Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
15 JUN 2026
C S D
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	JAMIE AND LINDA McCORMACK
Address	17 CHURCH VIEW KILLENAULE
Telephone No.	[redacted]
E-mail	

2. Agent's (if any) address:

Agent	DEREK J WHITE
Address	NEW INN CASHEL, CO TIPPERARY
Telephone No.	[redacted]
E-mail	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [ ] Agent [X]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	MAIN STREET KILLENAULE CO TIPPERARY E41. T93

Receipt No 204 710
Issued 15 06 2026
€80-00 Cheque

TIPPERARY CO. COUNCIL
RECEIVED
15 JUN 2026
PLANNING SECTION
FILE NO.

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.

INTERNAL REFURBISHMENT OF EXISTING
DWELLING
VACANT 25 YEARS + BUT STRUCTURALLY
SOUND. NO ADDITIONAL FLOOR SPACE
CREATED AND NO ALTERATION TO THE
APPEARANCE OF THE DWELLING
Proposed floor area of proposed works/uses: sqm 136.09 m^2 1465 sq ft

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 X	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(s) [redacted] Date: 11 JUNE 2026

FOR JAMIE + LINDA McCORMACK

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.

Derek J White MCIAT
Design Consultant
New Inn, Cashel, Co. Tipperary
Tel: 052 7462201 Fax: 052 7462411

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No 204710

Date _____

Receipted by _____

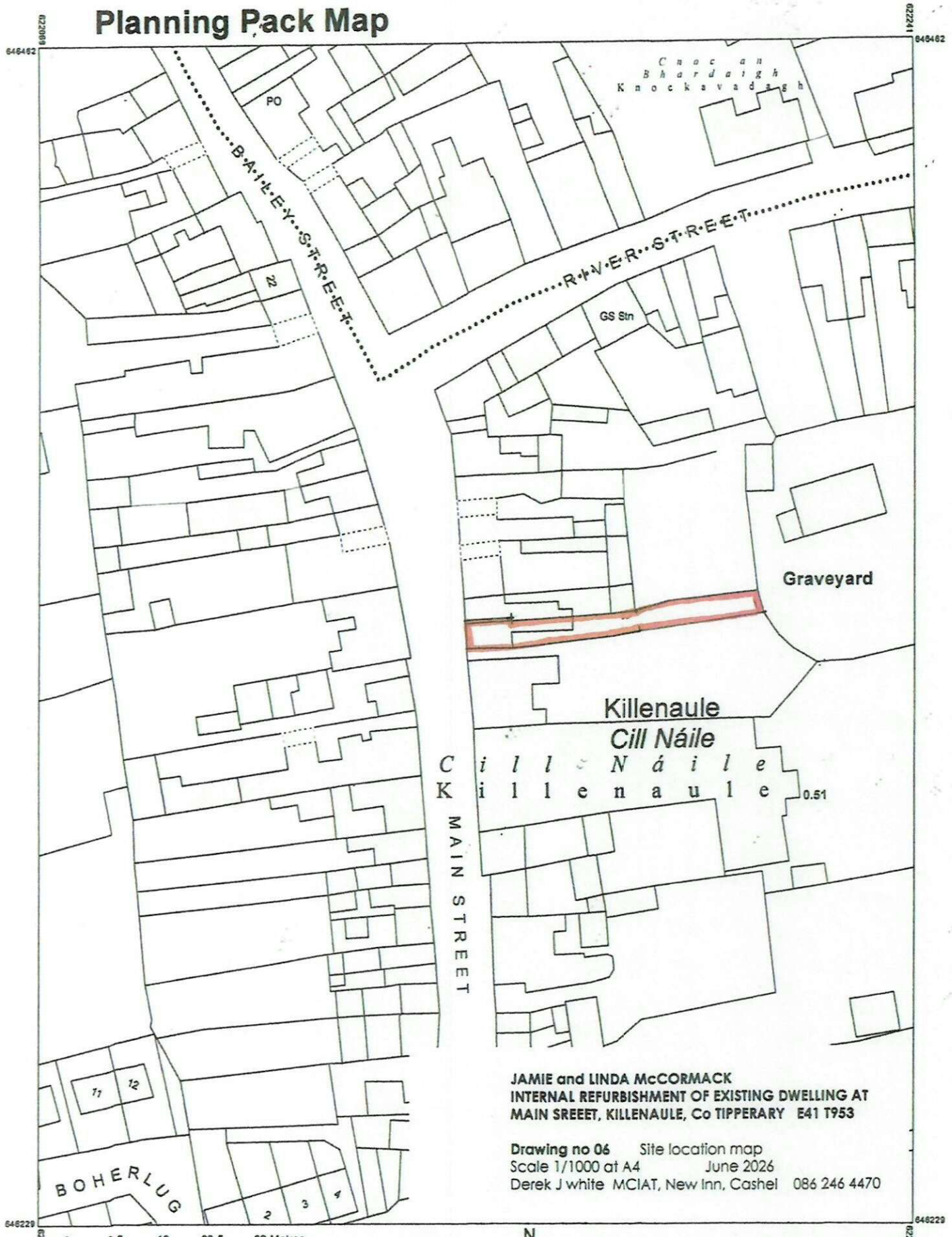








Planning Pack Map



0 9.5 19 28.5 38 Metres

0 10 20 30 40 50 Feet

JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953

Drawing no 06 Site location map
Scale 1/1000 at A4 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470

OUTPUT SCALE: 1:1,000

N

CENTRE COORDINATES:
ITM 622155,646346

PUBLISHED: 05/02/2026
ORDER NO.: 50516264_1
MAP SERIES: 1:2,500
MAP SHEETS: 4944-D

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'

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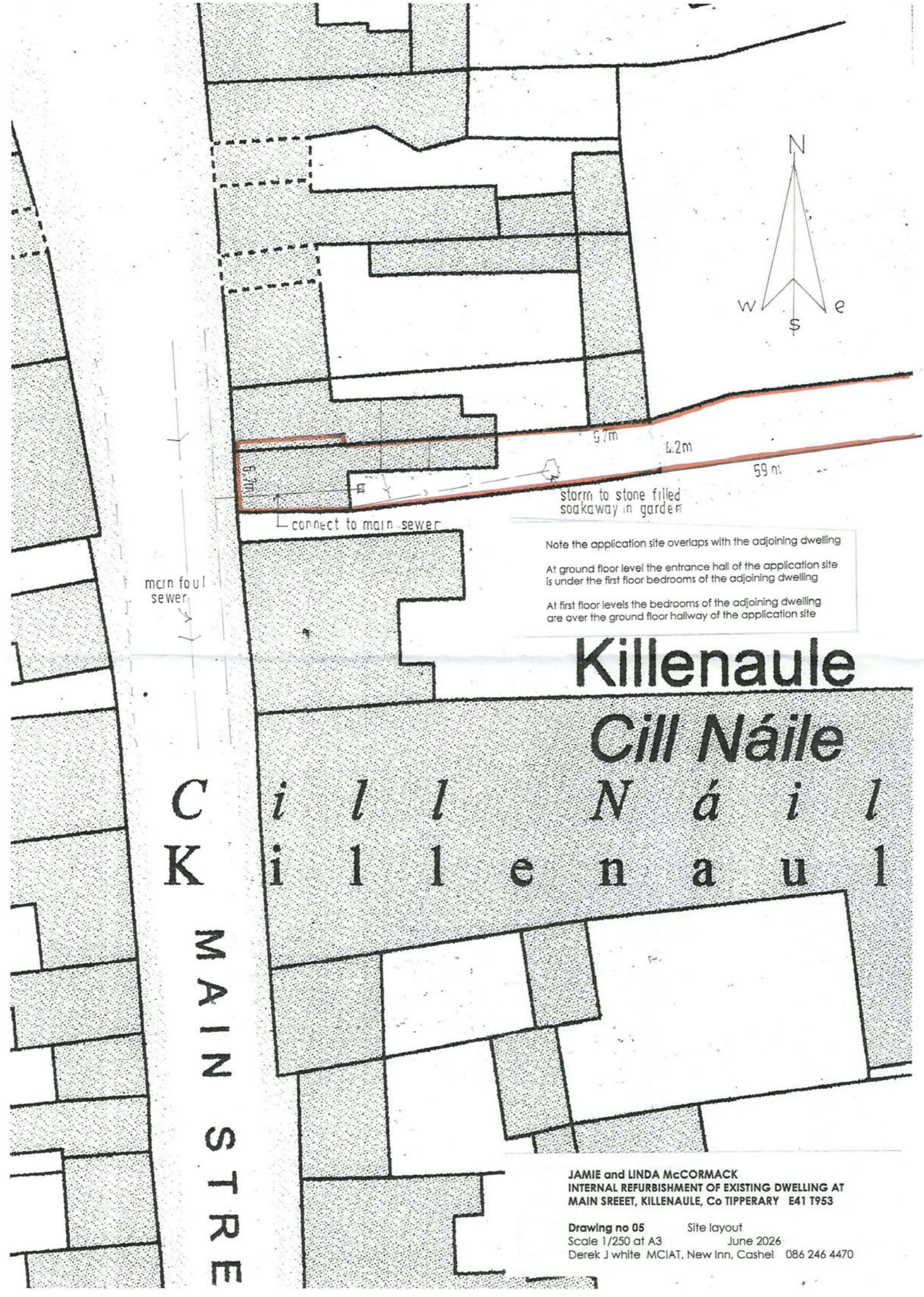
This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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

