



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council



€80 APPLICATION FEE PAID 12.3.26  
RECEIPT : 135772

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

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

Tipperary County Council  
**RECEIVED**  
18 MAR 2026  
**CSD**  
Civic Offices, Nenagh

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

|               |   |
|---------------|---|
| Applicant     | MARIE GEOGHEGAN   |
| Address       | SHANACLOON, CLOWAKENNY,<br>ROSCREA, TIPPERARY, E53 YP08 |
| Telephone No. | [REDACTED]  |
| E-mail        | [REDACTED]  |

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

|   |  |
|---|--|
| Agent   | M <sup>C</sup> HUGH GLYNN                                  |
| Address   | 3, BANK ST, KILTILLANE,<br>TEMPLEMORE, TIPPERARY, E41 PH66 |
| Telephone No.   | [REDACTED]   |
| E-mail  | [REDACTED] (ATT GARETH)                                    |
| Please advise where all correspondence in relation to this application is to be sent; |  |
| Applicant <input checked="" type="checkbox"/>   | Agent <input checked="" type="checkbox"/>                  |

**3. Location of Proposed Development:**

|   |   |
|---|---|
| Postal Address or<br>Townland or<br>Location<br>(as may best<br>identify the land or<br>structure in<br>question) | MY<br>HOME ADDRESS AS ABOVE<br>E53 YP08 |
|---|---|

**TIPPERARY CO. COUNCIL**  
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18 MAR 2026  
PLANNING SECTION  
FILE NO. 55/20/32

**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.

|   |     |
|---|-----|
| INSTALLATION OF 2 WINDOWS AT                |     |
| FRONT OF SHED INSTEAD OF DOOR               |     |
| INSTALLATION OF SIDE GLASS DOOR             |     |
| IN KITCHEN WHERE SIDE WINDOW                |     |
| IS, ALLOWING IN MORE LIGHT                  |     |
| Proposed floor area of proposed works/uses: | sqm |

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

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

Signature of Applicant(s)



Date: 12.03.26

**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](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**Fee Recd. €** 80  
Receipt No 135772  
Date 12/3/26  
Received by \_\_\_\_\_

