



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Tipperary County Council  
RECEIVED  
04 DEC 2025  
CASH OFFICE  
Civic Offices, Clonmel

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

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

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

Applicant	MATIREAD ANGLIM
Address	LISMOYNAN FETHARD CLONMEL CO. TIPPERARY
Telephone No.	
E-mail	

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

Agent	
Address	
Telephone No.	
E-mail	
<i>Please advise where all correspondence in relation to this application is to be sent;</i> Applicant <input 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)	Maureen Molloy (RIP) MAIN STREET BALLINGARRY Thurles Co. TIPPERARY. E41 A0 E8.
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Receipt No 198766  
Issued 04/12/2025  
£80-00 Cheque

TIPPERARY CO. COUNCIL  
RECEIVED  
04 DEC 2025  
PLANNING SECTION  
FILE NO. 56-25-155

**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.

Shop  
Area

Shop has been closed since early 1990's. It is still the main access to the dwelling house, used as a walk through with couch and table and chairs in area.  
3 steps up to kitchen area with living room & stairs off it and back door to rear yard.

Proposed floor area of proposed works/uses: sqm 28 sq. m

7 metres x 4 metres

**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

Date: 3-12-25

**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
  - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - o Floor Plans & Elevations at a scale of not less than 1:200
  - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b>OR</b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
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**Enquires:**

**Telephone 0818 06 5000**

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

**FOR OFFICE USE ONLY**

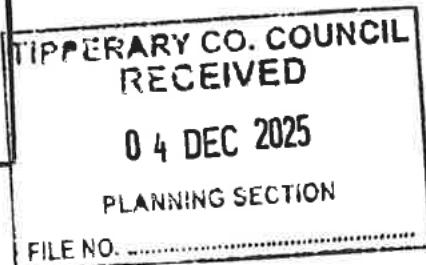
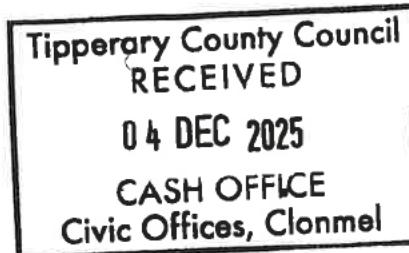
**DATE STAMP**

**Fee Recd. € \_\_\_\_\_**

**Receipt No. \_\_\_\_\_**

**Date \_\_\_\_\_**

**Received by \_\_\_\_\_**



Lismoyron,  
Fethard,  
Clonmel. (E91N5Y4)  
Co. Tipperary  
3/12/25

Dear Sir/Madam,

My name is Mairead Anglim. I own the property on Main Street Ballyteggy F41 A0E8.

My grandfather Tom Molloy bought it in the 1920's after the civil war. He was from Ballyteggy and another brother inherited the home farm. He and his wife worked it as a shop and hardware in a store to the left of the arch which has since been sold to the Credit Union in Callan.

My dad Dick Molloy took it over in the 1950's married my mother Maureen and turned it into a <sup>small</sup> supermarket in the 60's. He suffered bad health in the 70's & 80's and passed on in November '88 (RIP).

My mother continued with the shop until until pension age, possibly 1994. She closed the door to business but continued to use the door for access to her home. There are 3 steps up from the shop area to her kitchen and sitting room and stairs upstairs. She added a toilet and sofas and table to the shop area, using it as a reception area for visitors. She passed away in December 2020. RIP.

My eldest son lived there for a few years but it is vacant now. A local mother approached me last June to see if I would sell it to her son. Her son lives in a mobile home behind her house and would like to settle in the area.

He was mortgaged approved on another cottage in the locality but no deeds seemed to exist and this fell through.

As probate had gone through on my property, I decided to sell to him. He reapplyed for a mortgage with the credit union and it has progressed to solicitor stage over the last 4 months.

His solicitor has requested this

Retention permission for the charge of use from Commercial to Residential.

And a letter of exemption for the charge of use from Commercial to Residential.

The neighbours I have met in the last few months are very excited about a young couple possibly moving into the village and setting up home there. There are five properties <sup>still</sup> for sale in the small street at the moment with others vacant also. Another shop at top of street has closed in last 2 years. Post office across the street is gone.

Amby's pub across the road has sold recently and is re opening on Saturday next which is good news.

It would be great if this could be moved on quickly as he wants to move on it. His mortgage may expire again. There are no drawings available on the house as it was bought 100 years ago.

Hope you can help. (before Christmas would be great!)

Regards,

Maureen Anghin.



**Our Ref: S5/25/155**

**8<sup>th</sup> December 2025**

Mairead Anglim  
Lismoynan  
Fethard  
Clonmel  
Co. Tipperary

**Re: Application for a Section 5 Declaration at Main Street,  
Ballingarry, Thurles, Co. Tipperary, E41 A0E8.**

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 4<sup>th</sup> December 2025, in connection with the above.

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

Mise le meas,

  
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

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**Planning Ref.:** S5/25/155

**Applicant:** Mairead Anglim

**Development Address:** Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8.

**Proposed Development:** Change of use from commercial to a single residence. No external or structural works are planned.

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#### **1. GENERAL**

On the 4<sup>th</sup> of December 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Change of use from commercial to a single residence.

The site is located at Main Street, Ballingarry, Thurles, Co. Tipperary.

