



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	JEAN ENGELA
Address	16 HAZELWOOD GROVE THURLES, E41R2R8
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [☒] Agent [☐]	

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	16 HAZELWOOD GROVE THURLES, E41R2R8
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

TO REQUEST CONFIRMATION THAT THIS HOME GYM / HOBBY
ROOM FALLS UNDER EXEMPTED DEVELOPMENT AS
PER SCHEDULE 2 PART 1 of the PLANNING Regulation
+ DEVELOPMENT REGULATIONS 2001 AS AMENDED
Proposed floor area of proposed works/uses: 15 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 ☒	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure	N/A	
If you are not the legal owner, please state the name and address of the owner	Name: Address: N/A	

Signature of Applicant(

Date: 19/6/26

Note: If the proposed works are carried out on 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.

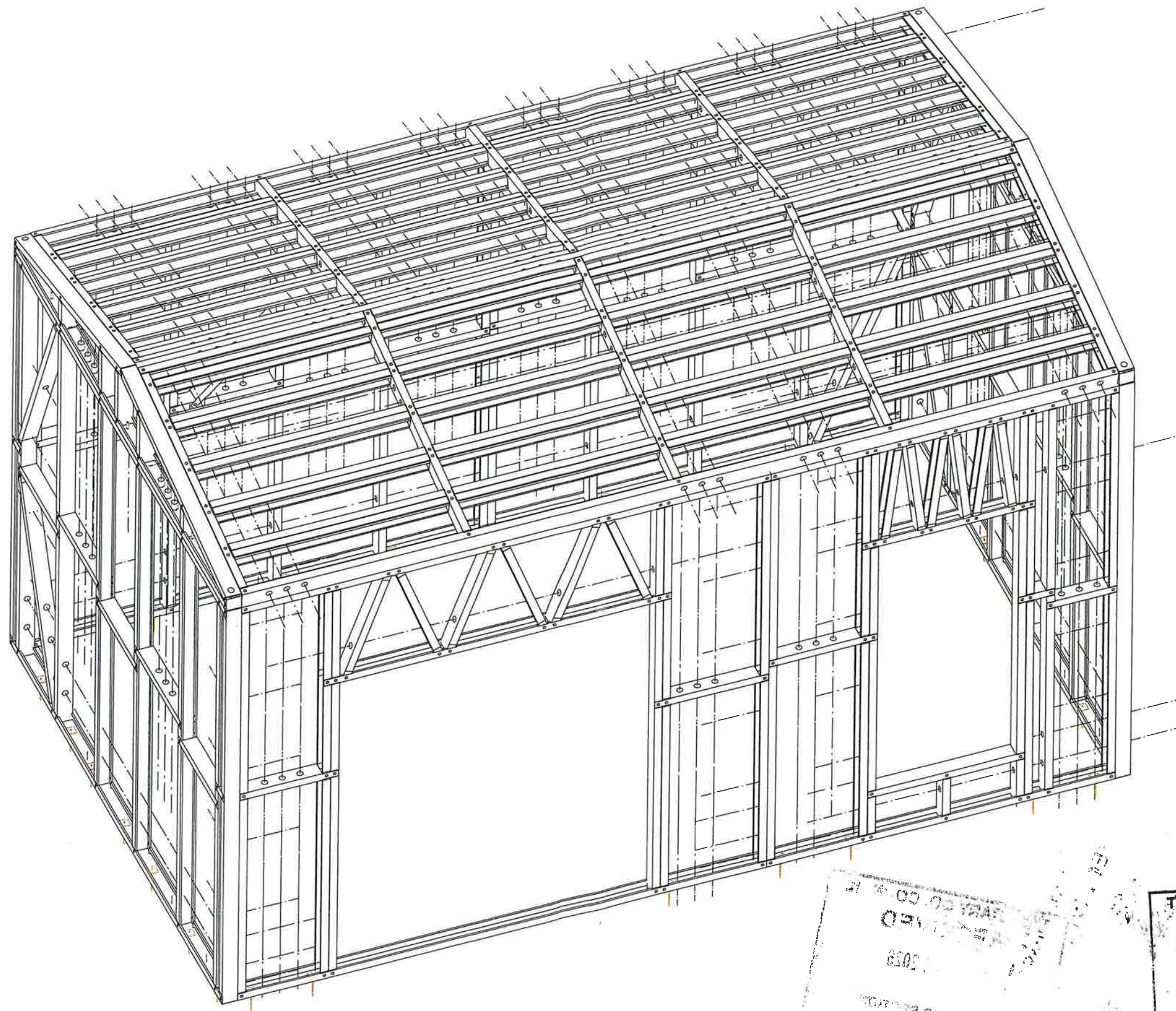
(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional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