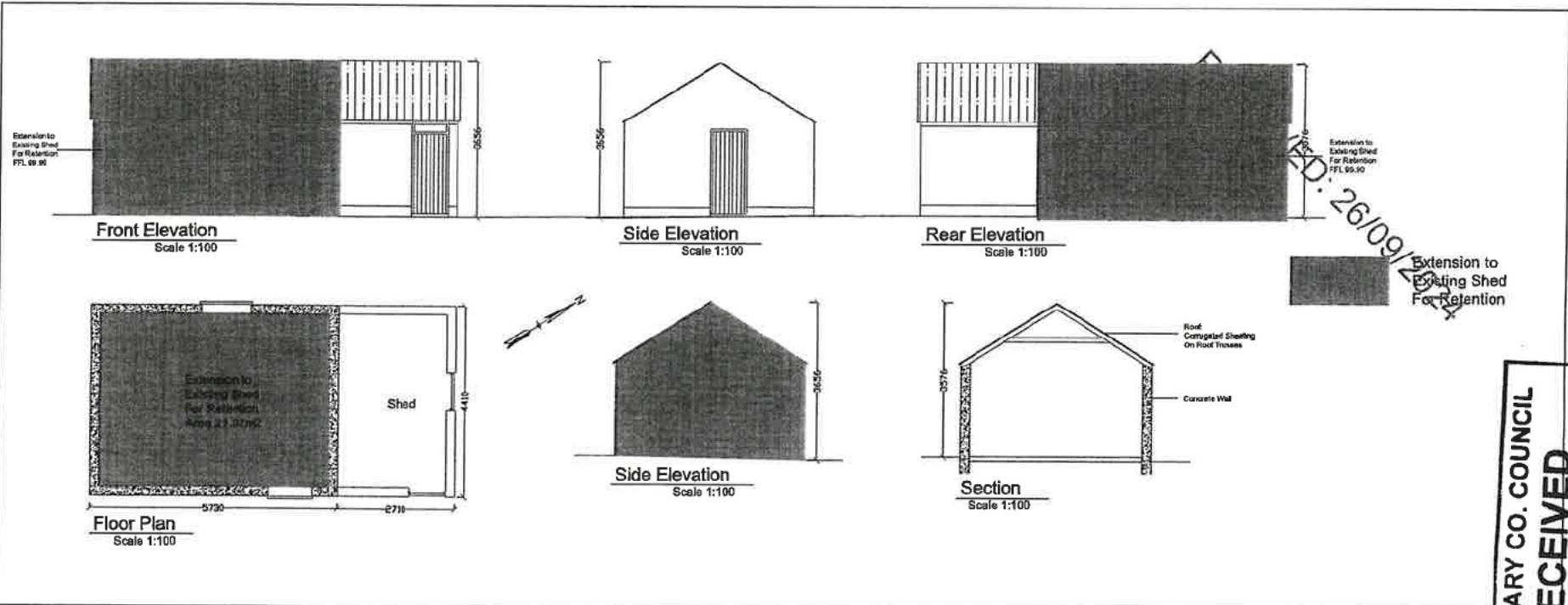
**DATE STAMP**

**TIPPERARY CO. COUNCIL  
RECEIVED**

**18 MAR 2026**

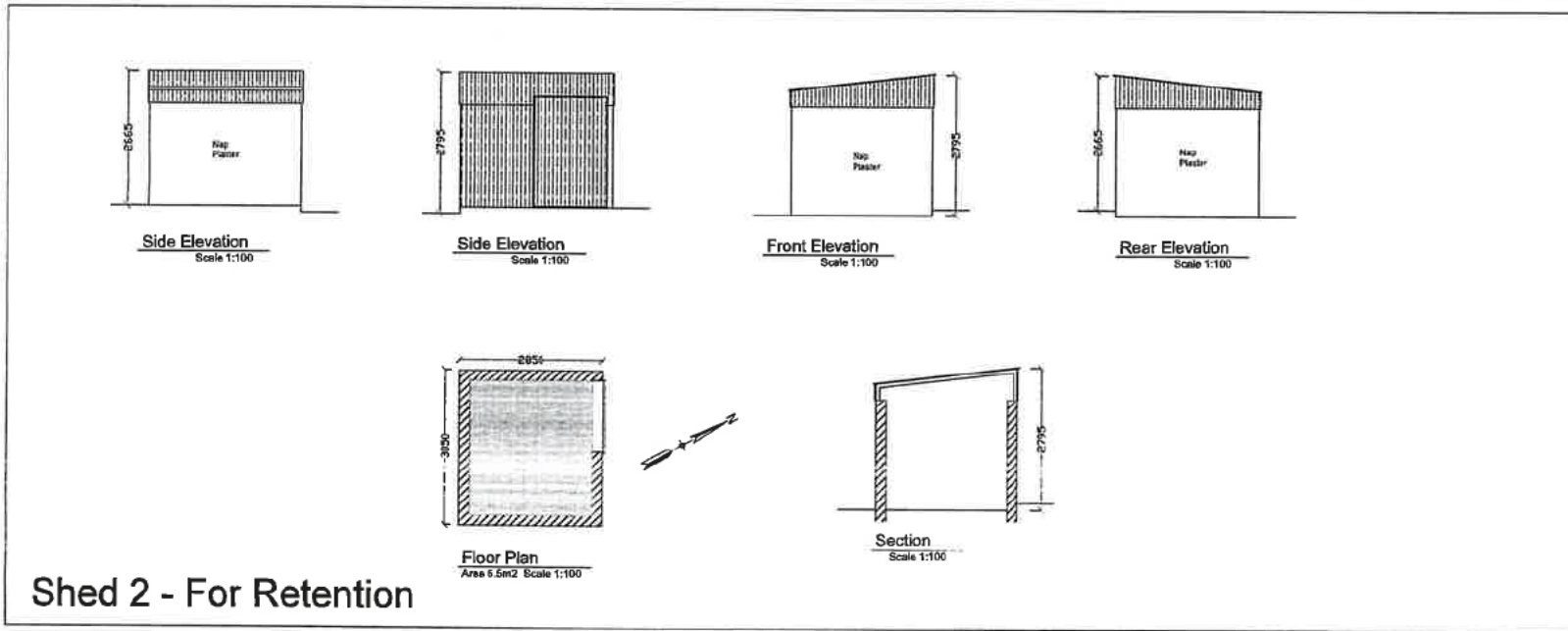
**PLANNING SECTION**

FILE NO. 59/24/32



REC-26/09/2024

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18 MAR 2026  
PLANNING SECTION  
FILE NO. 58/26/32



