



An
Coimisiún
Pleanála

Inspector's Report ACP322897-25

Question	Whether alterations proposed to upgrade the thermal efficiency of the dwelling at Knockanane, Buttevant, P51DY26 is or is not development or is or is not exempted development.
Location	Knockanare, Buttevant, P51D2Y6, County Cork.
Declaration	
Planning Authority	Cork County Council.
Planning Authority Reference.	D/241/25
Applicant for Declaration	Laura Little
Planning Authority Decision	Is not exempted development.
Referral	First Party
Referred by	Laura Little
Owner Occupier	Laura Little
Observer(s)	None.
Date of Site Inspection	21 st November 2025.
Inspector	Derek Daly.

1.0 Site Location and Description

1.1. The proposed site is located approximately 600 metres to the east of the village Buttevant in County Cork. The site fronts onto the R522 which defines the northern boundary of the site. On the site is single storied dwelling with a detached garage and there are dwellings located on the adjoining lands to the west and east.

2.0 The Question

2.1. The question before the Commission relates to whether alterations proposed to upgrade the thermal efficiency of the dwelling is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

3.1.1. Cork County Council issued a declaration dated the 3rd June 2025 (Ref: D/241/25) having considered whether alterations proposed to upgrade the thermal efficiency of the dwelling at Knockanare, Buttevant, P51DY26 is or is not development or is or is not exempted development had declared it is not exempted development as the proposed works are restricted by Article 9(1)(viii) Restrictions on Exemptions as the proposed development would 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. The dwelling as constructed on site does not correlate with the elevations permitted under PL Ref 65/767. The dwelling as constructed differs significantly from the plans as permitted with a different roof profile, front door location and front window type location and the alterations proposed is development, and is not exempt development.

3.2. Planning Authority Reports

3.2.1. Planning Report of the 4th June 2025 refers to the works proposed to upgrade the thermal efficiency of the dwelling which includes external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of property. The report refers

to no changes are proposed to the positioning of the doors and windows. The planning history is referred to including 65/767 on the site and also to planning history of adjoining sites. The relevant statutory provisions are referred to and the dwelling as constructed does not correlate with the elevations as permitted under 65/767 and are restricted by Article 9(1)(viii) of the Planning and Development Regulations 2001 as amended and the proposed works are deemed to be development and not exempted development.

4.0 Planning History

- 4.1. The planning report refers to planning reference number 65/767 where planning permission was granted planning permission on the subject site.
- 4.2. The referrer in response to the planning authority declaration refers to a subsequent planning application planning ref no 70/1767 on the subject site where an initial application for three dwellings was applied for and planning permission was subsequently granted for two dwellings and the dwelling on the subject site was constructed in accordance with this grant of permission. Details relating to this grant of permission was submitted by the referrer in the response to the planning authority's declaration decision. An Coimisiún Pleanála subsequently requested details of this application and details of this application including drawings, the decision and correspondence were submitted to and received by an Coimisiún on the 14th November 2025.

5.0 Policy Context

- 5.1. There is no relevant development plan provisions relevant to this referral,
- 5.2. Natural Heritage Designations
None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 The Referral

- 6.1. **Referrer's Case**
 - 6.1.1. In summary the referrer indicates;

- The planning search carried out on the property indicated two permissions 65/767 and 70/1767.
- Cork County Council have cited 65/767 in the letter however the property was constructed under planning reference 70/1767.
- Documents from file 70/1767 are submitted including plans, site layout, notification of the decision, the final grant of permission and a letter from a county council engineer stating he was happy that the building complied with permission.

6.2. Planning Authority Response

- 6.2.1. No response was received specific to matters raised in the referrer's submission to An Coimisiún.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

Section 2(1) – Interpretation

“development” has the meaning assigned to it by section 3 and ‘develop’ shall be construed accordingly.

“exempted development” has the meaning specified in section 4;

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3(1) – Development

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.

Section 4

Section 4 refers to Exempted Development.

Section 4(1) refers to

The following shall be exempted developments for the purposes of this Act—

(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;

(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,

7.2. Planning and Development Regulations, 2001

7.2.1. “Article 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.

