



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	JRANNE DIPENAAR
Address	GUENVIEW, CURR GLENS, NEWPORT CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	PAT BRADLEY BE
Address	20 FERNSHILL, BRUWA, CO. TIPPERARY V94 CR 23
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Guenvew, Curr Glens, Newport, Co. Tipperary
---	---

TIPPERARY CO. COUNCIL
RECEIVED
30 APR 2026
PLANNING SECTION
FILE NO. 55/26/63

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.)

RETENTION Planning sought for CHANGE OF USE OF
PROPERTY FROM NURSING HOME BACK TO A DWELLING.
① DUCOM Planning 002547 FOR HOUSE ② PP12832 FOR
CHANGE OF USE TO NURSING HOME 1988 ③ PP 12926 + PP13409 FOR
CHANGES -) Retention ALSO sought for 16m ² in use as HOME OFFICE
Proposed floor area of proposed works/uses: 281 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	<input checked="" type="checkbox"/> A. Owner	<input type="checkbox"/> B. Occupier
	<input 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:	Address:

Signature of Applicant(s)



Date:

29/4/2026

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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

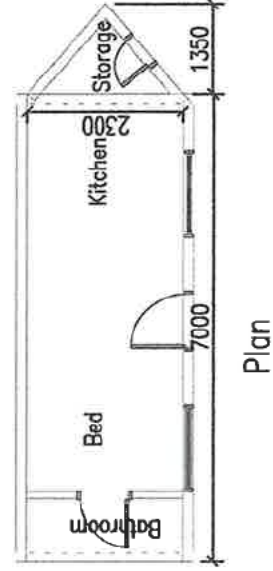
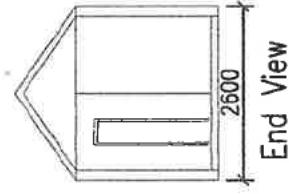
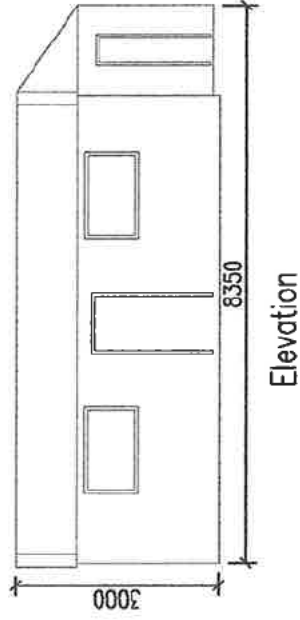
FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00
Receipt No NENAM 1/0/137046
Date 30/04/2026
Received by Cathal Malone.

Timber shed elevations and plan

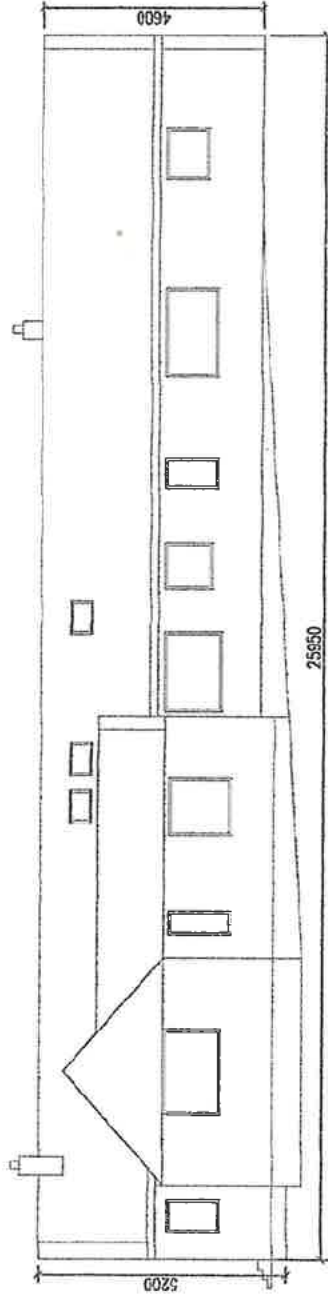
Existing timber shed
Scale = 1:100
Existing Internal floor area = 16m²