Shed 2 - For Retention

ISSUED FOR PLANNING

**McHugh Glynn**  
& ASSOCIATES ARCHITECTS & ENGINEERS

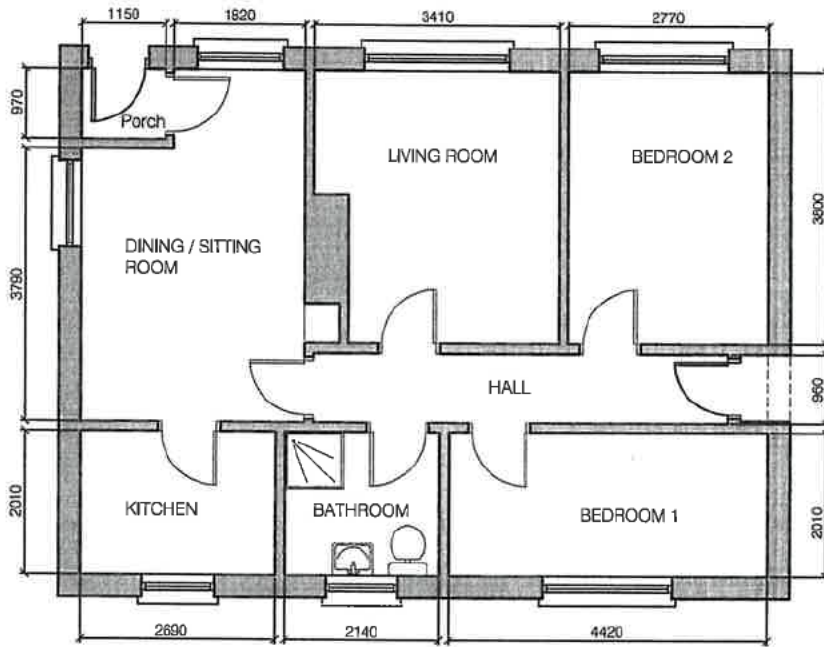
Bank Street, Tipperary Co. Tipperary  
Tel: 0504 31142  
Email: info@mcughglynn.ie

Project / Client  
Estate of Late Martin Cantwell  
Shannon, Clonahoney, Co. Tipperary

Drawing Title  
PLANS

Drawn By: GMGH  
Checked By: DG  
Date: Sept 2024  
Scale: 1:500

| Revisions |      |             |    | Job No. |
|-----------|------|-------------|----|---------|
| No.       | Date | Description | By |         |
|           |      |             |    | 412     |
|           |      |             |    | Dwg No. |
|           |      |             |    | 3       |



GROUND FLOOR PLAN  
 AREA - 66.27 sq.m



**TIPPERARY CO. COUNCIL**  
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 18 MAR 2026  
 PLANNING SECTION  
 FILE NO... *SS/26/32*

