



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

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

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

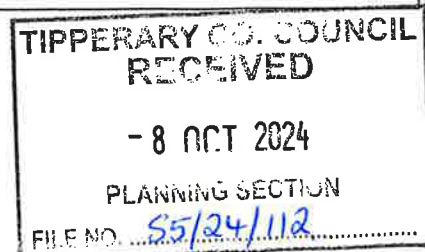
<i>Applicant</i>	RAY MOLONEY
<i>Address</i>	4 GLENCARRICK, ROSCREA, CO. TIPPERARY
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	

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

<i>Agent</i>	NEIL O CONNOR
<i>Address</i>	CORVILLE, ROSCREA, CO. TIPPERARY
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	4 GLENCARRICK, ROSCREA, CO. TIPPERARY
--	---------------------------------------



**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.)

NEW DOMESTIC SHED TO REAR OF EXISTING DWELLING	
Proposed floor area of proposed works/uses:	sqm 15.6

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

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

Signature of Applicant(s) Ray Muloney Date: 2/10/24

**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:**

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

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. €** 80.00  
**Receipt No** NENAM 1/0/123470  
**Date** 8/10/2024  
**Received by** Mauka Lillis

# Planning Pack Map



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 614321,688101

**PUBLISHED:**  
22/06/2021

**ORDER NO.:**  
50201988\_1

**MAP SERIES:**  
1:2,500

**MAP SHEETS:**  
4109-D

**COMPILED AND PUBLISHED BY:**  
Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

Unauthorised reproduction  
infringes Ordnance Survey Ireland  
and Government of Ireland  
copyright.

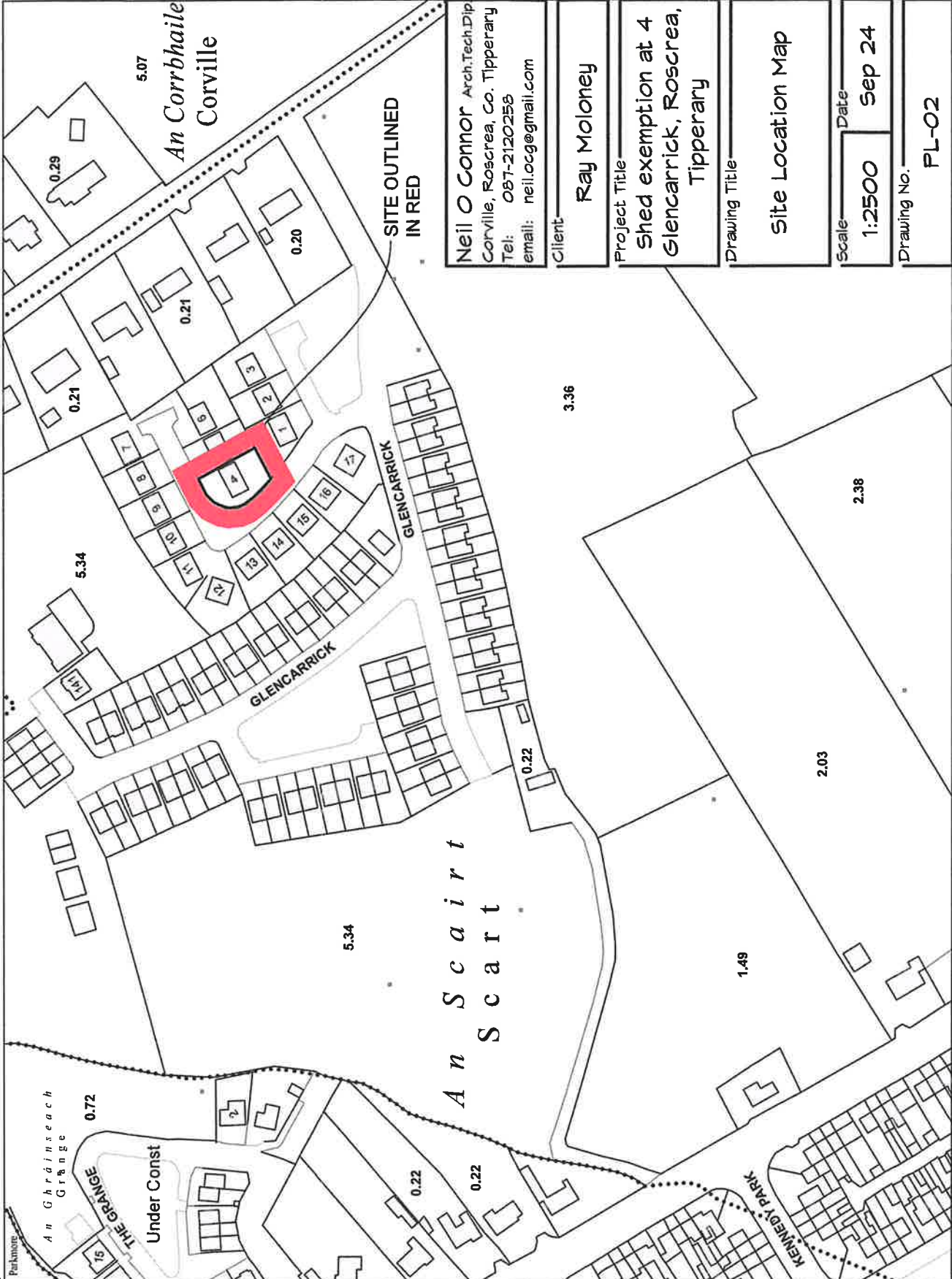
All rights reserved.  
No part of this publication may  
be copied, reproduced  
or transmitted in any form  
or by any means without the prior  
written permission of  
the copyright owners.