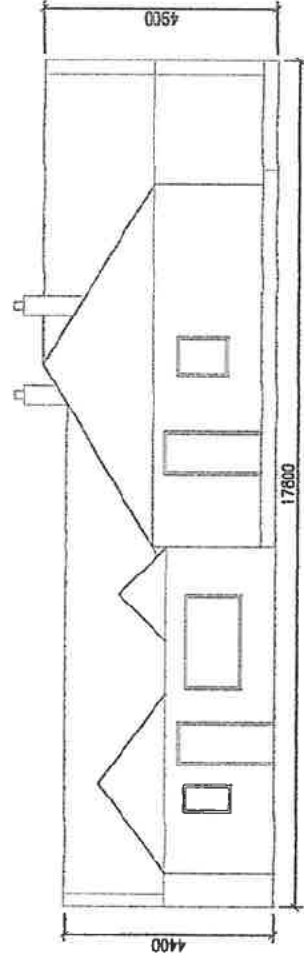
TIPPERARY CO. COUNCIL
RECEIVED
30 APR 2026
PLANNING SECTION
FILE NO. S5726/23

Pat Bradley BE CEng
Chartered Engineer
20 Fernhill Ballina Killaloe
Co. Tipperary
Date 28.12.25 scale 1:100

Existing Elevations
Scale = 1:100



Back Elevation

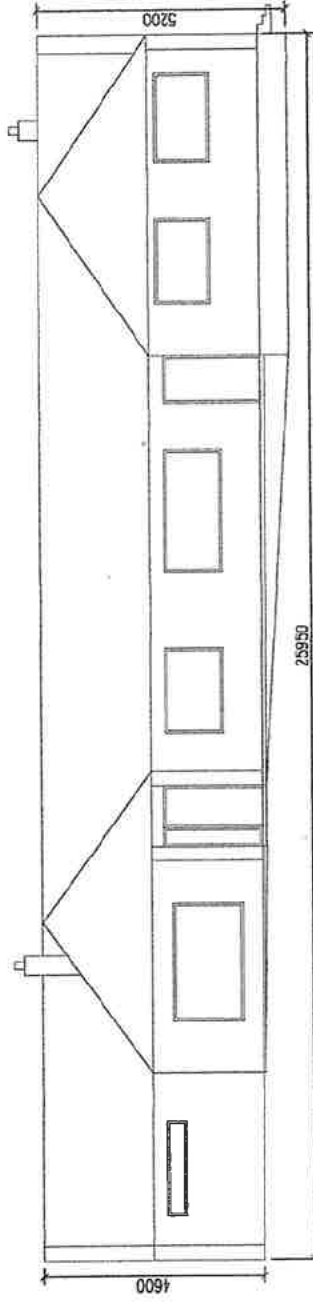


Left Elevation

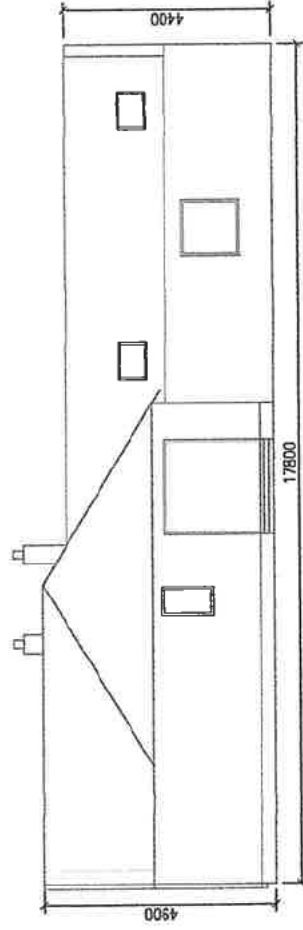
TIPPERARY CO. COUNCIL
RECEIVED
30 APR 2026
PLANNING SECTION
FILE NO. 55726/63

Pat Bradley BE CEEng
Chartered Engineer
20 Fernhill Ballina Kiltaloe
Co. Tipperary
Date 28.12.25 scale 1:100