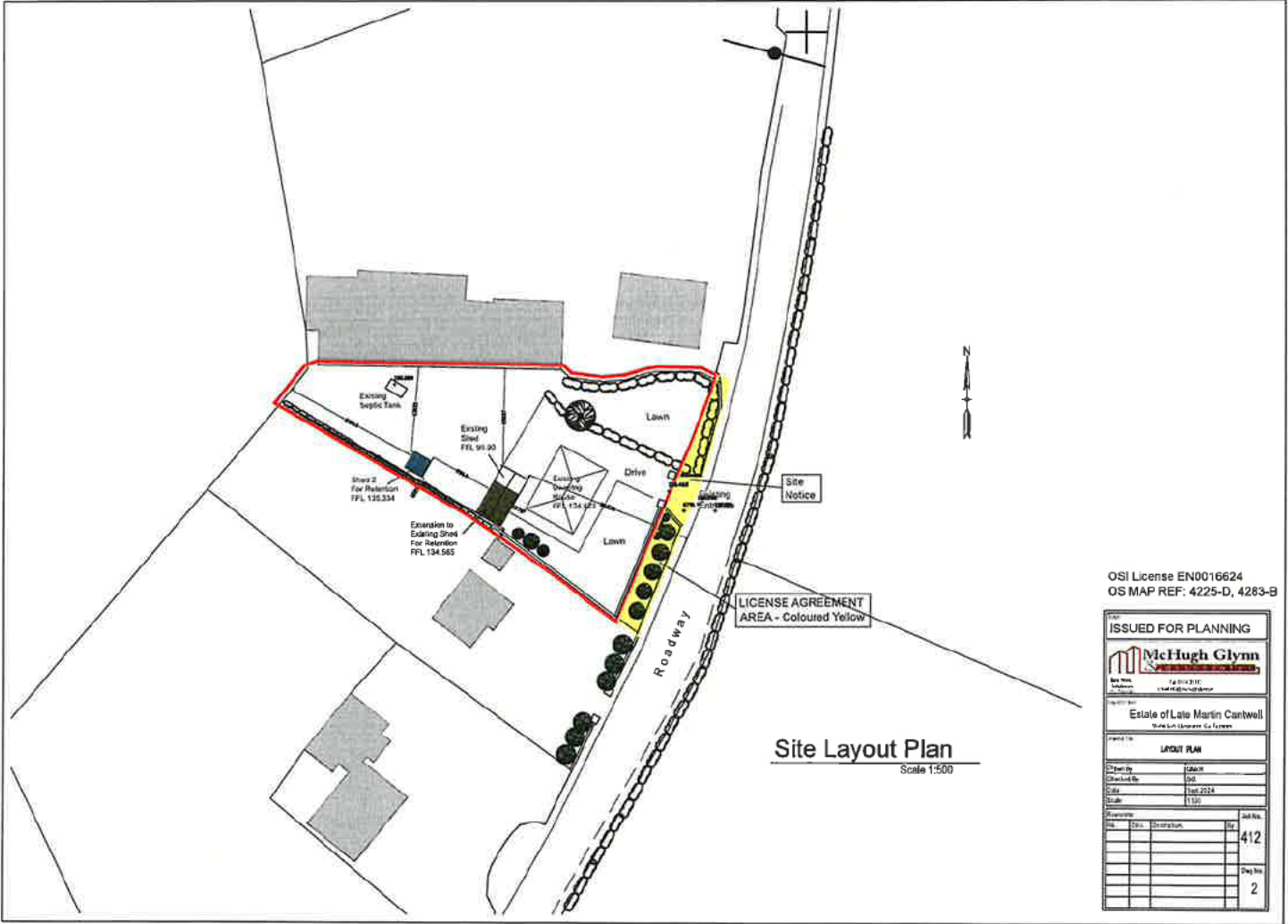
**Creative Building Design**  
 Tel: 0506 22838  
 100 Years of Architecture  
 Loophavetta, Roscrea, Co. Tipperary

© This Drawing is the property of Creative Building Design

**Title/Contract**  
 EXISTING DWELLING  
 SHANACLOON, CLONAKENNY, ROSCREA,  
 CO. TIPPERARY, E63 YP08

**Details / Title of Drawing**  
 EXISTING GROUND FLOOR PLAN

|               |                  |
|---------------|------------------|
| Scale 1:100   | Drawn No. 693/01 |
| Date JUNE '24 | Drawn By SD      |