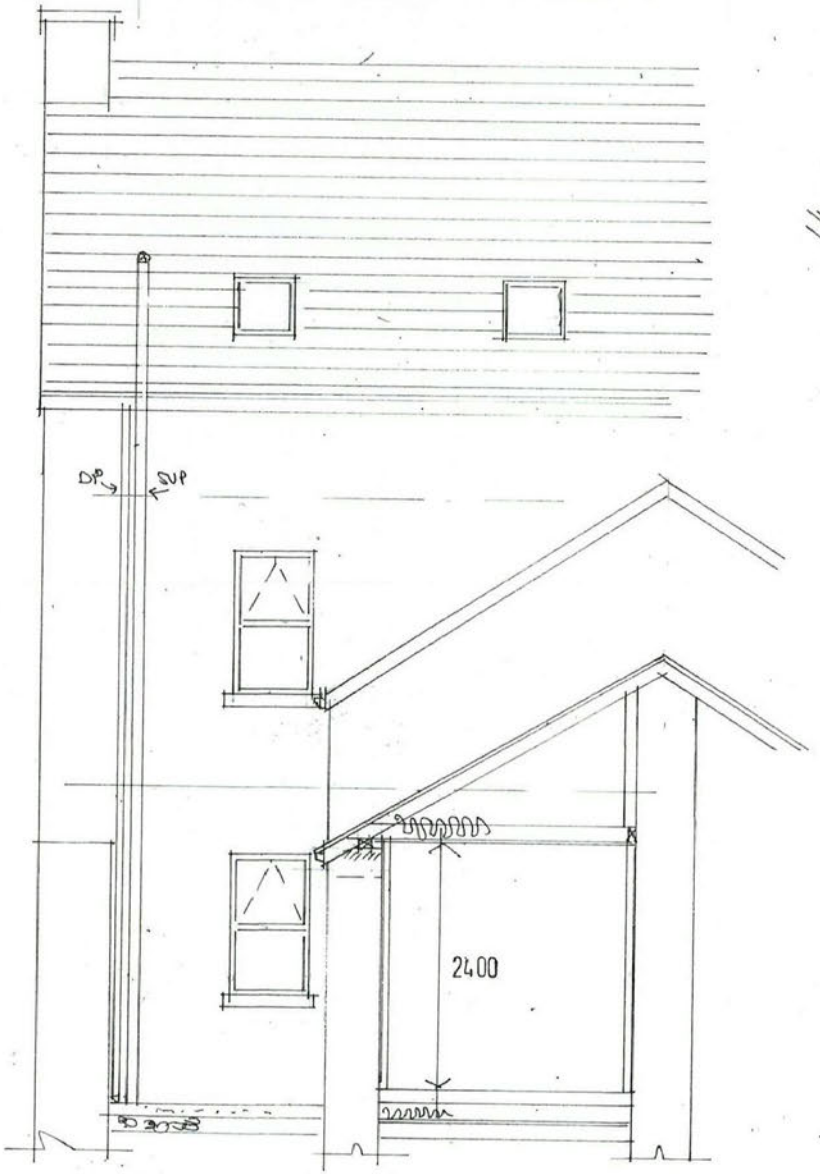
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Tailte Éireann


N
w
e
s
5.7m
4.2m
59 m
storm to stone filled soakaway in garden
connect to main sewer
main foul sewer
Note the application site overlaps with the adjoining dwelling
At ground floor level the entrance hall of the application site is under the first floor bedrooms of the adjoining dwelling
At first floor levels the bedrooms of the adjoining dwelling are over the ground floor hallway of the application site
Killenaule
Cill Náile
C i l l N á i l
K i l l e n a u l
MAIN STRE
JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT
MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953
Drawing no 05 Site layout
Scale 1/250 at A3 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470

New double glazed windows to kitchen and bathroom
New concrete heads and sills
Make good ex slated roof over home office section
Complete new roof to single storey return
Make good external render as necessary
New downpipe from main roof
New soil vent pipe to extend above roof window
Lay new concrete yard out to end of garden room

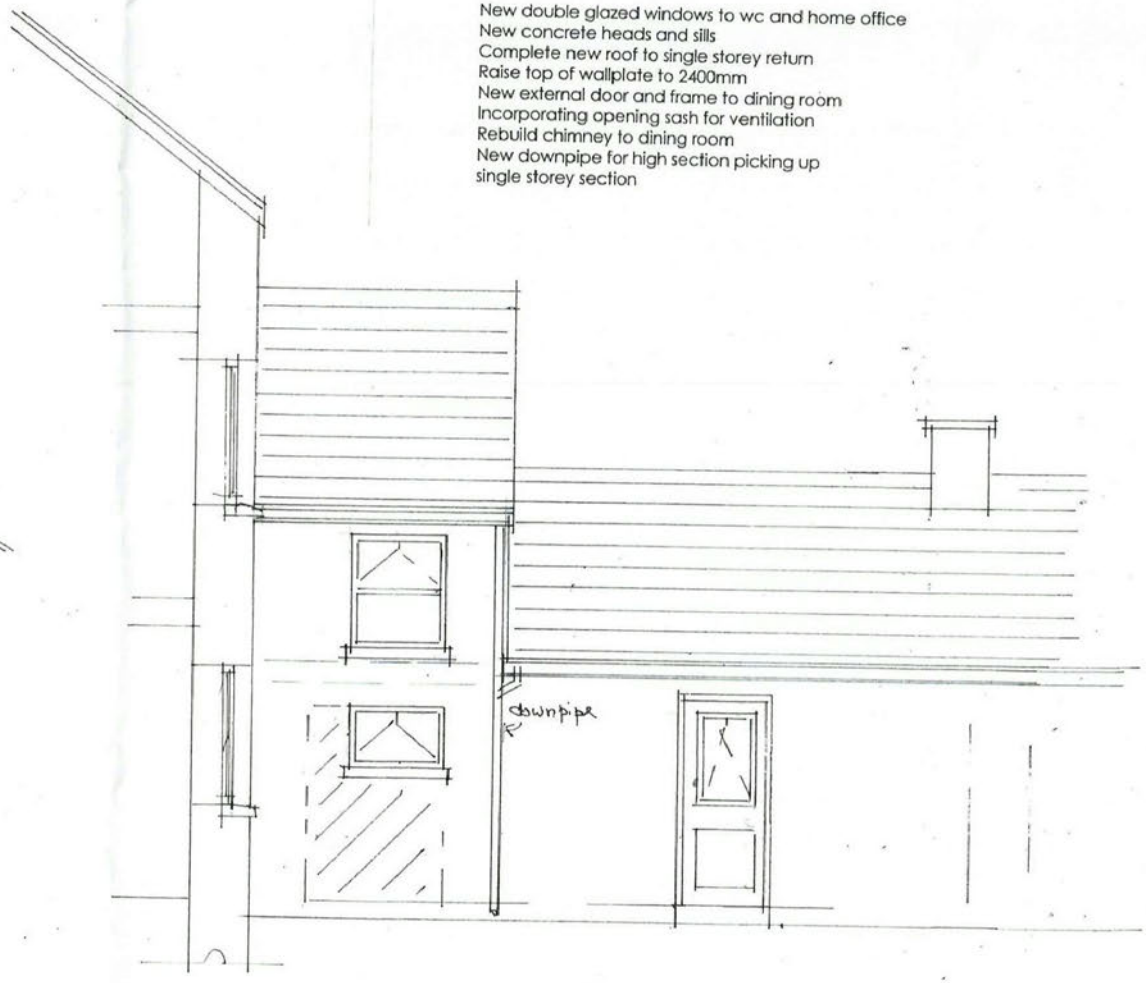


rear elevation

JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953

Drawing no 04 Rear and return elevations
Scale 1/50 at A3 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470

