

An  
Bord  
Pleanála

**AN BORD PLEANÁLA**  
LDG- 043744-21  
ABP- \_\_\_\_\_  
20 SEP 2021  
Fee: € 220 Type: PMD  
Time: \_\_\_\_\_ By: Reg Post  
**Planning Appeal Form**

## Your details

### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Michael O'Donnell Jnr

(b) Address

Northfields, Fethard Road,  
Clonmel, Co. Tipperary  
E91 E063

## Agent's details

### 2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A

(b) Agent's address

N/A

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APR  
VII SEP 2019  
Type  
3.13.1  
Date  
BY

## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

The agent at the address in  
Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

Tipperary County Council

**(b) Planning authority register reference number**

(for example: 18/0123)

S5/21/86

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Monvey, Northfields, Clonmel, Co. Tipperary

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

We don't agree with TCCs determination on whether the below items are development and whether that development requires planning.

- 1) Construction of a caravan parking bay complete with service connections incl. "mains water, mains electricity, mains sewage". See attached photos.
- 2) The council have also referred to the other items below.
  - a. Construction of a higher block wall to the sides and rear.
  - b. Construction of a shed to the front of the dwelling.
  - c. Expansion of the sewage network to a new caravan parking bay.

See attached photos for convenience.

We would ask that the Bord review the above and advise of their conclusion.

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

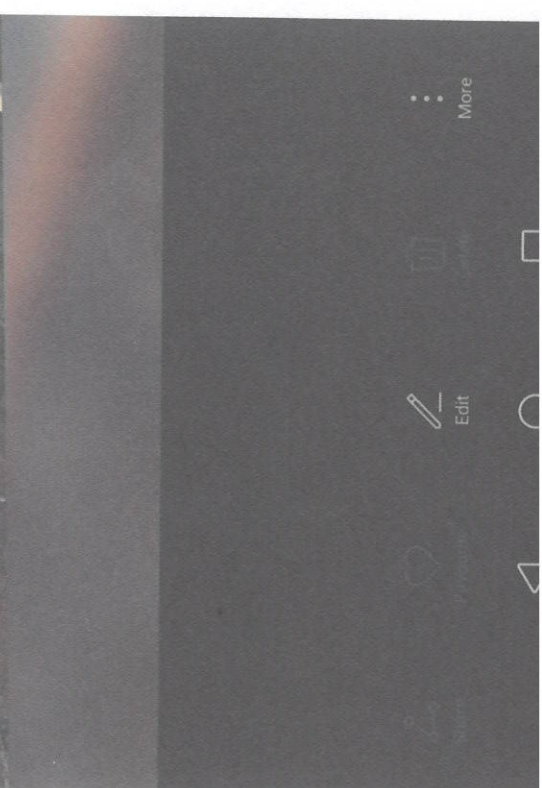
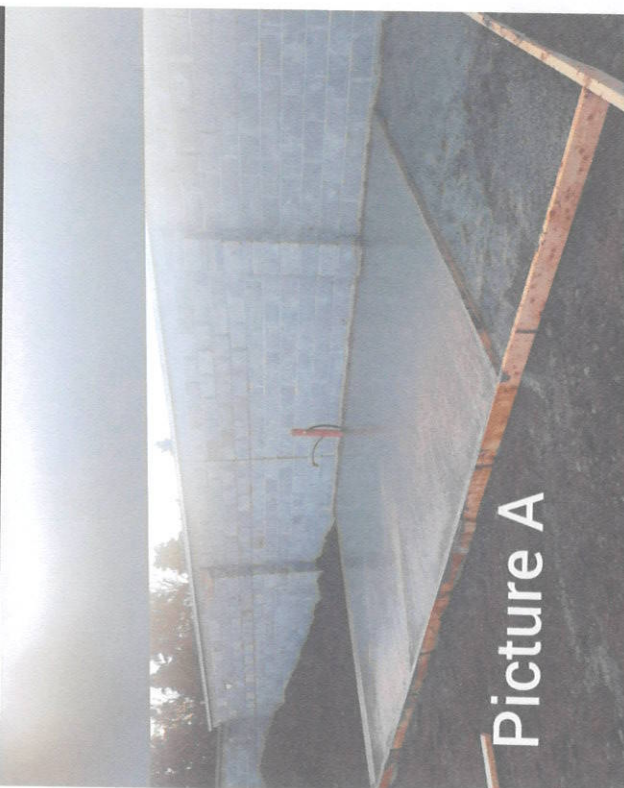
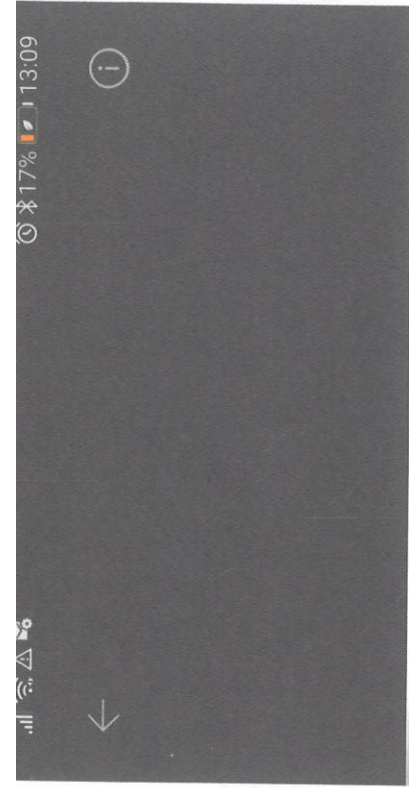
**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

