



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

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

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

Applicant	JOHN FRANCIS O'FARRELL
Address	CLONCANNON, MONEYGALL CO. TIPPERARY
Telephone No.	
E-mail	

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

Agent	DAVID MOONEY
Address	14 OLD FARM ROAD CLOUGH JORDAN, CO. TIPPERARY
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [ <input checked="" type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	CLONCANNON, MONEYGALL CO. TIPPERARY
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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.)

CONSTRUCTION OF A SHED AT THE SIDE
OF THE EXISTING DWELLING HOUSE
Proposed floor area of proposed works/uses: 25 <sup>m</sup> sqm

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

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

Signature of Applicant(s) David Mooney Date: 25/10/2024  
(Agent)

**Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.**

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh,  
Co. Tipperary**

**OR**

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Emmet Street,  
Clonmel,  
Co. Tipperary**

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. €** 80.00  
Receipt No NEAAM1/0/124012  
Date 29/10/2024  
Received by Maria Quinlisk



**David Mooney Bsc Surv. MURP  
Town Planning Consultant  
14 Old Farm Road  
Cloughjordan  
Co. Tipperary**

Planning Department  
Tipperary County Council  
Civic Offices  
Limerick Road  
Nenagh  
Co. Tipperary

25<sup>th</sup> October 2024

Dear Sir / Madam:

**RE: SECTION 5 APPLICATION FOR CONSTRUCTION OF A SHED AT CLONCANNON, MONEYGALL, CO. TIPPERARY**

On behalf of my client, John Francis O Farrell, I wish to lodge a section 5 application as described above.

The application is being made in response to Section 5 application Reg.Ref. S5/24/102 for which a decision was issued on 30<sup>th</sup> September 2024.

The reasons for the decision on this application as requiring planning permission were:

- 1. The floor area of the shed and canopy exceeds 25 sqm,*
- 2. The Building line of the proposed structure is located forward of the front building line of the existing dwelling.*

These design issues have been addressed such that:

The canopy has been removed and the floor area of the shed is now 25 sqm.

The footprint of the proposed shed has been set back 1 meter from the front building line of the existing dwelling.

We trust that these amendments allow the proposed shed to qualify for the criteria for exempted development set out in the Planning and Development Regulations 2001 (as amended).

We look forward to a decision on the application. Yours sincerely,

David Mooney MURP MIPI



# Planning Pack Map



**CENTRE COORDINATES:**  
ITM 603817,677389

**PUBLISHED:**  
03/09/2024

**ORDER NO.:**  
50420319\_1

**MAP SERIES:**  
1:5,000 4339  
1:5,000 4340

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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

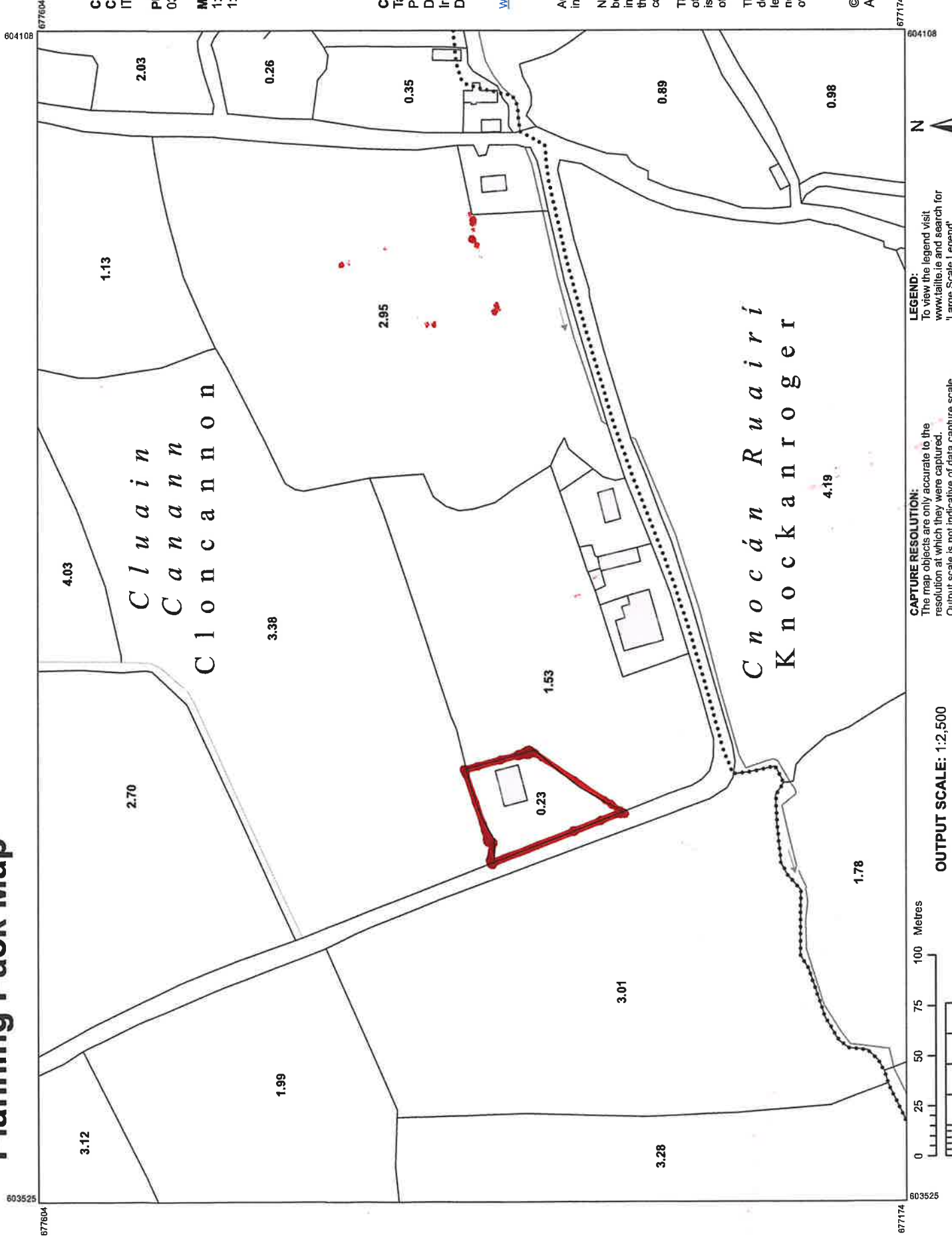
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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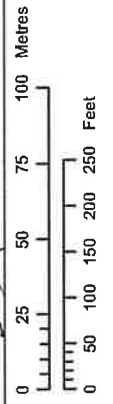
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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**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](http://www.tailte.ie), search 'Capture Resolution'