New double glazed windows to wc and home office
New concrete heads and sills
Complete new roof to single storey return
Raise top of wallplate to 2400mm
New external door and frame to dining room
Incorporating opening sash for ventilation
Rebuild chimney to dining room
New downpipe for high section picking up
single storey section



rear return elev

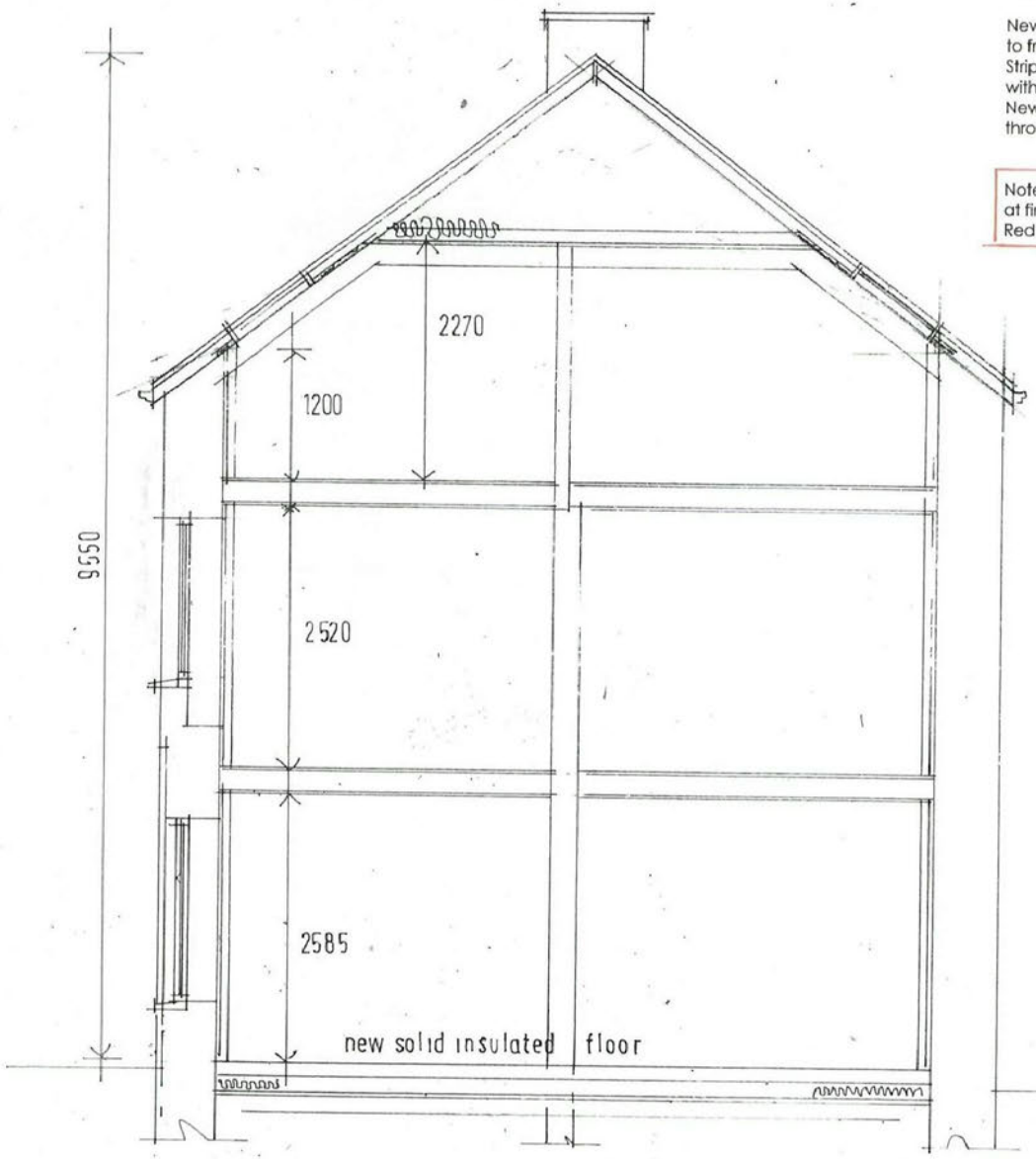
JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953

Drawing no 03 Section and front elevation
Scale 1/50 at A3 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470

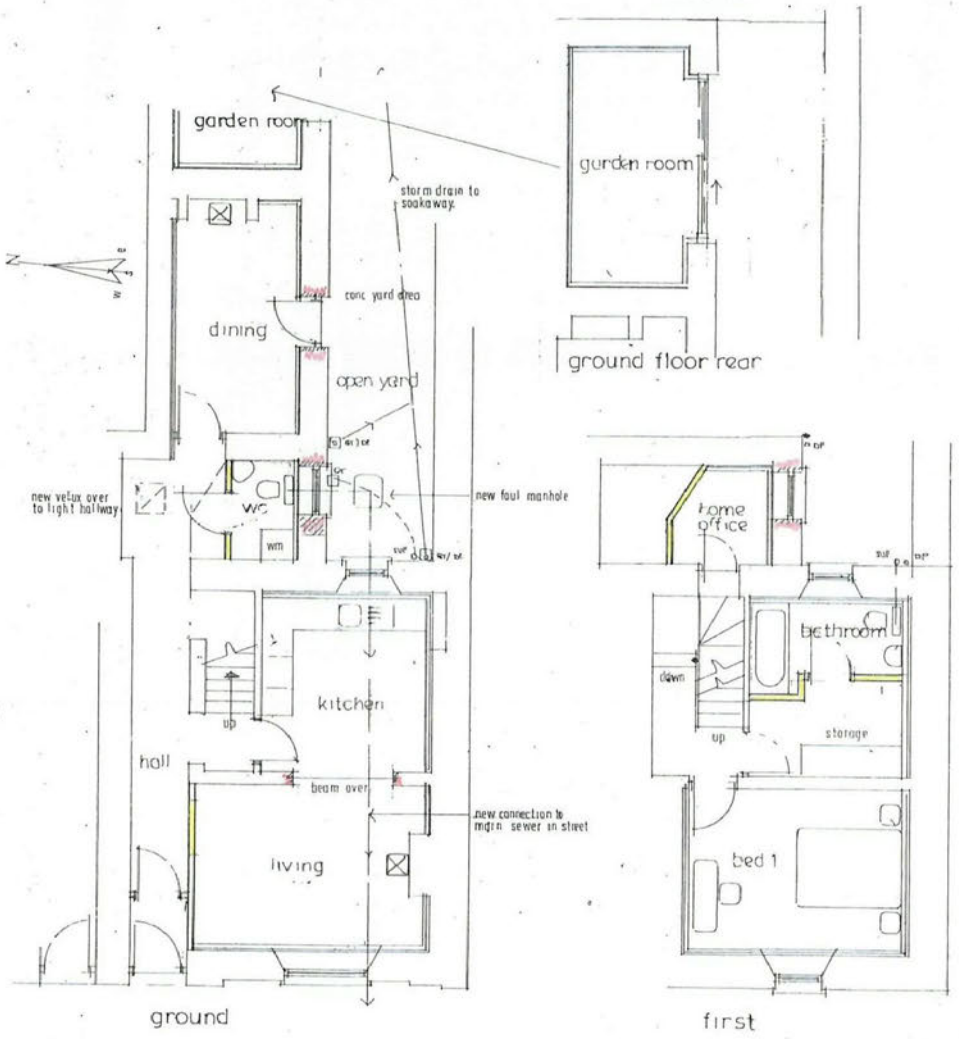
Insulate roof space and
Sloped sections of ceiling
Insulate all external walls
New plasterboard and skim
ceilings throughout
Make good ex timber floors to
first and second floors
Lay new concrete ground floor

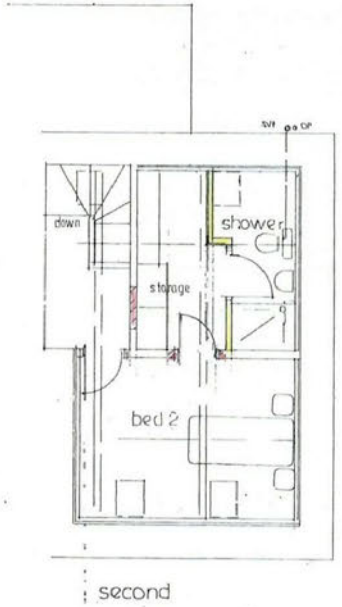
New triple glazed sliding sash windows
to front elevation inc heads and sills
Strip and replaster in lime mortar area
within arch recess
New internal doors and frames
throughout

Note adjoining property overlaps
at first floor level
Red line is application site boundary