NALA has awarded this document its Plain English Mark

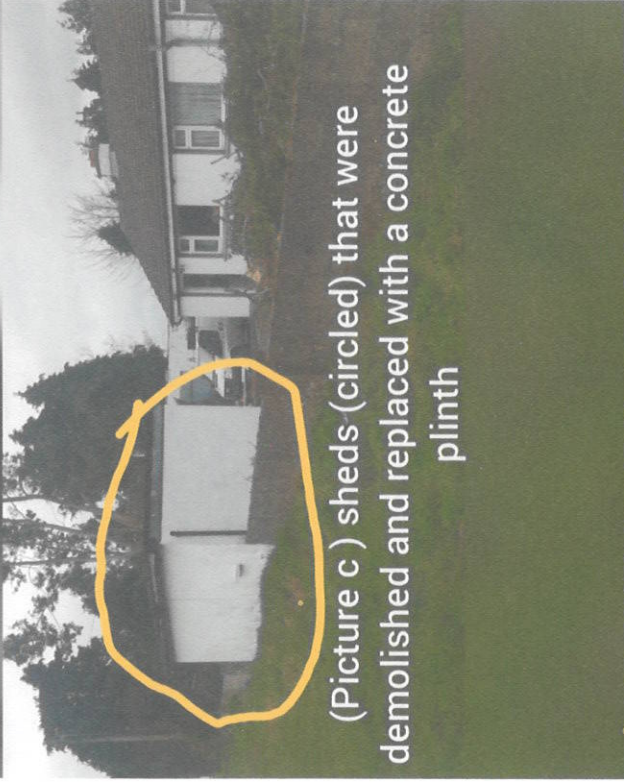
Last updated: April 2019.





