41 T273



Thurles Durlas

THURLES CO. COUNCIL
RECEIVED

10 NOV 2025

PLANNING SECTION

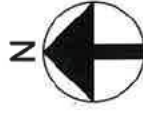
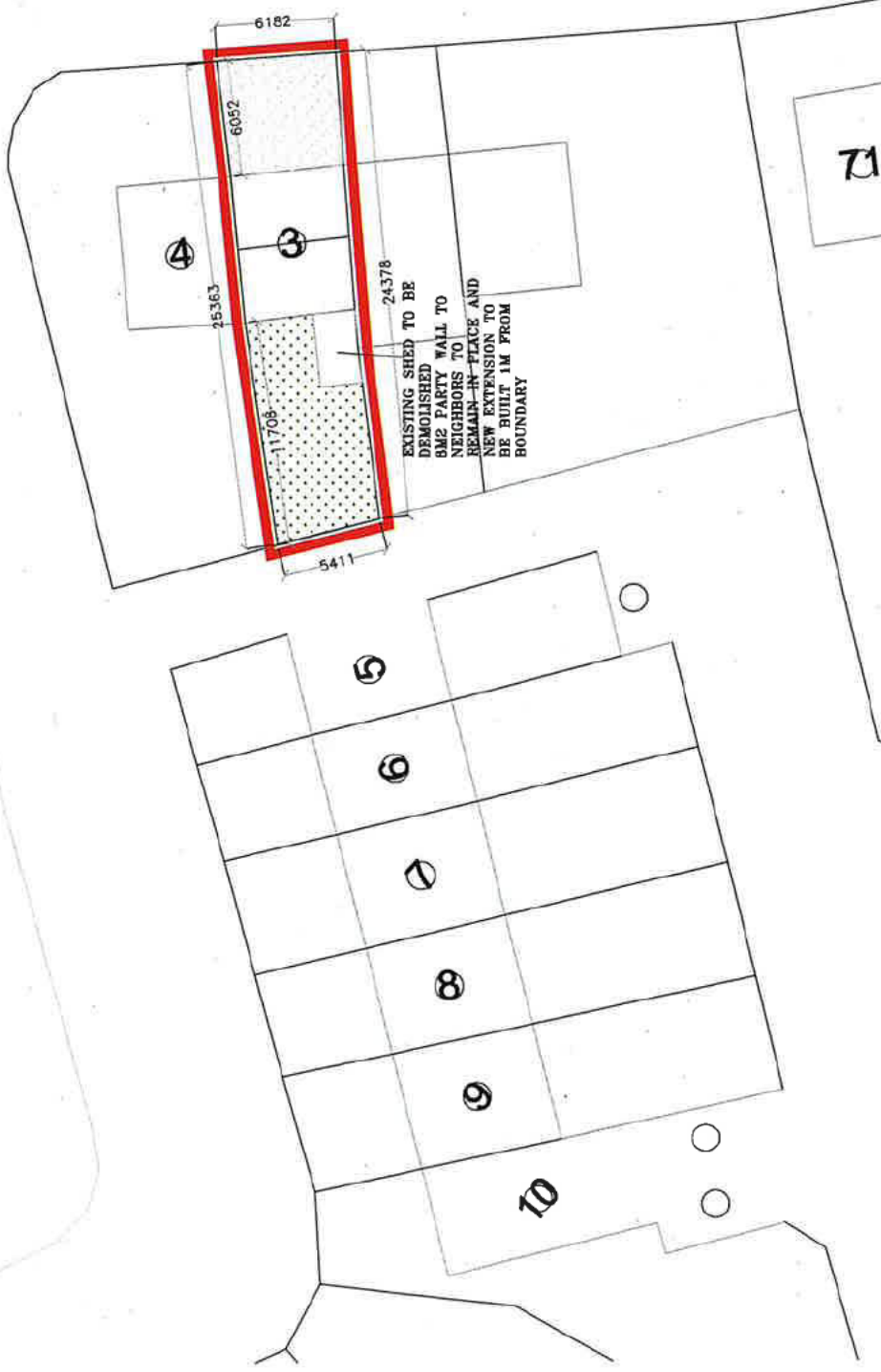
FILE NO: 55/25/133