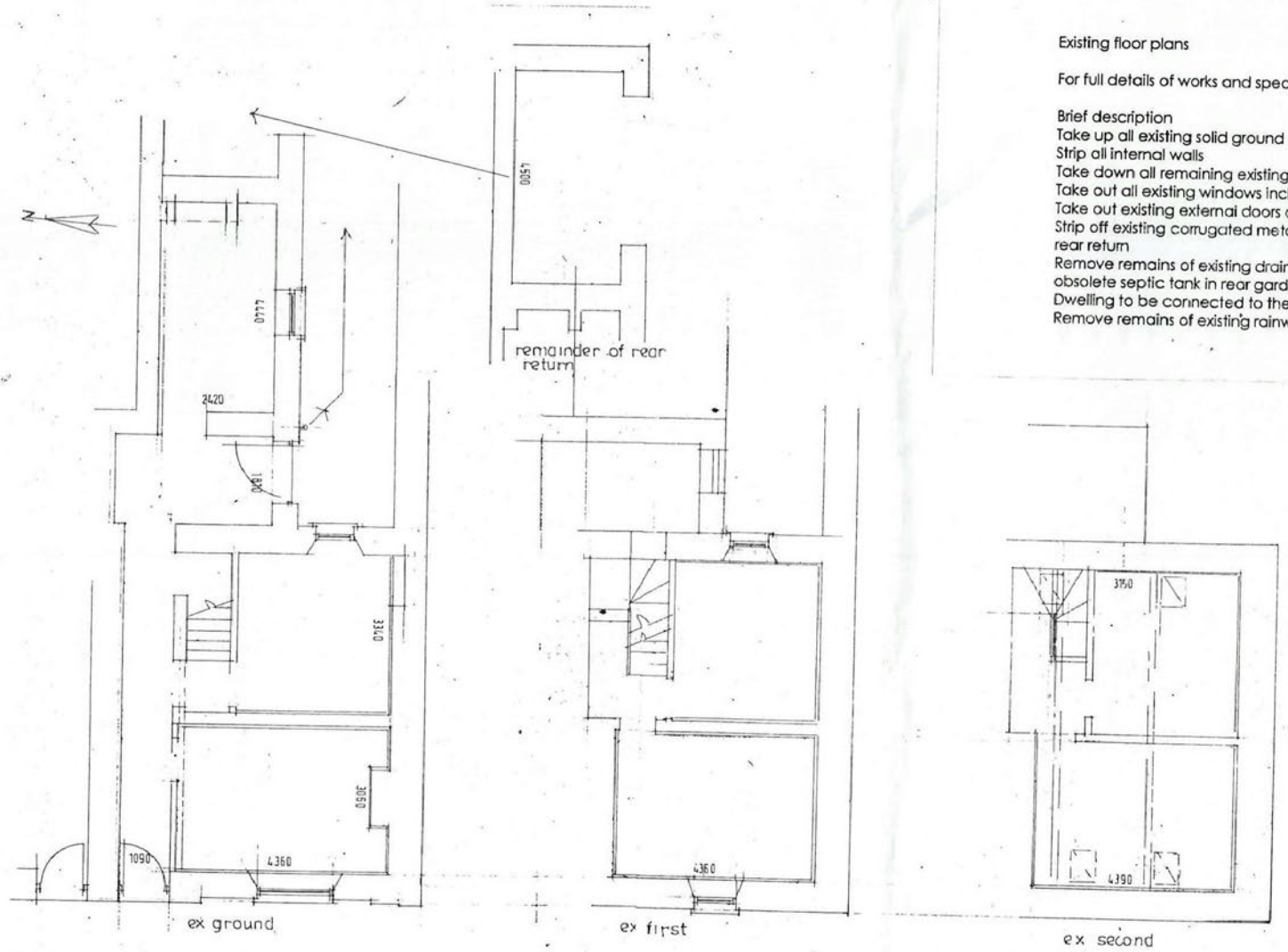
Proposed floor plans

For full details of works and specification see written construction notes

Brief description
Lay new solid ground floor incorporating under floor heating pipes
Upper floors heated by radiators
Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
Replace all ceilings
Build up new stud walls as shown coloured yellow on plan
Replace all windows and external doors
Fix all new internal doors and frames
Lay all new foul drainage with new connection passing thru dwelling to existing main sewer in street
Storm drainage to be separate and taken to stone filled soakaway in rear garden
Reroof single storey return section
Complete new heating, plumbing and electrical installations

JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953

Drawing no 02 Proposed floor plans
Scale 1/50 at A2 and 1/100 at A3 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470



Existing floor plans

For full details of works and specification see written construction notes

Brief description
Take up all existing solid ground floors
Strip all internal walls
Take down all remaining existing ceilings
Take out all existing windows including heads and sills
Take out existing external doors and frames inciuding heads
Strip off existing corrugated metal roofing and roof timbers to single storey rear return
Remove remains of existing drainage in yard area which flowed to obsolete septic tank in rear garden
Dwelling to be connected to the main sewer for the first time
Remove remains of existing rainwater goods and drainage pipes

JAMIE and LINDA McCORMACK
INTERNAL REFURBISHMENT OF EXISTING DWELLING AT MAIN SREEET, KILLENAULE, Co TIPPERARY E41 T953

Drawing no 01 Existing floor plans
Scale 1/50 at A2 and 1/100 at A3 June 2026
Derek J white MCIAT, New Inn, Cashel 086 246 4470

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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 5000/60
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 16th June 2026 Our Ref: S5/26/102 Civic Offices, Clonmel

Jamie and Linda McCormack,
C/O Derek J White,
New Inn,
Cashel,
Co. Tipperary.

Re: Application for a Section 5 Declaration – Internal refurbishment of existing dwelling at Main Street, Killenaule, Co Tipperary.

Dear Sir/Madam,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 15th 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,

T. Dawlins

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.: S5/26/102

Applicant: Jamie and Linda McCormack

Development Address: Main Street, Killenaule, Co Tipperary

Proposed Development: Internal refurbishment of existing dwelling.

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1. GENERAL

On the 15th of June 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":

- Internal refurbishment of existing dwelling.

The works are to be located at a dwelling on Main Street, Killenaule, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the **Planning and Development Act 2000**, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

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

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

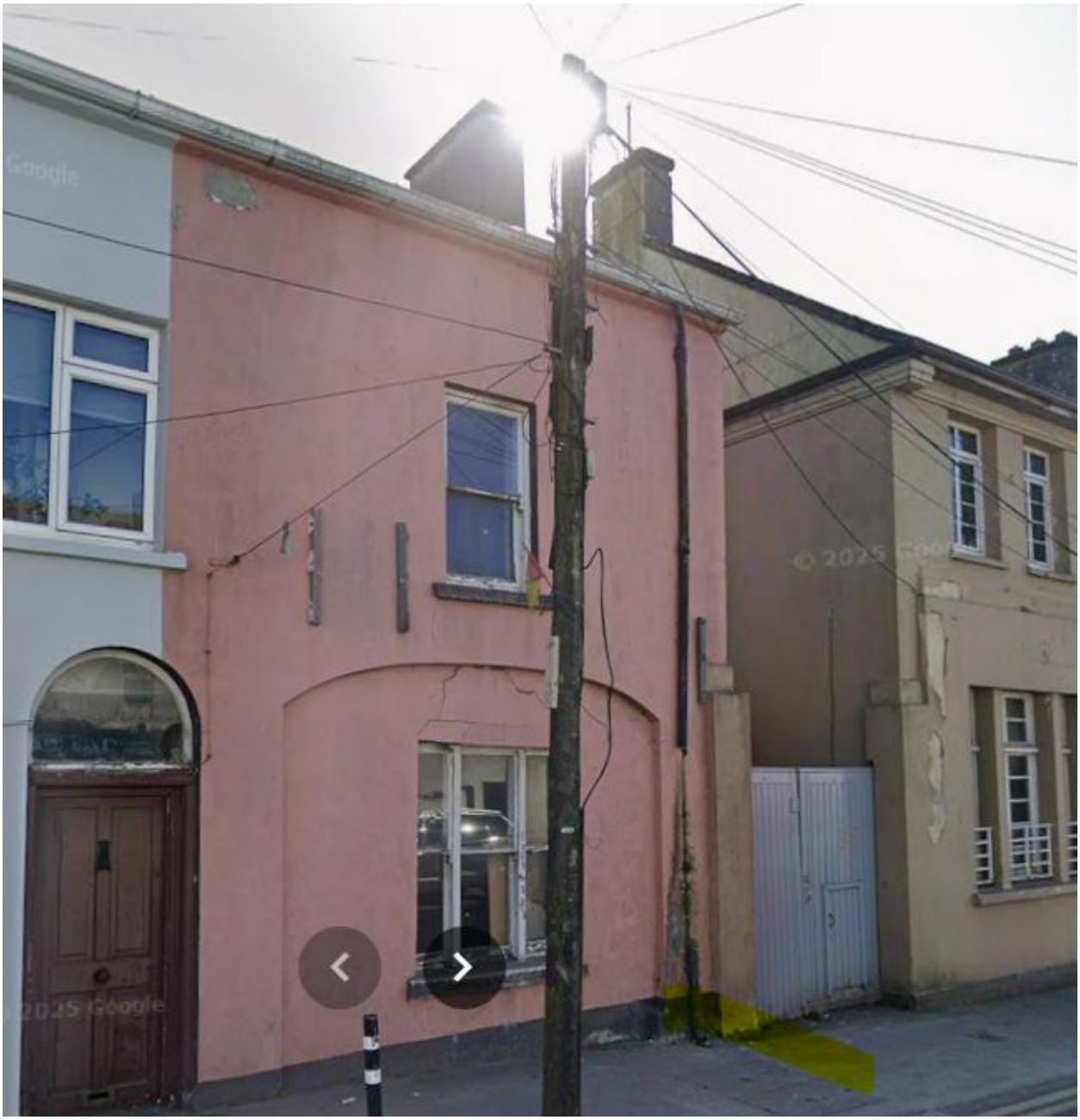
Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

3. ASSESSMENT

a. Site Location

The site comprises an end of terrace two storey unit on the main street in Killenaule. The site occupies a central location in the village and is on lands zoned for urban centre development.