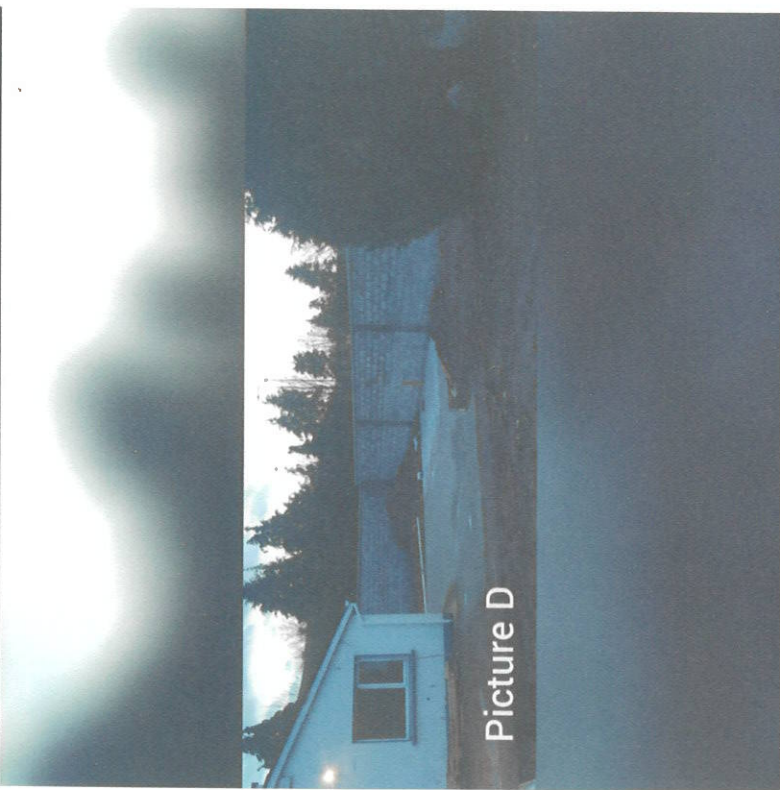
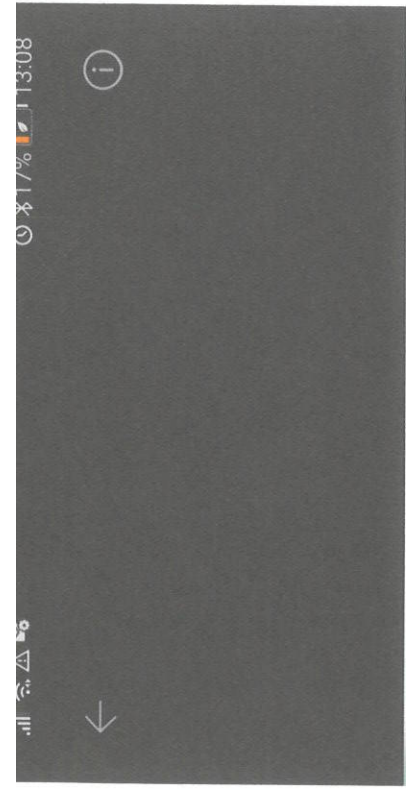






(Picture c) sheds (circled) that were demolished and replaced with a concrete plinth









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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Ref. S5/21/86

29<sup>th</sup> July, 2021

Michael O'Donnell Jnr  
Northfields  
Fethard Road  
Clonmel  
Co. Tipperary  
E91 E093

**Application for a Section 5 Declaration  
Monvey, Northfields, Clonmel, Co. Tipperary**

Dear Sir,

I wish to acknowledge receipt of application for a Section 5 Declaration received on 27<sup>th</sup> July, 2021 in connection with the above.

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

Yours faithfully,

For Director of Services





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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Ref. S5/21/86

24<sup>th</sup> August, 2021

Michael O'Donnell Jnr  
Northfields  
Fethard Road  
Clonmel  
Co. Tipperary  
E91 E093

Dear Sir/Madam,

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

I refer to your application for a Section 5 Declaration received on 27<sup>th</sup> July, 2021 in relation to the following proposed works: -

**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, Co. Tipperary.**

Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3, 4 and Section 179 of the Planning and Development Act, 2000, as amended
- (b) Article 6, 9 and 80 of the Planning & Development Regulations 2001, as amended.
- (c) Class 8, Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The following list of works are development within the meaning of the Planning and Development Act 2000, as amended and constitute *exempted development* pursuant to Section 4 (1) (aa) of the Planning and Development Act 2000, as amended. These works were undertaken by Tipperary County Council and do not come within the category of works listed under Article 80 of the Planning and Development Regulations 2001, as amended.

- a) demolition of a boundary wall and its replacement with a higher boundary wall,
- b) replacement of two field gates with palisade gates,
- c) demolition of out buildings and the construction of a new shed,
- d) repairs to the sewerage line within the property,

- e) internal works to the dwelling including the replacement of windows and doors, heating system, electrical upgrade, new kitchen, sanitary fittings and decoration,
- f) provision of a concrete plinth,
- g) other minor ancillary works.

Class 8, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended provides an exemption for:

<p>CLASS 8 The keeping or storing of a caravan, campervan or boat within the curtilage of a house.</p>	<ol style="list-style-type: none"> <li>1. Not more than one caravan, campervan or boat shall be so kept or stored.</li> <li>2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.</li> <li>3. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.</li> </ol>
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By virtue of the fact that there are two mobile homes on the site and it appears that same are in use for habitable purposes the above exemption is not available.

In conclusion the placement of a caravan or caravans on the site and use of same for human habitation **is development and is not exempted development.**

This decision is based on the information presented as part of the Section 5 Declaration Application received on the 27<sup>th</sup> July, 2021.

**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,

  
 A/Director of Services.