This application form and relevant fee should be submitted to:

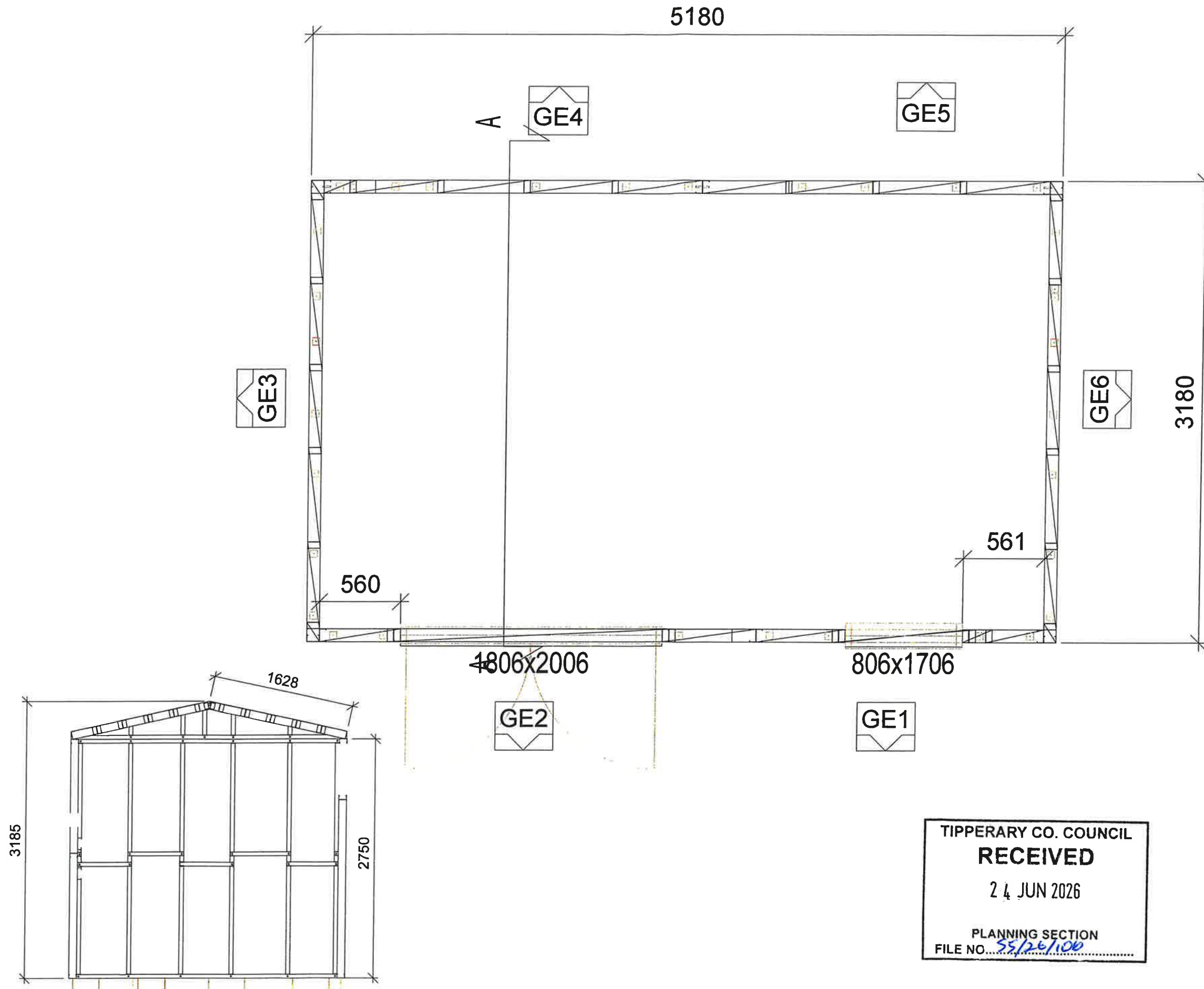
Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires: Telephone 0818 06 5000 E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