Figure 1 Subject Site



b. Relevant Planning History

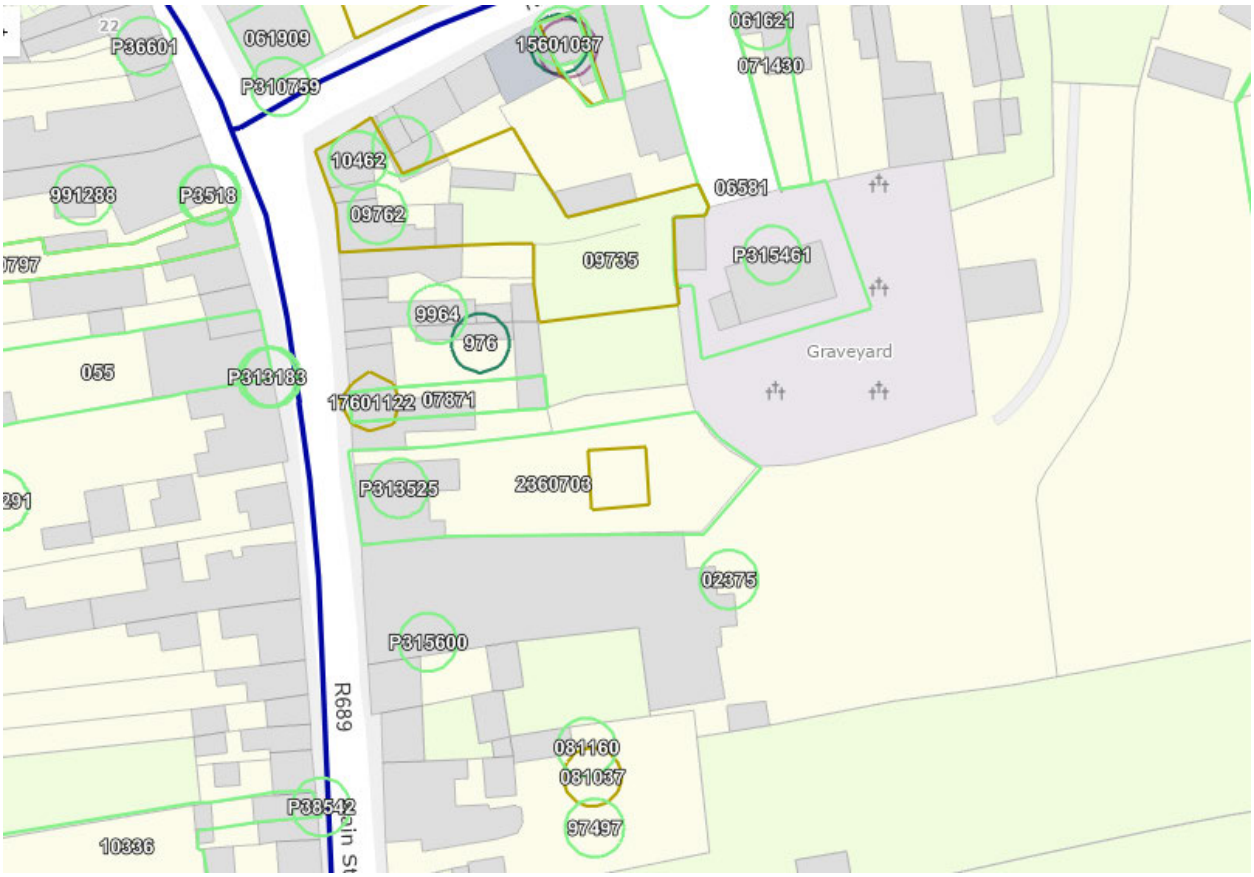
On site

None recorded

Adjacent

07/871	retention of change of use from residential to commercial, retention of signage on front elevation and associated work - granted
17/601162	Change of use from commercial back to residential use. – Granted
23/60703	(A) the change of use of part site area to commercial shop storage, new entrances in rear boundary stone wall and associated concrete hardstanding. (B) site clearance and removal of rubble from collapsed structure. Planning permission for (A) a new boundary fence and gates of steel and timber construction, domestic garage / store of steel frame and cladding and associated hard standing area and all necessary services. This is within the curtilage of a protected structure ref S537 - granted

Figure 2 Planning history



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.

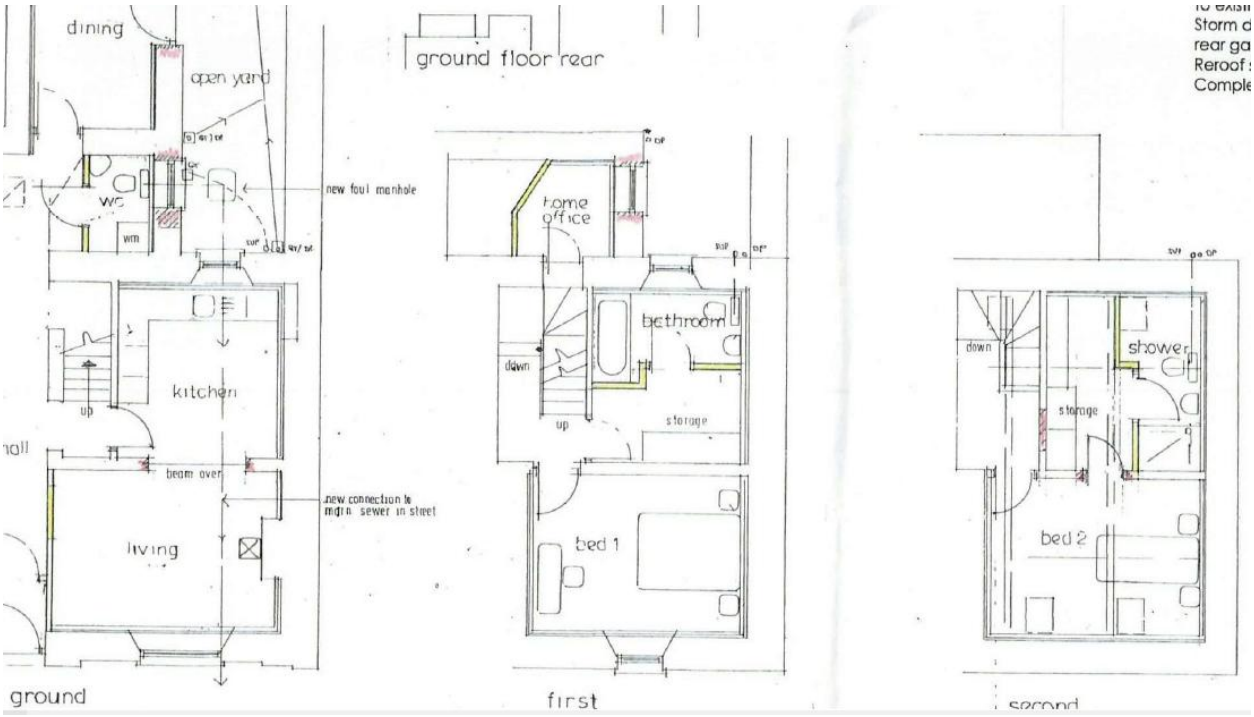
B) "Is or is not Exempted Development"

The applicant has indicated that the dwelling has been vacant for 25 years. A review of Google Streetview would suggest that the building never had a commercial use and was always in residential use. A review of the planning history also shows that the adjoining property to the north was also in residential use prior to changing to a commercial use and subsequently reverting back to residential use.

The works proposed comprise primarily of works to the inside of the existing dwelling on site and include the following;

- Lay new solid ground floor incorporating under floor heating pipes
- Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
- Replace all cellings
- Build up new stud walls as shown coloured yellow on plan
- Replace all windows and external doors
- Fix all new internal doors and frames
- Lay all new foul drainage with new connection passing thru dwelling to existing main sewer in street
- Storm drainage to be separate and taken to stone filled soakaway in rear garden
- Reroof single storey return section
- Complete new heating, plumbing and electrical installation

Figure 3 Plans



It is noted that the site is within a designated Architectural Conservation Area. The only modification to the front elevation is the replacement of windows.

The internal works are exempt under Section 4(1)(h) of the Planning and Development Act 2000, as amended as they constitute works for the maintenance and improvement of the structure which affect only the interior of the structure.

While it is indicated that sliding sash window are proposed on the front elevation, the applicant is required to clarify the material finish of the windows as the installation of uPVC windows could have a material impact on the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

C) Restrictions under Article 9
It is noted that Article 9(1)(xii) states;
(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Section 4(1)(h) is not limited by article 9 however the standard requirements of Section 4(1)(h) will ensure that the ACA is not negatively affected.

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)
The subject site is located c. 11.7 kms from the Lower River Suir SAC and within 10.3 Kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

The proposed development is located within a long established urban area and comprises of modifications to the dwelling. The property is connected to the mains waste water infrastructure.

Having regard to:
- the small scale nature of the development,
- the location of the site is a serviced urban centre,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC and
- the consequent absence of a direct pathway to these European sites,

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

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

4. RECOMMENDATION

A question has arisen as to whether the following is “development” and if so does it constitute “exempt development”:

- Internal refurbishment of existing dwelling

The works are to be located at a dwelling on the Main Street in Killenaule, Co. Tipperary.

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

(a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and
(b) The details submitted with the Declaration,

Having considered the information received, the Planning Authority further information is required to enable the Planning Authority to consider the Declaration.

The querist is to be advised as follows;

1. The subject site is located within a designated Architectural Conservation Area. The Planning Authority needs to be satisfied that the works proposed will not have a material impact on the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

   You are required to clarify the material finish of the replacement windows and doors on the front elevation as the installation of uPVC windows may have a material impact on the external appearance of the structure.