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

Ordnance Survey maps  
never show legal property  
boundaries, nor do they  
show ownership of  
physical features.

© Suirbhéireacht Ordanáis Éireann,  
2021  
© Ordnance Survey Ireland, 2021  
[www.osi.ie/copyright](http://www.osi.ie/copyright)

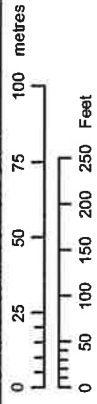
**LEGEND:**  
<http://www.osi.ie>  
search 'Large Scale Legend'



<b>Neil O Connor</b> Arch.Tech.Dip Corville, Roscrea, Co. Tipperary Tel: 087-2120258 email: neil.ocg@gmail.com	
Client:	<b>Ray Moloney</b>
Project Title:	<b>Shed exemption at 4 Glencarrick, Roscrea, Tipperary</b>
Drawing Title:	<b>Site Location Map</b>
Scale:	<b>1:2500</b>
Date:	<b>Sep 24</b>
Drawing No.:	<b>FL-02</b>

**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:  
<http://www.osi.ie>, search 'Capture Resolution'

**OUTPUT SCALE: 1:2,500**

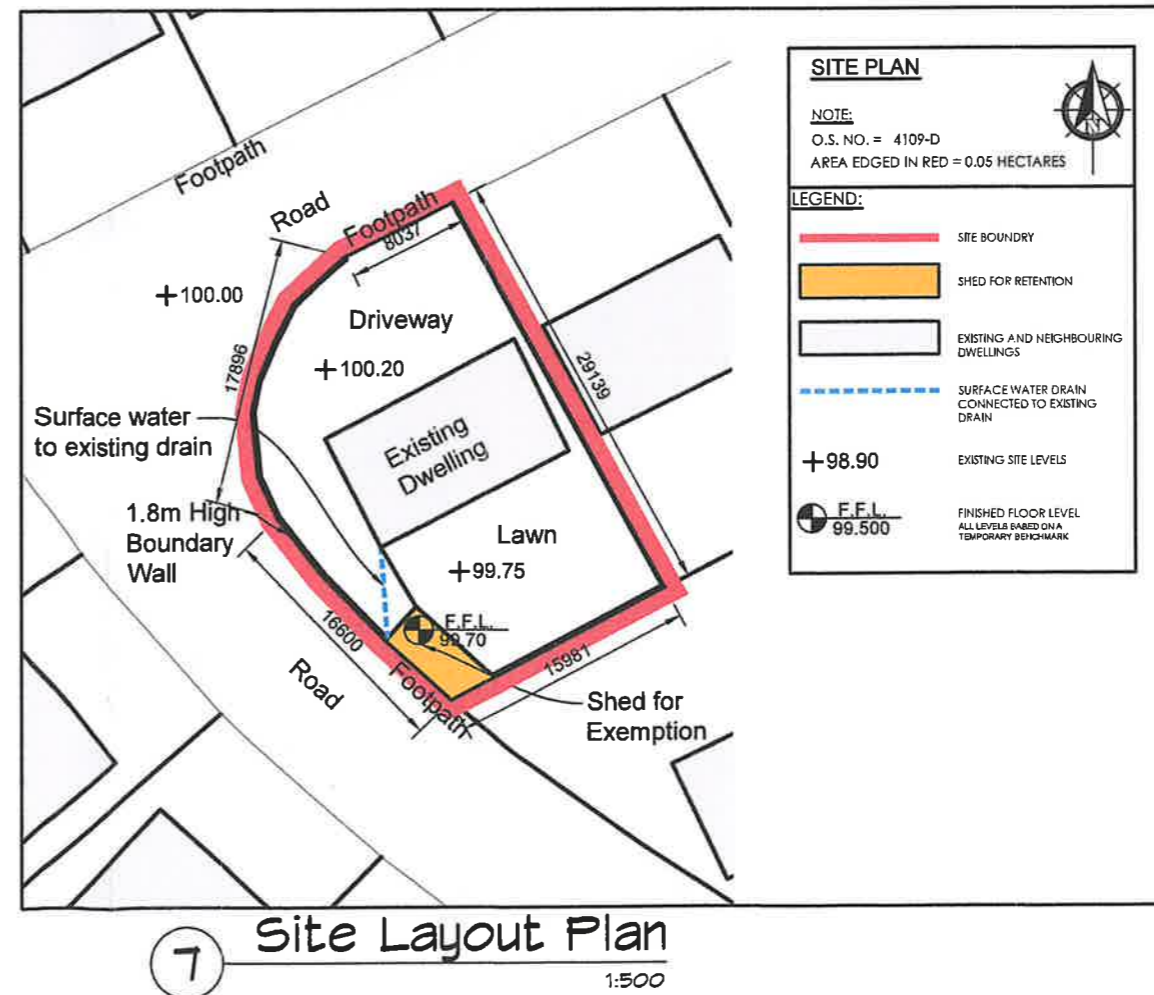
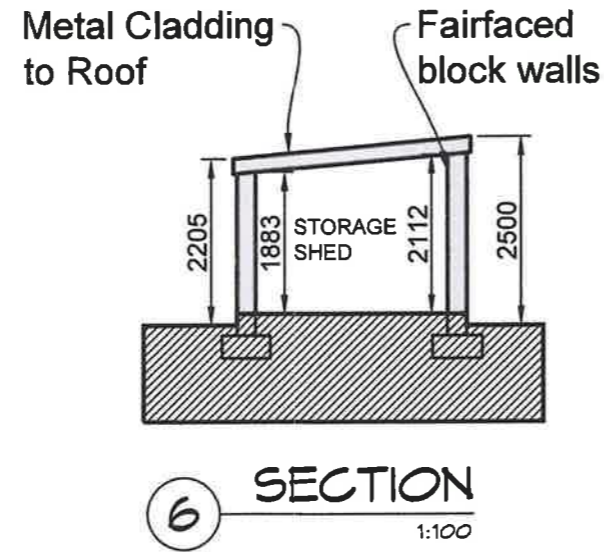
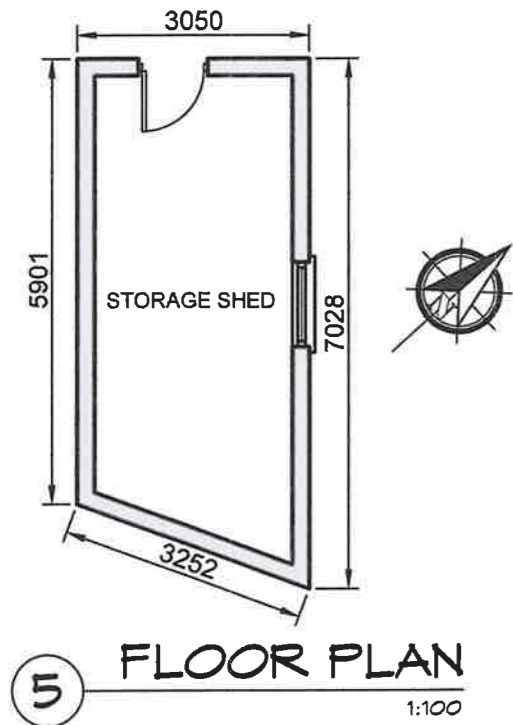
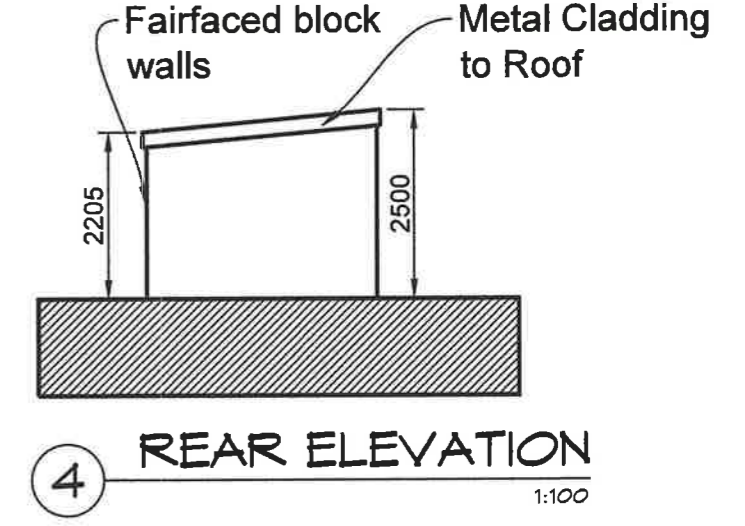
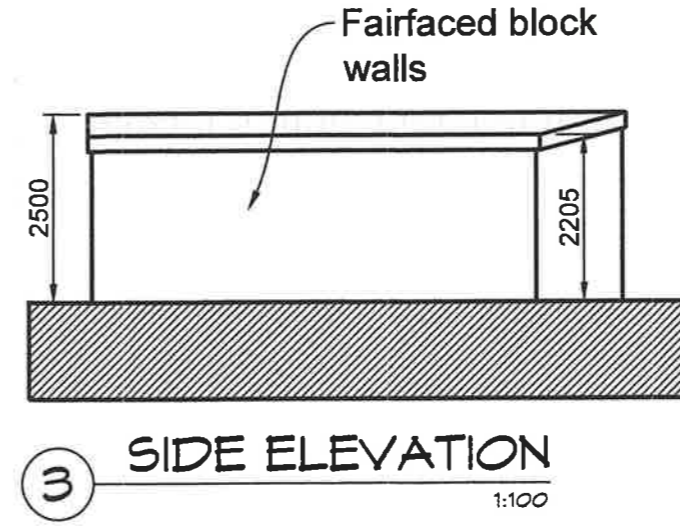
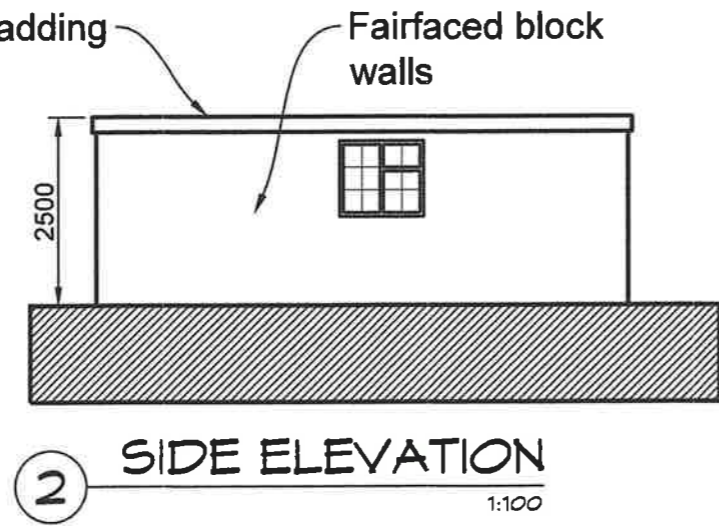
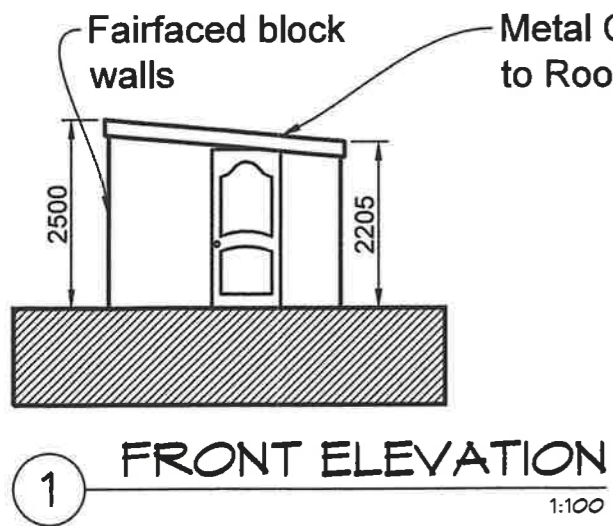