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

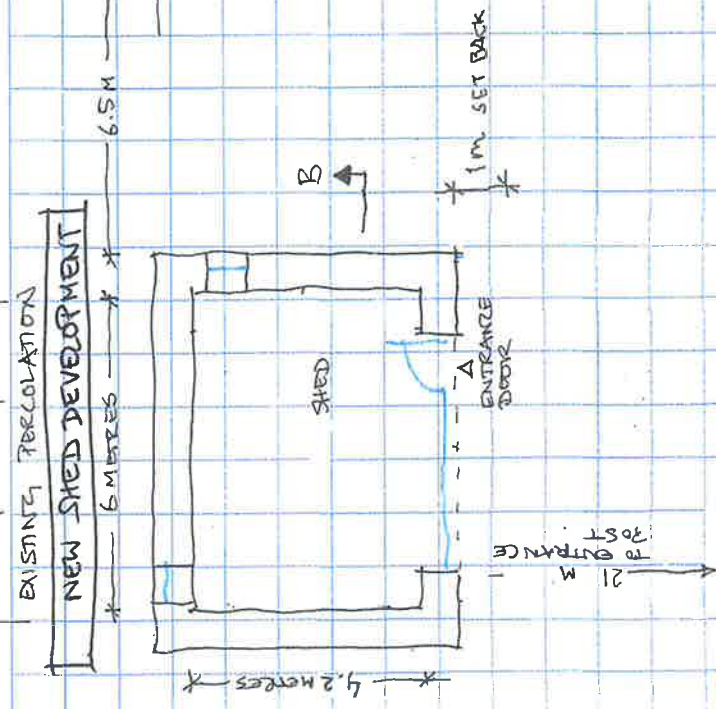
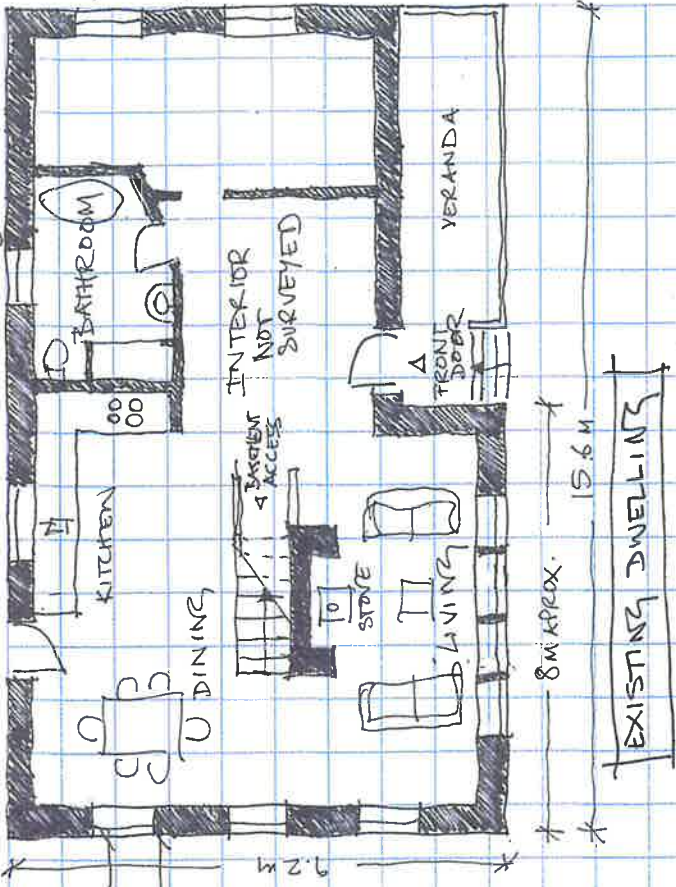




**ONEILL ARCHITECTURE**  
 ARCHITECTURE | PLANNING | DESIGN  
 DESIGN CLIP: CLONCANNON BIODFARM  
 CLIENTS: SEAN O'FARRELL  
 CONTACT: 087 9227957  
 EMAIL: ofarrellj@tcd.ie  
 DRAWING: GROUND FLOOR / SITE PLAN  
 SCALE: 1:100 @ A3 DATE: 21/10/2024 R4

SEPTIC TANK LOCATION TBC

- LEGEND
- EXISTING WALLS
  - WALLS TO BE REMOVED
  - NEW WALLS
  - NEW WINDOWS / GLASS DOORS
  - INSULATION
- © 2024 Official Architect



NOTE: NEW GARAGE / SHED TO WEST OF EXISTING DWELLING. AREA 25 SQM 6 x 4.2 METRES DOES NOT EXTEND OUT IN FRONT OF THE BUILDING LINE OF THE HOUSE + DOES NOT EXCEED 4 METRES IN HEIGHT IS EXEMPTED DEVELOPMENT AS PER PL5 - DOING WORK AROUND THE HOUSE - PLANNING ISSUES!

GROUND FLOOR PLAN / SITE PLAN  
 SCALE 1:100 @ A3 REVISION

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SECTIONS A+B, 1 + N/E/W/S ELEVATIONS 21/10/2024 R3



Registered Architect	2024	2024
Architect's Registration No.	GS	2024
Project Name	CLONCANNON BIODFARM	

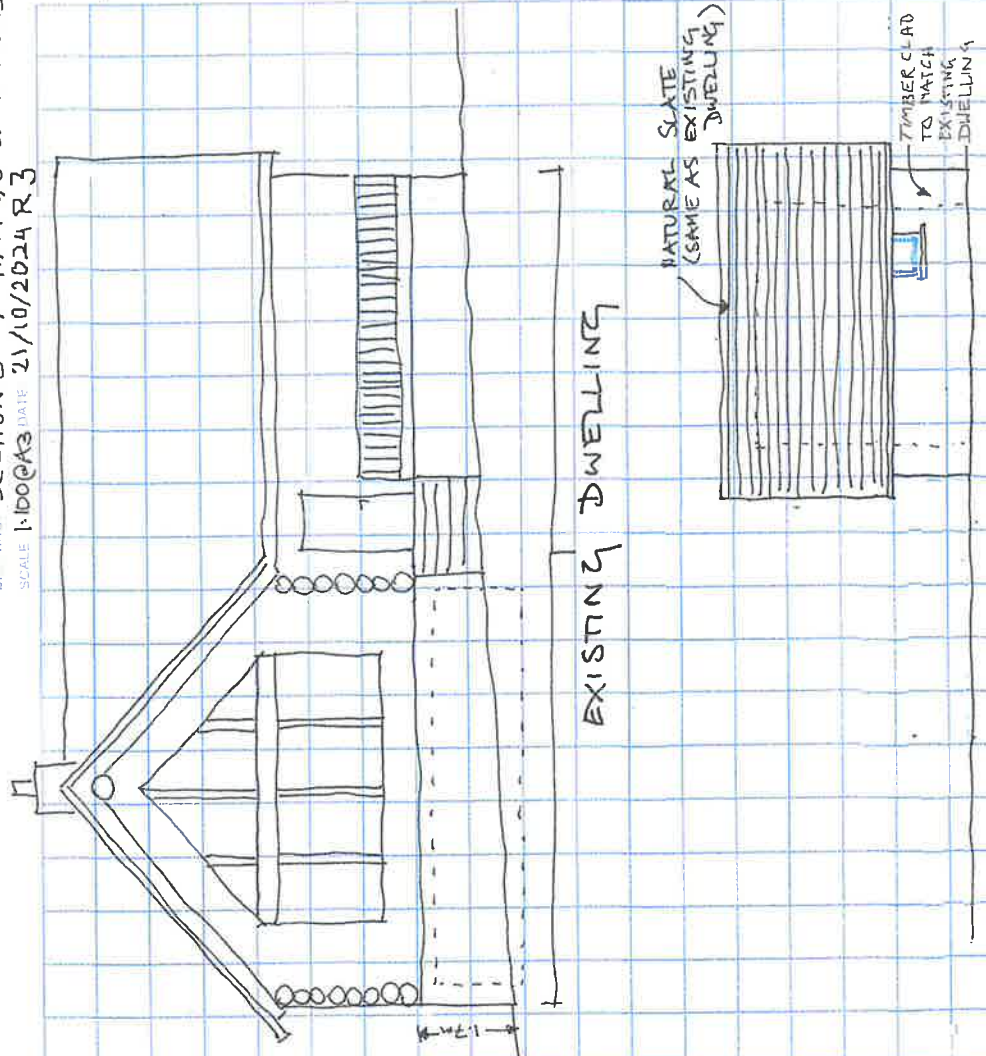
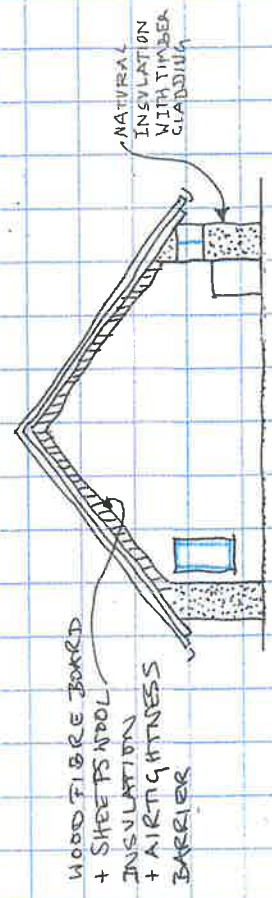
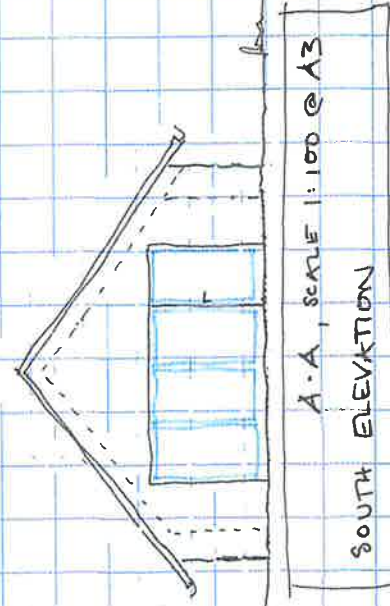




THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GROUND FLOOR + SITE LAYOUT PLAN 21/10/2024 R4

**NEW SHED DEVELOPMENT**

NOTE: EXEMPTED DEVELOPMENT - ITEM 7 = RIDGE HEIGHT AS PER PLS. DRING WORK AROUND THE HOUSE - THE PLANNING ISSUES



EAST ELEVATION, SCALE 1:100 @ A3  
(WEST ELEVATION SAME + WINDOW OMITTED)

- NEW WINDOWS / GLASS DOORS
- INSULATION
- 2024 O'Neill Architecture

- EXISTING WALLS
- WALLS TO BE REIGNED
- NEW WALLS





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 30<sup>th</sup> October, 2024

Our Ref: S5/24/127

Civic Offices, Nenagh

**John Francis O'Farrell**  
**C/O David Mooney**  
**14 Old Farm Rd**  
**Cloughjordan**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Construction of a shed at the side of the existing dwelling house at Cloncannon, Moneygall, Co. Tipperary.**

Dear Mr O'Farrell,

I acknowledge receipt of your application for a Section 5 Declaration received on 29<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 Ref.:** S5/24/127  
**Applicant:** John Francis O' Farrell  
**Development Address:** Cloncannon, Moneygall, Co. Tipperary  
**Query:** Construction of a shed at the side of an existing dwellinghouse.

**1. GENERAL**

On the 29<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 David Mooney, acting on behalf of John Francis O' Farrell, as to whether or not the construction of a shed at the side of an existing dwelling house constitutes development and is or is not exempted development.

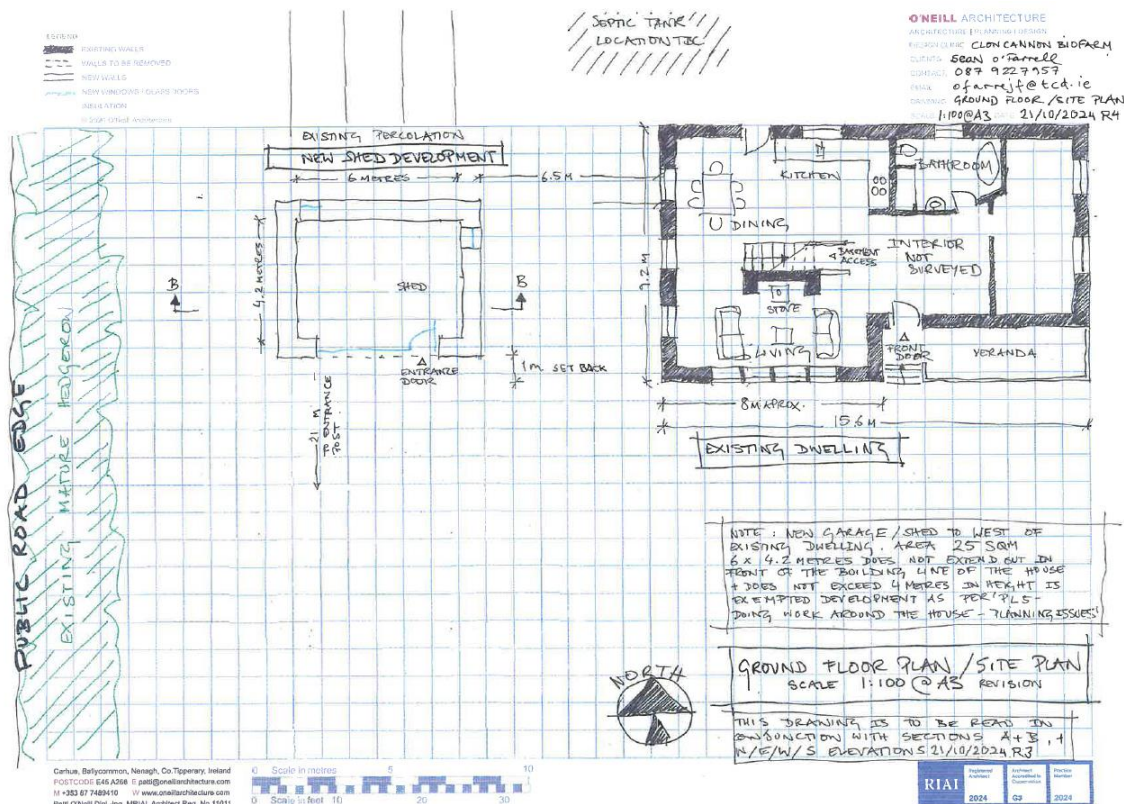


Figure 1: Proposed floorplans

**2. STATUTORY PROVISIONS**

The relevant planning legislation is set out below;

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

**Section 2(1)** of the same Act defines “works” as: -

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint,*

**Section 3 (1)** of the Planning and Development Act 2000, as amended, defines “development” as: -

*In this Act, except where the context otherwise requires, “development” means—(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 4** provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

**Section 4(2)(a)** of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

**Section 4 (2)(a)** of the Planning and Development Act 2000, as amended, states as follows: -

*(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—  
(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or  
(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

**Section 4 (4)** of the Planning and Development Act 2000, as amended, states as follows:

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

### **Planning and Development Regulations 2001, as amended**

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

(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 1 – 8** inclusive refer to development within the curtilage of a house.