Fee Recd. € <u>80</u> Receipt No <u>138396</u> Date <u>24/6/26</u> Received by _____	<u>DATE STAMP</u> TIPPERARY CO. COUNCIL RECEIVED 24 JUN 2026 PLANNING SECTION FILE NO. <u>58/26/106</u>
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TIPPERARY CO. COUNCIL
RECEIVED
24 JUN 2026
PLANNING SECTION
FILE NO. SS/26/106



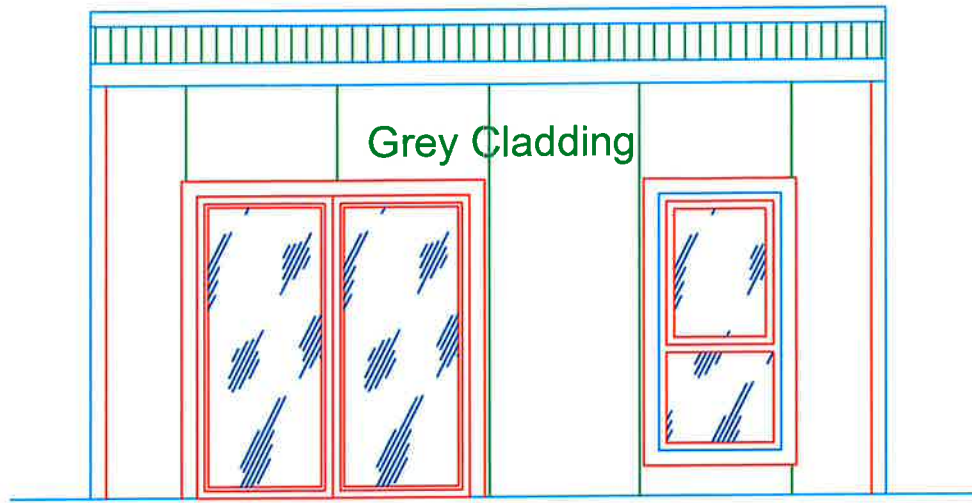
NOTES

1 ALL DIMENSIONS TO BE CHECKED ON SITE BY
BUILDER BEFORE COMMENCING CONSTRUCTION

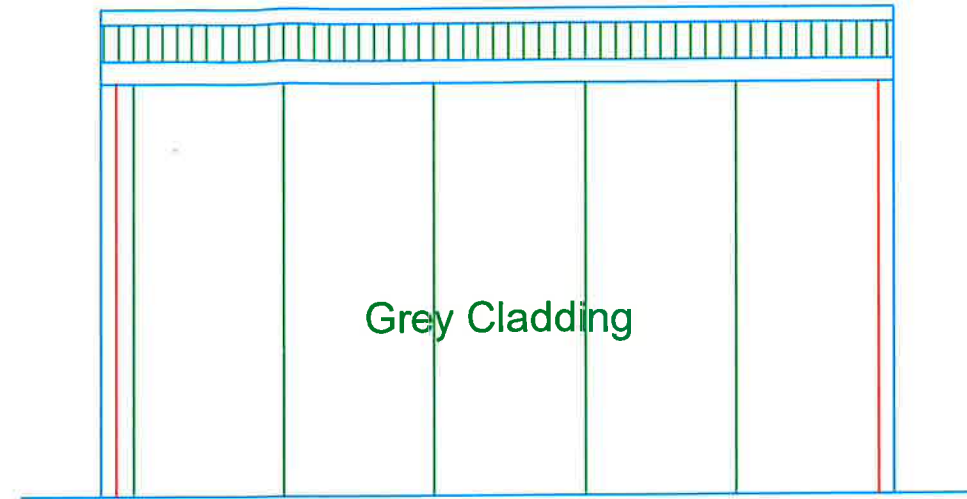
2 ALL MATERIALS AND WORKMANSHIP SHALL
FULLY COMPLY WITH ALL RELEVANT CURRENT
BRITISH STANDARD CODES OF PRACTICE

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24 JUN 2026
PLANNING SECTION
FILE NO. 55/26/100