Existing Elevations
Scale = 1:100



Front Elevation



Right Elevation

TIPPERARY CO. COUNCIL

RECEIVED

30 APR 2026

PLANNING SECTION

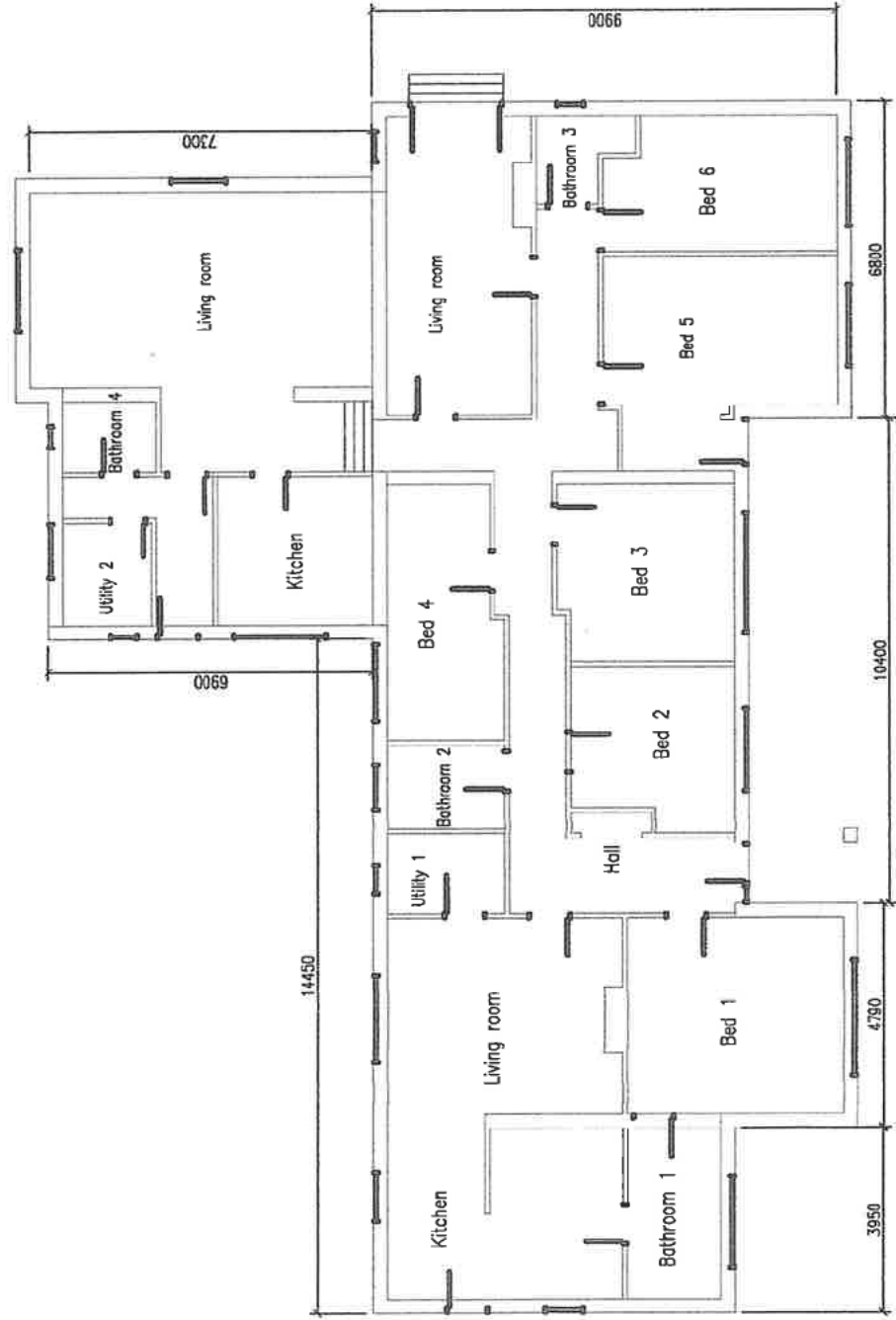
FILE NO. 57/26/63

Pat Bradley BE CEng
Chartered Engineer
20 Fernhill Ballina Killaloe
Co. Tipperary
Date 26.12.25 scale 1:100