.

Signed: Paul Killeen Date: 02/07/26
District planner

Signed: C. Conway Date: 7.7.2026
Senior Executive Planner

APPENDIX 1

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/26/102
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Existing property in urban area.
(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[2] (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	c.11.7 kilometres	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
River Barrow And River Nore SAC 002162	https://www.npws.ie/protected-sites/sac/002.166	10.3 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No

STEP 3. Assessment of Likely Significant Effects

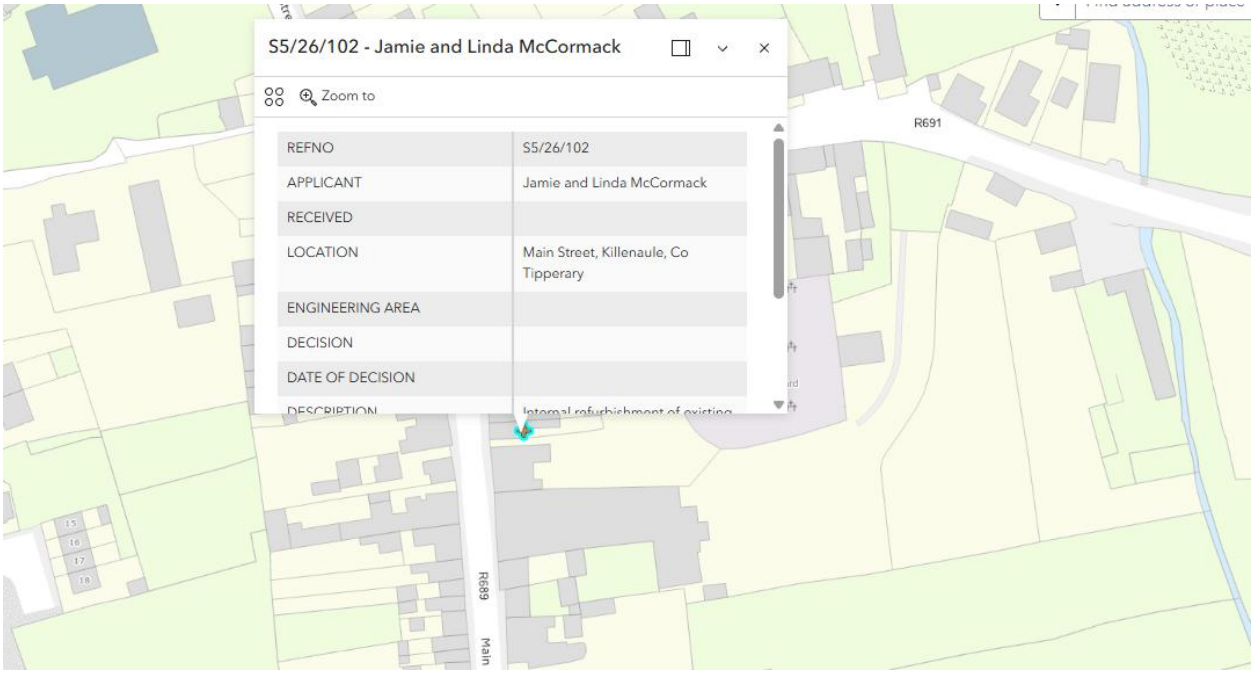
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	No potential for impacts
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
(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.	☒	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	
Signature and Date of Recommending Officer:	Paul Killeen	**Date:**	02/07/26

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/102
Development Summary:	Modification to existing dwelling
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 _____	**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 *sub-threshold*: _____	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**

Figure 4 Site entered on Planning register



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
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Comhairle Contae Thiobraid Árann, Oifigí Cathartha, An tAonach, Co. Thiobraid Árann
Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary
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t 0818 06 5000/6000
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Date: 7th July 2026 Our Ref: S5/26/102 Civic Offices, Nenagh

Jamie and Linda McCormack,
C/O Derek J White,
New Inn,
Cashel,
Co. Tipperary

Re: Application for a Section 5 Declaration – Internal refurbishment of existing dwelling at Main Street, Killenaule, Co Tipperary

Dear Sir/Madam,

I refer to an application received from you on 15th June 2026 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended that further information is requested under Section 5(2) of the Act as follows:

The subject site is located within a designated Architectural Conservation Area. The Planning Authority needs to be satisfied that the works proposed will not have a material impact on the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

You are required to clarify the material finish of the replacement windows and doors on the front elevation as the installation of uPVC windows may have a material impact on the external appearance of the structure.

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

Yours sincerely

Siobhán Ryan

for **Director of Services**

Tipperary County Council
Planning Section by email
Received: 16/07/2026
File ref: S5/26/102

DEREK J WHITE
design consultant

New Inn, Cashel, Co. Tipperary. Tel: 052 7462201 email: derekjwhite@eircom.net

15 July 2026

Planning Office
Nenagh

Ref S5/26/102

I refer to your request for further information in respect of the above application
I did try to contact you office by phone without success

Attached photographs of the application site which is painted pink

The adjoining houses and the majority of the houses in the street have white upvc windows with top or side hung opening sashes and white upvc entrance doors

In this application I had specified a 6 panel hardwood entrance door, frame and fanlight and neutral coloured upvc sliding sash windows to the front elevation

To the rear neutral coloured upvc with top hung opening sashes

I would be grateful to know if this is acceptable to your office

Regards

[redacted]

Chartered Institute of
Architectural Technologists

Comhairle Contae Thiobraid Árann
Tipperary County Council

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Siobhán Ryan

for **Director of Services**





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Date: 17th July 2026 Our Ref: S5/25/102 Civic Offices, Clonmel

Jamie & Linda McCormack,
C/O Derek J White,
New Inn,
Cashel,
Co. Tipperary.

Re: Application for a Section 5 Declaration – Internal refurbishment of existing dwelling at Main Street, Killenaule, Co Tipperary.

Dear Mr. White,

I acknowledge receipt of Further Information received on 16th July 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.: S5/26/102

Applicant: Jamie and Linda McCormack

Development Address: Main Street, Killenaule, Co Tipperary

Proposed Development: Internal refurbishment of existing dwelling.

---

1. GENERAL

On the 15th of June 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":

- Internal refurbishment of existing dwelling.

The works are to be located at a dwelling on Main Street, Killenaule, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the **Planning and Development Act 2000**, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

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

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

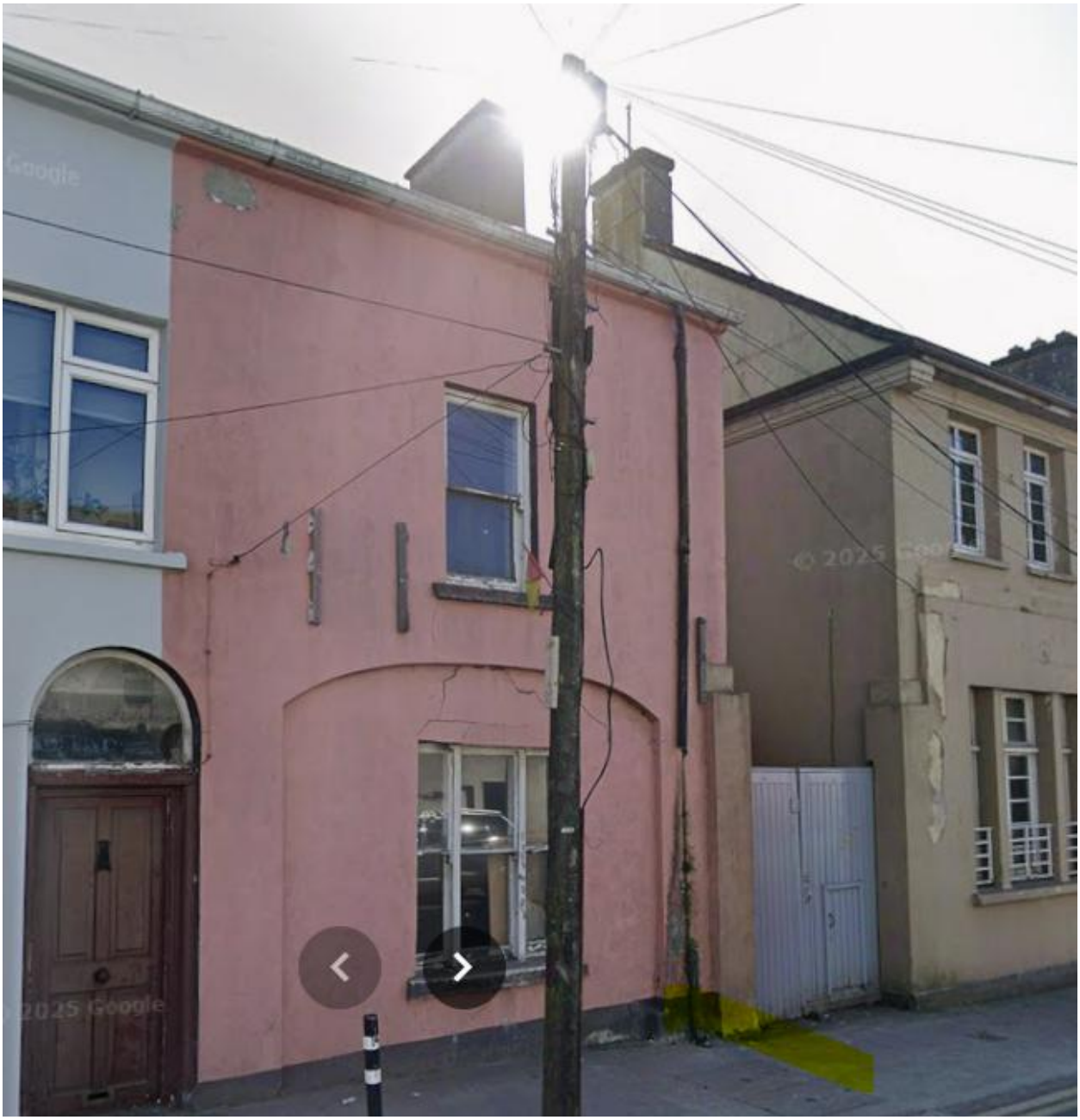
Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

3. ASSESSMENT

a. Site Location

The site comprises an end of terrace two storey unit on the main street in Killenaule. The site occupies a central location in the village and is on lands zoned for urban centre development.