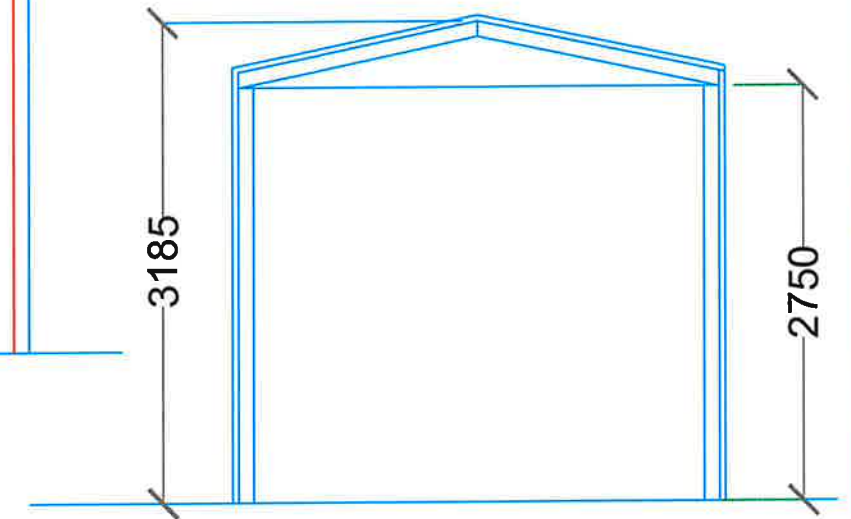
REV	DESCRIPTION	DATE
CLIENT Mark O'Donnell		
PROJECT MOD25		
TITLE Ground Floor Plan		
SCALE		DRG No
DATE 19.05.2026	PLOT FILE	A1-L