**Class 3** provides for the following exemption;

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

### **Conditions and Limitations**

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

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

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(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 proposed shed to which the Section 5 relates is located along a straight stretch of road on the L1822 in the townland of Cloncannon, Co. Tipperary. The existing dwelling on site is served by an existing entrance off the local road. It is orientated towards the south of the site. The shed, which is the subject of the current declaration, is proposed on the western side of this dwelling.

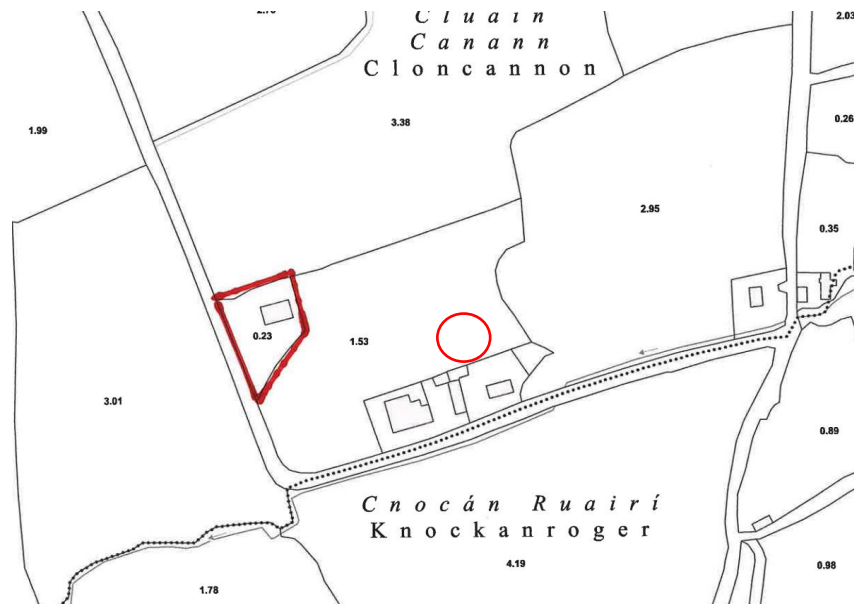


Figure 2: Landholding in red

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

#### S5/24/127

Section 5 - Construction of a shed with canopy, measuring 25sqm, to the side of an existing dwelling – Not exempt

*Reason* - the floor area of the shed and canopy exceeds 25sqm and is located forward of the front building line of the dwelling.

#### Pl. Ref. 07510401

Permission refused in 2007 for the construction of a storey and a half dwelling house, domestic garage, septic tank, entrance and all associated site works. Granted on appeal to ABP

#### Pl. Ref. 06511567

Incomplete application for a dormer style bungalow, septic tank and entrance.

#### Pl. Ref. 06511567

Permission granted in 2001 for the construction of a two-storey dwelling house, entrance and septic tank with percolation area.

### **c. Assessment**

#### **A) “Is or is not Development”**

Having considered all of the details and documentation on file with regards the question asked, the Planning Authority is satisfied that the proposal constitutes “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

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

The proposed shed would be within the curtilage of the existing dwelling and would be sited on its western side.



The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floorarea of 25.2sqm. The total area of the structure would therefore exceed 25sqm.

The proposed shed would not reduce open space less than 25sqm.

The drawing indicates that the proposed shed would be constructed with the same materials as the existing dwelling.

The proposed shed would have a maximum ridge height of 4m (pitched roof).

Details in relation to the use of the structure have not been provided.

### **C) Is the exemption restricted under Article 9**

I note no restrictions that would apply based on the information presented at this stage.

### **D) 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 proposed development at Cloncannon, Co. Tipperary is or is not exempted development:

- *Construction of a shed at the side of an existing dwellinghouse*

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’.

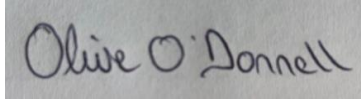
Therefore, it is recommended that the following further information is sought from the applicant:

1. The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floorarea of 25.2sqm. The total area of the structure would therefore exceed 25sqm. The applicant is required to submit revised floorplans and elevations of the

proposed shed which demonstrate compliance with Class 3(2) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

2. The applicant is required to clarify the use of the proposed shed.

**District Planner:**

A rectangular box containing a handwritten signature in dark ink that reads "Olive O'Donnell".

**Date:** 20/11/2024

**A/Senior Executive Planner:**

A handwritten signature in dark ink that reads "Jonathan Flood".

**Date:** 21/11/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/127
(b) Brief description of the project or plan:	As per planners report
€ Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
€ 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 Site (code)	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
Slievefelim to Silvermines Mountains SPA (004165)	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No
Kilduff, Devilsbit Mountain SAC (000934)	<a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a>	Within 10km	None	No
Lower River Suir SAC (002137)	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</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>	None.
<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>	None.
In-combination/Other	None.

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <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



**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:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(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> 20/11/2024

**EIA Pre-Screening**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5/24/127
<b>Development Summary:</b>	If the construction of a shed, measuring 25sqm, to the sided of an existing dwelling constitutes development
<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>
	<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, 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 required</b>
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Determination required</b> <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,  
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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  
e custom  
@tipperar  
tipperary

Date: 22<sup>nd</sup> November, 2024

Our Ref: S5/24/127

Civic Offices, Nenagh

**John Francis O'Farrell**  
**C/O David Mooney**  
**14 Old Farm Rd**  
**Cloughjordan**  
**Co. Tipperary**

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

Dear Mr. O'Farrell,

I refer to your application for a Section 5 Declaration received on 29<sup>th</sup> October, 2024, in relation to the following proposed works:

- Construction of a shed at the side of an existing dwellinghouse at Cloncannon, Moneygall, Co. Tipperary.

#### **RECOMMENDATION**

It is recommended to seek the **following further information** pursuant to Section 5 (2) (b) of the Planning and Development act 2000, as amended:

The following further information is requested regarding the proposed development:

1. The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floor area of 25.2sqm. The total area of the structure would, therefore, exceed 25sqm. The applicant is required to submit revised floorplans and elevations of the proposed shed which demonstrate compliance with Class 3(2) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
2. The applicant is required to clarify the use of the proposed shed.

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

Yours sincerely

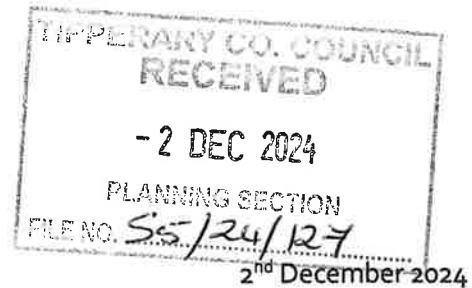
*Geraldine Quinn*

for **Director of Services**



**David Mooney Bsc Surv. MURP  
Town Planning Consultant  
14 Old Farm Road  
Cloughjordan  
Co. Tipperary**

Planning Department  
Tipperary County Council  
Civic Offices  
Limerick Road  
Nenagh  
Co. Tipperary



Dear Sir / Madam:

**RE: SECTION 5 APPLICATION FOR CONSTRUCTION OF A SHED AT CLONCANNON, MONEYGALL, CO. TIPPERARY**

**Your Ref: 55/24/127**

On behalf of my client, John Francis O Farrell, I wish to respond to your letter requesting further information in respect of this Section 5 application dated 22<sup>nd</sup> November 2024.