Figure 1 Subject Site



b. Relevant Planning History

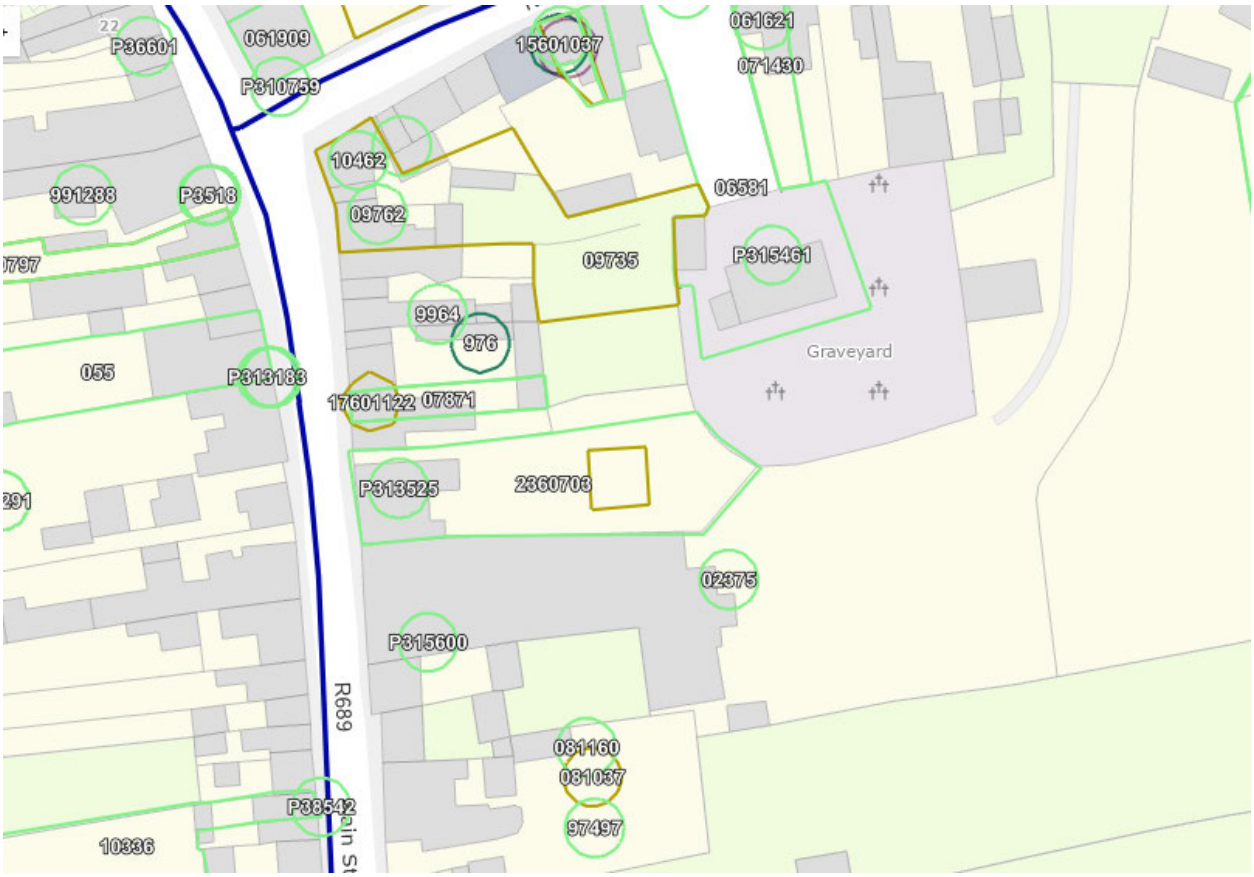
On site

None recorded

Adjacent

07/871	retention of change of use from residential to commercial, retention of signage on front elevation and associated work - granted
17/601162	Change of use from commercial back to residential use. – Granted
23/60703	(A) the change of use of part site area to commercial shop storage, new entrances in rear boundary stone wall and associated concrete hardstanding. (B) site clearance and removal of rubble from collapsed structure. Planning permission for (A) a new boundary fence and gates of steel and timber construction, domestic garage / store of steel frame and cladding and associated hard standing area and all necessary services. This is within the curtilage of a protected structure ref S537 - granted

Figure 2 Planning history



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.

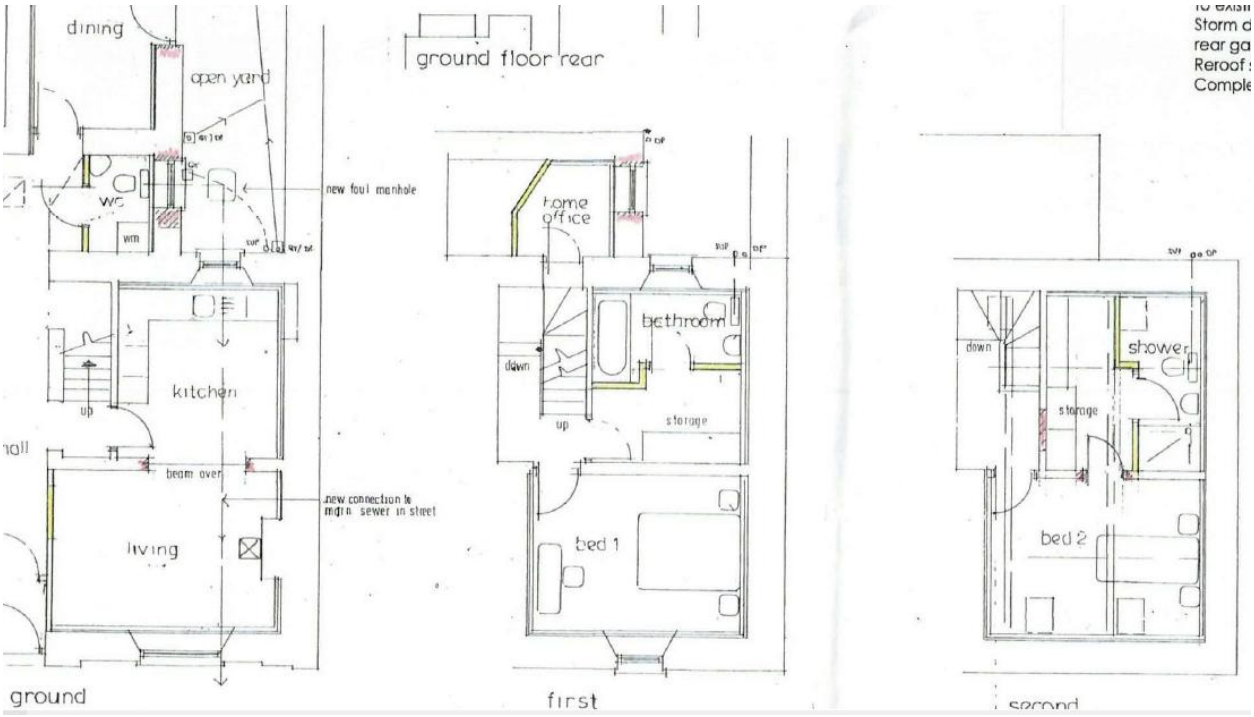
B) "Is or is not Exempted Development"

The applicant has indicated that the dwelling has been vacant for 25 years. A review of Google Streetview would suggest that the building never had a commercial use and was always in residential use. A review of the planning history also shows that the adjoining property to the north was also in residential use prior to changing to a commercial use and subsequently reverting back to residential use.

The works proposed comprise primarily of works to the inside of the existing dwelling on site and include the following;

- Lay new solid ground floor incorporating under floor heating pipes
- Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
- Replace all cellings
- Build up new stud walls as shown coloured yellow on plan
- Replace all windows and external doors
- Fix all new internal doors and frames
- Lay all new foul drainage with new connection passing thru dwelling to existing main sewer in street
- Storm drainage to be separate and taken to stone filled soakaway in rear garden
- Reroof single storey return section
- Complete new heating, plumbing and electrical installation

Figure 3 Plans



It is noted that the site is within a designated Architectural Conservation Area. The only modification to the front elevation is the replacement of windows.

