



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

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

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

<i>Applicant</i>	Niall and Inez Heenan
<i>Address</i>	Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary E45 KD83
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

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

<i>Agent</i>	Derek Horan c/o Shoreline Property Consultancy
<i>Address</i>	Slevoyre, Terryglass, Nenagh, 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>	Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary E45 KD83
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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.

<p>Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space (planning ref. 21622). No external alterations of the existing hay shed are proposed as part of the conversion. Refer to attached drawings:                  24.037.S5 - 100 &amp; 101 - Site Location Maps                  24.037.S5 - 102 - Site Layout Plan                  24.037.S5 - 103 - GA Floor Plan &amp; Elevation of Hay Shed                  24.037.S5 - 104 - Elevations &amp; Section of Hay Shed</p>
<p>Proposed floor area of proposed works/uses: 42.0 sqm</p>

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

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

Signature of Applicant(s) Joe Heenan Date: 10/10/2024

**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>		
Telephone 0761 06 5000		
E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a>		

<b>FOR OFFICE USE ONLY</b>	<b><u>DATE STAMP</u></b>
Fee Recd. € <u>80 -</u>	
Receipt No <u>NENAM1/0/123660</u>	
Date <u>11/10/24</u>	
Received by <u>Maura Lillis</u>	

Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh, Co. Tipperary

Date: 10<sup>th</sup> October 2024

RE: SECTION 5 EXEMPTION APPLICATION – FUCHSIA LANE FARM,  
RORAN, BORRISOKANE, CO. TIPPERARY



A Chara,

On behalf of our clients, Niall and Inez Heenan, please find enclosed section 5 exemption application for the conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space (planning ref. 21622) at Fuchsia Lane Farm, Roran, Borriskane, Co. Tipperary.

In support of this application, we enclose the following:

- 1no. copy of Tipperary County Council completed section 5 declaration application form
- 2no. copies of the following drawings:

<u>Drawing No.</u>	<u>Title</u>	<u>Scale</u>
24.037.S5 – 100	Site Location	1:10,560 @ A3
24.037.S5 – 101	Site Location	1:2,500 @ A3
24.037.S5 – 102	Site Layout Plan	1:500 @ A3
24.037.S5 – 103	GA Floor Plan & Elevation of Hay Shed	1:100 @ A3
24.037.S5 – 104	Elevations & Section of Hay Shed	1:100 @ A3

Payment of the €80 application fee will be made to the Tipperary County Council payment office on submission of the attached section 5 application.

Please do not hesitate to contact the undersigned if you have any queries.

Yours Sincerely

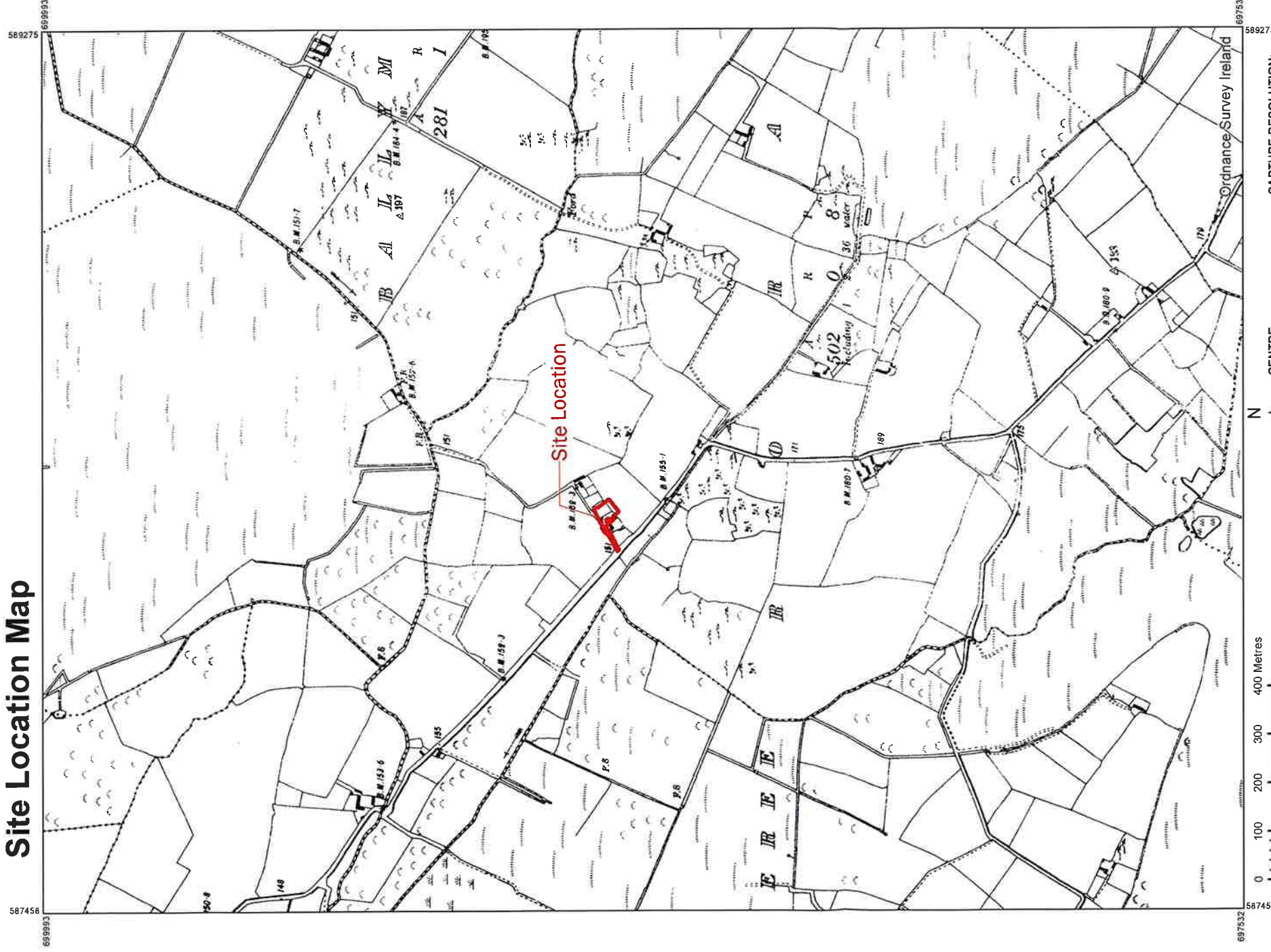
A handwritten signature in black ink, appearing to read 'Derek Horan'. Below the signature is a horizontal line.