The further information request identified the following issues:

- 1. The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions and would therefore give rise to an internal floor area of 25.5sqm. The total area of the structure would therefore exceed 25 sqm. The applicant is required to submit revised floorplans and elevations of the proposed shed which demonstrate compliance with Class 3 (2) of Schedule 2, Part 1 of the Planning and Development Regulations as amended.***

**Response to item 1**

It is respectfully submitted that the submitted drawings are now drawn to scale by hand. The drawing shows a scale bar and a print guide for the depicted scale on the title block of the drawing.

The Architect has redrawn the plans amending them such that the floor area of the shed is now proposed to be 24.8 sqm. We enclose 2 no. printed copies of these plans which we submit are to the correct scale in accordance with the Planning and Development Regulations.



2. ***The applicant is required to clarify the use of the proposed shed.***

The shed is proposed to be used for domestic storage ancillary to the adjacent dwelling house.

**Response to item 2**

We trust that these amendments allow the proposed shed to qualify for the criteria for exempted development set out in the Planning and Development Regulations 2001 (as amended).

We look forward to a decision on the application. Yours sincerely,

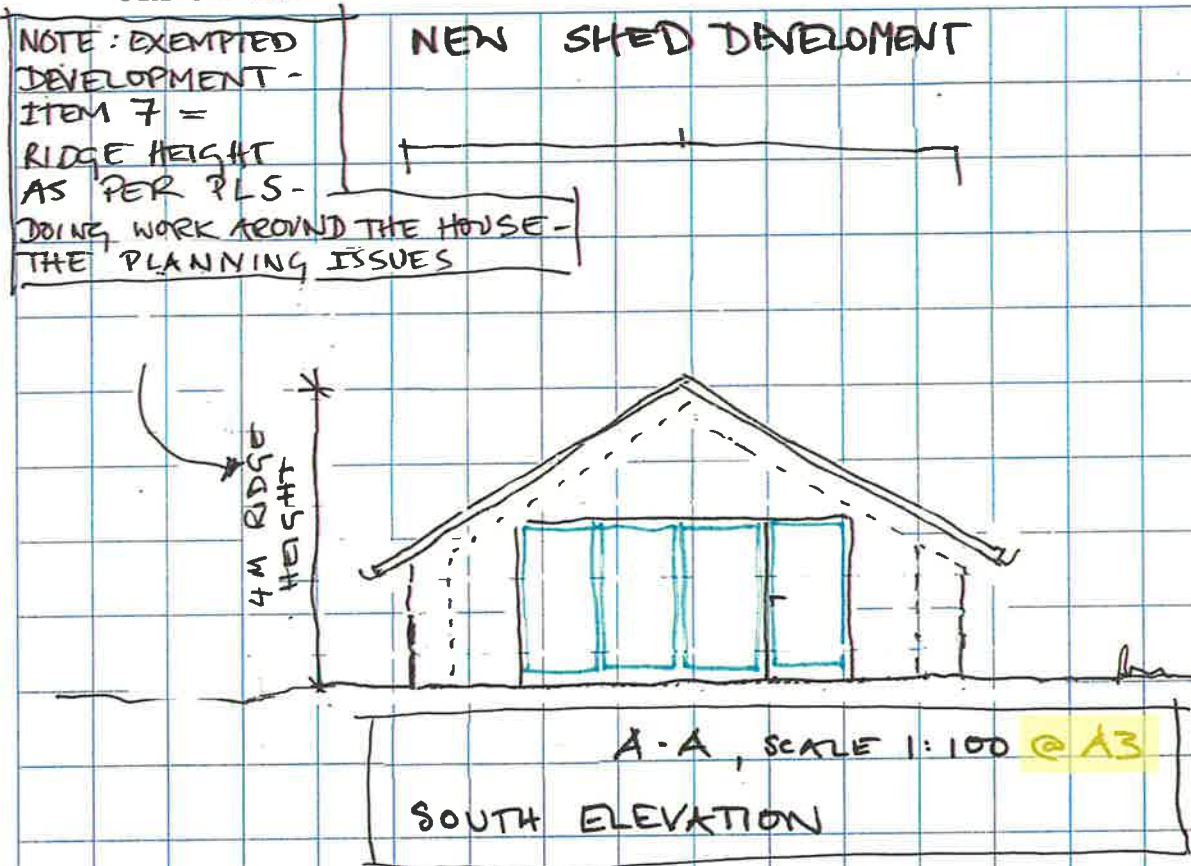
A handwritten signature in blue ink that reads "David Mooney". The signature is written in a cursive style with a large initial 'D'.

**David Mooney MURP MIPI**

- LEGEND
- EXISTING WALLS
  - WALLS TO BE REMOVED
  - NEW WALLS
  - NEW WINDOWS / GLASS DOORS
  - INSULATION
- © 2024 O'Neill Architecture