614612

614612

614029

614029



Neil O Connor Arch.Tech.Dip  
Corville, Roscrea, Co. Tipperary  
Tel: 087-2120258  
email: neil.oc@gmail.com

Client  
Ray Moloney

Project Title  
Shed exemption at 4  
Glencarrick, Roscrea,  
Tipperary

Drawing Title  
Shed Layout, Site  
Layout Plan

Scale  
1:100/500

Date  
Sep 24

Drawing No.  
FL-01



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  
e customerservice  
@tipperarycoco.ie

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

Date: 8<sup>th</sup> October, 2024

Our Ref: S5/24/112

Civic Offices, Nenagh

**Ray Moloney**  
**C/O Neil O Connor**  
**Corville**  
**Roscrea**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Construction new domestic shed to rear of existing dwelling at 4 Glencarrick, Roscrea, Co. Tipperary.**

Dear Mr Moloney,

I acknowledge receipt of your application for a Section 5 Declaration received on 8<sup>th</sup> October, 2024, 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 Reference:** S5//24/112

**Applicant:** Ray Moloney

**Development Address:** 4 Glencarrick, Roscrea

**Proposed Development:** New domestic shed to rear of existing dwelling

---

#### 1. GENERAL

On the 8<sup>th</sup> October, 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Ray Moloney in respect of the following development at 4 Glencarrick, Roscrea, Co. Tipperary.

New domestic shed to the rear of existing dwelling.

The application form is accompanied by a site location map, site layout plan, elevations and a floor plan of the proposed shed.

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

##### Planning and Development Act 2000, as amended

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, as amended

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.