**Derek Horan** MCSI MRICS  
Chartered Building Surveyor/  
Registered Building Surveyor

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**KEY**

**Site Location Map**



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**OUTPUT SCALE:** 1:10,560

**CENTRE COORDINATES:** ITM 588367,698763

**PUBLISHED:** 25/02/2021

**ORDER NO.:** 50174540\_1

**MAP SERIES:** 6 inch Raster GY127 TY007

**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'

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

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[www.osi.ie](http://www.osi.ie)

**Site Location Map**  
Scale: 1:10,560@A3

REPRODUCED UNDER LICENCE FROM ORDNANCE SURVEY IRELAND - LICENCE NO. EN0090519

**SECTION 5 APPLICATION**

**Shoreline**  
Property Consultancy

CHARTERED BUILDING SURVEYORS & BUILDING DESIGN CONSULTANTS

Derek Horan, Building Surveyor, MSCSI, MRICS  
A. Slewoye, Terryglass, Nenagh, Co. Tipperary  
M +353(0)87 2226674 E [info@shorelinepc.ie](mailto:info@shorelinepc.ie)

- Design  Section 5 Application  DAC Application
- FSC Application  Tender  Construction

**CLIENT**

Niall & Inez Heenan  
Fuchsia Lane, Roran,  
Borrisokane, Co. Tipperary

**SITE ADDRESS**

Fuchsia Lane, Roran,  
Borrisokane,  
Co. Tipperary

**DRAWING TITLE**

Site Location Map

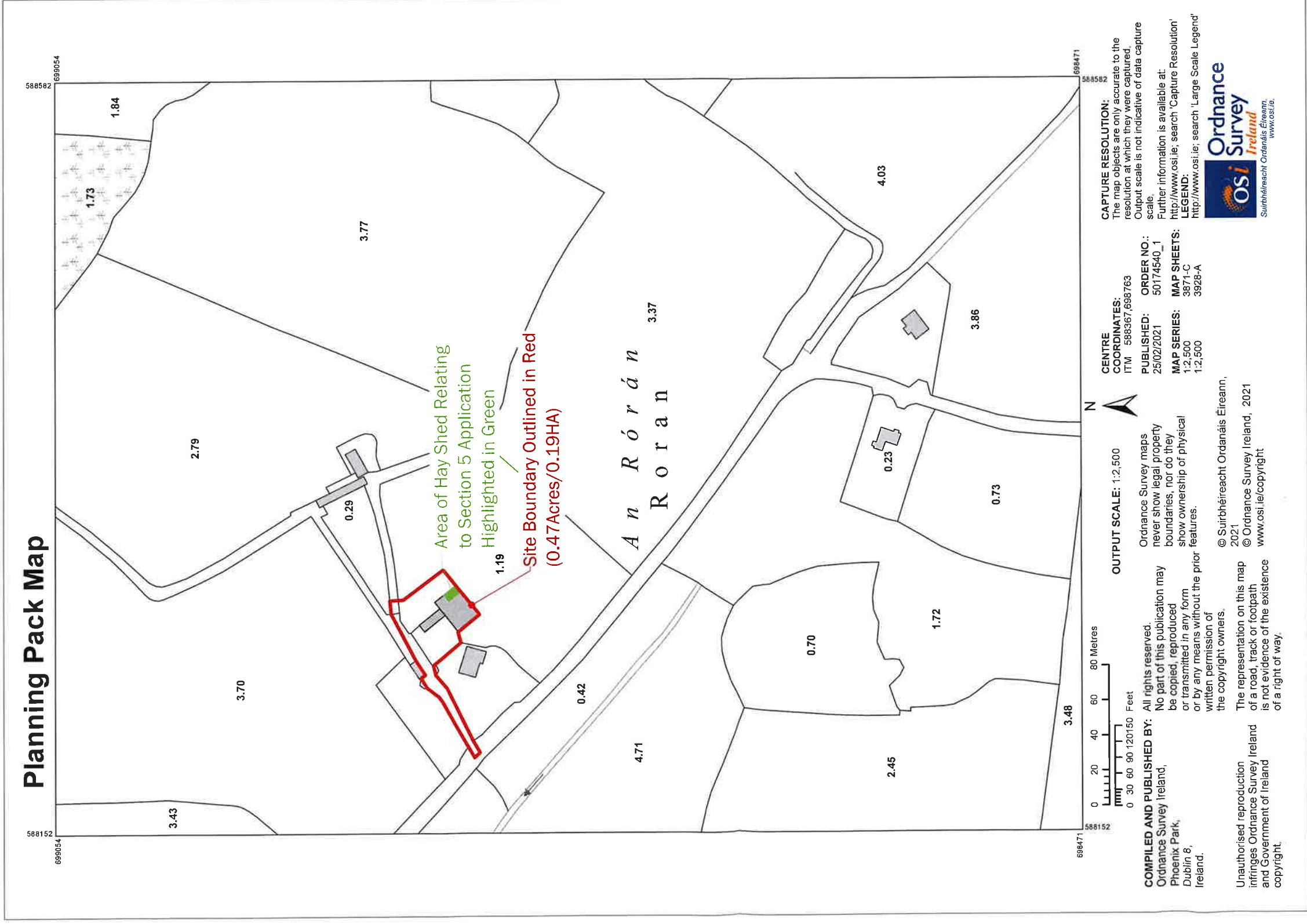
SCALE 1:10,560 @ A3 DRAWN BY D Horan  
DATE Oct. 2024 CHECKED BY D Horan