Existing Ground Floor Plan

Scale = 1:100

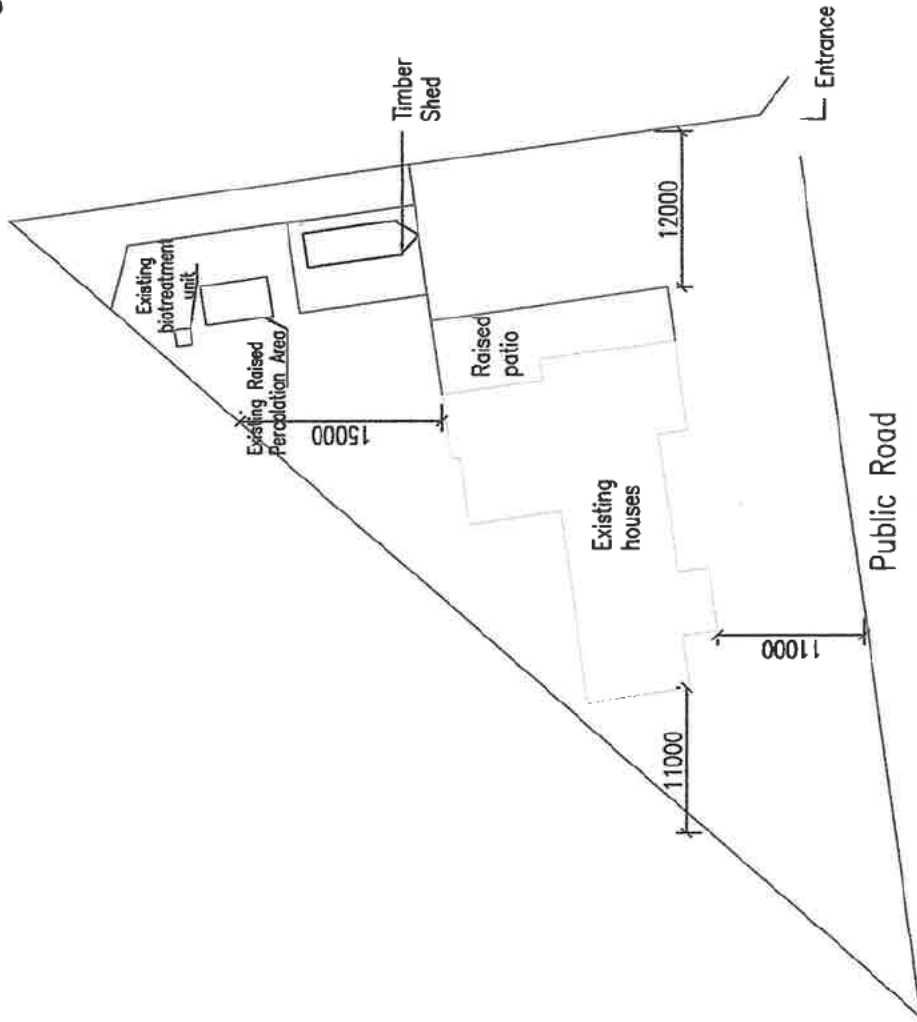
Existing Internal floor area = 265m²



TIPPERARY CO. COUNCIL
RECEIVED
30 APR 2026
PLANNING SECTION
FILE NO. S.126/13

Pat Bradley BE CEEng
Chartered Engineer
20 Fernhill Ballina Killaloe
Co. Tipperary
Date 28.12.25 scale 1:100

Site Layout Plan
Scale 1:500



TIPPERARY CO. COUNCIL
PLANNING
30 APR 2026
PLANNING PERMISSION
FILE NO. 55/26/63

Pat Bradley BE CEng
Chartered Engineer
20 Fernhill Ballina Killaloe
Co. Tipperary
Date 28.12.25 scale 1:500