#### **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

#### **Planning and Development Regulations 2001**

##### **Article 10 6(a)**

**(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 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,

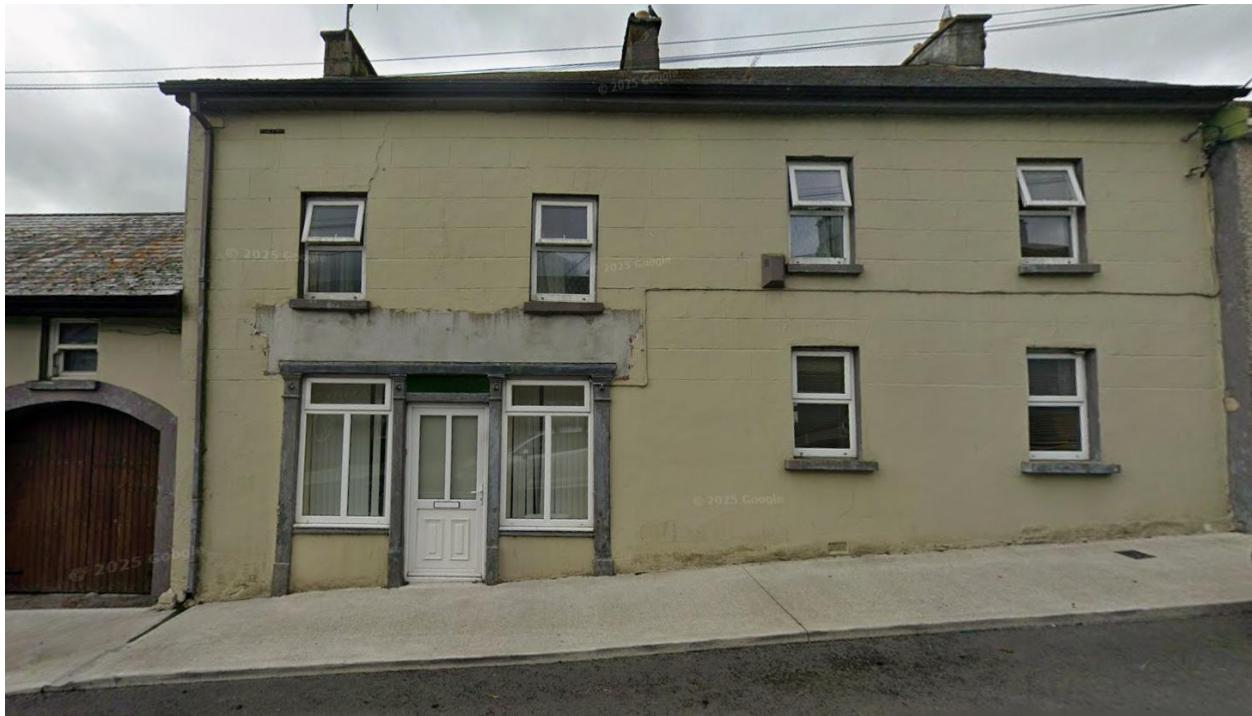
shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(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 comprises of an existing terraced structure on Main Street, Ballingarry, Thurles, Co. Tipperary. The building on site is a protected structure (TRPS1601).



***b. Relevant Planning History***

**On site**

None recorded

**Adjoining**

07/544	Incomplete application
07/823	Incomplete application
07/976 - granted	extension and renovation of their branch office including all associated site works

Figure 1 Planning history



**c. Assessment**

**A) “Is or is not Development”**

It is considered that the above listed proposals constitute a material change of use as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended. It is unclear if the proposal constitutes works.

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

Article 10(6) identifies conditions and limitations associated with the change of use of a commercial building to residential use. The subject proposal will be assessed against these requirements.

***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***

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

The applicant has not expressly notified the Planning Authority of his intention to carry out the works proposed. She has sought a declaration, confirming that the works are exempt.

The submission of the Declaration can be read as a notification.

In terms of use class,

CLASS 1

Use as a shop

It appears that the applicant is proposing to incorporate a former shop into the residential dwelling on site.

***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, 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).***

The building was completed prior to the regulations.

As noted above, the unit was used for purposes associated as class 1. The applicant has indicated that this use ceased in the 1990's where upon the owner used it as a reception room for guests visiting her house.

The dwelling was occupied by the applicant's son but has been vacant for an unspecified period of time. The applicant is now proposing to formally change the previous permitted commercial use to residential use.

The querist will need to submit proof that the building has been vacant for the previous two years.

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

As set out above, the relevant period is from 8 February 2018 until 31 December 2025. This period was amended under SI 648 of 2025 and extended until the 31<sup>st</sup> of December 2028.

The querist will need to confirm when works are set to be undertaken.

***(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***

No external works are proposed. It is noted that the existing shop front appears to have been modified. Clarification in respect of the nature of these works are required.

**(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**

As noted above, the nature of the modifications to the existing shop front will need to be clarified.

**(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 subject structure is located within the development boundary of the village of Ballingarry. There are no specific policy objectives in the Tipperary County Development Plan 2022 requiring the retail use to remain in place.

**(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 a single unit.

**(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.**

The proposal is for the change of use of an area which previously functioned as a shop. It is served by large windows and does not present a concern in terms of natural lighting. The room is to be incorporated into the residential unit on site.

**(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 a Protected Structure. A Section 57 Declaration has not issued in respect of this building.

The Declaration was discussed with the Conservation Officer. The details submitted are limited. Further information is required to enable the Planning Authority consider the impact of any works on 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.**

There is no record of a previous planning application on site.

**(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 proposal is not located within a designated ACA, an area of special planning controls or within the relevant perimeter distance area of an 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 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.**

The building is not located within Zone of Archaeological Potential (ZAP).

I confirm that the restrictions under (iv), (vii), (viiA), (viiB), (viiC) would not apply.

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on 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.

**C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**  
The subject site is located within 15 kms of the Lower River Suir SAC 002137, the River Barrow And River Nore SAC 002162, the River Nore SPA 004233, and the Loughans SAC 000407.