DRAWING NO.	24.037.S5.100
REV.	-



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**KEY**



**Site Location Map**  
Scale: 1:2,500@A3

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**SECTION 5 APPLICATION**

**Shoreline**  
Property Consultancy

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M +353(0)187 2226674 E [info@shorelinepc.ie](mailto:info@shorelinepc.ie)

- Design
- Section 5 Application
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**CLIENT**

Niall & Inez Heenan  
Fuchsia Lane, Roran,  
Borrisokane, Co. Tipperary

**SITE ADDRESS**

Fuchsia Lane, Roran,  
Borrisokane,  
Co. Tipperary

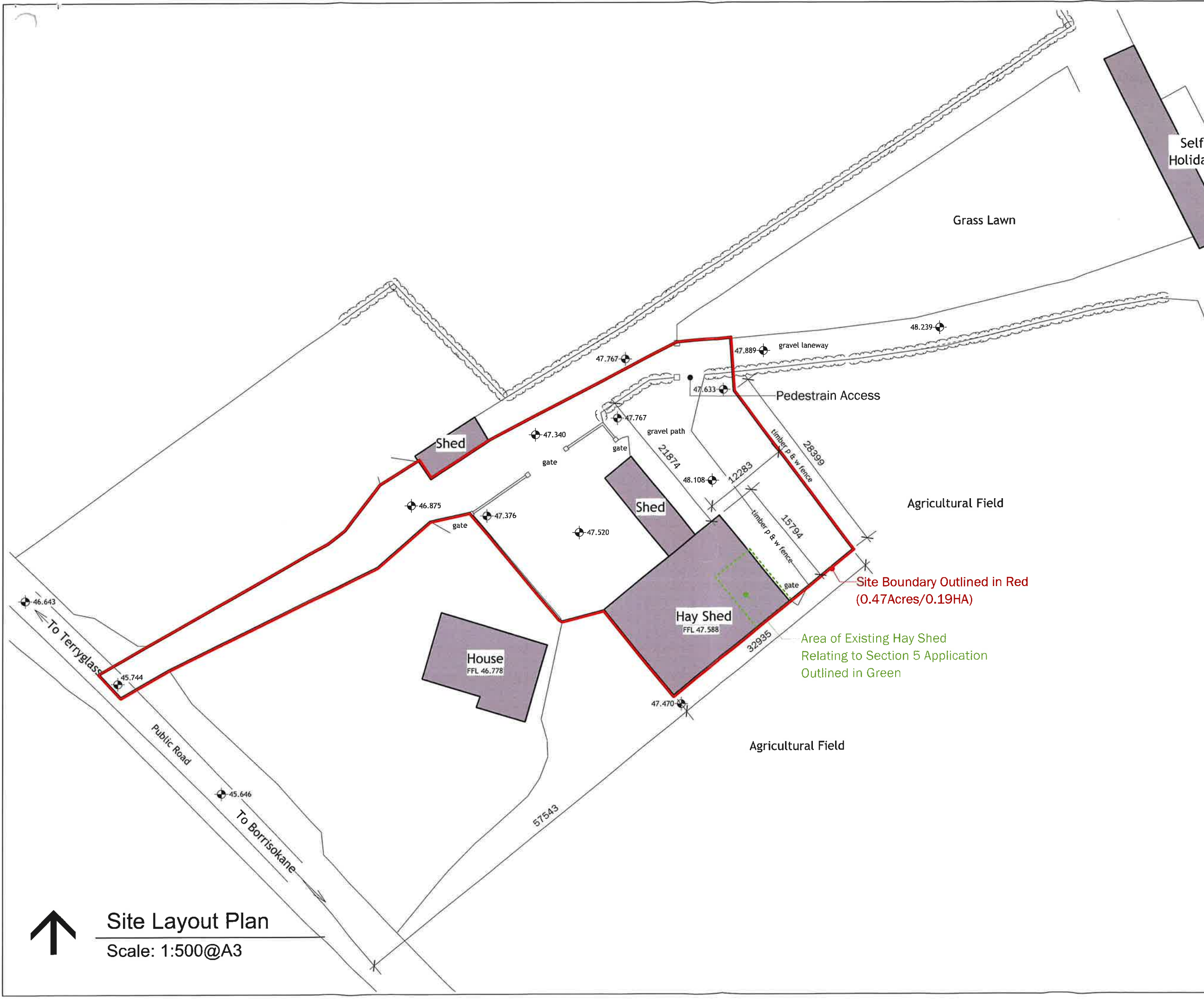
**DRAWING TITLE**

Site Location Map

SCALE 1:2,500 @ A3 DRAWN BY D Horan  
DATE Oct. 2024 CHECKED BY D Horan

DRAWING NO.	24.037.S5.101
REV.	-

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Self Catering Holiday Cottages

Grass Lawn

Agricultural Field

Agricultural Field

**SECTION 5 APPLICATION**

**Shoreline Property Consultancy**

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- Design
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- Construction

CLIENT  
**Niall & Inez Heenan**  
 Fuchsia Lane, Roran,  
 Borrisokane, Co. Tipperary

