

An Bord Pleanála

**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

**28 NOV 2018** Q

**Planning Appeal**

Fee: € 270.00 Type: HEQUE

**Check List**

Time: ✓ By: RES POST

(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the

name of the appellant  
(not care of agent)

Siobhan Burke

address of the  
appellant  
(not care of agent)

Freighduff, Cashel, County Tipperary

3. If an agent is involved, state the

name of the agent

Peter Thomson Planning Solutions

address of the agent

4 Priory Grove,  
Kells,  
County Kilkenny

4. State the Subject Matter of the Appeal\* Referral

Brief description of the development

Installation of 3 no windows on the east side elevation of the commercial farm machinery maintenance and sales building

Location of the development

Freaghduff, Cashel, Co. Tipperary.

[Empty box]

Name of planning authority

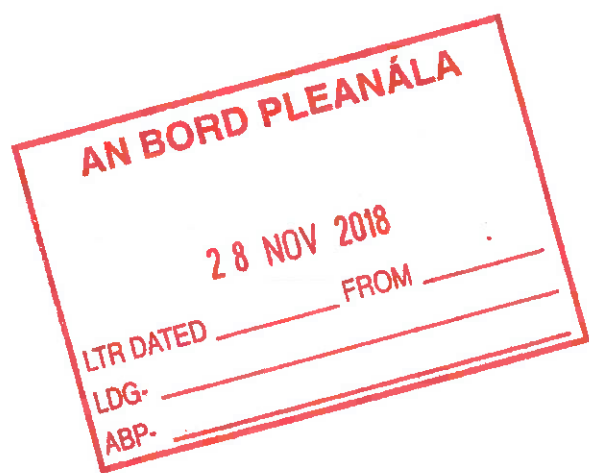
Tipperary County Council

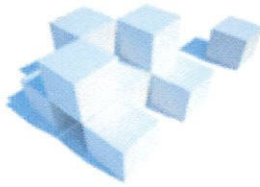
Planning authority register reference number

S5/18/108

\* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

- 5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
- 6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
- 7. Enclose / Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "[Guide to Fees Payable](#)" under heading of Making an Appeal on Home Page of this website for current fees.
- 8. Ensure that the appeal is received by the Board in the **correct manner and in time.**





Peter Thomson  
Planning Solutions



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

AN BORD PLEANÁLA

28 NOV 2018

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

27 November 2018

**Re: Referral of application made to Tipperary County Council for a Declaration under the provisions of Section 5 of the Planning and Development Act 2000 to 2018.**

**Installation of 3 no windows on the east side elevation of the commercial farm machinery maintenance and sales building at Freaghduff, Cashel, County Tipperary.**

Dear Sir/ Madam,

I act on behalf of Siobhan Burke, Freighduff, Cashel, County Tipperary who lives immediately next door to the above facility and is impacted upon by the works which were the subject of a request for a Section 5 Declaration from Tipperary County Council.

Please find enclosed a copy of the application made to Tipperary County Council and the Declaration which issued on 1 November 2018.

While my client agrees with the planning authority that the works are not exempted, it wishes this confirmed by An Bord Pleanála.

I wish to draw to the attention of the Board that there is a current planning appeal in respect of the subject property (ref: ABP302242-18 (L.A. ref: 18/600627)). This appeal is in respect of the granting of retention and planning permission for works, including unauthorised works. The Board will note from the terms of the application for a Section 5 Declaration to Tipperary County Council, that part of the case for considering the recent works undertaken not being exempted development, was that there are already a number of other existing unauthorised developments on the property which would automatically de exempt any further works.

It is requested that this Referral be considered in conjunction with the current planning appeal.