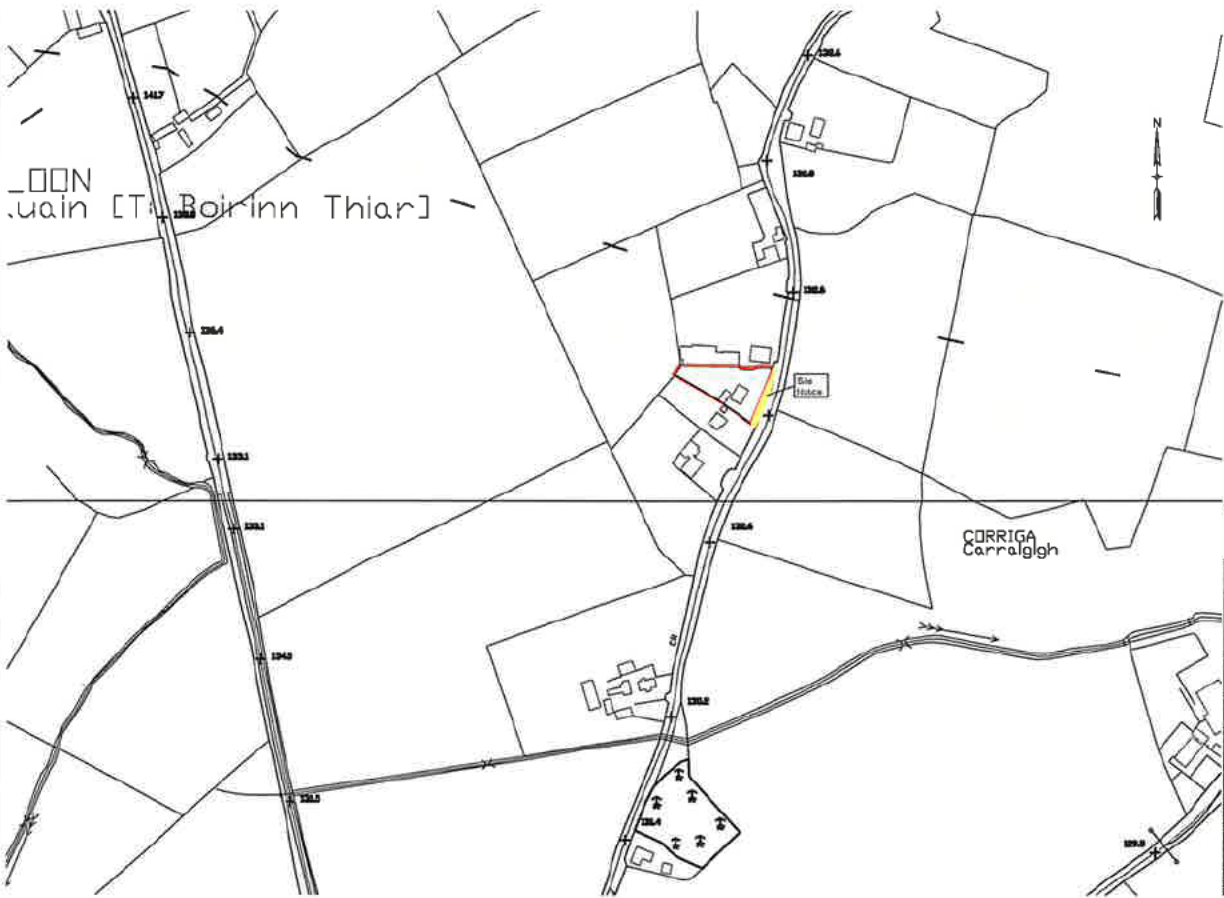


OSI License EN0016624  
 OS MAP REF: 4225-D, 4283-B

|   |            |              |       |
|---|------------|--------------|-------|
| ISSUED FOR PLANNING   |            |              |       |
|   |            |              |       |
| Estate of Late Martin Cantwell<br>100-100 Limerick Co. Farm |            |              |       |
| LAYOUT PLAN   |            |              |       |
| Drawn by  | Checked by | Date         | Scale |
|   |            | 1st Mar 2024 | 1:500 |
| Drawings  | No.        | Desc.        | Rev.  |
|   |            |              | 412   |
|   |            |              | 2     |

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 18 MAR 2026  
 PLANNING SECTION  
 FILE NO. *55/26/32*

MAP 4225-D, 4283 -B



BOON  
[uain [T: Bairinn Thiar]

CORRIGA  
Carraligh

Co-Ordinates  
611390, 681110  
Site Area: 0.173 Hectares

|                               |              |
|-------------------------------|--------------|
| ISSUED FOR PLANNING           |              |
| <b>McHugh Glynn</b>           |              |
| Estate of Late Martin Canwell |              |
| Trained in Quantity Surveying |              |
| Project No: LOCATION MAP      |              |
| Client No:                    | 412          |
| Client Name:                  | McHugh Glynn |
| Date:                         | 24th 2024    |
| Scale:                        | 1:1000       |
| Revision No:                  | 1            |
| Revision Description:         |              |

PRODUCED UNDER LICENCE FROM O. S. I.