Schedule 2, Part 1 ‘Exempted Development - General:

Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

<p><b>CLASS 3</b>  <i>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</i></p>	<ol style="list-style-type: none"> <li>1. <i>No such structure shall be constructed, erected or placed forward of the front wall of a house.</i></li> <li>2. <i>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.</i></li> <li>3. <i>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.</i></li> <li>4. <i>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.</i></li> <li>5. <i>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.</i></li> <li>6. <i>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.</i></li> </ol>
--	---

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

*9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

**Art 9. (1)** Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use

### **3. ASSESSMENT**

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

The site is located at 4 Glencarrick, Roscrea, Co. Tipperary.





Figure 1: Image from Google Maps 2024

**b. Relevant Planning History**

02510274 Permission granted to William Moloney for 30 no. two storey detached houses, 116 no. two storey semi-detached houses, 31 no. bungalows and 1 no. single childcare facility together with all ancillary site development works

**c. Assessment**

The question posed under the Section 5 Declaration application is whether the construction of a shed is development and is exempted development.

i) “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 proposal therefore constitutes “development” within the meaning of the Planning and Development Act 2000, as amended.

ii) “Is or is not Exempted Development”

The proposed shed is to be placed to the rear of the existing dwelling and therefore it is considered that same meet the restrictions under Condition 1 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001,

The proposed shed measures 15.6m on a site with a stated area of 0.05ha.

A site layout plan drawing was submitted with the application however same notes no additional structures to the rear of the site. I note that there is an additional structure on the site, and this has been confirmed in phone call to Neil O’Connor (agent) who confirmed that the structure remains on site. While it is considered that the combined floor area of the existing structures and the proposed structure may be less than 25sqm and therefore meet the restrictions under Condition 2 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, it is considered appropriate to request the applicant to submit drawings (including floor plans) of the existing timber shed on site and also an amended site layout plan including same. This will allow an assessment against condition 2 and 3 of Class 1.

The proposed shed is to be located to the rear of the existing dwelling on site, and not to the side. It is therefore considered that although the proposed material finishes of the shed are for a block wall finish and a cladding roof, same meet the restrictions under Condition 4 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001,

It is noted that the proposed shed is in keeping with the restrictions under Condition 5 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as same is less than 3m in height.

The applicants have indicated that the shed is to be used for storage and therefore it is considered that same meet the restrictions under Condition 6 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001,

### iii) Restrictions under Article 9

*Restrictions on exemption.*

*Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—*

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

It is noted that condition 30 attached to 02510274 states that

“Notwithstanding the Planning and Development Regulations, 2001 (Exempted Development), no garage, shed or other outbuilding shall be constructed around the curtilage of any of the proposed houses with the prior permission of the Planning Authority.

**Reason: In the interest of development control.**

It is therefore considered that the proposed shed cannot be constructed on site in the absence of a prior grant of planning permission and any exemption under Class 3 is restricted by Article 9(1) (a) part (i).

### iv) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

#### **AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

#### **EIA**

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

## **4. RECOMMENDATION**

A question has arisen as to whether the following is development and is or is not exempted development:

### **New domestic shed to rear of existing dwelling**

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) Article 6 and 9 of the Planning and Development Regulations 20001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that the provision of

A new domestic shed to rear of existing dwelling at 4 Glencarrick, Roscrea is development and is **not exempted development.**

Reason:

Condition 30 attached to PI Ref 02510274 (the parent permission for the housing development of Glencarrick, Roscrea) states that

*Notwithstanding the Planning and Development Regulations, 2001 (Exempted Development), no garage, shed or other outbuilding shall be constructed around the curtilage of any of the proposed houses with the prior permission of the Planning Authority*

Any exemption under Article 6 of the Planning and Development Regulations 20001, as amended is therefore restricted under Article 9(1) (a) (i) of said Regulations which states:

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

The proposal would contravene condition 30 of PI Ref 02/510274.