### **Conclusion**

The Board is requested to issue a declaration confirming the view of the Planning Authority that the three windows installed in the north elevation of

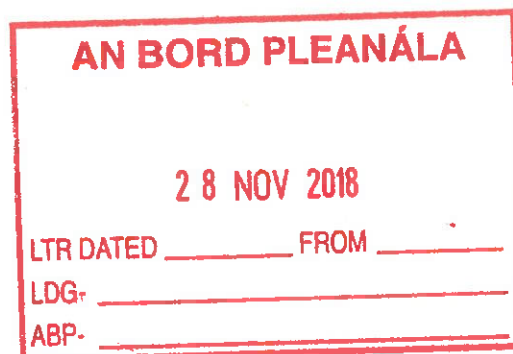
the building involved works which fall within the definition "development" as defined in the Planning and Development Acts and are not exempted under the Planning and Development Acts or Regulations.

I enclose the appropriate fee of €220 for making this referral.

Yours faithfully,



Peter Thomson, MSc, MIPI



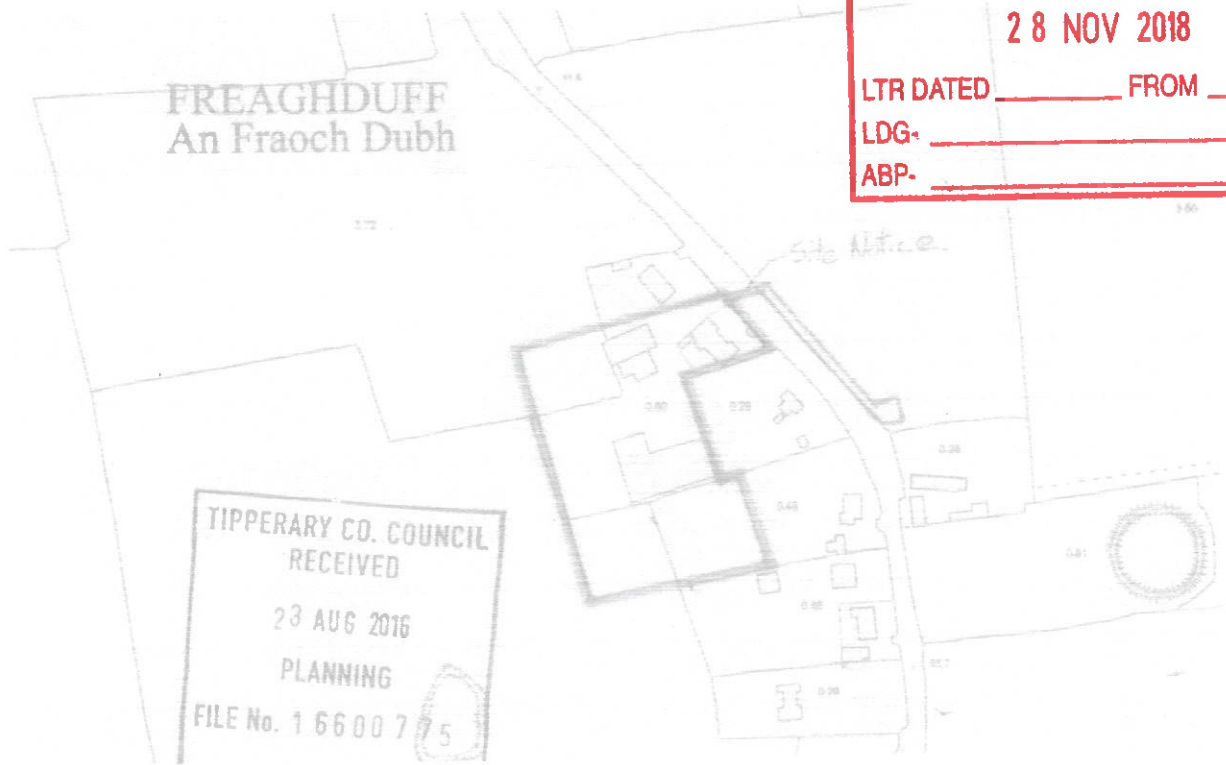
# AN BORD PLEANÁLA

28 NOV 2018

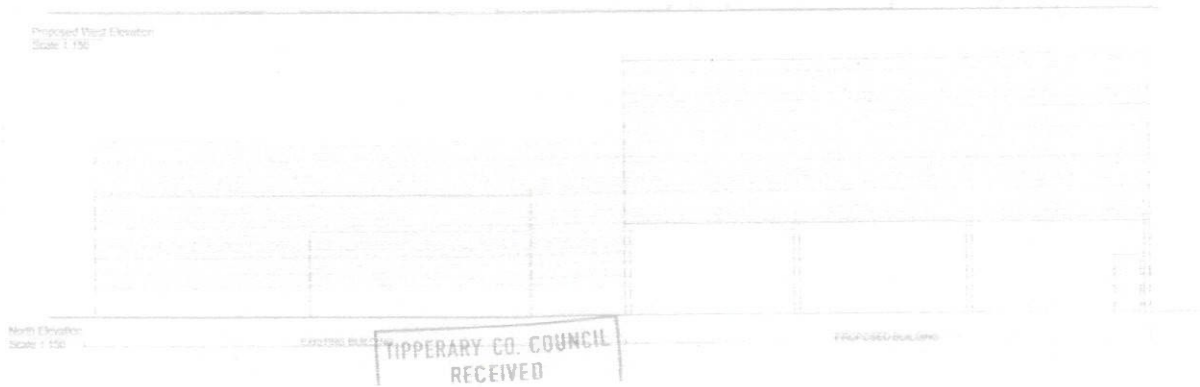
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LDG- \_\_\_\_\_

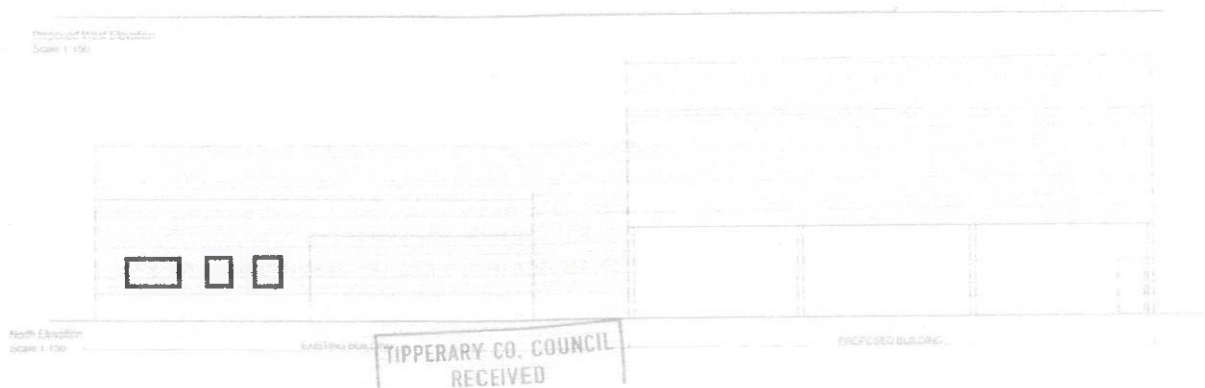
ABP- \_\_\_\_\_



Site location with my client's house to the north



Permitted north elevation



Windows installed in north elevation



Comhairle Contae Thiobraid Árann  
Tipperary County Council

AN BORD PLEANÁLA

28 NOV 2018

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

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

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

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

<i>Applicant</i>	Siobhan Burke
<i>Address</i>	Freaghduff, Cashel, Co Tipperary
<i>Telephone No.</i>	-
<i>E-mail</i>	-

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

<i>Agent</i>	Peter Thomson
<i>Address</i>	4 Priory Grove, Kells, County Kilkenny
<i>Telephone No.</i>	086 819 6856
<i>E-mail</i>	ptplanningsolutions@eircom.net
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Freaghduff, Cashel, County Tipperary
--	--------------------------------------