APPLICATION BOUNDARY
LAND
PERMISSION
RETENTION

67 68

69 70

71 72



Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary

Existing Site Layout

Project number	25-27
Date	AUG 25
Drawn by	DRW
Checked by	CHK
Scale	1:250

PATRICK STAPLETON

3 COLLINS PARK
THURLES
CO. TIPPERARY

THESE DRAWINGS HAVE BEEN PREPARED FOR THE PURPOSES OF PLANNING PERMISSION ONLY. NO OTHER USES OR INTERPRETATIONS SHOULD BE MADE WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMISSIONS AND FOR COMPLYING WITH ALL APPLICABLE LEGISLATION AND REGULATIONS. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND PREPARATION OF THESE DRAWINGS.



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Date: 10th November 2025 Our Ref: S5/25/133 Civic Offices, Nenagh

**Patrick Stapleton
C/O Eoghan Franks
Cobbs
Templemore
Co. Tipperary**

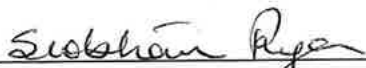
Re: Application for a Section 5 Declaration – Construction of new 24m² ground floor extension to existing dwelling at 3 Collins Park, Thurles, Co. Tipperary

Dear Mr Franks

I acknowledge receipt of Further Information received on 10th November 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 Reference: S5/25/133
Applicant: Patrick Stapleton
Development Address: 3 Collins Park, Thurles, Co. Tipperary
Proposed Development: Construction of new 24m2 ground floor extension to existing dwelling

1. GENERAL

On the 15th October a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Patrick Stapleton C/O Eoghan Franks as to whether or not the following works constituted development and if so, whether same was exempted development:

- Construction of new 24m2 ground floor extension to existing dwelling

It appears the new extension will be accommodated by demolition of an existing single storey structure at the rear of the site. This structure abuts an extension to the south to No. 2.

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.”

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) states that notwithstanding paragraphs 9a0, (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.

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

- 4. (4) 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 of the Planning and Development Regulations 2001, as amended states:

Exempted Development

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

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

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

Development within the curtilage of a house

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

Conditions and Limitations

1.

(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

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(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

(a) The demolition of a building, or buildings, within the curtilage of—

(i) a house,

(ii) an industrial building,

(iii) a business premises, or

(iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class

3. **ASSESSMENT**

a. Site Location

The site is located at 3 Collins Park, Thurles, Co. Tipperary

b. Relevant Planning History

None recorded.

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 would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

It is note clear that the proposal satisfies condition/limitation 5 attached to Class 1. Further information is required to confirm the position in this regard.

It appears the new extension will be accommodated by demolition of an existing single storey structure at the rear of the site. This structure abuts an extension to the south to No. 2. Part of the structures for demolition appears in use as a house and part may be ancillary storage accommodation. As these structures are not shown on the site layout plan or drawings submitted further information should be sought regarding same before a determination regarding whether removal of same meet planning exemptions.

C) Restrictions under Article 9

The restrictions under Article 9 do not apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

EIA

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

4. **RECOMMENDATION**

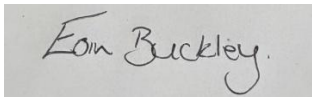
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'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing all structures on the site. It appears that there are single storey structures at the rear of the dwelling that will be demolished to facilitate the extension. The use of the structures should be confirmed as should whether they abut any building under separate ownership.
2. The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing the area of private open space (in sq m), reserved exclusively for the use of the occupants of the house, that will remain with the extension in place.

Signed:



Date: 22/10/2025

Signed:



Date: 03/11/2025

5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 03/11/2025. The FI request is outlined below in italics with assessment under same in bold.

1. *The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing all structures on the site. It appears that there are single storey structures at the rear of the dwelling that will be demolished to facilitate the extension. The use of the structures should be confirmed as should whether they abut any building under separate ownership.*

A revised site layout plan has been submitted. The title block on the drawings states same is to a scale of 1:250. Measurements taken from the drawing show this is not the case. The drawing is marked to show that a shed of 6sqm is to be demolished to facilitate the extension.