The proposed development is located within a long established urban area and comprises of the change of use of a structure from commercial to residential use. The property is connected to the mains waste water infrastructure.

It is noted that the site is in an area at risk of flooding albeit defended.

Having regard to:

- the small scale nature of the development (change of use, with all works confined to the inside of the structure),

- the location of the development relevant to the closest European site (lower River Suir and
- The intervening land uses between the subject site and the SAC

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. RECOMMENDATION**

##### **Query**

A question has arisen as to whether the change of use from commercial to a single residence, at a premises on the Main Street of Ballingarry, Co. Tipperary is development and is or is not exempted development:

The Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier.

Tipperary County Council has concluded that further information is required to consider this declaration.

The following further information is requested.

1. The details submitted with the Declaration are noted. In order to avail of the exemption allowing for the change of use from commercial to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, you are required to provide documentary evidence that 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.
2. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property. In the absence of such a Declaration, the Planning Authority will need to be satisfied that the works proposed will not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act.

In order to consider same, you are required to submit an accurate description of the interventions proposed and detailed survey and photographic record of the subject structure and the proposed interventions.

In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services.

3. Upon reviewing the details submitted, it appears that modification to the existing shopfront have been undertaken. You are required to clarify the planning status of these works.
4. You are required to confirm when works proposed are set to be undertaken.

Paul Killeen  
Signed: Paul Killeen  
District planner

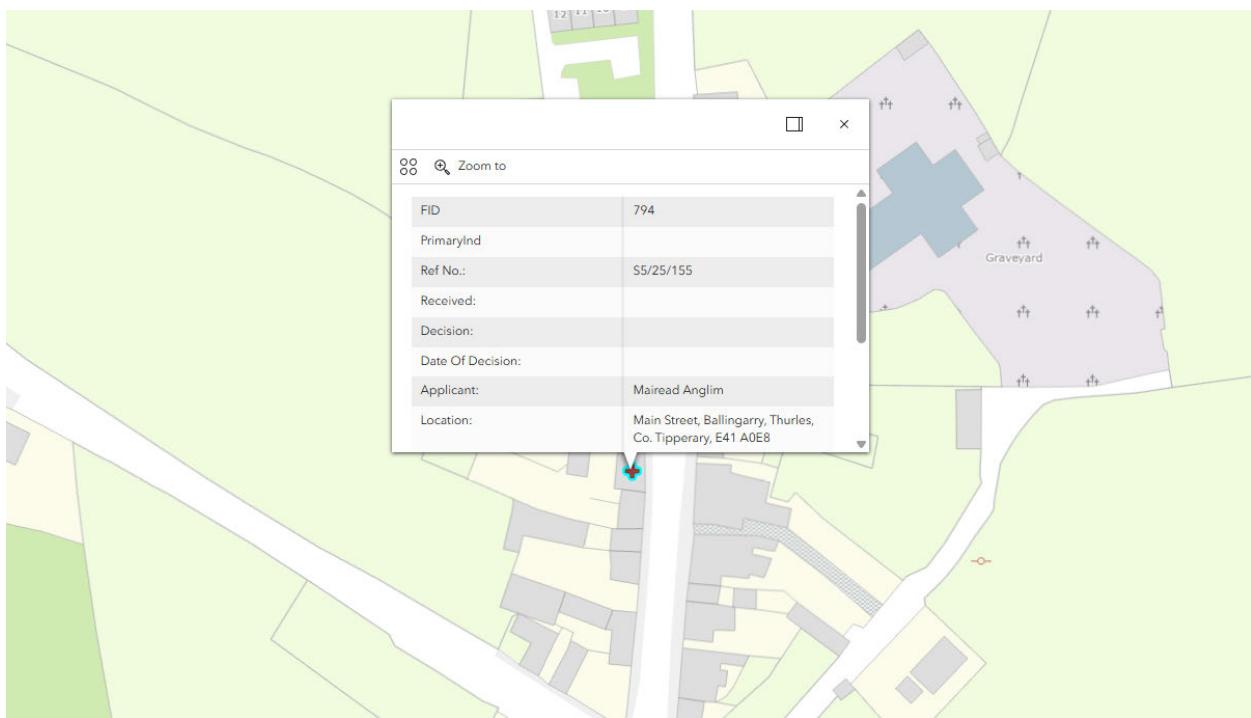
Date: 05/01/26

C. Conway  
Signed: C. Conway  
Senior Executive Planner

Date: 6.1.2026

<b>EIA Pre-Screening</b> <b>Establishing a development is a 'sub-threshold development'</b>	
<b>File Reference:</b>	S5/25/154
<b>Development Summary:</b>	Change of use from commercial to residential
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):  _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> :  _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 2 Site entered on Planning register





Date: 7<sup>th</sup> January 2026 Our Ref: S5/25/155 Civic Offices, Nenagh

Mairead Anglim  
Lismoynan  
Fethard  
Clonmel  
Co. Tipperary

**Re: Application for a Section 5 Declaration** – Change of use from commercial to a single residence. No external or structural works are planned at Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8.

Dear Mairead,

I refer to an application received from you on 4<sup>th</sup> December, 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;**

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The details submitted with the Declaration are noted. In order to avail of the exemption allowing for the change of use from commercial to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, you are required to provide documentary evidence that 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.
2. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property. In the absence of such a Declaration, the Planning Authority will need to be satisfied that the works proposed will not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act.

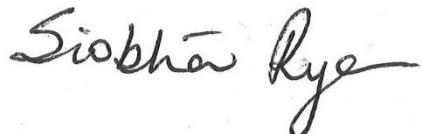
In order to consider same, you are required to submit an accurate description of the interventions proposed and detailed survey and photographic record of the subject structure and the proposed interventions.