**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.)

Insertion of 3 windows on the site of the building - see cover letter attached.	
Proposed floor area of proposed works/uses:	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	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
Where legal interest is 'Other', please expand further on your interest in the land or structure	Neighbour to the property	
If you are not the legal owner, please state the name and address of the owner	Name: Conor Breen Address: Fearghduff, Cashel, Co Tipperary	

Signature of Applicant(s) Siobhán Breen Date: 3 October 2018

**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
  - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - o Floor Plans & Elevations at a scale of not less than 1:200
  - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - o 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:

<p><b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b></p>	<p><u>OR</u></p>	<p><b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b></p>
<p><b>Enquires:</b></p> <p><b>Telephone 0761 06 5000</b></p> <p><b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b></p>		

AN BORD PLEANÁLA

28 NOV 2018

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>
<u>DATE STAMP</u>
<p>Fee Recd. € _____</p> <p>Receipt No _____</p> <p>Date _____</p> <p>Received by _____</p>





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

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

t 0761 06 5000  
e customerservice  
@tipperarycoco.ie

tipperarycoco.ie

Ref: S5/18/108

5<sup>th</sup> October, 2018

Peter Thompson  
Planning Solutions  
4 Priory Grove  
Kells  
Co. Kilkenny

Re: **Application for Section 5 Declaration  
Planning & Development Act 2000 (as amended)**

A Chara

I acknowledge receipt of your application for Section 5 Declaration for Siobhan Burke regarding neighbouring property at Freaghduff, Cashel, Co Tipperary received in this office on 5<sup>th</sup> October, 2018.

I wish to advise that you will be notified of a decision on your application in due course.

Is mise le meas

  
for Director of Services



**O' Keeffe, Colm**

**From:** Conway, Caroline  
**Sent:** 05 April 2018 16:50  
**To:** McGrath, Liz; O' Keeffe, Colm  
**Subject:** FW: [External] Conor breen

For scanning to 16600775 and LUD-14 019.

Kind regards,

Caroline Conway  
Senior Executive Planner  
Planning Section  
Tipperary County Council  
Civic Offices, Emmet Street  
Clonmel  
Co Tipperary  
0761 06 5000  
[caroline.conway@tipperarycoco.ie](mailto:caroline.conway@tipperarycoco.ie)



**From:** Conway, Caroline  
**Sent:** 05 April 2018 16:46  
**To:** 'aidan kelly'  
**Subject:** RE: [External] Conor breen

**Re:** ABP PL 92.248370 (Pl. Ref. No. 16/600775)

Dear Aidan,

I have reviewed Revised Drawing 24/03/2018 submitted by you on the 26<sup>th</sup> March 2018 and note the following differences to the development permitted under ABP PL 92.248370 (Pl. Ref. No. 16/600775):

1. The southern elevation of the building is shown to be increased in height from 2.8m to 3m and the valley in the roof profile is not as deep as that permitted,
2. Reduction from 3 roller doors to 2 roller doors on rear elevation and relocation of same as shown (same are shown to be at a greater remove from the adjoining boundary),
3. The canteen and WC on the ground floor (south elevation) in addition to the conference room above is shown to be omitted,
4. Creation of a new service office to the front of the building at ground floor level within the existing floor space,



5. Provision of a canteen and 2 WC's at first floor level on the northern elevation above the garage/service office,
6. Provision of two new offices within the existing floorspace at the rear of the building at ground floor level,
7. Provision of an additional office at first floor level above same,
8. Provision of new first floor storage area at first floor level on the southern elevation.

The above list is not exhaustive and highlights the key issues identified by comparing the submitted drawing and the drawing on file only.

Many of the items listed above were discussed at our meeting on the 13<sup>th</sup> March 2018. The Planning Section advised at that meeting that the change in the valley could be accepted as non-material. Furthermore I am satisfied that an increase in the height of the shed by 0.2m on the southern elevation, the reduction in the number of roller doors and the relocation of same as shown in addition to the creation of three new offices within the existing floor area at ground floor level could be accepted as non-material i.e. items 1, 2, 4, 6

It is considered that items 5, 7 and 8 constitute a material amendment to the development as permitted and would require a grant of planning permission. This advice was previously provided at our meeting of the 13<sup>th</sup> March 2018.

