

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: S5/21/86**

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

**AND WHEREAS** Michael O'Donnell Junior of Northfields, Fethard Road, Clonmel, County Tipperary requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 24<sup>th</sup> day of August, 2021 stating that the said matter is development and is not exempted development,

**AND WHEREAS** the said Michael O'Donnell Junior referred the question for review to An Bord Pleanála on the 20<sup>th</sup> day of September, 2021,

**AND WHEREAS** An Bord Pleanála refined and clarified the question as to whether the items listed hereunder at the residential property at Monvey, Northfields, Clonmel, County Tipperary is or is not development or is or is 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 (the subject of item (e) above) and its use as a residence.

**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, as amended,
- (c) Section 4(1)(aa) of the Planning and Development Act 2000, as amended,
- (d) Article 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 above, items (a) to (f), inclusive, are development by a planning 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 Planning and Development Act 2000, as amended, 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, County Tipperary is development and is exempted development,

and that 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, County Tipperary is development and is not exempted development.

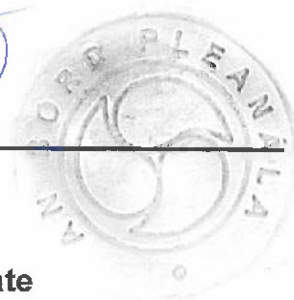


**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**



Dated this 17<sup>th</sup> day of APRIL 2023.