SITE ADDRESS  
 Fuchsia Lane, Roran,  
 Borrisokane,  
 Co. Tipperary

DRAWING TITLE  
**Site Layout Plan**

SCALE 1:500 @ A3 DRAWN BY D Horan  
 DATE Oct. 2024 CHECKED BY D Horan

DRAWING NO.	REV.
24.037.S3.102	-

**Site Layout Plan**  
 Scale: 1:500@A3

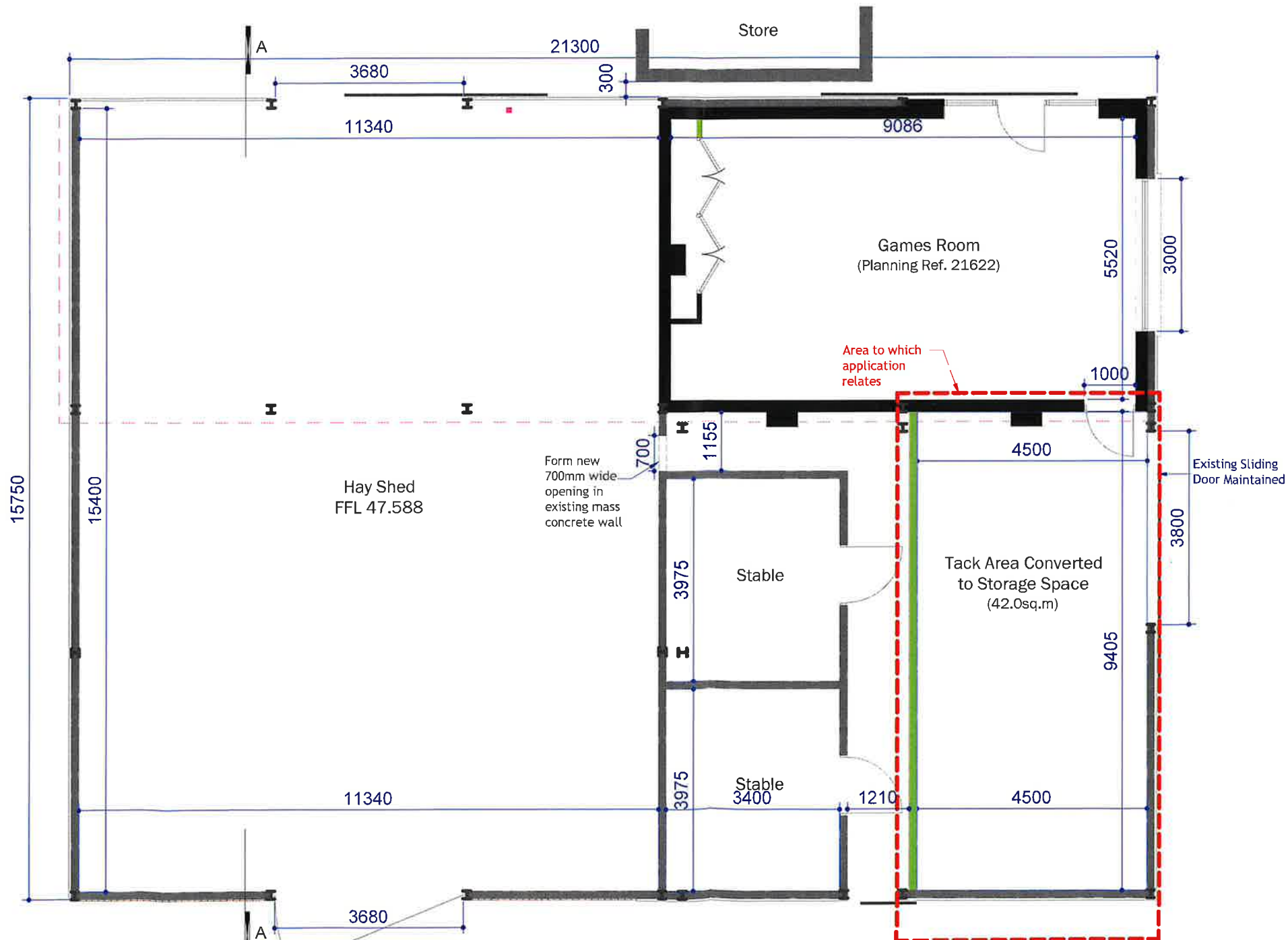






North Western Elevation (Unchanged)

Scale 1:100



SECTION 5 APPLICATION

Revision History			
Rev	Description	Date	Approved

**Shoreline**  
Property Consultancy

CHARTERED BUILDING SURVEYORS & BUILDING DESIGN CONSULTANTS  
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 Design  Planning Application  DAC Application  
 FSC Application  Tender  Construction

CLIENT  
Niall & Inez Heenan,  
Fuchsia Lane, Roran,  
Borrisokane, Co. Tipperary.

SITE ADDRESS  
Fuchsia Lane, Roran,  
Borrisokane,  
Co. Tipperary.