The internal works are exempt under Section 4(1)(h) of the Planning and Development Act 2000, as amended as they constitute works for the maintenance and improvement of the structure which affect only the interior of the structure.

While it is indicated that sliding sash window are proposed on the front elevation, the applicant is required to clarify the material finish of the windows as the installation of uPVC windows could have a material impact on the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

C) Restrictions under Article 9
It is noted that Article 9(1)(xii) states;
(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Section 4(1)(h) is not limited by article 9 however the standard requirements of Section 4(1)(h) will ensure that the ACA is not negatively affected.

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)
The subject site is located c. 11.7 kms from the Lower River Suir SAC and within 10.3 Kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

The proposed development is located within a long established urban area and comprises of modifications to the dwelling. The property is connected to the mains waste water infrastructure.

Having regard to:
- the small scale nature of the development,
- the location of the site is a serviced urban centre,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC and
- the consequent absence of a direct pathway to these European sites,

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

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

4. FURTHER INFORMATION

The following further information was requested on the 7th of July 2026;

1. The subject site is located within a designated Architectural Conservation Area. The Planning Authority needs to be satisfied that the works proposed will not have a material impact on the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

You are required to clarify the material finish of the replacement windows and doors on the front elevation as the installation of uPVC windows may have a material impact on the external appearance of the structure.

The applicant replied on the 16th of July 2026.

Appraisal
The applicant has noted that adjoining houses and the majority of houses in the street have white upvc windows. The applicant has indicated that the windows will be finished in a neutral coloured upvc sliding sash window.

The comments from the applicant are noted. There is no record of planning consent for replacement uPVC windows in the Killenaule Architectural Conservation Area.

The Planning Authority is of the opinion that in the absence of complete details on the finish of the proposed windows, the impact on the character of the structure and the wider Architectural conservation Area cannot be determined. As such, the works proposed are limited by the restriction set out under Article 9(1)(xii)

5. RECOMMENDATION

A question has arisen as to whether the following is "development" and if so does it constitute "exempt development":

- Internal refurbishment of existing dwelling.

The submitted drawings include for the following works;

- Lay new solid ground floor incorporating under floor heating pipes
- Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
- Replace all cellings
- Build up new stud walls as shown coloured yellow on plan
- Replace external doors
- Fix all new internal doors and frames
- Lay all new foul drainage with new connection passing thru dwelling to existing main sewer in street
- Storm drainage to be separate and taken to stone filled soakaway in rear garden
- Reroof single storey return section
- Complete new heating, plumbing and electrical installation
- The replacement of the existing timber windows with neutral coloured UPVC windows

The works are to be located at a dwelling on the Main Street in Killenaule, Co. Tipperary.

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

(a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and
(b) The details submitted with the Declaration,

Having considered the details submitted with the Declaration and the further information received, the Planning Authority has determined that the works consisting of;

- Lay new solid ground floor incorporating under floor heating pipes
- Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
- Replace all cellings
- Build up new stud walls as shown coloured yellow on plan
- Replace external doors
- Fix all new internal doors and frames
- Lay all new foul drainage with new connection passing thru dwelling to existing main sewer in street
- Storm drainage to be separate and taken to stone filled soakaway in rear garden
- Reroof single storey return section
- Complete new heating, plumbing and electrical installation

Are development and **are exempted development** as same avail of the exemption set out under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

And the Planning Authority has determined that;

- The replacement of the existing timber windows with neutral coloured UPVC windows

Is development and **is not exempted development** as the dwelling is located within a designated Architectural Conservation Area (ACA). It is considered that the replacement of the existing timber windows with neutral coloured UPVC windows would have a material impact on the character of the Architectural Conservation Area. As such, the works would be inconsistent with the character of neighbouring structures within the ACA and do not benefit from the exemption afforded under S4(1)(h) of Planning and Development Act as amended.

Signed: Paul Killeen Date: 30/07/26

District planner

Signed: C. Conway Date: 31.7.2026

Senior Executive Planner

APPENDIX 1

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/26/102
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Existing property in urban area.
(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[2] (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	c.11.7 kilometres	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
River Barrow And River Nore SAC 002162	https://www.npws.ie/protected-sites/sac/002.166	10.3 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No

STEP 3. Assessment of Likely Significant Effects

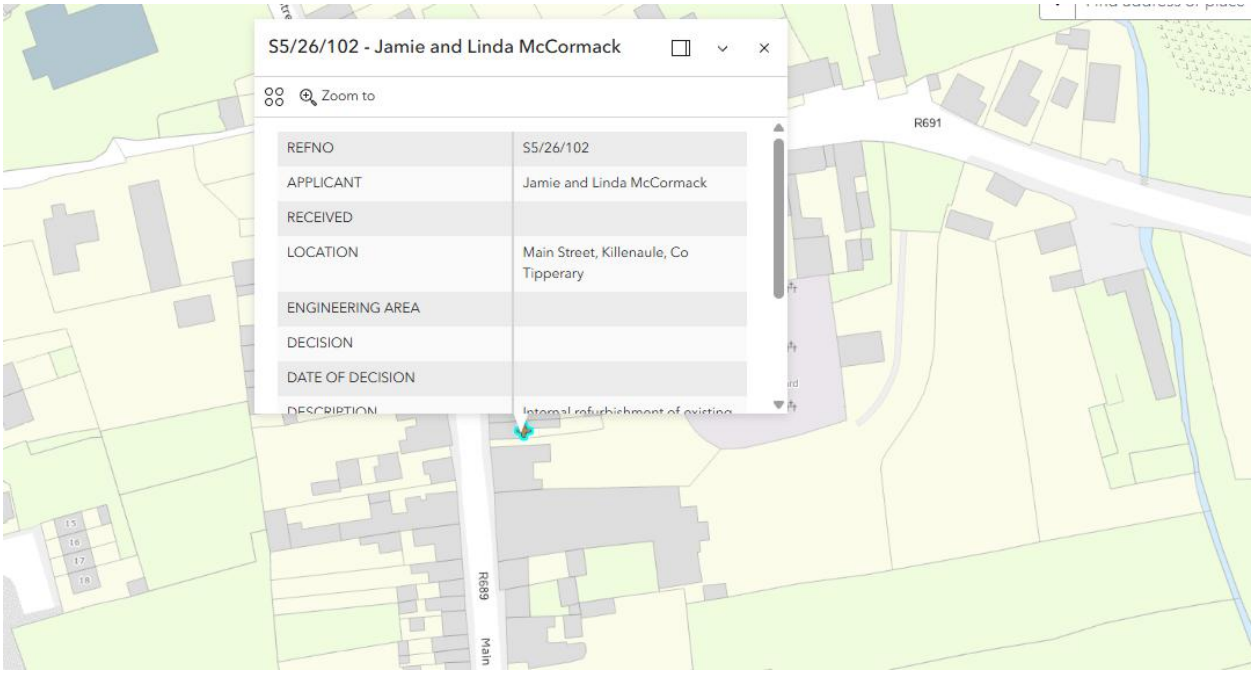
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	No potential for impacts
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
(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.	☒	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	
Signature and Date of Recommending Officer:	Paul Killeen	**Date:**	02/07/26

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/102
Development Summary:	Modification to existing dwelling
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 _____	**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 *sub-threshold*: _____	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**

Figure 4 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/102** **Delegated Employee's Order No: _____**

SUBJECT: Section 5 Declaration

I, Caroline Conway, 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. 47881 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 Jamie & Linda McCormack, C/O Derek J White, New Inn, Cashel, Co. Tipperary, and relating to the internal refurbishment of an existing dwelling at Main Street, Killenaule, Co. Tipperary is development and is/is not exempted development.

AND WHEREAS 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) and
b) The details submitted with the Declaration,

Having considered the details submitted with the Declaration and the further information received, the Planning Authority has determined that the works consisting of;

- Lay new solid ground floor incorporating under floor heating pipes
- Fix insulated plasterboard to inside face of all external walls on existing or new timber battens with skim finish
- Replace all cellings
- Build up new stud walls as shown coloured yellow on plan
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Are development and **are exempted development** as same avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

And;

The Planning Authority has determined that;

- The replacement of the existing timber windows with neutral coloured UPVC windows

Is development and **is not exempted development** as the dwelling is located within a designated Architectural Conservation Area (ACA). It is considered that the replacement of the existing timber windows with neutral coloured UPVC windows would have a material impact on the character of the Architectural Conservation Area. As such, the works would be inconsistent with the character of neighbouring structures within the ACA and do not benefit from the exemption afforded under S4(1)(h) of Planning and Development Act as amended.



Signed: **Date: 31/7/2026**

Caroline Conway
Senior Executive Planner

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
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e customerservice@tipperarycoco.ie
tipperarycoco.ie

Date: 31st July 2026 Our Ref: S5/26/102 Civic Offices, Nenagh

Jamie & Linda McCormack
C/O Derek J White
New Inn
Cashel
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 15th June 2026, and Further Information received on 16th July 2026 in relation to the following proposed works:

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

Yours sincerely



for **Director of Services**