7.2.2. Article 9 (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 (relevant excerpts referenced)

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(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.

7.2.3. **Schedule 2, Part 1: Exempted Development General**

Development within the curtilage of a house

Part 1 Class 2

(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.

Conditions and Limitations

1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.
2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.
3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.
4. The total aperture area of any free standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free standing panels shall not exceed 25 square metres.
5. The placing or erection of any free standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area 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.
6. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.
7. The placing or erection of a solar photo voltaic or solar thermal collector installation on any wall shall not be exempted development.
8. The placing or erection of any free standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

9. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

8.0 Assessment

8.1. The purpose of this referral is not to determine the acceptability or otherwise of the development referred to in the question but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

8.1.1. The primary issue in relation to the question relates to the issue of whether the works proposed to upgrade the thermal efficiency of the dwelling is or is not development or is or is not exempted development

8.1.2. The declaration of the planning authority determined that it is not exempted development as the proposed works are restricted by Article 9(1)(viii) Restrictions on Exemptions as the proposed development would 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.

The dwelling as constructed on site does not correlate with the elevations permitted under PL Ref 65/767. The dwelling as constructed differs significantly from the plans as permitted with a different roof profile, front door location and front window type location and the alterations proposed is development, and is not exempt development.

8.1.3. The referrer in response refers to a planning search which was carried out on the property indicated two permissions 65/767 and 70/1767. Cork County Council cited 65/767 in the declaration letter however the property was constructed under planning reference 70/1767. Documents from file 70/1767 are submitted in support of this including plans, site layout, notification of the decision, the final grant of permission and a letter from a county council engineer stating he was happy that the building complied with permission.

- 8.1.4. In relation to the works as proposed they are referred to as external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of property and it is indicated that no changes are proposed in relation to the positioning of the doors and windows.
- 8.1.5. In relation to the placement of solar panels it is noted that there are specific provisions in the Planning and Development Regulations 2001 Schedule 2, Part 1: Exempted Development General Class 2 in relation to the placing or erection on a roof of a house of a solar photo-voltaic and/or a solar thermal collector installation subject to conditions and limitations in relation to placement and maximum area.
- 8.2. Is or is not development.
- 8.2.1. The proposals as submitted are as indicated an external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of property and it is indicated that no changes are proposed in relation to the positioning of the doors and windows.
- 8.2.2. The works proposed are in relation to a dwelling which was granted planning permission and the permitted use of the structure as a dwelling is not in dispute based on the planning history of the site.
- 8.2.3. The works as proposed would constitute development within the definition of development as stated in section 3(1) (a) of the Planning and Development Act 2000 as amended, except where the context otherwise requires, "development" means 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.
- 8.3. Is or is not exempted development
- 8.3.1. Section 4 of the Act refers to Exempted Development and section 4(1)(h) refers to that the following shall be exempted developments for the purposes of the Act—
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.

- 8.3.2. Within the provisions of 4(1)(h) works as proposed in the question relating to an external wall insulation wrap with white finish; replacement of front door; replacement of windows and the replacement of back door would be considered exempted if the works can be considered 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. The works in question are works which can be considered 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 and therefore meet the requirements of s.4(1)(h).
- 8.3.3. Works in relation to placement of solar panels would be exempted development if they comply with Part 1 Class 2(c) of the Planning and Development Regulations 2001 as amended in relation to the placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation subject to complying with the conditions and limitations stated.
- 8.3.4. Section(4)(2)(a) of the Act also provides that the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act. The Planning and Development Regulations 2001 as amended outline provisions in relation to exempted development and in Article 9 (1)(a) that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
 - (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.
- 8.3.5. The contention of the planning authority as indicated in their declaration is that the dwelling as constructed differs significantly from the plans as permitted in the granted planning permission and the grant of permission referenced is 65/767 and based on the drawing referred to in the planning report as figure 2 elevations as

permitted under 65/767 this contention would appear to be correct as the front elevation of the dwelling as constructed is significantly different in appearance in relation to the positioning of the door and windows.