DRAWING TITLE  
**Floor Plan &  
NW Elevation**

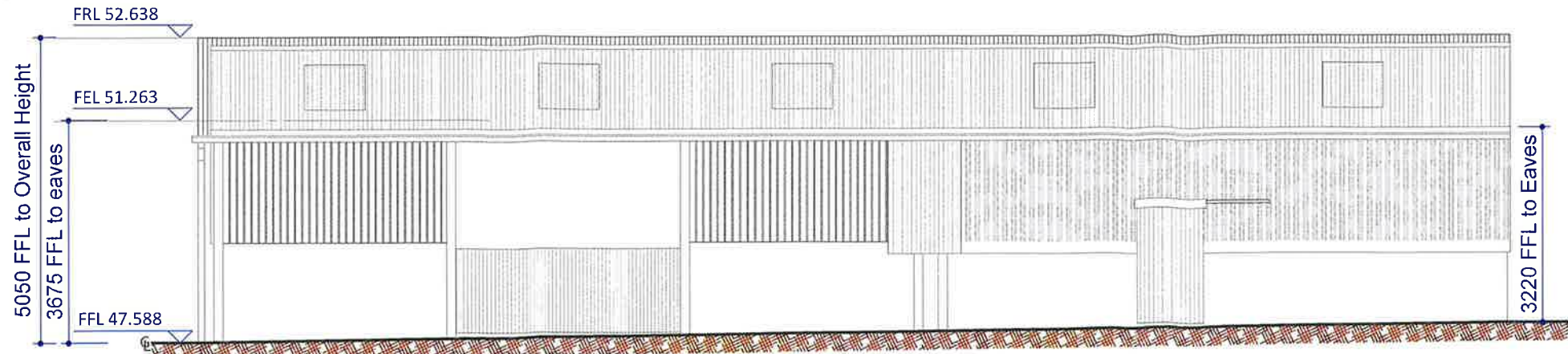
SCALE 1:100@A3	DRAWN BY D Horan
DATE: Oct. 2024	CHECKED BY D Horan
DRAWING No. 24.037.S5 - 103	REV. -



**Floor Plan**

Scale 1:100 @ A1 321.9m<sup>2</sup> (3464sqft)





**South Eastern Elevation** (Unchanged)

Scale 1:100

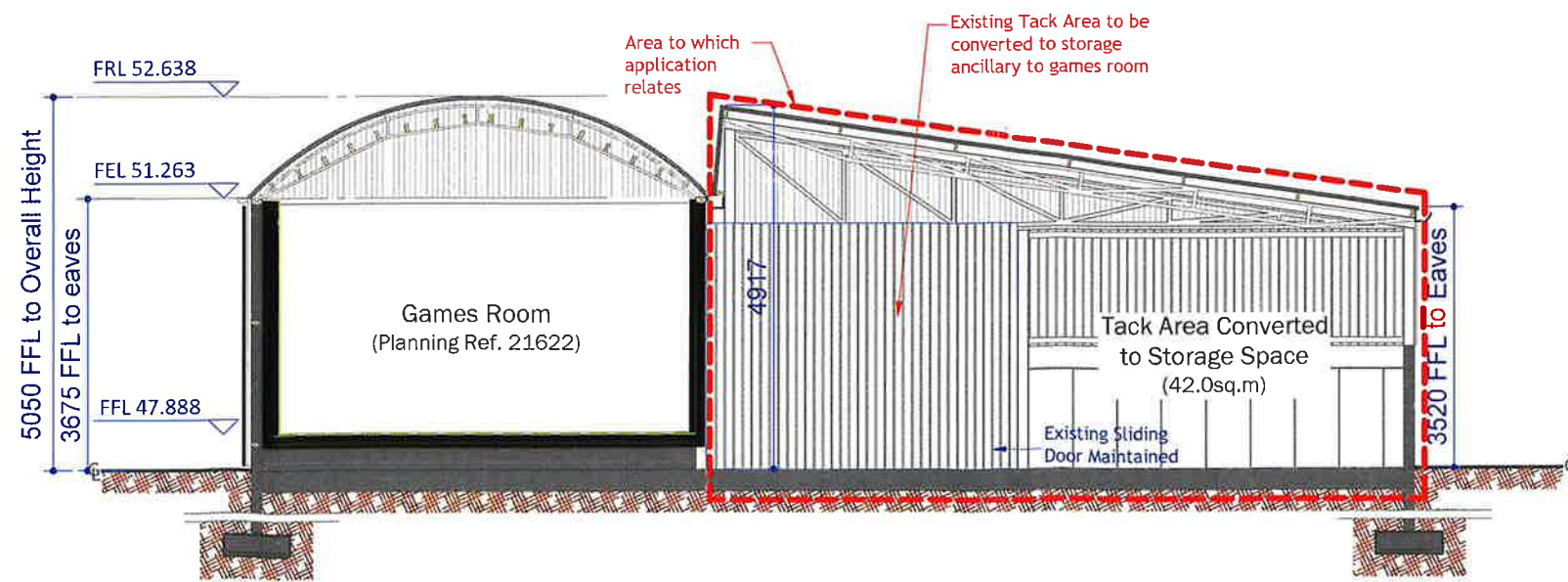


**South Western Elevation** (Unchanged)

Scale 1:100

**North Eastern Elevation** (Unchanged)

Scale 1:100



**Section A-A**

Scale 1:100

**SECTION 5 APPLICATION**

Revision History			
Rev	Description	Date	Approved

**Shoreline**  
Property Consultancy

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 Design  Planning Application  DAC Application  
 FSC Application  Tender  Construction

CLIENT  
Niall & Inez Heenan,  
Fuchsia Lane, Roran,  
Borrisokane, Co. Tipperary.

SITE ADDRESS  
Fuchsia Lane, Roran,  
Borrisokane,  
Co. Tipperary.

DRAWING TITLE  
**SE, SW, NE  
Elevations &  
Section A-A**

SCALE 1:100@A3	DRAWN BY D Horan
DATE: Oct. 2024	CHECKED BY D Horan
DRAWING No. <b>24.037.S5 - 104</b>	REV. -



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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Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
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e customerservice  
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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 14<sup>th</sup> October, 2024

Our Ref: S5/24/117

Civic Offices, Nenagh

**Niall & Inez Heenan  
C/O Derek Horan  
Shoreline Property Consultancy  
Slevoyre  
Terryglass  
Nenagh  
Co. Tipperary**


**Re: Application for a Section 5 Declaration – Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622. No external alteration of the existing hay shed at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary.**

Dear Mr & Mrs Heenan,

I acknowledge receipt of your application for a Section 5 Declaration received on 11<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

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<b>Planning Ref.:</b>	S5/24/117
<b>Applicant:</b>	Niall and Inez Heenan
<b>Development Address:</b>	Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary
<b>Proposed Development:</b>	Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622.