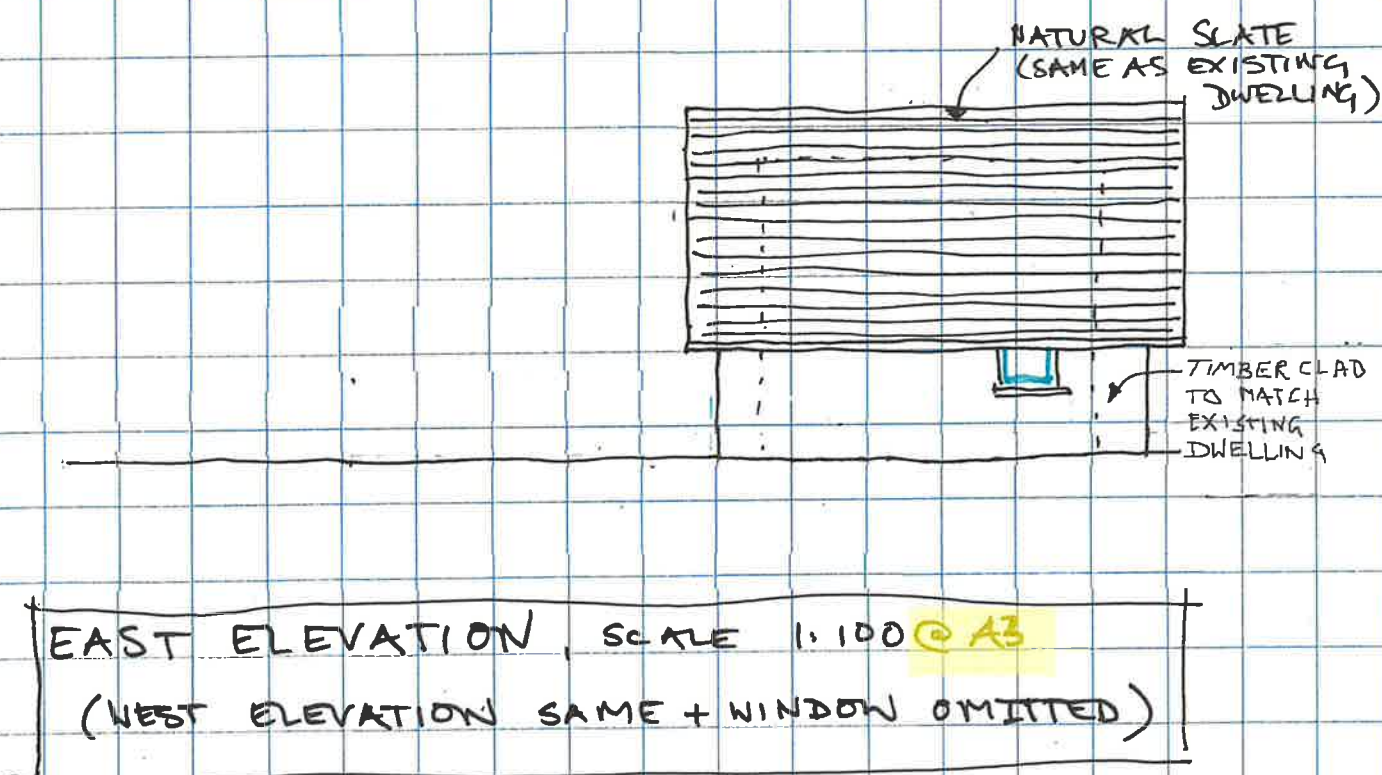
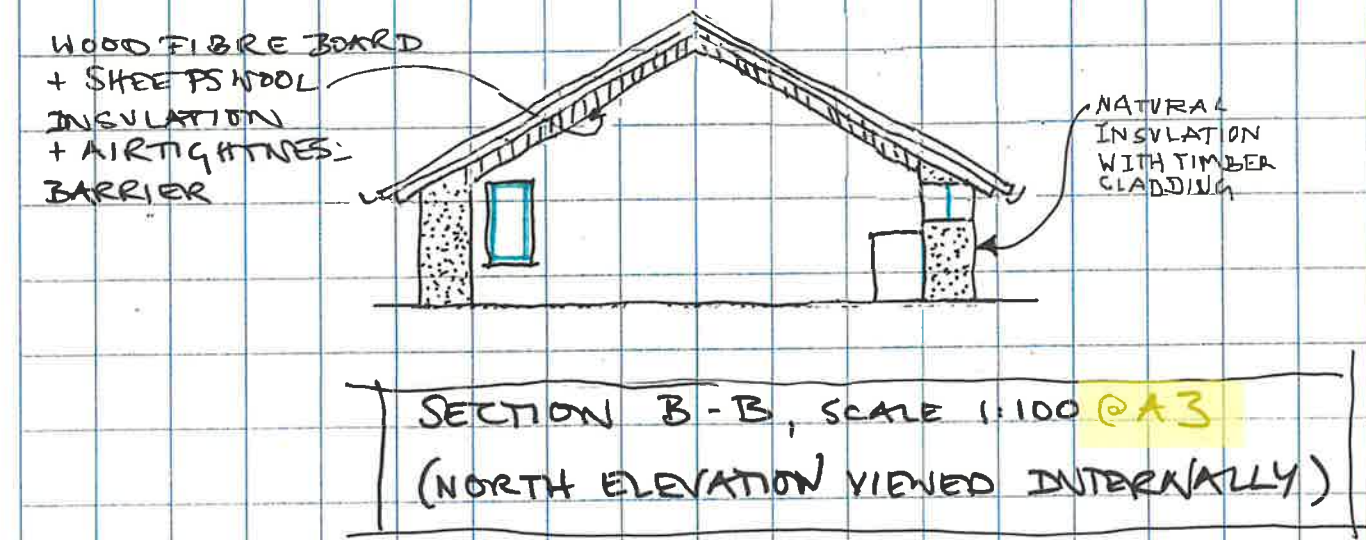
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GROUND FLOOR + SITE LAYOUT PLAN 21/10/2024 R4

**O'NEILL ARCHITECTURE**  
 ARCHITECTURE | PLANNING | DESIGN  
 DESIGN CLINIC: CLONCANNON BIOFARM  
 CLIENTS: Sean O'Farrell  
 CONTACT: 087 9227957  
 EMAIL: ofarrejf@tcd.ie  
 DRAWING: SECTION B + N/E/W/S ELEVATIONS  
 SCALE: 1:100 @ A3 DATE: 28/11/2024 R 4



TIPPERARY COUNTY COUNCIL  
RECEIVED

- 2 DEC 2024  
PLANNING SECTION  
FILE NO. S9/24/127



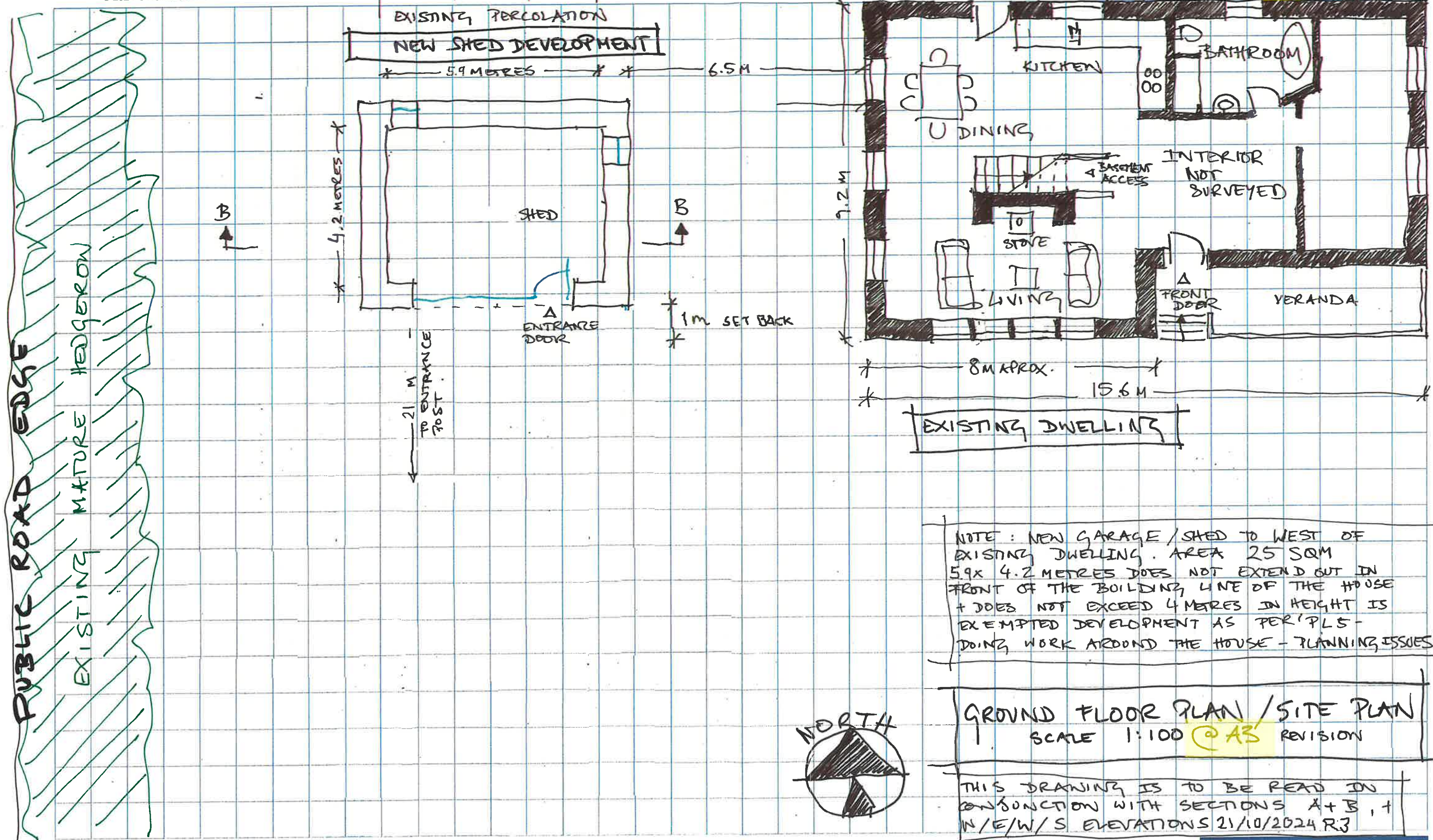


- LEGEND
-  EXISTING WALLS
  -  WALLS TO BE REMOVED
  -  NEW WALLS
  -  NEW WINDOWS / GLASS DOORS
  -  INSULATION
- © 2024 O'Neill Architecture