**District Planner**



**Date:** 01.11.2024

**A/Senior Executives Planner:**



**Date 1/11/2024**

## APPENDIX 1

### HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/112
<b>(b) Brief description of the project or plan:</b>	Garage to rear of dwelling
<b>(c) Brief description of site characteristics:</b>	Existing dwelling in Glencarrick Estate, Roscrea
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	No
Coolrain Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002332">https://www.npws.ie/protected-sites/sac/002332</a>	Within 15km	None	No
Slieve Bloom Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000412">https://www.npws.ie/protected-sites/sac/000412</a>	Within 15km	None	No
Sharavogue Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000585">https://www.npws.ie/protected-sites/sac/000585</a>	Within 15km	None	No
Kilduff Devilsbit Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a>	Within 15km	None	No
Lisduff Fen Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/002147">https://www.npws.ie/protected-sites/sac/002147</a>	Within 15km	None	No
River Barrow and River Nore SAC	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 15km	None	No
Island Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/002236">https://www.npws.ie/protected-sites/sac/002236</a>	Within 15km	None	No
Slieve Bloom Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004160">https://www.npws.ie/protected-sites/spa/004160</a>	Within 15km	None	No
River Nore SPA	<a href="https://www.npws.ie/protected-sites/sac/004233">https://www.npws.ie/protected-sites/sac/004233</a>	Within 15km	None	No

#### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential impacts
In-combination/Other	No potential impacts

**(b) 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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
---	----------------------

**(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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Marion Carey	<b>Date:</b> 01.11.2024

**APPENDIX 2**

**EIA Pre-Screening**

**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5/24/112		
<b>Development Summary:</b>	Garage at the back of dwelling		
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>		
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>		
	No Screening required		
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>		
<b>B. Schedule 5 Part 2 - 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?</b> (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>		
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>		
	No Screening required		
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>		
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>		
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>		
<b>Signature and Date of Recommending Officer:</b>	Marion Carey	<b>Date:</b>	01.11.2024



Date: 4<sup>th</sup> November, 2024  
Nenagh

Our Ref: S5/24/112

Civic Offices,

**Ray Moloney**  
**C/O Neil O connor**  
**Corville**  
**Roscrea**  
**Co. Tipperary**

**Re: Declaration under Section 5 of the Planning and Development Act 2000**

Dear Mr Moloney,

I refer to your application for a Section 5 Declaration received on 8<sup>th</sup> October, 2024, in relation to the following proposed works:

**New domestic shed to rear of existing dwelling at 4 Glencarrick, Roscrea, 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) Article 6 and 9 of the Planning and Development Regulations 20001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that the provision of

A new domestic shed to rear of existing dwelling at 4 Glencarrick, Roscrea is development and is **not exempted development.**



**Reason:**

Condition 30 attached to PI Ref 02510274 (the parent permission for the housing development of Glencarrick, Roscrea) states that

- *Notwithstanding the Planning and Development Regulations, 2001 (Exempted Development),*
- *no garage, shed or other outbuilding shall be constructed around the curtilage of any of the proposed houses with the prior permission of the Planning Authority*

Any exemption under Article 6 of the Planning and Development Regulations 2001, as amended is therefore restricted under Article 9(1) (a) (i) of said Regulations which states:

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

The proposal would contravene condition 30 of PI Ref 02/510274.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord 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**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/112**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Dave Carroll, A/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. 37256 dated 4<sup>th</sup> March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Ray Moloney, C/O Neil O'Connor, Corville, Roscrea, Co. Tipperary re: Construction of a New domestic shed to rear of existing dwelling at 4 Glencarrick Roscrea, Co. Tipperary 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) Article 6 and 9 of the Planning and Development Regulations 20001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that – The proposal as presented in the Declaration application, constitute "development" as understood by the Planning and Development Act 2000, as amended and is considered **"Not exempted development"**

**Signed:**  \_\_\_\_\_

**Date: 04/11/2024**

**Dave Carroll**  
**A/Director of Services**  
**Planning and Development (including Town Centre First),**  
**Emergency Services and Emergency Planning and**  
**Tipperary/Cahir/Cashel Municipal District**