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#### 1. GENERAL

On the 11/10/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary.

- Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622.

#### 2. STATUTORY PROVISIONS

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

The following statutory provisions are relevant to this referral case;

**Section 2(1) of the Planning and Development Act, 2000**, as amended,

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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 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 4 (1) (a) – (l) of the Planning and Development Act, 2000**, as amended, sets out what is exempted development for the purposes of this Act and includes



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

### **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.

*Article 9 – Restrictions on Exemptions*

*(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 —*

*(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,*

*Article 10 – Changes of Use*

*(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—*

*(a) involve the carrying out of any works other than works which are exempted development,*

*(b) contravene a condition attached to a permission under the Act,*

*(c) be inconsistent with any use specified or included in such a permission, or*

*(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

### **3. ASSESSMENT**

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

The site measures is located at Roran approximately 2.5km south east of Terryglass and is accessed from the local road L1089. The site contains an existing agricultural hay shed and there are existing self-catering units located to the rear of the site.

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

***On site:***

21622 – Planning permission granted for the conversion of part of existing agricultural hay shed into an internal games room ancillary to existing self-catering holiday cottages and all ancillary site works

S5/21/29 Deemed not exempt - Use of part of existing hay shed as multi purpose indoor activity centre ancillary to the self-catering holiday cottages

***Adjoining Lands:***

5121849 Permission granted for One self-catering cottage, upgrade septic tank and percolation area and associated site works

5120710 Permission granted for Retention of Conversion of existing outbuildings to twin self-contained single storey apartments, entrance, septic tank & associated site works

5118052 Permission granted for Permission to construct a self-catering cottage & septic tank

***Enforcement:*** None

***Pre-Planning:*** None

***c. Assessment***

**A) “Is or is not Development”**

Section 3(1) of the Act defines ‘development’ as, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

I am satisfied that the works outlined would constitute ‘development’ within the meaning of Section 3(1) of the Act.

In order to establish whether the proposed change of use is a material change of use the following further information is required:

- Details of the whether the space will be permanently used as storage and whether its use as a tack from will be replaced. Where intermittent storage is proposed details of the times should be set out.
- Details of whether full extents of the floorspace identified will be used for general purpose storage.
- Details of items to be stored.

**B) “Is or is not Exempted Development”**

There are no external works proposed.

Planning permission was granted for the conversion of part of existing agricultural hay shed into an internal games room ancillary to existing self-catering holiday cottages and all ancillary site works. I am satisfied that there is no restrictive condition attached to this planning permission.

I consider the works required as part of the 'Conversion of part of internal space of existing tack area within existing hay shed into a general-purpose storage space ancillary to indoor activity space planning ref 21622' is exempted development pursuant to Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

**d. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

Appropriate Assessment (AA)

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

Environmental Impact Assessment (EIA):

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

**4. RECOMMENDATION**

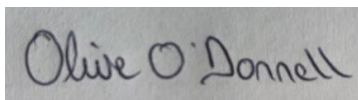
Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit the following further information:
  - Confirmation on whether the space will be permanently used as storage and whether its use as a tack room will be replaced. Where intermittent storage is proposed details of the times should be set out.
  - Details of whether full extents of the floorspace identified will be used for general purpose storage.
  - Details of items to be stored.

District Planner:



Date: 05/11/2024

A/Senior Executive Planner:



Date: 7/11/2024



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/117
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

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

European (code)	Site	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Slieve Aughty Mountains SPA		<a href="https://www.npws.ie/protected-sites/spa/004168">https://www.npws.ie/protected-sites/spa/004168</a>	Within 15km	None	No
Lough Derg North East Shore		<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 15km	None	No
River Shannon Callows SAC		<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 15km	None	No
Barroughter Bog SAC		<a href="https://www.npws.ie/protected-sites/sac/000231">https://www.npws.ie/protected-sites/sac/000231</a>	Within 15km	None	No
Cloonmoylan Bog		<a href="https://www.npws.ie/protected-sites/sac/000248">https://www.npws.ie/protected-sites/sac/000248</a>	Within 15km	None	No
Derrycrag Wood Nature Reserve		<a href="https://www.npws.ie/protected-sites/sac/000261">https://www.npws.ie/protected-sites/sac/000261</a>	Within 15km	None	No
Pollnacknockaun Wood Nature Reserve		<a href="https://www.npws.ie/protected-sites/sac/000391">https://www.npws.ie/protected-sites/sac/000391</a>	Within 15km	None	No
Ballyduff / Clonfinane Bog		<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 15km	None	No
Kilcarren Firville Bog SAC		<a href="https://www.npws.ie/protected-sites/sac/000647">https://www.npws.ie/protected-sites/sac/000647</a>	Within 15km	None	No

Rosturra Wood	<a href="https://www.npws.ie/protected-sites/sac/001313">https://www.npws.ie/protected-sites/sac/001313</a>	Within 15km	None	No
Liskeenan Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 15km	None	No
Redwood Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No
Ardgraique Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002356">https://www.npws.ie/protected-sites/sac/002356</a>	Within 15km	None	No
River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/002356">https://www.npws.ie/protected-sites/spa/002356</a>	Within 15km	None	No
Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 10km	None	No
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/004058">https://www.npws.ie/protected-sites/sac/004058</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (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>	None.
Operational phase e.g. <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>	None.