This shed (building s for demolition) abuts a building in separate ownership. Demolition of the building to allow for construction of the extension does not therefore meet the planning exemption under Class 50 (a) as the proposal fails to satisfy condition/limitation 1 of this Class.

2. *The applicant is required to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:250 showing the area of private open space (in sq m), reserved exclusively for the use of the occupants of the house, that will remain with the extension in place.*

A drawing of scale 1:250 has not been provided as requested. The site plan drawing provided is identified to be at a scale of 1:500 with an output scale of 1:1000. It does not scale to either 1:500 or 1:1000. T

he dimensions on the drawing show the private open space area at the rear of the extension at ca.18 sq m. This is below the 25 sq m required by condition 5 of Class 1. It is not possible to confirm whether there is open space at the sides of the extension given the issues with the drawing scale.

6. RECOMMENDATION

A question has arisen as to whether the following proposal to be undertaken at 3 Collins Park, Thurles, Co. Tipperary is development and is or is not exempted development:

Construction of new 24m2 ground floor extension to existing dwelling

Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended,
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

AND WHEREAS Tipperary County Council has concluded that –

The proposal constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **“NOT exempted development”**.

Reasons:

- A building at the rear of the dwelling is to be demolished to facilitate development of the extension. This building is identified as a shed. The demolition of this building does not satisfy the planning exemption set down under Class 50 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- The Planning Authority is not satisfied that the proposal meets the requirements of Condition/limitation 5 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Signed: *Jonathan Flood*

Date: 21/11/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/133
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a. No referrals made.

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 screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	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:

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 Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No impacts

Operational phase e.g. <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 	No impacts				
In-combination/Other	No impacts				
(b) Describe any likely changes to the European site:					
Examples of the type of changes to give consideration to include: <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 	No impacts				
(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					
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.					
.					
Conclusion:					
	<table border="1"> <thead> <tr> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td> <input checked="" type="checkbox"/> </td> <td> The proposal can be screened out: Appropriate assessment not required. </td> </tr> </tbody> </table>	Tick as Appropriate:	Recommendation:	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
Tick as Appropriate:	Recommendation:				
<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.				
(i) It is clear that there is no likelihood of significant effects on a European					

site.		
(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:	Eoin Buckley, Planner	Date: 22/10/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/133
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, specify class _____	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): _____	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	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Oifigí Cathartha,
Cluain Meala,
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Date: 24th November, 2025

Our Ref: S5/25/133

Civic Offices, Nenagh

**Patrick Stapleton
C/O Eoghan Franks
Cobbs
Templemore
Co. Tipperary**

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

Dear Eoghan,

I refer to your application for a Section 5 Declaration received on 15th October, 2025, and Further Information received on 10th November, 2025 in relation to the following proposed works:

Construction of new 24m² ground floor extension to existing dwelling at 3 Collins Park, Thurles, 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended,
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that -

The proposal constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **"NOT exempted development"**. (d) The declaration application and supporting information, including further information,

Reasons:

- A building at the rear of the dwelling is to be demolished to facilitate development of the extension. This building is identified as a shed. The demolition of this building does not satisfy the planning exemption set down under Class 50 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- The Planning Authority is not satisfied that the proposal meets the requirements of Condition/limitation 5 of Class 1 of Part 1 of Schedule 2 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



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/133** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 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 Patrick Stapleton, C/O Eoghan Franks, Cobbs , Templemore, Co. Tipperary, re: Construction of new 24m2 ground floor extension to existing dwelling at 3 Collins Park, Thurles, 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended,
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that the proposal constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **"NOT exempted development"**.

Reasons:

- A building at the rear of the dwelling is to be demolished to facilitate development of the extension. This building is identified as a shed. The demolition of this building does not satisfy the planning exemption set down under Class 50 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- The Planning Authority is not satisfied that the proposal meets the requirements of Condition/limitation 5 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Signed:



Brian Beck
Director of Services

Date: 24/11/2025