In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services.

3. Upon reviewing the details submitted, it appears that modification to the existing shopfront have been undertaken. You are required to clarify the planning status of these works.
4. You are required to confirm when works proposed are set to be undertaken.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Siobhan Rye".

---

for **Director of Services**



Outlook

[External] S5/25/155

From mairead anglim [REDACTED]  
Date Fri 9 Jan 2026 3:47 PM  
To Planning Group <planning@tipperarycoco.ie>



8 attachments (19 MB)

IMG\_2310.jpeg; IMG\_2313.jpeg; IMG\_2315.jpeg; IMG\_2316.jpeg; IMG\_2311.jpeg; IMG\_2312.jpeg; IMG\_2314.jpeg; IMG\_2317.jpeg;

Some people who received this message don't often get email from maireadanglim@outlook.com. [Learn why this is important](#)

**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.

For the attention of Shelly and Paul please.

Further information was requested in relation to the Application for a Section 5 Declaration. Change of use from Commercial to a single residence.

No external or structural works are planned at Main Street Ballingarry Thurles Co Tipperary E41A0E8

I was approached by a young couple last June with a request to buy my mother's house in Ballingarry which is now my property.

After viewing they decided to do a deal straight away.

It has since been with my solicitor Edmund Hennessey from Poe Killy Hogan Kilkenny.

The vendor's solicitor David Dunne has requested the application for change of use.

My dad and mam worked the shop and lived in the house till he died in 1988

After his death when probate was got my mother closed the business, continued to live there with access through the shop to her kitchen and living area. This would have been possibly early 90's.

After her health declined at 90 years of age, she moved to a nursing home. She passed on December 2020 RIP.

No changes have been made to the house and the buyer is willing to take it on as is.

In response to your information requests I will try to answer everything.

1. The solicitor is sending you an email stating that the house has been vacant since October 23 and I have no proposed development intended as I'm just selling as it is.

2. There are no works proposed by me.

No modifications inside or outside.

I do not know what the prospective purchaser wishes to do with the house, apart from living there as he is living in a cold mobile home at the moment. I'm sure in time he will contact you about any future plans.

3. In July 2020, I was contacted by local neighbours that the plastic shop sign was loose and plaster overhead was falling down on foot path and it was a health and safety worry for them. My husband Eamon (RIP Aug 23) and myself inspected it and I'll include photographs of him pointing out the loose plaster that was falling. We got a local builder to remove what was falling and make it safe. There's been no problem since.

I will also include a photo I grabbed from Google maps this morning showing the repair.

There are also some interior photos of the shop as it is now, a walk through to the kitchen.

4. I do not know when the purchaser wishes to do work to the house but at the moment it is a dry solid building and can be lived in while they make up their minds.

Finally , I'm looking for change of use permission to be given with immediate effect as the purchasers mortgage has been approved and they had hoped to move in and not spend another winter in the mobile home.

The neighbours were very happy to hear that a young couple wanted to live amongst them and have said this to me.

There are 5 properties for sale in the village at the moment. It may encourage other young people to do the same.

I'm hoping for a speedier reply this time especially if more information is needed. I don't want my customer to go elsewhere as I'd love to see it become a home again.

Regards, Mairead Anglim

Sent from [Outlook for iOS](#)

11:34



Thurles - Ballingarry  
26 July 2020 19:03

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© LIVE ▾

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11:36



27 July 2020  
03:03

...