In-combination/Other	None.
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**(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>	None.
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**(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' 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</b>	Olive O'Donnell	<b>Date:</b>	05/11/2024
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**Recommending Officer:**

**EIA PRE-SCREENING**  
**Establishing a development is a 'sub-threshold development'**

**File Reference:** S5/24/117

**Development Summary:** As per 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)

<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. Schedule 5 Part 2** - Does the development comprise a project listed in Schedule 5, **Part 2**, of the Planning and Development Regulations 2001 (as amended) **and** does it meet/exceed the thresholds?  
 (Tick as appropriate)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>

**C. If Yes**, has Schedule 7A information/screening report been submitted?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<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>



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

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Date: 7<sup>th</sup> November, 2024

Our Ref: S5/24/117

Civic Offices, Nenagh

**Niall & Inez Heenan**  
**C/O Derek Horan**  
**Shoreline Property Consultancy**  
**Slevoyre**  
**Terryglass**  
**Nenagh**  
**Email: [derek@shorelinepc.ie](mailto:derek@shorelinepc.ie)**

**Re: Application for a Section 5 Declaration – The Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622 at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary**

Dear Mr & Mrs Heenan,

I refer to an application received from you on 11<sup>th</sup> October, 2024 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 to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The applicant is requested to submit the following further information:
  - Confirmation on whether the space will be permanently used as storage and whether its use as a tack room will be replaced. Where intermittent storage is proposed details of the times should be set out.
  - Details of whether full extents of the floorspace identified will be used for general purpose storage.
  - Details of items to be stored.



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

Yours sincerely

*Geraldine Quinn*

\_\_\_\_\_  
for **Director of Services**

**From:** [Inez Heenan](#)  
**To:** [Ryan, Siobhan Anne](#); [Quinn, Geraldine](#)  
**Subject:** [External] Section 5 - S5/24/117  
**Date:** 26 November 2024 17:20:33

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**CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A Chairde,

Thank you for your email regarding our application (Section 5 - S5/24/117) for the conversion of part of the internal space of existing tack area into a general purpose storage space ancillary to the indoor activity space (Planning ref 21622), at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary.

The new storage area will replace the area marked as tack room and will be permanently used as storage for the activity space; planning reference 21622. There is ample space for the small amount of tack we have now in the area on the other side of the wall at the stables.

The full extent of the floorspace identified therefore, will be used for general purpose storage of items pertaining to the activity space.

Items to be stored will include:

- Table tennis table
- Yoga mats
- Beanbags
- Chairs
- Tables
- Stools
- Board games
- Art and craft materials.

Le gach dea-ghuí,

Niall and Inez Heenan





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 27<sup>th</sup> November, 2024

Our Ref: S5/24/117

Civic Offices, Nenagh

**Niall & Inez Heenan**  
**C/O Derek Horan**  
**Shoreline Property Consultancy**  
**Slevoyre**  
**Terryglass**  
**Nenagh**

**Re: Application for a Section 5 Declaration re The Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622 at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary**

Dear Mr & Mrs Heenan

I acknowledge receipt of Further Information received on 26<sup>th</sup> November, 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

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<b>Planning Ref.:</b>	S5/24/117
<b>Applicant:</b>	Niall and Inez Heenan
<b>Development Address:</b>	Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary
<b>Proposed Development:</b>	Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622.

---

#### 1. GENERAL

On the 11/10/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary.

- Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622.

#### 2. STATUTORY PROVISIONS

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

The following statutory provisions are relevant to this referral case;

##### **Section 2(1) of the Planning and Development Act, 2000**, as amended,

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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 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 4 (1) (a) – (l) of the Planning and Development Act, 2000**, as amended, sets out what is exempted development for the purposes of this Act and includes

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

### **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.

#### *Article 9 – Restrictions on Exemptions*

*(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 —*

*(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,*

#### *Article 10 – Changes of Use*

*(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—*

*(a) involve the carrying out of any works other than works which are exempted development,*

*(b) contravene a condition attached to a permission under the Act,*

*(c) be inconsistent with any use specified or included in such a permission, or*

*(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

### **3. ASSESSMENT**

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

The site measures is located at Roran approximately 2.5km south east of Terryglass and is accessed from the local road L1089. The site contains an existing agricultural hay shed and there are existing self-catering units located to the rear of the site.

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

***On site:***

21622 – Planning permission granted for the conversion of part of existing agricultural hay shed into an internal games room ancillary to existing self-catering holiday cottages and all ancillary site works

S5/21/29 Deemed not exempt - Use of part of existing hay shed as multi purpose indoor activity centre ancillary to the self-catering holiday cottages

***Adjoining Lands:***

5121849 Permission granted for One self-catering cottage, upgrade septic tank and percolation area and associated site works

5120710 Permission granted for Retention of Conversion of existing outbuildings to twin self-contained single storey apartments, entrance, septic tank & associated site works

5118052 Permission granted for Permission to construct a self-catering cottage & septic tank

***Enforcement:*** None

***Pre-Planning:*** None

***c. Assessment***

**A) “Is or is not Development”**

Section 3(1) of the Act defines ‘development’ as, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

I am satisfied that the works outlined would constitute ‘development’ within the meaning of Section 3(1) of the Act.

In order to establish whether the proposed change of use is a material change of use the following further information is required:

- Details of the whether the space will be permanently used as storage and whether its use as a tack from will be replaced. Where intermittent storage is proposed details of the times should be set out.
- Details of whether full extents of the floorspace identified will be used for general purpose storage.
- Details of items to be stored.

**B) “Is or is not Exempted Development”**

There are no external works proposed.

Planning permission was granted for the conversion of part of existing agricultural hay shed into an internal games room ancillary to existing self-catering holiday cottages and all ancillary

site works. I am satisfied that there is no restrictive condition attached to this planning permission.