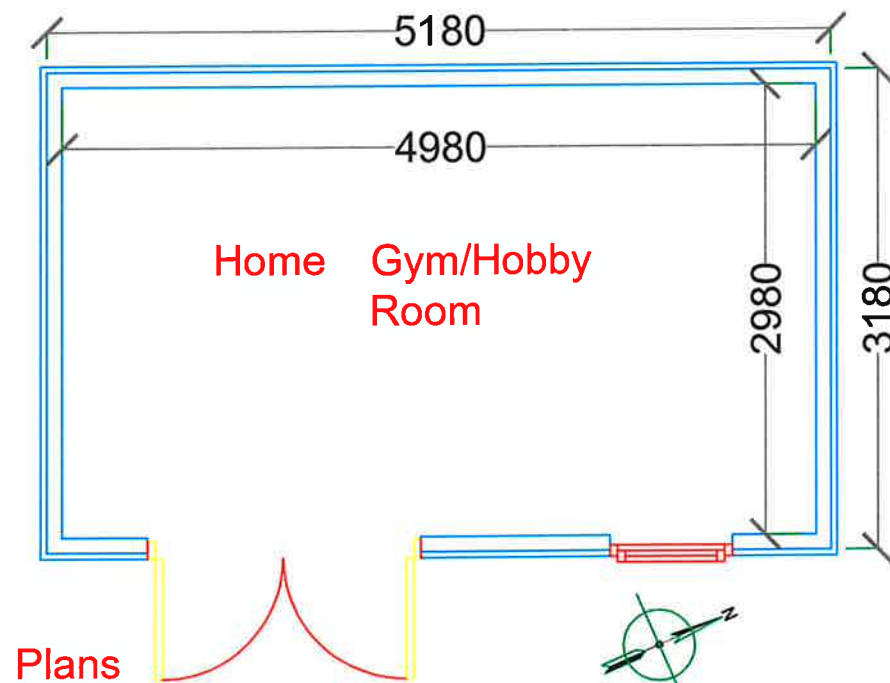
Front Elevation



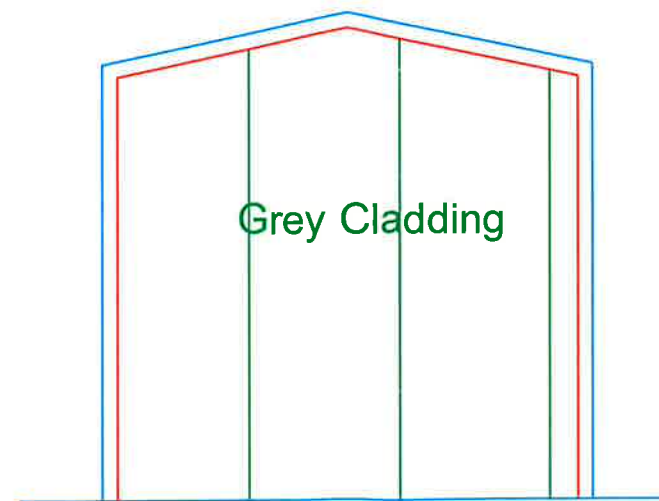
Rear Elevation



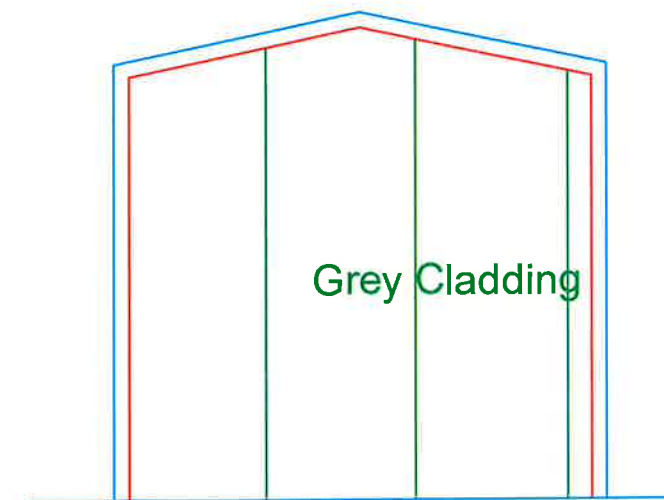
Section



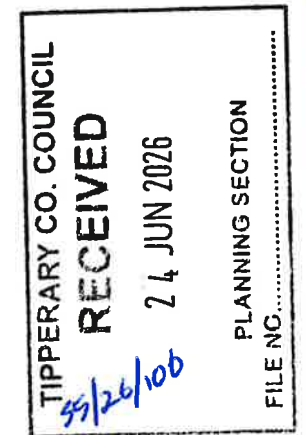
Plans



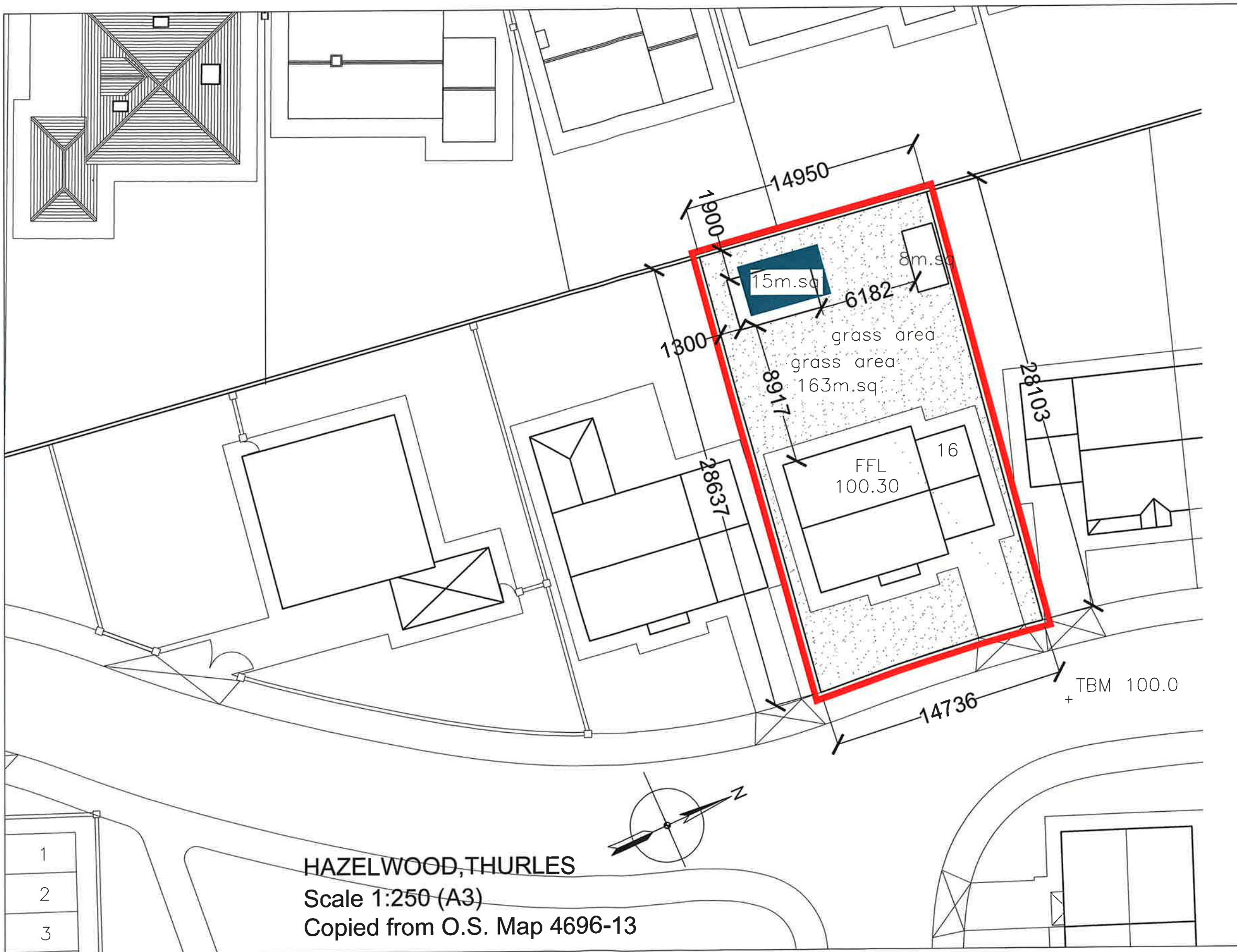
Side Elevation



Side Elevation

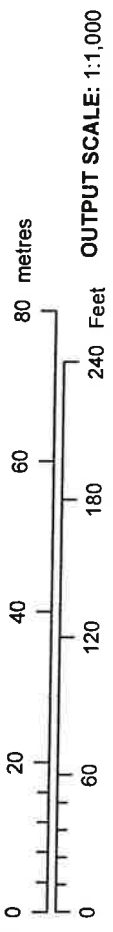


Scale 1/50



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FILE NO. 45/26/106

Land Registry Compliant Map



OUTPUT SCALE: 1:1,000

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CENTRE COORDINATES:
ITM 614069,658813