Land Registry Compliant Map



Tailte Éire

CENTRE COORDINATES:
ITM 573409,660280

PUBLISHED: 30/04/2026
ORDER: 505333

MAP SERIES: MAP 91
1:2,500
4626-C

RECEIVED
0 APR 2026
PLANNING SECTION
FILE NO. 5726163

LAND REGISTRY CO. COUNCIL
20 MILE BOND PUBLIS
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

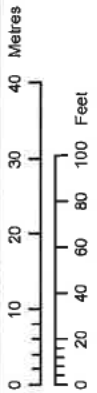
Any unauthorised reproduction infringes Tailte Éireann copyright

No part of this publication may be copied, reproduced or trans in any form or by any means w the prior written permission of 1 copyright owner.

The representation on this map of a road, track or footpath is not evidence of the existenci of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2026.
All rights reserved.



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

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

660194

660366

573525

573292



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 5000/601
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 1st May 2026

Our Ref: S5/26/63

Civic Offices, Nenagh

Jeanne Dippenaar
C/O Pat Bradley BE
20 Fernhill
Ballina
Co. Tipperary

Re: Application for a Section 5 Declaration – Retention planning sought for change of use of property from Nursing Home to a dwelling house at Glenview, Scraggeen, Clare Glens, Newport Co. Tipperary.

Dear Mr Bradley

I acknowledge receipt of your application for a Section 5 Declaration received on 30th April 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**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

**Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended**

Planning Ref.: S5/26/63

Applicant: Jeanne Dippenaar

Development Address: Glenview, Scragen, Clare Glens, Newport, Co. Tipperary.

Proposed Development: Retention planning sought for change of use of property from Nursing Home back to a dwelling. Original planning 002547 for house; PP12832 for change of use to Nursing Home in 1988, PP12926 & PP13409 for changes. Retention also sought for 16 msq in use for home office.

1. GENERAL

On the 30/04/2026, 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”:

- Retention planning sought for change of use of property from Nursing Home back to a dwelling (Original planning 002547 for house; PP12832 for change of use to Nursing Home in 1988, PP12926 & PP13409 for changes).
- Retention also sought for 16 msq in use for home office.

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 triangular shaped site contains an existing detached structure at Scragen, Newport. The site has a frontage onto the L6007.

b. Relevant Planning History

On site

- 04510698 – Planning permission refused for extension to premises and change of use from nursing home to childcare facility
- 5112832 – Planning permission granted for a change of use to nursing home (20/05/1988)
- 5112926 - Planning permission granted for extension (25/05/1988)
- 5113409 - Planning permission granted for sluice room (11/06/1993)
- 5116286 - Planning permission granted for extension to nursing home (16/05/1994)

Adjoining

No recent relevant history noted

c. Assessment

A) “Is or is not Development”

Planning permission was granted under planning application reference 5112832 for a change of use to nursing home. The subject query relates to the retention of a change of use from a nursing home to a dwelling. It also seeks retention of a home office.

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

- *Retention for change of use of property from Nursing Home back to a dwelling*

The planning history is noted.

In terms of legislation, 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

In terms of use class, it is noted that a nursing home does not fall in under ***Class 1, 2, 3, 6 or 12*** as set out in Schedule 2 Part 4 of the Planning and Development Regulations, 2001 as amended. As such, the change of use proposed cannot be considered under article 10(6) of the Planning and Development Regulations 2001 as amended.

Furthermore, a review of the Classes of exempted development has been carried out, including that under Schedule 2 Part 1 of the Planning and Development Regulations, 2001 as amended. There is no exemption provided for to allow for the change of use from a nursing home to a dwelling.

- *Retention also sought for 16 msq in use for home office.*

The floorplans of the 'timber shed' are noted. It is noted that this structure contains a bathroom, bed and kitchen. It is therefore considered to comprise living accommodation rather than a 'home office'.

A review of the Classes of exempted development has been carried out. There is no exemption pertaining to the provision of detached living accommodation.