11:37



Thurles - Ballingarry

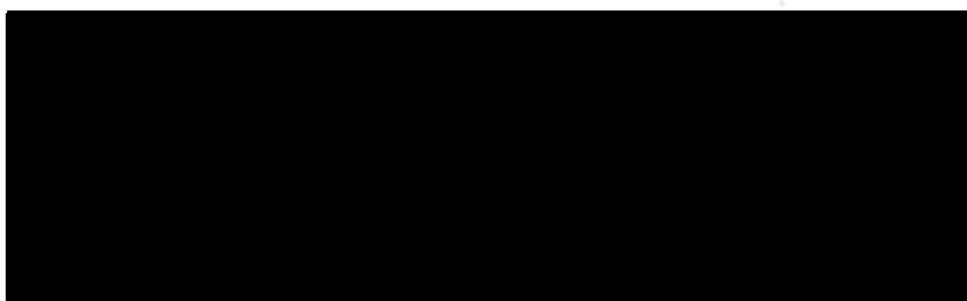
26 July 2020 19:03

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11:38



Thurles - Ballingarry  
6 June 2018 21:03

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HDR



11:34



Ballingarry  
2 July 2025 17:35

•••



11:34

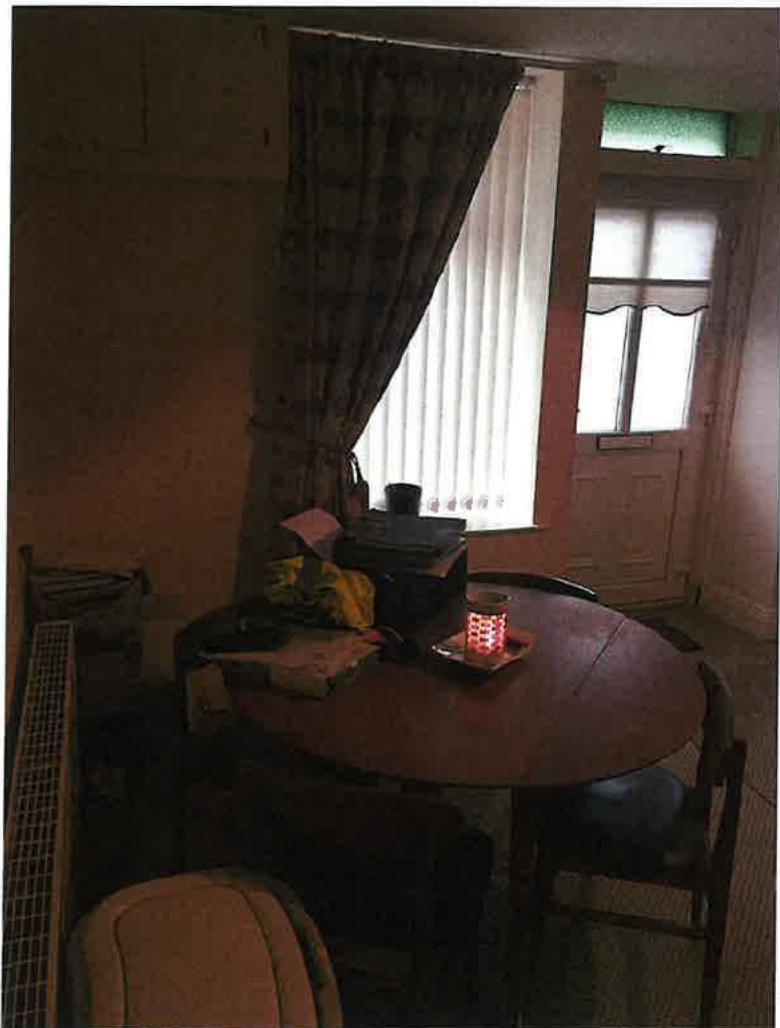


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26 July 2020 19:18

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Thurles - Ballingarry

26 July 2020 19:17

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**E41 AOE8**

Ballingarry Upper, Ballingarry, Co. Tipperary  
Postal code



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 Táonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 12<sup>th</sup> January 2025

Our Ref: S5/25/155 Civic Offices, Nenagh

Mairead Anglim  
Lismoynan  
Fethard  
Clonmel  
Co. Tipperary

**Re: Application for a Section 5 Declaration** – Change of use from commercial to a single residence. No external or structural works are planned at Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8.

Dear Mairead

I acknowledge receipt of Further Information received on 9<sup>th</sup> January 2026 in connection with the above.

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

Yours sincerely

Síofhán Ó Ríain  
for Director of Services



# Poe Kiely Hogan Lanigan Solicitors LLP

Incorporating M.J. Crotty & Son  
Incorporating Holland Condon

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

**& by email to- [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

## Kilkenny Office

21 Patrick Street, Kilkenny, R95 P276  
**Tel** +353 (0)56 772 1063  
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## Castlecomer Office

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24-26 Upper Ormond Quay

**Fax** +353 (0)56 776 5231  
**Email** [admin@pkhl.ie](mailto:admin@pkhl.ie)

**Vat No.** 1457918R

**Our Reference**

[REDACTED]

**Your Reference**

S5/25/155

**Date**

12 January 2026

**Re: Our Client: Mairead Anglim  
Main Street, Ballingarry, Thurles, Co. Tipperary  
Application for a Section 5 Declaration at Main Street, Ballingarry**

Dear Sir/Madam,

I wish to advise that I act on behalf of Mairead Anglim. We can confirm that the Property listed above has been vacant since October 2023.

I trust this assists you in this matter, but if you require anything further, please feel free to contact me.

Yours faithfully,

*Sent via email and accordingly, bears no signature*

**Edmund Hennessy  
POE KIELY HOGAN LANIGAN  
[ehennessy@pkhl.ie](mailto:ehennessy@pkhl.ie)**

## Partners

John Hickey, Michael Lanigan, Tim Kiely, Martin O'Carroll, Owen Sweeney, Martin J Crotty, Annette Hickey, Chris Hogan

## Consultants

Brian Kiely,  
Michael Condon,  
John D Holland

## Senior Associates

Aileen Gittens,  
Cathy Power

## Solicitors

Edmund Hennessy, Emily Rockett,  
Chloe Smith, Julie McEvoy,  
Katy Atkinson, Grainne Bennett,  
Máireáine Conneely

## Legal Executives

Keith Winick, Ger Fahy, Carol Walsh, Tanya Voloshyna,  
Katherine Coleman, Triona Queally, Caroline Brennan,  
Catriona Burke Brennan, Ailish Farrell, Karin Mackey



**Date: 12<sup>th</sup> January 2026**

**Our Ref: S5/25/155**

Edmund Hennessy  
Poe Kiely Hogan Lanigan Solicitors LLP  
21 Patrick Street  
Co. Kilkenny  
R95 RHH0

**Re: Application for a Section 5 Declaration at Main Street,  
Ballingarry, Thurles, Co. Tipperary, E41 A0E8.**

A Chara,

I acknowledge receipt of your Further Information received on 12<sup>th</sup> January 2026 in connection with the above.

I wish to advise that the applicant will be notified of a decision on their application in due course.

Mise le meas,

  
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.:** S5/25/155

**Applicant:** Mairead Anglim

**Development Address:** Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8.

**Proposed Development:** Change of use from commercial to a single residence. No external or structural works are planned.

---

#### **1. GENERAL**

On the 4<sup>th</sup> of December 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Change of use from commercial to a single residence.

The site is located at Main Street, Ballingarry, Thurles, Co. Tipperary.