With respect to item no. 3 the developer would be entitled to omit these elements in the short term but to deliver same within the lifetime of the permission.

Kind regards,

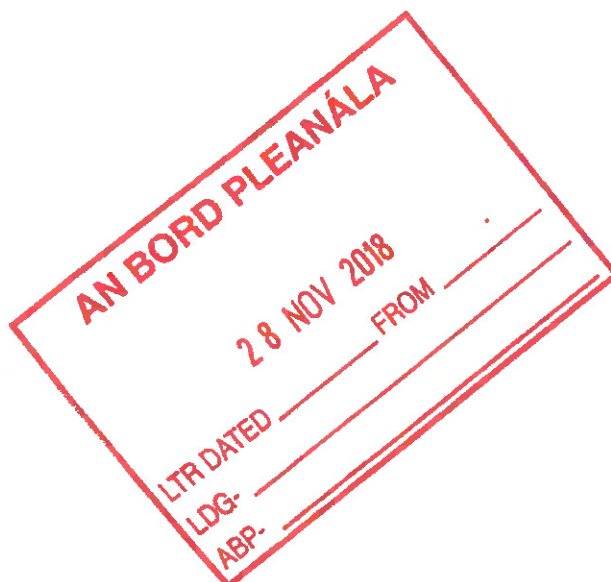
Caroline Conway  
 Senior Executive Planner  
 Planning Section  
 Tipperary County Council  
 Civic Offices, Emmet Street  
 Clonmel  
 Co Tipperary  
 0761 06 5000  
[caroline.conway@tipperarycoco.ie](mailto:caroline.conway@tipperarycoco.ie)



**From:** aidan kelly [mailto:[aidankelly2000@yahoo.ie](mailto:aidankelly2000@yahoo.ie)]  
**Sent:** 26 March 2018 16:05  
**To:** Conway, Caroline  
**Subject:** [External] Conor breen

Dear Caroline,

Please find attached drawing of what changes Conor wants to make to his proposed building. Please give me a call in relation to this. I have also attached picture that I would like to discuss with you also.





Comhairle Contae Thiobraid Árann  
Tipperary County Council

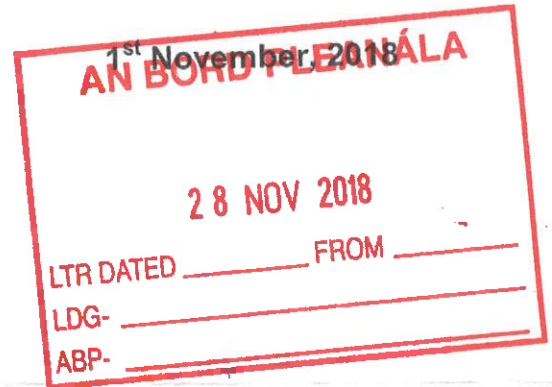
Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

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e customerservice  
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tipperarycoco.ie

S5/18/108

Siobhan Burke  
C/o Peter Thompson  
Planning Solutions  
4 Priory Grove  
Kells  
Co. Kilkenny



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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 5th October, 2018 in relation to the following proposed works:-

**Insertion of 3 windows on the side of the building at Freaghduff, Cashel, Co. Tipperary.**

**WHEREAS** a question has arisen as to whether the insertion of 3 no. windows At Freaghduff, Cashel, Co. Tipperary.

**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

**AND WHEREAS** Tipperary County Council has concluded that -

The proposal constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is not exempted development as the development does not satisfy Section 4(1)h of the Planning and Development Act, 2000, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the insertion of 3 no. windows at Freaghduff, Cashel, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is not 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 faithfully,

  
\_\_\_\_\_  
for Director of Services.

**AN BORD PLEANÁLA**

**28 NOV 2018**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_