

An
Bord
Pleanála

Board Direction
ABP-311463-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/03/2023.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether a concrete plinth constructed to the rear of the dwelling, and associated development, i.e. installation of mains electricity, water, sewage connections, and its use as per that identified in the complaint submitted to Tipperary County Council under TUD-19-038 at Monvey, Northfields, Clonmel, Co. Tipperary is development and is or is not exempted development.

AND WHEREAS the Board refined and clarified the question as to whether the items listed hereunder at the residential property at Monvey, Northfields, Clonmel, Co. Tipperary, are development and are or are not exempted development:

- (a) Demolition of a boundary wall and its replacement with a higher boundary wall.
- (b) Demolition of outbuildings and the construction of a new shed.
- (c) Repairs to the sewerage line within the property.
- (d) Internal works to the dwelling including the replacement of windows and doors, heating system, electrical upgrade, new kitchen, sanitary fittings and decoration.

- (e) Provision of a concrete plinth.
- (f) Other minor ancillary works.
- (g) The keeping of a caravan on the concrete plinth [subject of item (e) above] and its use as a residence.

AND WHEREAS Michael O'Donnell Jnr. requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 24th day of August, 2021, stating that the matter was development and was not exempted development:

AND WHEREAS Michael O'Donnell Jnr. referred this declaration for review to An Bord Pleanála on the 20th day of September, 2016:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(aa) of the Planning and Development Act, 2000, as amended,
- (d) Articles 6(1) of the Planning and Development Regulations, 2001, as amended, and
- (e) Schedule 2, Part 1, Class 8 of the Planning and Development Regulations, 2001 as amended.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works listed in paragraph 2 above, items (a) to (f) inclusive, are development by a local authority in its functional area and are therefore exempted development.
- (b) The keeping of a caravan on the concrete plinth which is being occupied as a dwelling does not comply with the limitations of Schedule 2, Part 1, Class 8 of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the following items:

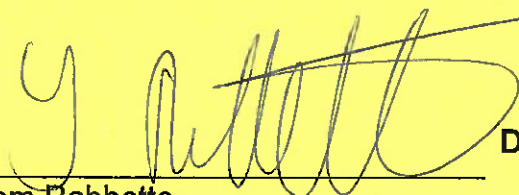
- (a) Demolition of a boundary wall and its replacement with a higher boundary wall.
- (b) Demolition of outbuildings and the construction of a new shed.
- (c) Repairs to the sewerage line within the property.
- (d) Internal works to the dwelling including the replacement of windows and doors, heating system, electrical upgrade, new kitchen, sanitary fittings and decoration.
- (e) Provision of a concrete plinth.
- (f) Other minor ancillary works.

which have occurred at the residential property at Monvey, Northfields, Clonmel, Co. Tipperary are development and are exempted development.

AND

The keeping of a caravan on the concrete plinth and its use as a residence which has occurred at the residential property at Monvey, Northfields, Clonmel, Co. Tipperary is development and is not exempted development.

Board Member:

A handwritten signature in black ink, appearing to read 'Tom Rabbette', written over a horizontal line. The signature is stylized and cursive.

Date: 31/03/2023

Tom Rabbette