#### **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

#### **Planning and Development Regulations 2001**

##### **Article 10 6(a)**

**(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 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,

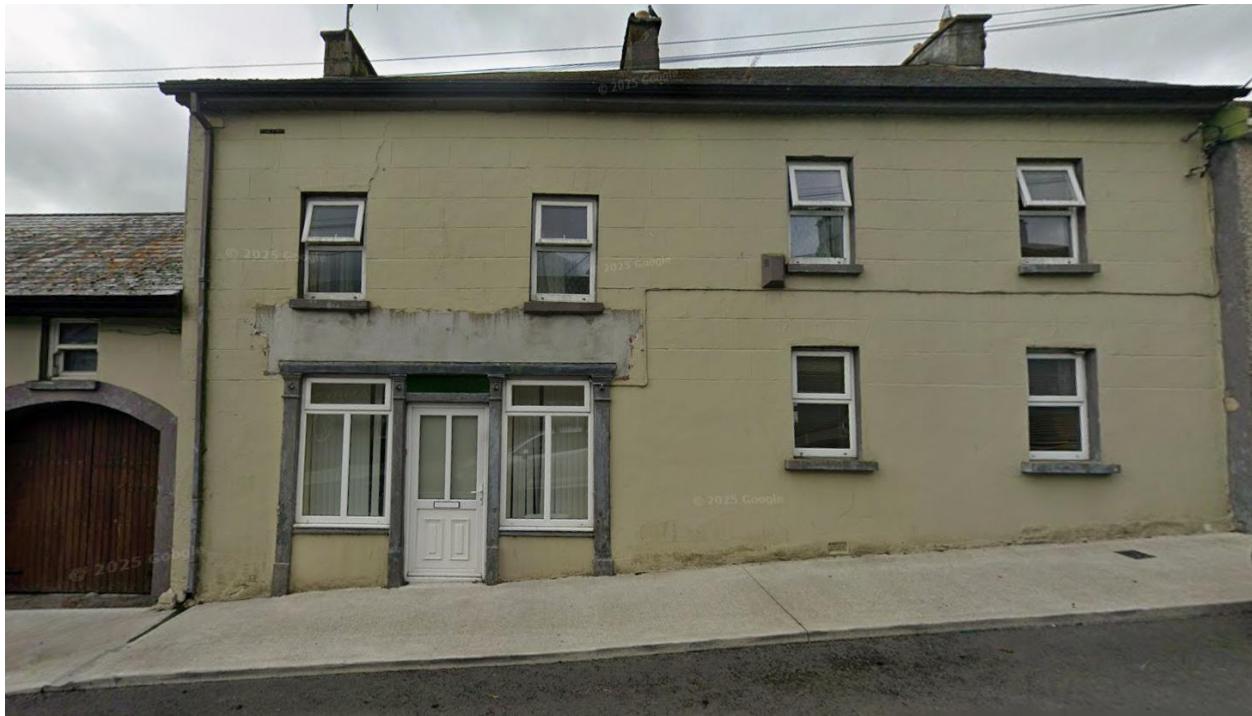
shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(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 comprises of an existing terraced structure on Main Street, Ballingarry, Thurles, Co. Tipperary. The building on site is a protected structure (TRPS1601).



***b. Relevant Planning History***

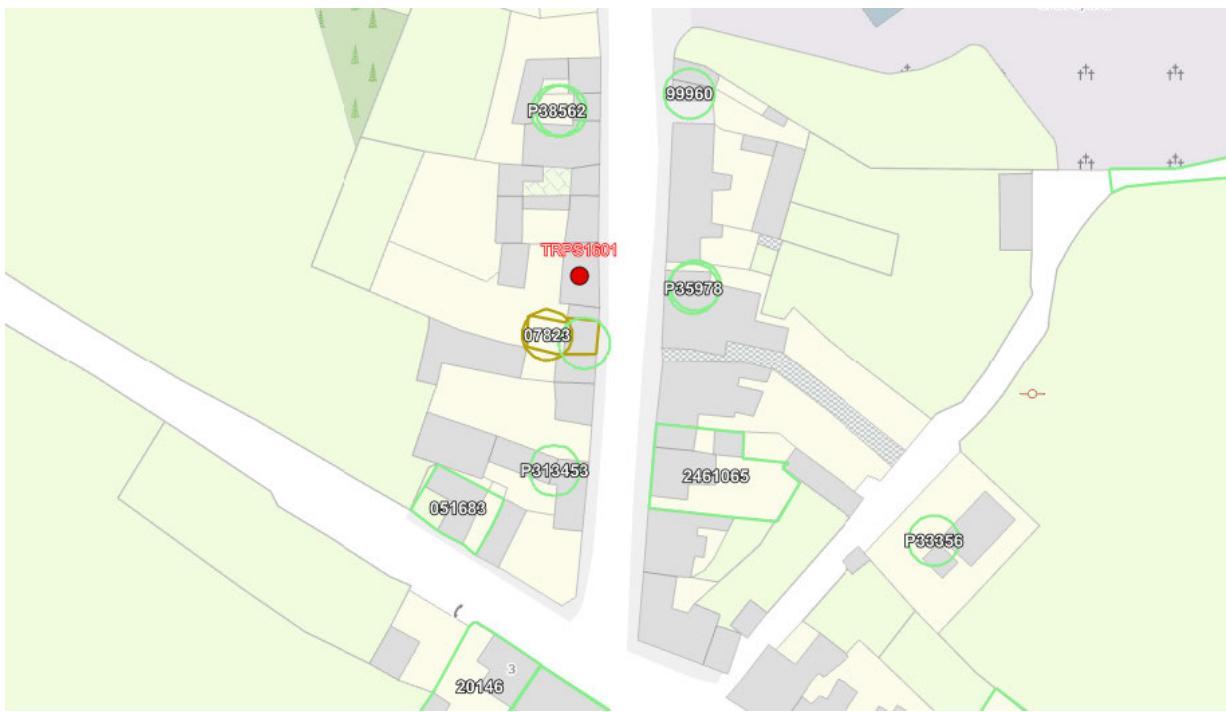
**On site**

None recorded

**Adjoining**

07/544	Incomplete application
07/823	Incomplete application
07/976 - granted	extension and renovation of their branch office including all associated site works

Figure 1 Planning history



**c. Assessment**

**A) “Is or is not Development”**

It is considered that the above listed proposals constitute a material change of use as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended. It is unclear if the proposal constitutes works.