I consider the works required as part of the 'Conversion of part of internal space of existing tack area within existing hay shed into a general-purpose storage space ancillary to indoor activity space planning ref 21622' is exempted development pursuant to Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

**d. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

Appropriate Assessment (AA)

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

Environmental Impact Assessment (EIA):

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

**4. RECOMMENDATION**

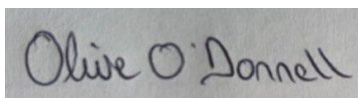
Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit the following further information:
  - Confirmation on whether the space will be permanently used as storage and whether its use as a tack room from will be replaced. Where intermittent storage is proposed details of the times should be set out.
  - Details of whether full extents of the floorspace identified will be used for general purpose storage.
  - Details of items to be stored.

**District Planner:**



**Date:** 05/11/2024

**A/Senior Executive Planner:**



**Date:** 7/11/2

## 5. **FURTHER INFORMATION**

One point of further information was requested from the applicant in a letter dated 7/11/2025. The FI request is outlined below in italics with assessment under same in bold.

1. *The applicant is requested to submit the following further information:*
  - *Confirmation on whether the space will be permanently used as storage and whether its use as a tack room from will be replaced. Where intermittent storage is proposed details of the times should be set out.*
  - *Details of whether full extents of the floorspace identified will be used for general purpose storage.*
  - *Details of items to be stored.*

**The applicant has advised that proposed new storage area will be permanently used as storage for the activity space (planning ref. 21/622). Tack will be stored in the stables. Items to be stored include: table tennis table; yoga mats; beanbags, chairs; tables; stools; board games; art and craft material.**

**It is considered that the ‘Conversion of part of internal space of existing tack area within existing hay shed into a general-purpose storage space ancillary to indoor activity space planning ref 21622’ is exempted development pursuant to Section 4 (1) (h) of the Planning and Development Act 2000, as amended.**

## 6. **RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the following proposal to be undertaken at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary is development and is or is not exempted development:

- Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (c) The plans and documentation submitted, including further information.

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

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 07/11/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

**District Planner:**

*Olive O'Donnell*

**Date:** 12/12/2024

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date:** 12/12/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/117
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

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

European (code)	Site	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
	Slieve Aughty Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004168">https://www.npws.ie/protected-sites/spa/004168</a>	Within 15km	None	No
	Lough Derg North East Shore	<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 15km	None	No
	River Shannon Callows SAC	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 15km	None	No
	Barroughter Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000231">https://www.npws.ie/protected-sites/sac/000231</a>	Within 15km	None	No
	Cloonmoylan Bog	<a href="https://www.npws.ie/protected-sites/sac/000248">https://www.npws.ie/protected-sites/sac/000248</a>	Within 15km	None	No
	Derrycrag Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/sac/000261">https://www.npws.ie/protected-sites/sac/000261</a>	Within 15km	None	No
	Pollnacknockaun Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/sac/000391">https://www.npws.ie/protected-sites/sac/000391</a>	Within 15km	None	No
	Ballyduff / Clonfinane Bog	<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 15km	None	No
	Kilcarren Firville Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000647">https://www.npws.ie/protected-sites/sac/000647</a>	Within 15km	None	No
	Rosturra Wood	<a href="https://www.npws.ie/protected-sites/sac/001313">https://www.npws.ie/protected-sites/sac/001313</a>	Within 15km	None	No



Liskeenan Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 15km	None	No
Redwood Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No
Ardgraique Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002356">https://www.npws.ie/protected-sites/sac/002356</a>	Within 15km	None	No
River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/002356">https://www.npws.ie/protected-sites/spa/002356</a>	Within 15km	None	No
Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 10km	None	No
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/004058">https://www.npws.ie/protected-sites/sac/004058</a>	Within 10km	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:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (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>	None.
Operational phase e.g. <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>	None.
In-combination/Other	None.

**(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

None.

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

Yes  No

#### STEP 4. Screening Determination Statement

**The assessment of significance of effects:**

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' 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>	Olive O'Donnell	<b>Date:</b> 05/11/2024

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/117
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (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</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<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>



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,  
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Date: 13<sup>th</sup> December, 2024

Our Ref: S5/24/117

Civic Offices, Nenagh

**Niall & Inez Heenan**  
**C/O Derek Horan**  
**Shoreline Property Consultancy**  
**Slevoyre**  
**Terryglass**  
**Nenagh**

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

Dear Mr & Mrs Heenan,

I refer to your application for a Section 5 Declaration received on 11<sup>th</sup> October, 2024 and Further Information received on 26<sup>th</sup> November, 2024, in relation to the following proposed works:

**Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref at Fuchsia Lane Farm, Roran, Borrisokane, 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 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (c) The plans and documentation submitted, including further information.

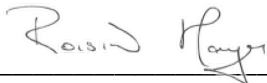
**AND WHEREAS** Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 26/11/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**NOT exempted development**”.

Reason: The proposal would constitute a material change of use of part of the building.

**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: **S5/24/117**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Sharon Kennedy, 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 Niall & Inez Heenan, Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary re: Conversion of part of internal space of existing tack area within existing hay shed into a general purpose storage space ancillary to indoor activity space planning ref 21622) at Fuchsia Lane Farm, Roran, Borrisokane, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (c) The plans and documentation submitted, including further information.

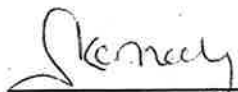
**AND WHEREAS** Tipperary County Council has concluded that –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
- c) Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 26/11/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**NOT exempted development**".

Reason: The proposal would constitute a material change of use of part of the building.

**Signed:**

  
\_\_\_\_\_

**Date: 13/12/2024**

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