LICENCE No. EN0016624

Scale 1/2500

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 PLANNING SECTION  
 FILE NO. *55/26/32*



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18 MAR 2026  
PLANNING SECTION  
FILE NO ... *55/26/32* .....



Cash Office  
Tipperary County Council  
Civic Offices  
Nenagh  
Co Tipperary

12/03/2026 11:27:43

Receipt No. : NENAM1/0/135772  
\*\*\*\*\* REPRINT \*\*\*\*\*

MARIE GEOGHEGAN  
SHANACLOON  
CLONAKENNY  
ROSCREA  
CO. TIPPERARY E53 YP08

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

Siddhan,

This is payment for a  
Section 5 which will  
be coming in the post  
over the next few  
days.

I have been talking  
to Marie about this  
they are selling this  
property & this is  
holding of the sale.  
Garage had windows  
included & not as per  
Planning approved 2460821.  
They bought the house  
subsequent to this.

Thanks  
Tanya



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie

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

Date: 18<sup>th</sup> March 2026

Our Ref: S5/26/32

Civic Offices, Nenagh

**Marie Geoghegan,  
Shanacloon  
Clonakenny  
Roscrea  
Co Tipperary  
E53 YP08**

**Re: Application for a Section 5 Declaration – Installation of 2 windows at front of shed instead of door installation of side glass door in kitchen where side window is at Shanacloon, Clonakenny, Roscrea, Co Tipperary E53 YP08.**

Dear Marie,

I acknowledge receipt of your application for a Section 5 Declaration received on 18<sup>th</sup> March 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

  
for **Director of Services**

**CC: Marie Geoghegan, C/O McHugh Glynn, 3 Bank St, Kiltillane, Templemore, Co. Tipperary.**

# 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.:** S5/26/32

**Applicant:** Marie Geoghan

**Development Address:** Shanacloon, Clonakenny, Roscrea, Co. Tipperary E53YP08

**Proposed Development:** Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light

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### **1. GENERAL**

On 18.03.2026.2022 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) by Marie Geoghan as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

*“Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light”.*

### **2. STATUTORY PROVISIONS**

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.

**Section 4 (1) of the Planning and Development Act 2000** sets out that the following shall be exempted developments for the purposes of the Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;

**Section 4(2)(a)** of the Act states as follows: -

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 (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.

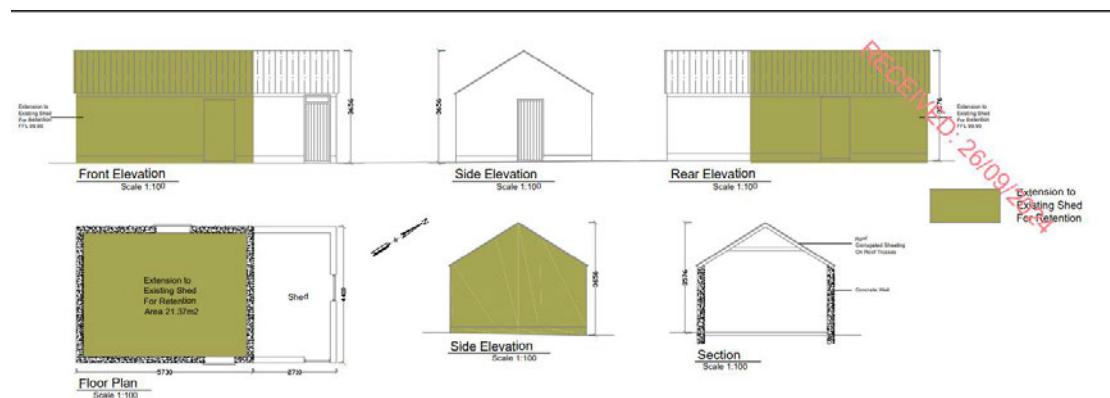
### **3. ASSESSMENT**

#### ***a. Site Location***

The site is located on the west side of the L3232 local road in the townland of Shanacloon, approximately 0.5km north of Clonkenny. There is an existing single storey dwelling and 2 existing sheds on the site.