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

Article 10(6) identifies conditions and limitations associated with the change of use of a commercial building to residential use. The subject proposal will be assessed against these requirements.

***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***

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

The applicant has not expressly notified the Planning Authority of his intention to carry out the works proposed. She has sought a declaration, confirming that the works are exempt.

The submission of the Declaration can be read as a notification.

In terms of use class,

CLASS 1

Use as a shop

It appears that the applicant is proposing to incorporate a former shop into the residential dwelling on site.

***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, 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).***

The building was completed prior to the regulations.

As noted above, the unit was used for purposes associated as class 1. The applicant has indicated that this use ceased in the 1990's where upon the owner used it as a reception room for guests visiting her house.

The dwelling was occupied by the applicant's son but has been vacant for an unspecified period of time (therefore the previous unauthorised residential use ceased). The applicant is now proposing to formally change the previous permitted commercial use to residential use.

The querist will need to submit proof that the building has been vacant for the previous two years.

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

As set out above, the relevant period is from 8 February 2018 until 31 December 2025. This period was amended under SI 648 of 2025 and extended until the 31<sup>st</sup> of December 2028.

The querist will need to confirm when works are set to be undertaken.

***(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***

No external works are proposed. It is noted that the existing shop front appears to have been modified. Clarification in respect of the nature of these works are required.

**(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**

As noted above, the nature of the modifications to the existing shop front will need to be clarified.

**(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 subject structure is located within the development boundary of the village of Ballingarry. There are no specific policy objectives in the Tipperary County Development Plan 2022 requiring the retail use to remain in place.

**(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 a single unit.

**(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.**

The proposal is for the change of use of an area which previously functioned as a shop. It is served by large windows and does not present a concern in terms of natural lighting. The room is to be incorporated into the residential unit on site.

**(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 a Protected Structure. A Section 57 Declaration has not issued in respect of this building.

The Declaration was discussed with the Conservation Officer. The details submitted are limited. Further information is required to enable the Planning Authority consider the impact of any works on 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.**

There is no record of a previous planning application on site.

**(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 proposal is not located within a designated ACA, an area of special planning controls or within the relevant perimeter distance area of an 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 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.**

The building is not located within Zone of Archaeological Potential (ZAP).

I confirm that the restrictions under (iv), (vii), (viiA), (viiB), (viiC) would not apply.

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on 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.

**C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**  
The subject site is located within 15 kms of the Lower River Suir SAC 002137, the River Barrow And River Nore SAC 002162, the River Nore SPA 004233, and the Loughans SAC 000407.

The proposed development is located within a long established urban area and comprises of the change of use of a structure from commercial to residential use. The property is connected to the mains waste water infrastructure.

It is noted that the site is in an area at risk of flooding albeit defended.

Having regard to:

- the small scale nature of the development (change of use, with all works confined to the inside of the structure),

- the location of the development relevant to the closest European site (lower River Suir and
- The intervening land uses between the subject site and the SAC

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. FURTHER INFORMATION**

The following further information was requested on the 7<sup>th</sup> of January 2026;

1. The details submitted with the Declaration are noted. In order to avail of the exemption allowing for the change of use from commercial to residential use, as provided for under Art 10(6)(a) of the Planning and Development Regulations 2001, as amended, you are required to provide documentary evidence that 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.
2. It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property. In the absence of such a Declaration, the Planning Authority will need to be satisfied that the works proposed will not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act.

In order to consider same, you are required to submit an accurate description of the interventions proposed and detailed survey and photographic record of the subject structure and the proposed interventions.

In addition, you are required to submit a detailed method statement, which shall include a full schedule of works. This statement shall outline how the applicant intends to carry out all works, the specifications for all material used and the interventions required for the introduction of necessary services.

3. Upon reviewing the details submitted, it appears that modification to the existing shopfront have been undertaken. You are required to clarify the planning status of these works.

4. You are required to confirm when works proposed are set to be undertaken.

The applicant replied on the 9<sup>th</sup> of January 2026 and the 12<sup>th</sup> of January 2026.

#### **APPRAISAL**

##### **POINT 1**

The applicant submitted correspondence from Poe Kiely Hogan Lanigan confirming that the property has been vacant since October 2023.

##### **POINT 2**

The applicant has indicated that no works are required either internally or externally to the subject structure. It is ready to be occupied. As such a schedule of works and detailed method statements are not required.

The applicant has submitted photographs of both the inside and outside of the house.

### **Point 3**

The applicant confirmed that the shop sign was plastic and was falling off the structure and removing plaster from the front building. It was removed in order to address potential health and safety concerns.

*Figure 2 extract from Streetview*



The proposal was discussed with the Conservation Officer who was of the opinion that the shop front has remained substantially intact and the removal of the overhead sign has not materially altered the character of the structure.

### **POINT 4**

The applicant has confirmed that the change of use will take place once the house is sold in the coming weeks.

## **5. RECOMMENDATION**

### **Query**

A question has arisen as to whether the change of use from commercial to a single residence, at a premises on the Main Street of Ballingarry, Co. Tipperary is development and is or is not exempted development:

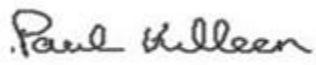
The Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,

- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier and
- the further information submitted on the 9<sup>th</sup> and 12<sup>th</sup> of January 2026.