SEPTIC TANK LOCATION TBC

TIPPERARY CO. COUNCIL RECEIVED  
 -2 DEC 2024  
 PLANNING SECTION  
 FILE NO. 55/24/127

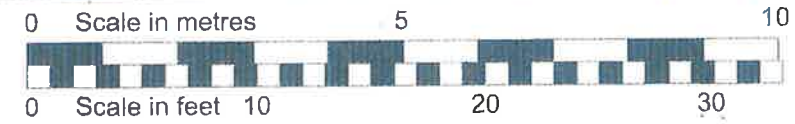
O'NEILL ARCHITECTURE  
 ARCHITECTURE | PLANNING | DESIGN  
 DESIGN CLINIC: CLONCANNON BIDFARM  
 CLIENTS: SEAN O'FARRELL  
 CONTACT: 087 9227957  
 EMAIL: ofarnejf@tcd.ie  
 DRAWING: GROUND FLOOR / SITE PLAN  
 SCALE: 1:100 @ A3 DATE: 28/11/2024 R5



NOTE: NEW GARAGE / SHED TO WEST OF EXISTING DWELLING. AREA 25 SQM 5.9x 4.2 METRES DOES NOT EXTEND OUT IN FRONT OF THE BUILDING, LINE OF THE HOUSE + DOES NOT EXCEED 4 METRES IN HEIGHT IS EXEMPTED DEVELOPMENT AS PER 'PLS - DOING WORK AROUND THE HOUSE - PLANNING ISSUES'

GROUND FLOOR PLAN / SITE PLAN  
 SCALE 1:100 @ A3 REVISION

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SECTIONS A+B, + N/E/W/S ELEVATIONS 21/10/2024 R3



RIAI	Registered Architect	Architect Accredited in Conservation	Practice Member
	2024	G3	2024



TIPPERARY COUNTY COUNCIL

**Application for Declaration under Section 5**

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

**Planning Ref.:** S5/24/127  
**Applicant:** John Francis O' Farrell  
**Development Address:** Cloncannon, Moneygall, Co. Tipperary  
**Query:** Construction of a shed at the side of an existing dwellinghouse.

**1. GENERAL**

On the 29<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 David Mooney, acting on behalf of John Francis O' Farrell, as to whether or not the construction of a shed at the side of an existing dwelling house constitutes development and is or is not exempted development.

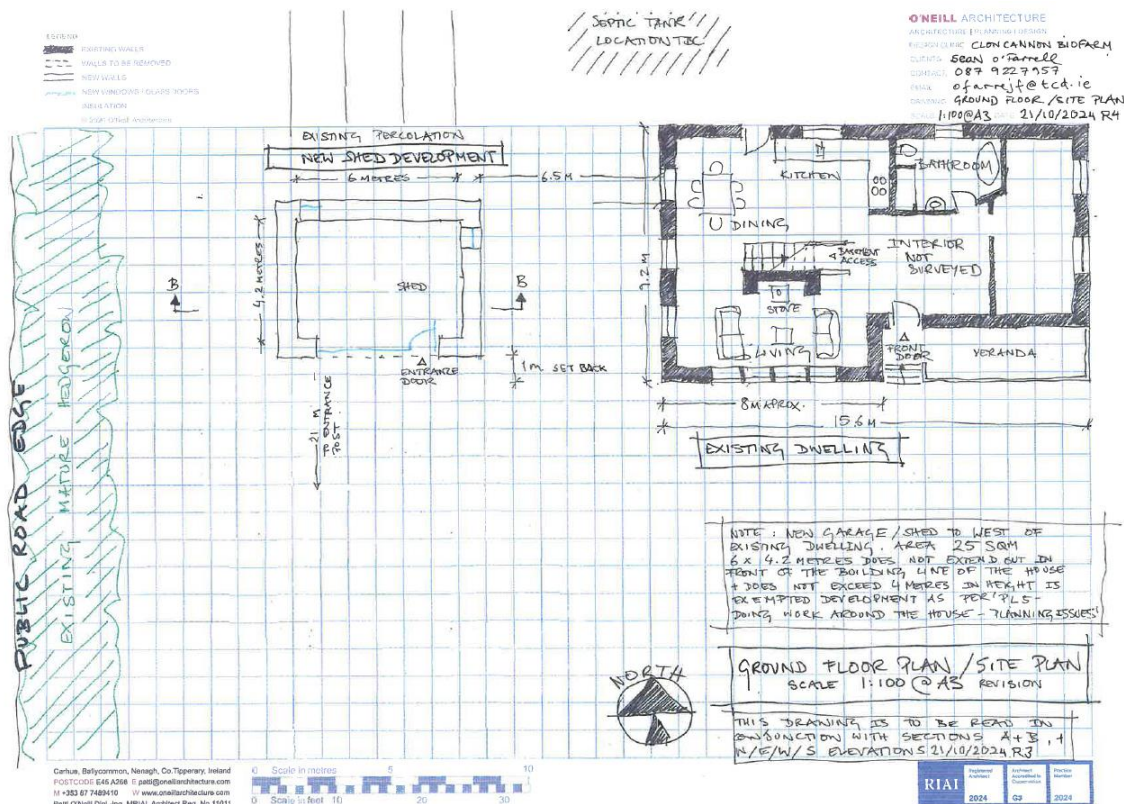


Figure 1: Proposed floorplans

**2. STATUTORY PROVISIONS**

The relevant planning legislation is set out below;

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

**Section 2(1)** of the same Act defines “works” as: -



*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint,*

**Section 3 (1)** of the Planning and Development Act 2000, as amended, defines “development” as: -

*In this Act, except where the context otherwise requires, "development" means—(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 4** provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

**Section 4(2)(a)** of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

**Section 4 (2)(a)** of the Planning and Development Act 2000, as amended, states as follows: -

*(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—  
(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or  
(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

**Section 4 (4)** of the Planning and Development Act 2000, as amended, states as follows:

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

### **Planning and Development Regulations 2001, as amended**

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

(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 1 – 8** inclusive refer to development within the curtilage of a house.

**Class 3** provides for the following exemption;

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

### **Conditions and Limitations**

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

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

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(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 proposed shed to which the Section 5 relates is located along a straight stretch of road on the L1822 in the townland of Cloncannon, Co. Tipperary. The existing dwelling on site is served by an existing entrance off the local road. It is orientated towards the south of the site. The shed, which is the subject of the current declaration, is proposed on the western side of this dwelling.