ORDER NO.: 50096428_3
PUBLISHED: 28/11/2019

MAP SERIES: 1:1,000
MAP SHEETS: 4696-09

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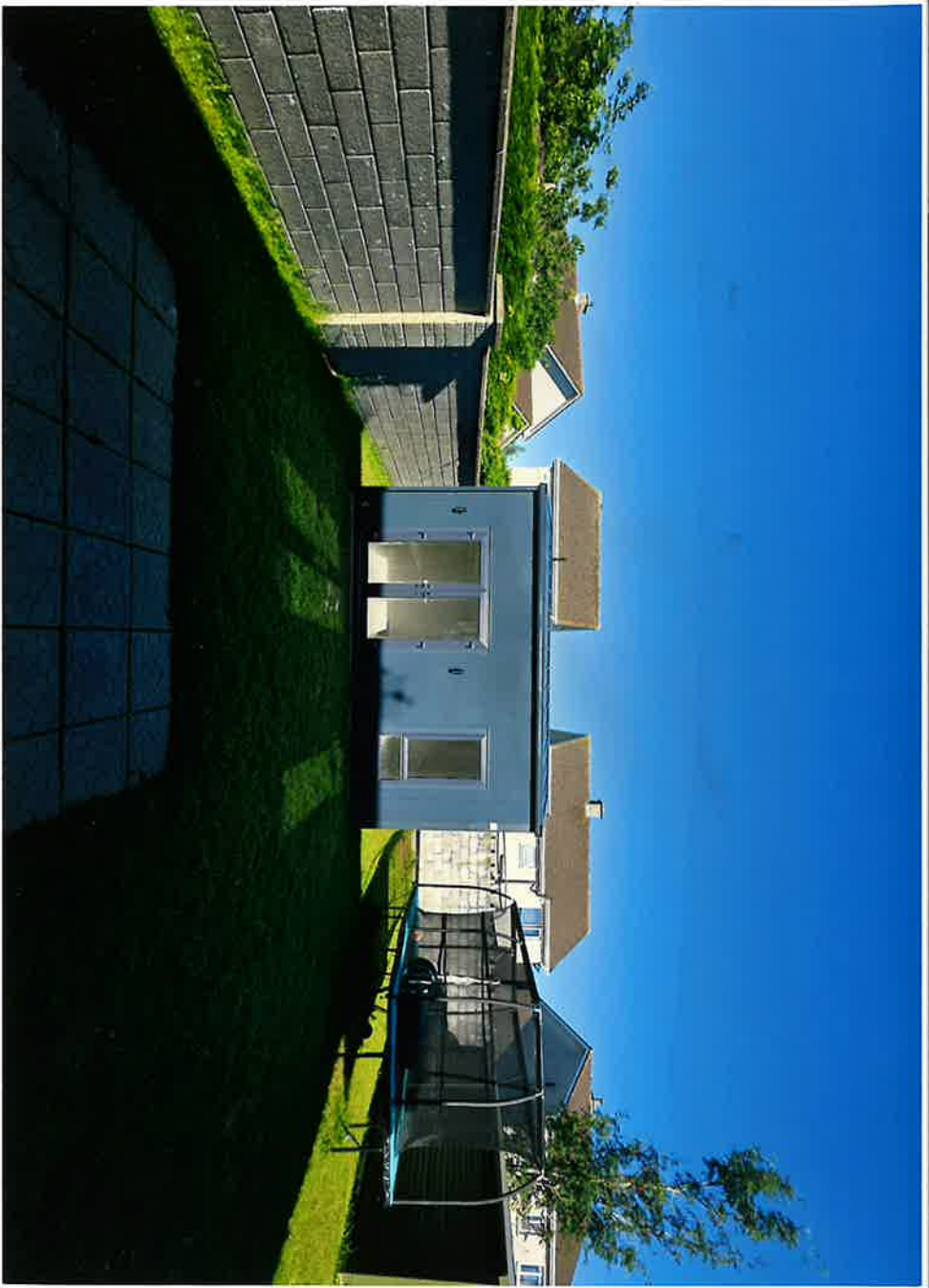
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24 JUN 2026

PLANNING SECTION
FILE NO.













Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 24th June 2026 Our Ref: S5/26/106 Civic Offices, Nenagh

Jean Engela
16 Hazelwood Grove
Thurles
Co Tipperary
E41 R2R8

Re: Application for a Section 5 Declaration – To request confirmation that this home gym/hobby room falls under exempted development as per section 2 part 1 of the planning regulation and development regulations 2001 as amended at 16 Hazelwood Grove, Thurles, Co Tipperary, E41 R2R8.

Dear Jean,

I acknowledge receipt of your application for a Section 5 Declaration received on 24th June 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.: S5/26/106
Applicant: Jean Engela
Development Address: 16 Hazelwood Grove, Thurles, Co. Tipperary.
Proposed Development: Home gym/Hobby room

1. GENERAL

On 24/6/2026 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

Home gym/Hobby room

The structure to which the application relates is within the domestic curtilage of 16 Hazelwood Grove, Thurles. The drawings included with the application show the structure to have a floor area of 15.81 sq m and height of 3.1 metres. The structure has a cladded finish. The structure is located to the rear of the dwelling and the site contains a separate detached outbuilding with an identified area of 8 sq m.

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 Act 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.

Article 6 of the **Planning and Development Regulations 2001**, as amended states:

Exempted Development.

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

Schedule 2, Part 1 'Exempted Development - General:

Class 3 of Schedule 2, part 1 of the Planning and Development Regulations 2001, as amended, sets out the following exemption:

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

The following conditions/limitations apply:

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

3. ASSESSMENT

a) Site Location

The subject site is located at 16 Hazelwood Grove, Thurles, Co. Tipperary.

b) Relevant Planning History

TUD-26-139. Complaint received regarding outbuilding.

c) Assessment

a) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" 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.

b) "Is or is not Exempted Development"

Having reviewed the conditions and limitations associated with Class 3 of Schedule 2, it is considered that the restrictions set out under condition 5 are relevant.