Tipperary County Council has determined that the change of use from commercial (pre-existing shop) and incorporation into a pre-existing dwelling to form a single residence, at a premises on the Main Street of Ballingarry, Co. Tipperary (E41 A0E8) constitutes development and is considered to be exempted development.

Signed:



\_\_\_\_\_  
Paul Killeen  
District planner

Date: 27/01/26

Signed:

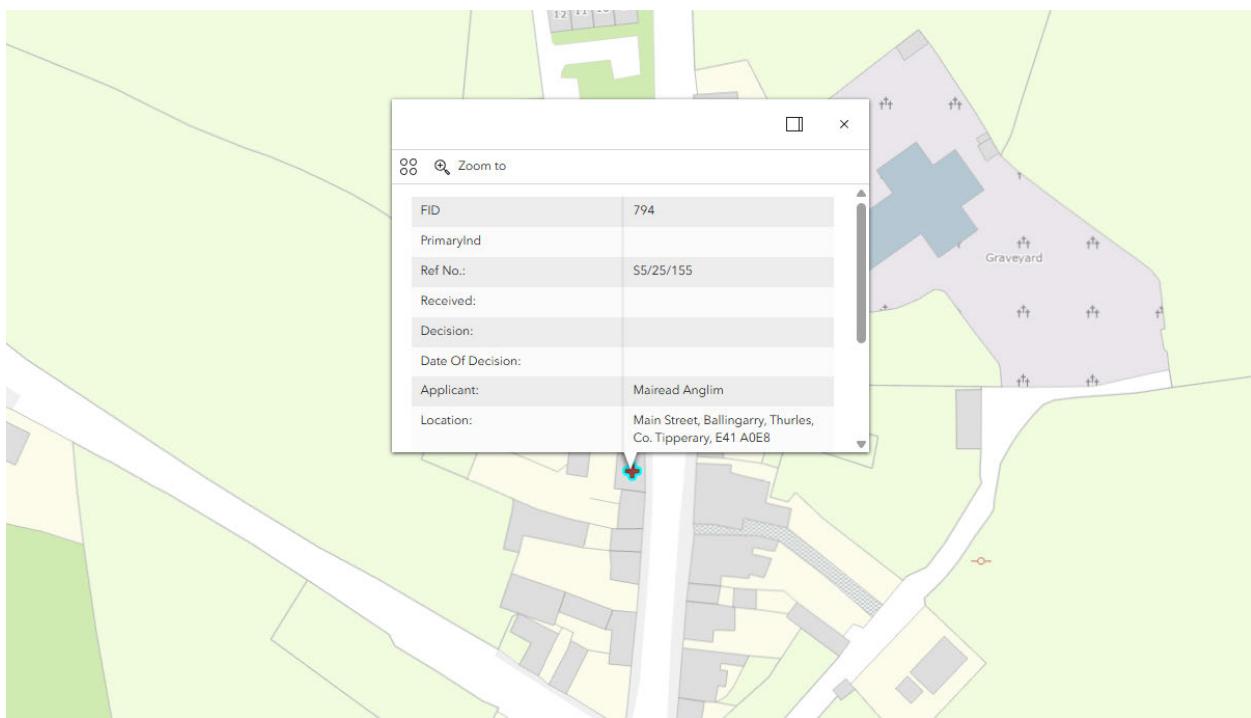


\_\_\_\_\_  
Senior Executive Planner

Date: 28.1.26

<b>EIA Pre-Screening</b> <b>Establishing a development is a 'sub-threshold development'</b>	
<b>File Reference:</b>	S5/25/154
<b>Development Summary:</b>	Change of use from commercial to residential
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):  _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> :  _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 3 Site entered on Planning register



Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/155** Delegated Employee's Order No: \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Mairead Anglim, Lismoynan, Fethard, Clonmel, Co. Tipperary, re: Change of use from commercial to a single residence. No external or structural works are planned at Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8 is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier and
- the further information submitted on the 9th and 12<sup>th</sup> of January 2026.

Tipperary County Council has determined that the change of use from commercial (pre-existing shop) and incorporation into a pre-existing dwelling to form a single residence, at a premises on the Main Street of Ballingarry, Co. Tipperary (E41 A0E8) constitutes development and is considered to be exempted development.

Signed:



**Brian Beck**

**Director of Services**

**Date: 28/01/2026**



Date: 28<sup>th</sup> January 2026

Our Ref: S5/25/155

Civic Offices, Nenagh

Mairead Anglim  
Lismoynan  
Fethard  
Clonmel  
Co. Tipperary

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

Dear Mairead,

I refer to your application for a Section 5 Declaration received on 4<sup>th</sup> December, 2025, Further Information received on 9<sup>th</sup> January 2026 and 12<sup>th</sup> January 2026 in relation to the following proposed works:

Change of use from commercial to a single residence. No external or structural works are planned at Main Street, Ballingarry, Thurles, Co. Tipperary, E41 A0E8.

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

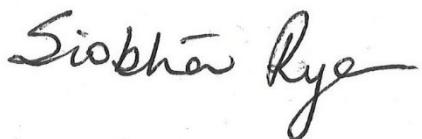
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier and
- the further information submitted on the 9th and 12<sup>th</sup> of January 2026.

Tipperary County Council has determined that the change of use from commercial (pre-existing shop) and incorporation into a pre-existing dwelling to form a single residence, at a premises on the Main Street of Ballingarry, Co. Tipperary (E41 A0E8) constitutes development and is considered to be exempted development.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink, appearing to read "Siobhan Rye".

---

for **Director of Services**