The works do not benefit from the exemptions as set out in article 6, 9 & 10 of the Planning & Development Regulations, or Section 4 of the Planning & Development Act, and fails to fall within any exemption classes as set out in Schedule 2 or any one of the classes of use as specified in Part 4 of schedule 2 of the Planning & Development Regulations 2001 (as amended).

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

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

A question has arisen as to whether the following at Glenview, Scragen, Clare Glens, Newport, Co. Tipperary is development and is or is not exempted development:

- Retention planning sought for change of use of property from Nursing Home back to a dwelling (Original planning 002547 for house; PP12832 for change of use to Nursing Home in 1988, PP12926 & PP13409 for changes).
- Retention also sought for 16 msq in use for home office.

The Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- The plans and documentation submitted.
- The planning history of the site

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

The development is NOT exempted development as it does not satisfy the planning exemption under Article 10(6)(a), of the Planning and Development Regulations 2001 (as amended) owing to the fact that a nursing home does not come under Class 1, 2, 3, 6 or 12 of Schedule 2 Party 4 of the planning and Development Regulations 2001, as amended.

There are no exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended that the development would avail of.

District Planner:

Olive O'Donnell

Date: 21/05/2026

Senior Executive Planner:

Jonathan Flood

Date: 21/5/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.26.63
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	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 ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenstal Wood SAC	https://www.npws.ie/protected-sites/sac/001432	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Clare Glen SAC	https://www.npws.ie/protected-sites/sac/000930	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Slievefelim/ Silvermines SPA	https://www.npws.ie/protected-sites/spa/004165	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. • Vegetation clearance	None.

<ul style="list-style-type: none"> • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
--	--

<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None.
--	-------

In-combination/Other	None.
----------------------	-------

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None.
---	-------

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 21/05/2026

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5 26 63
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/63** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Jeanne Dippenaar, C/O Pat Bradley BE, 20 Fernhill, Ballina, Co. Tipperary, RE; Retention planning sought for change of use of property from Nursing Home back to a dwelling. Original planning 002547 for house; PP12832 for change of use to Nursing Home in 1988, PP12926 & PP13409 for changes. Retention also sought for 16 msq in use for home office at Glenview, Scragen, Clare Glens, Newport, Co. Tipperary 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),
- Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- The plans and documentation submitted.
- The planning history of the site

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

The development is NOT exempted development as it does not satisfy the planning exemption under Article 10(6)(a), of the Planning and Development Regulations 2001 (as amended) owing to the fact that a nursing home does not come under Class 1, 2, 3, 6 or 12 of Schedule 2 Part 4 of the planning and Development Regulations 2001, as amended.

There are no exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended that the development would avail of.

Signed:



Brian Beck
Director of Services

Date: 25/05/2026



Date: 25th May 2026

Our Ref: S5/26/63

Civic Offices, Nenagh

Jeanne Dippenaar
C/O Pat Bradley BE
20 Fernhill
Ballina
Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 30th April, 2026, in relation to the following proposed works:

Retention planning sought for change of use of property from Nursing Home back to a dwelling. Original planning 002547 for house; PP12832 for change of use to Nursing Home in 1988, PP12926 & PP13409 for changes. Retention also sought for 16 msq in use for home office at Glenview, Scragen, Clare Glens, Newport, Co. Tipperary

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

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended and,
- The plans and documentation submitted.
- The planning history of the site

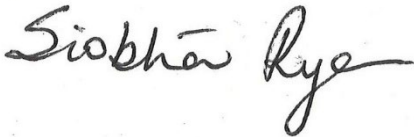
Tipperary County Council has concluded that the development proposed constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT “exempted development”**.

The development is NOT exempted development as it does not satisfy the planning exemption under Article 10(6)(a), of the Planning and Development Regulations 2001 (as amended) owing to the fact that a nursing home does not come under Class 1, 2, 3, 6 or 12 of Schedule 2 Part 4 of the planning and Development Regulations 2001, as amended.

There are no exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended that the development would avail of.

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 that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

for **Director of Services**