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*

The structure is to the rear of the dwelling

2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

The combined floor area of the subject structure taken together with the existing shed is less than 25sqm. Measurements taken on site show the structure to which this Declaration relates has a floor area of 16.64 sq m. the other shed on site has a floor area of 8.2 sq m. the other. The combined area is 24.84 sq m.

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

The available private open space exceeds 25sqm

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

N/a as structure to rear of house.

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres*

The roof of the subject structure is not tiled/slated and the structure exceeds 3m in height, therefore condition no. 5 has not been met.

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

The shed is to be used as a home gym/hobby room, and not for keeping of animals or for human habitation.

C) Restrictions under Article 9

It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply.

4. 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.

5. RECOMMENDATION

A question has arisen as to whether a *Home gym/Hobby room* at 16 Hazelwood Grove, Thurles is or is not exempted development.

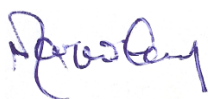
In considering this declaration, the Planning Authority had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended.
- (b) Class 3 of Schedule 2, Part 1, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 of the Planning & Development Regulations 2001, as amended
- (d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the proposals constitute *development* within the meaning of the Planning and Development Act 2000, as amended and is NOT exempted development.

Reason: The structure exceeds 3 metres in height and its roof is not tiled/slanted. The structure therefore does not comply with condition / limitation 5, attached to Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended.

Executive Planner:



Date: 17.07.2026

Senior Executive Planner:



Date: 17/7/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/26/106		
(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		
I 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 ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137	Lower River Suir SAC https://www.npws.ie/protected-sites/sac/002137	<10km	None	N
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 - 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			No potential for impacts	

• Access to site • Pests										
Operational phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents	No potential for impacts									
In-combination/Other	No potential for impacts									
(b)Describe any likely changes to the European site:										
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	No potential for impacts									
I 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:										
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td>☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td>☐</td> <td> ☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
	Tick as Appropriate:	Recommendation:								
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission								

(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signed: Marion Carey	Date:	17.07.2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'		
File Reference:	S5/25/106	
Development Summary:	See Planners report	
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ 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)		
☐ Yes, specify class _____ Further information is required.	EIA is mandatory No Screening required	
☐ 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)		
☐ No, the development is not a project listed in Schedule 5, Part 2	No Screening required	
☐ 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	
☐ Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?		
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required	
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	
Signed: Marion Carey	Date:	17.07.2026



Date: 20th July 2026

Our Ref: S5/26/106

Civic Offices, Nenagh

Jean Engela
16 Hazelwood Grove
Thurles
Co. Tipperary
E41 R2R8

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

Dear Ms Engela,

I refer to your application for a Section 5 Declaration received on 24th June 2026 in relation to the following proposed works:

Home gym/Hobby room at 16 Hazelwood Grove, Thurles, Co. Tipperary.

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

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

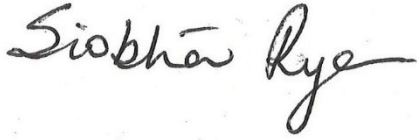
- a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended.
- b) Class 3 of Schedule 2, Part 1, Planning & Development Regulations 2001, as amended.
- c) Articles 6 of the Planning & Development Regulations 2001, as amended
- d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the proposals constitute *development* within the meaning of the Planning and Development Act 2000, as amended and is NOT exempted development.

Reason: The structure exceeds 3 metres in height and its roof is not tiled/slanted The structure therefore does not comply with condition / limitation 5, attached to Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended.

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/106** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Jonathan Flood, Senior Executive Planner, 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. 47880 dated 7th July 2026 hereby order

that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Jean Engela, 16 Hazelwood Grove, Thurles, Co. Tipperary for a Home gym/Hobby room is development and is not exempted development.

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended.
- b) Class 3 of Schedule 2, Part 1, Planning & Development Regulations 2001, as amended.
- c) Articles 6 of the Planning & Development Regulations 2001, as amended
- d) The details submitted with the application.

Having considered the information received, the Planning Authority has determined that the proposal constitutes *development* within the meaning of the Planning and Development Act 2000, as amended and is NOT exempted development.

Reason: The structure exceeds 3 metres in height, and its roof is not tiled/slatted. The structure therefore does not comply with condition/limitation 5 attached to Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended.

Signed:  _____
Jonathan Flood
Senior Executive Planner

Date: 20/07/2026