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

2460821 Permission for retention granted for the construction of a detached shed and an extension to an existing outbuilding together with all associated works.



51/3382 Outline permission granted to Eamon Power for a dwelling  
51/3732 Permission granted to Eamon Power for a dwelling

### **Assessment**

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

The applicant has detailed a number of alterations which have been carried out to the dwelling and shed including:

- Installation of 2 windows at front of shed instead of door,
- installation of side glass door in kitchen where side window is, allowing in more light

It was noted at the time of the site visit that the garage as constructed also includes glass double doors to the rear of the garage, rather than a solid door as permitted.

It is considered that the alterations to side of the dwelling to install a glass door rather than a window and the installation of 2 windows at the front of the shed instead of a door constitutes works and development as provided for under Sections 2 and 3 of the Act.

#### **a) Is / 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 change of use would involve “development” within the meaning of Section 3 of the Act.

#### **b) Is/ is not Exempted Development**

In relation to the alterations to the dwelling and garage, it is considered that the provisions of Section 4 (1) of the Planning and Development Act 2000 apply. Section 4 of the act sets out that the following shall be exempted developments for the purposes of the Act –

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;*

- It is considered that **the installation of side glass door in the kitchen where side window is**, does not materially affect the appearance of the structure and do not render the appearance to be inconsistent with the character of the dwelling. It is therefore considered that such alterations can be considered exempt under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended. The works can be considered as for the improvement of the dwelling.
- It is considered that the **installation of 2 windows at the front of the shed instead of a door** does materially affect the appearance of the structure and render the appearance to be inconsistent with the character of the shed as permitted under planning reference 2460821. It is therefore considered that such alterations cannot be considered exempt under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended.

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

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

EIA is not required.

**5. RECOMMENDATION**

A question has arisen as to whether

*“Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light”.*

Tipperary County Council, in considering this declaration, had regard particularly to –

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- (c) Section 4 (1) (h) of the Planning and Development Act 2000, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

- **the installation of a side glass door in the kitchen (of the dwelling) where side window was located** constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended
- **The installation of 2 windows at the front of the shed instead of a door** constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is not exempted development. The Planning Authority is not satisfied that the this element of the proposal smeeets planning exemptions under Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Signed:   
District Planner

Date: 10.04.2026

Signed: Jonathan Flood  
Senior Executive Planner

Date: 10/4/2026



*Figure 1: Windows installed to shed and door to side of dwelling*



*Figure 2: Door installed to garage*



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

|  |   |
|--|---|
| (a) File Reference No:   | S5.26.32  |
| (b) Brief description of the project or plan:                            | Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light |
| (c) Brief description of site characteristics:                           | Shanacloon, Clonakenny  |
| (d) Relevant prescribed bodies consulted:<br>e.g. DHLGH (NPWS), EPA, OPW | None  |
| (e) Response to consultation:  | None  |

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

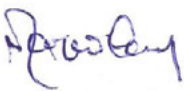
| European Site (code)                   | List of Qualifying Interest/Special Conservation Interest <sup>1</sup>                                      | Distance from proposed development <sup>2</sup> (km) | Connections (Source-Pathway-Receptor) | Considered further in screening Y/N |
|--|---|--|---------------------------------------|-------------------------------------|
| 004233 River Nore SPA                  | <a href="https://www.npws.ie/protected-sites/spa/004233">https://www.npws.ie/protected-sites/spa/004233</a> | Within 15km  | None                                  | No                                  |
| 004160 Slieve Bloom Mountains SPA      | <a href="https://www.npws.ie/protected-sites/spa/004160">https://www.npws.ie/protected-sites/spa/004160</a> | Within 15km  | None                                  | No                                  |
| 000934 Kilduff Devilsbit Mountains SAC | <a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a> | Within 15km  | None                                  | No                                  |

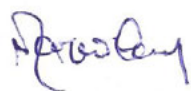
### STEP 3. Assessment of Likely Significant Effects