- 8.3.6. The dwelling however it would appear was not constructed in accordance with the terms and conditions of 65/767. There was a subsequent grant of planning permission on the subject site 70/1767 in which two dwellings were granted planning permission and the dwelling which is the subject of this referral was one of the dwellings granted permission and was constructed under the terms of the permission granted on 70/1767.
- 8.3.7. I have reviewed the drawings associated with 70/1767.
- 8.3.8. The dwelling on the site is handed in comparison to the drawings as submitted, but the position of the doorway is central to the elevation and there are two window openings on one side of the doorway and a single window opening on the other side of the doorway. The windows differ in being smaller and not extending downwards towards the plinth as would appear to be indicated on the drawings but retain the same approximate width. In relation to the roof the dwelling as constructed has a hip roof construction as distinct to a straight gable to eaves height.
- 8.3.9. The primary variations between the permitted and constructed dwelling in relation to external appearance of the structure are in relation to the windows and the shape/construction of the roof and the matter to be considered is whether the variations are material.
- 8.3.10. In relation to the windows, they are not an increase in the area of glazing, are smaller in area and of a lesser overall height than the drawings of the permitted dwelling. I do not consider that the variations 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 and the works in question are works which can be considered 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 and therefore meet the requirements of s.4(1)(h).
- 8.3.11. The roof construction is different incorporating a hip design but the overall height and pitch is similar. I do not consider the variation 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

- 8.3.12. I would note that the correspondence in relation to 70/1767 in 1972 which relate to compliance with the conditions of the permission. It is not for ACP to determine the status of those works / changes to the permitted development other than noting it was indicated by the planning authority that the conditions of the permission were complied with in relation to the construction of the dwelling or to be determine unauthorised development in relation to the dwelling as currently constructed.
- 8.3.13. To conclude on this matter although there is variation from the original drawings as stated the glazed area of the windows is reduced rather than increased and the overall scale and height of the roof has not significantly altered and significantly increased in height and do not materially affect the external appearance of the structure. I also do not consider the dwelling as constructed are works such so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. There is nothing therefore to suggest that the works referred to in the question are not exempted development on a structure/dwelling where planning permission was granted and or in relation to any subsequent works which would comply with the provisions of section 4(1)(h).

9.0 EIA Screening

- 9.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

10.0 AA Screening

- 10.1. I have considered the proposal which is relation to the provision of an external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of an existing dwelling house in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 10.2. The proposed development comprises in effect a relatively minor development. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 10.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

- 11.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether alterations proposed to upgrade the thermal efficiency of the dwelling with an external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of property is or is not exempted development: AND

WHEREAS Laura Little requested a declaration on this question from Cork County Council and the Council issued a declaration on the 3rd day of June 2025 stating that the matter was development and was not exempted development: AND WHEREAS Laura Little referred this declaration for review to An Coimisiún Pleanála on the 18th June 2025: AND

WHEREAS An Coimisiún 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 of the Planning and Development Act, 2000 as amended,
- (c) Section 4 of the Planning and Development Act, 2000 as amended

- (d) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 Class 2(c) of the Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) existing building on the site,
- (h) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) alterations proposed to upgrade the thermal efficiency of the dwelling with an external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of the dwelling constitutes development as defined under section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) The dwelling as constructed being works which do not materially affect the external appearance of the structure granted under planning ref. No 70/1767 and are such so as not to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- (c) the works referred to in the question are exempted development as defined by Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act (as amended), hereby decides that the development as outlined in the question

is development and is exempted development

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly

Planning Inspector

3rd December 2025

Form 1 - EIA Pre-Screening

Case Reference	322897-25
Proposed Development Summary	Alterations proposed to upgrade the thermal efficiency of the dwelling with an external wall insulation wrap with white finish; replacement of front door; replacement of windows; replacement of back door and twelve solar panels to roof on the south side of the dwelling.
Development Address	Knockanare, Buttevant, County Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input type="checkbox"/> it is a 'Project'.
	X No , No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> it is a Class specified in Part 1.	
<input type="checkbox"/>	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No X <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 3rd December 2025