



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/18/108

WHEREAS a question has arisen as to whether the installation of three number windows on the east side elevation of the commercial farm machinery maintenance and sales building at Freaghduff, Cashel, County Tipperary is or is not development or is or is not exempted development.

AND WHEREAS Siobhan Burke care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny requested a declaration on this question from Tipperary County Council, and the Council issued a declaration on the 1st day of November, 2018 stating that the matter is development and is not exempted development.

AND WHEREAS the said Siobhan Burke care of Peter Thomson Planning Solutions referred this declaration for review to An Bord Pleanála on the 28th day of November, 2018.

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

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) the planning history of the site, including a permitted extension to the subject building, which contains no ground level windows on the side elevation,
- (c) the existing building on site which has no ground level windows on the side elevation, other than those the subject of this referral, and
- (d) the report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of three number windows on the east side elevation of the building comprises the carrying out of works of construction and therefore constitutes development under section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) the installation of the three number windows in an existing wall with no other ground floor windows and which is close to and faces a party boundary wall, materially affects the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and therefore the works do not come within the scope of the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and

- (c) there are no exemptions provided for in the Planning and Development Act 2000, as amended, and in the Planning and Development Regulations, 2001, as amended, by which such works would be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the installation of three number windows on the east side elevation of the commercial farm machinery maintenance and sales building at Freaghduff, Cashel, County Tipperary is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.