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

|  |   |
|--|---|
| Impacts:   | Possible Significance of Impacts: (duration/magnitude etc.) |
| Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping</li> </ul> | No potential impacts  |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>(including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>   |  |
| <p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>  | No potential impacts                             |
| In-combination/Other  | No potential impacts                             |
| <b>(b) Describe any likely changes to the European site:</b>  |  |
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul> | No potential impacts                             |
| <b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>   |  |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |
| <b>STEP 4. Screening Determination Statement</b>  |  |
| <p><b>The assessment of significance of effects:</b></p>  |  |
| <p>Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.</p>   |  |
| <p>The proposed development is not likely to have significant effects.</p>  |  |
| <p><b>Conclusion:</b></p>   |  |
|   | <p>Tick as Appropriate:      Recommendation:</p> |

|   |   |   |
|---|---|---|
|   |   |   |
| (i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.       | <input checked="" type="checkbox"/>   | The proposal can be screened out:<br>Appropriate assessment not required.   |
| (ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site. | <input type="checkbox"/>  | <input type="checkbox"/> Request further information to complete screening<br><input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission |
| (iii) <b>Significant effects</b> are likely.  | <input type="checkbox"/>  | <input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission   |
| Signature and Date of Recommending Officer:   |  | Date: 10.04.2026  |

| EIA Pre-Screening<br>Establishing a development is a 'sub-threshold development'  |   |                  |
|---|---|------------------|
| File Reference:   | S5.26.32  |                  |
| Development Summary:  | Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light |                  |
| Was a Screening Determination carried out under Section 176A-C?   | <input type="checkbox"/> Yes, no further action required<br><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)?<br>(Tick as appropriate)   |   |                  |
| <input type="checkbox"/> Yes, specify class _____   | <b>EIA is mandatory</b><br>No Screening required  |                  |
| <input checked="" type="checkbox"/> No  | Proceed to <b>Part B</b>  |                  |
| <b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds?<br>(Tick as appropriate) |   |                  |
| <input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2   | <b>No Screening required</b>  |                  |
| <input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):<br>_____  | <b>EIA is mandatory</b><br>No Screening required  |                  |
| <input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :<br>_____  | Proceed to <b>Part C</b>  |                  |
| <b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>  |   |                  |
| <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>   |                  |
| Signature and Date of Recommending Officer:   |    | Date: 10.04.2026 |

Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/32**      **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 Marie Geoghegan, Shanacloon, Clonakenny, Roscrea, Co Tipperary, E53 YP08, RE: Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light at Shanacloon, Clonakenny, Roscrea, Co. Tipperary E53YP08 is development and is exempted development.

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

Tipperary County Council has concluded that

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Article 6 & 9 of the Planning and Development Regulations 2001, as amended,
- (c) Section 4 (1) (h) of the Planning and Development Act 2000, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

- **the installation of a side glass door in the kitchen (of the dwelling) where side window was located** constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **Exempted Development**. It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended
- **The installation of 2 windows at the front of the shed instead of a door** constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **not exempted development**. The Planning Authority is not satisfied that this element of the proposal meets planning exemptions under Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

**Signed:**

  
\_\_\_\_\_

**Brian Beck**  
**Director of Services**

**Date: 13/04/2026**



Date: 13<sup>th</sup> April 2026

Our Ref: S5/26/32

Civic Offices, Nenagh

**Marie Geoghegan,  
Shanacloon  
Clonakenny  
Roscrea  
Co Tipperary  
E53 YP08**

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

Dear Marie,

I refer to your application for a Section 5 Declaration received on 18<sup>th</sup> March 2026 in relation to the following proposed works:

Installation of 2 windows at front of shed instead of door, installation of side glass door in kitchen where side window is, allowing in more light at Shanacloon, Clonakenny, Roscrea, Co. Tipperary E53YP08.

**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 –

Tipperary County Council has concluded that

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- (c) Section 4 (1) (h) of the Planning and Development Act 2000, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

- **the installation of a side glass door in the kitchen (of the dwelling) where side window was located** constitutes development within the meaning of the Planning and Development Act 2000, as amended and is

**Exempted Development.** It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended

- **The installation of 2 windows at the front of the shed instead of a door** constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **not exempted development.** The Planning Authority is not satisfied that this element of the proposal meets planning exemptions under Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

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

Yours sincerely

*Geraldine Quinn*

for **Director of Services**

**CC: McHugh Glynn, 3 Bank St, Kiltillane, Templemore, Co. Tipperary  
E41 PH66**