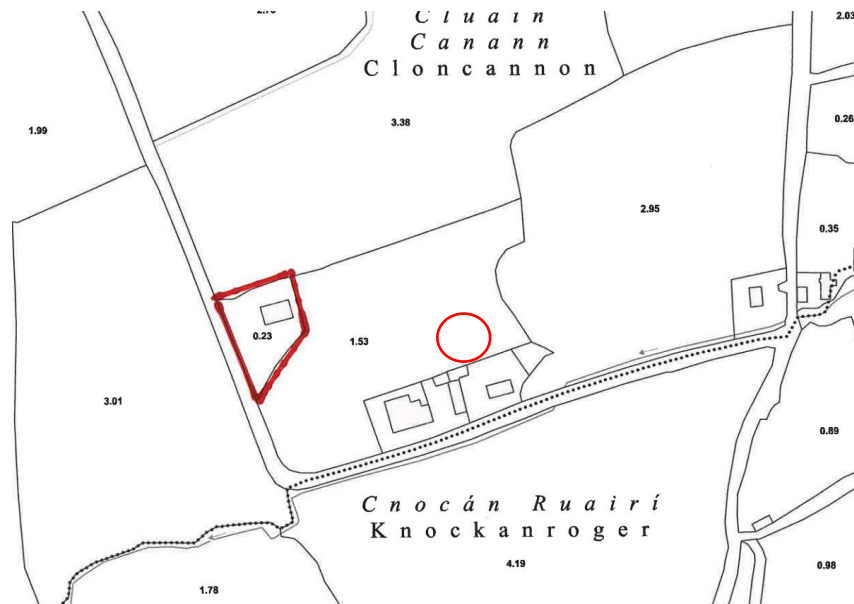


Figure 2: Landholding in red

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

#### S5/24/127

Section 5 - Construction of a shed with canopy, measuring 25sqm, to the side of an existing dwelling – Not exempt

*Reason* - the floor area of the shed and canopy exceeds 25sqm and is located forward of the front building line of the dwelling.

#### Pl. Ref. 07510401

Permission refused in 2007 for the construction of a storey and a half dwelling house, domestic garage, septic tank, entrance and all associated site works. Granted on appeal to ABP

#### Pl. Ref. 06511567

Incomplete application for a dormer style bungalow, septic tank and entrance.

#### Pl. Ref. 06511567

Permission granted in 2001 for the construction of a two-storey dwelling house, entrance and septic tank with percolation area.

### **c. Assessment**

#### **A) “Is or is not Development”**

Having considered all of the details and documentation on file with regards the question asked, the Planning Authority is satisfied that the proposal constitutes “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

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

The proposed shed would be within the curtilage of the existing dwelling and would be sited on its western side.

The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floorarea of 25.2sqm. The total area of the structure would therefore exceed 25sqm.

The proposed shed would not reduce open space less than 25sqm.

The drawing indicates that the proposed shed would be constructed with the same materials as the existing dwelling.

The proposed shed would have a maximum ridge height of 4m (pitched roof).

Details in relation to the use of the structure have not been provided.

### **C) Is the exemption restricted under Article 9**

I note no restrictions that would apply based on the information presented at this stage.

### **D) 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 proposed development at Cloncannon, Co. Tipperary is or is not exempted development:

- *Construction of a shed at the side of an existing dwellinghouse*

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’.

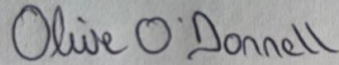
Therefore, it is recommended that the following further information is sought from the applicant:

1. The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floorarea of 25.2sqm. The total area of the structure would therefore exceed 25sqm. The applicant is required to submit revised floorplans and elevations of the

proposed shed which demonstrate compliance with Class 3(2) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

2. The applicant is required to clarify the use of the proposed shed.

**District Planner:**

A rectangular box containing a handwritten signature in blue ink that reads "Olive O'Donnell".

**Date:** 20/11/2024

**A/Senior Executive Planner:**

A handwritten signature in blue ink that reads "Jonathan Flood".

**Date:** 21/11/2024



## **5. FURTHER INFORMATION**

Two points of further information were requested from the applicant in a letter dated 22<sup>nd</sup> November 2024. The FI request is outlined below in italics with assessment under same in bold.

1. *The submitted plans are not to scale. The stated floor dimensions of the proposed shed are 6m x 4.2m. These appear to be internal dimensions, and would therefore give rise to an internal floorarea of 25.2sqm. The total area of the structure would therefore exceed 25sqm. The applicant is required to submit revised floorplans and elevations of the proposed shed which demonstrate compliance with Class 3(2) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.*
2. *The applicant is required to clarify the use of the proposed shed.*

***The applicant has submitted revised drawings with stated internal floor dimensions of the proposed shed are 5.9m x 4.2m. These give rise to an internal floorarea of 24.78sqm. It is stated that the shed is proposed to be used for domestic storage ancillary to the dwelling.***

## **6. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the following proposal to be undertaken at Cloncannon, Moneygall, Co. Tipperary is development and is or is not exempted development:

- Construction of a shed at the side of an existing dwellinghouse.

**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) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- (d) The plans and documentation submitted as 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 the Further Information received on 02/12/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

**District Planner:**

*Olive O'Donnell*

**Date:** 19/12/2024

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date:** 19/12/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/127
(b) Brief description of the project or plan:	As per planners report
€ Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
€ 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 Site (code)	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
Slievefelim to Silvermines Mountains SPA (004165)	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No
Kilduff, Devilsbit Mountain SAC (000934)	<a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a>	Within 10km	None	No
Lower River Suir SAC (002137)	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</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>	None.
<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>	None.
In-combination/Other	None.

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <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.
---	-------

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

Yes  No

**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:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(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> 20/11/2024

**EIA Pre-Screening**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5/24/127
<b>Development Summary:</b>	If the construction of a shed, measuring 25sqm, to the sided of an existing dwelling constitutes development
<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>
	<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, 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 required</b>
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Determination required</b> <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  
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Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

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

Date: 19<sup>th</sup> December, 2024

Our Ref: S5/24/127

Civic Offices,  
Nenagh

John Francis O'Farrell,  
C/o David Mooney,  
14 Old Farm Road,  
Cloughjordan,  
Co. Tipperary.

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

Dear Mr. O'Farrell,

I refer to your application for a Section 5 Declaration received on 29<sup>th</sup> October, 2024, and 2<sup>nd</sup> December, 2024, in relation to the following proposed works:

Construction of a shed at the side of an existing dwelling house at Cloncannon, Moneygall, 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) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended,
- (d) The plans and documentation submitted as further information.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, as amended by the Further Information received on 02/12/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

**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

A handwritten signature in black ink, appearing to read "Rosalyn Hayes". The signature is written in a cursive style with a horizontal line underneath it.

for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/127**      **Delegated Employee's Order No:** \_\_\_\_\_

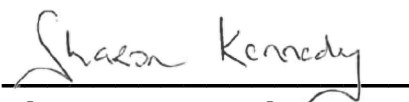
**SUBJECT: Section 5 Declaration**

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 John Francis O'Farrell, C/o David Mooney, 14 Old Farm Road, Cloughjordan, Co. Tipperary, re: construction of a shed at the side of an existing dwelling house at Cloncannon, Moneygall, 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) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended,
- (d) The plans and documentation submitted as further information.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, as amended by the Further Information received on 02/12/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

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

**Date: 19/12/2024**