



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
22 MAY 2026
CASH OFFICE
Civic Offices, Clonmel

TIPPERARY CO. COUNCIL
RECEIVED
22 MAY 2026
PLANNING SECTION
FILE NO. 552172

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	VANESSA MORIARTY
Address	UNIT 2 CRANN ARD, FETHARD ROAD, CLONMEL, CO. TIPPERARY E91 E8Y1
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	N/A
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	TIPPERARY EDUCATION & TRAINING BOARD GREYSTONE STREET, CARRICK ON SUIR, CO. TIPPERARY E32 FD27
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Receipt No 203780
Issued 2205 2026
€80.00 card

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.

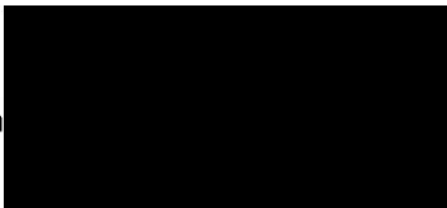
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

CHANGE OF USE TO CHILDCARE FACILITY	
PRESCHOOL - AFTERSCHOOL – FULL DAY SERVICE	
Proposed floor area of proposed works/uses:	sqm 317.8 X 2 FLOORS

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier √
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: LILY BROPHY BUTLER Address: SALAHEEN, 11 CASTLE PARK, CARRICK ON SUIR, CO. TIPPERARY	

Signature of Applicant



Date: 20/05/2026

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

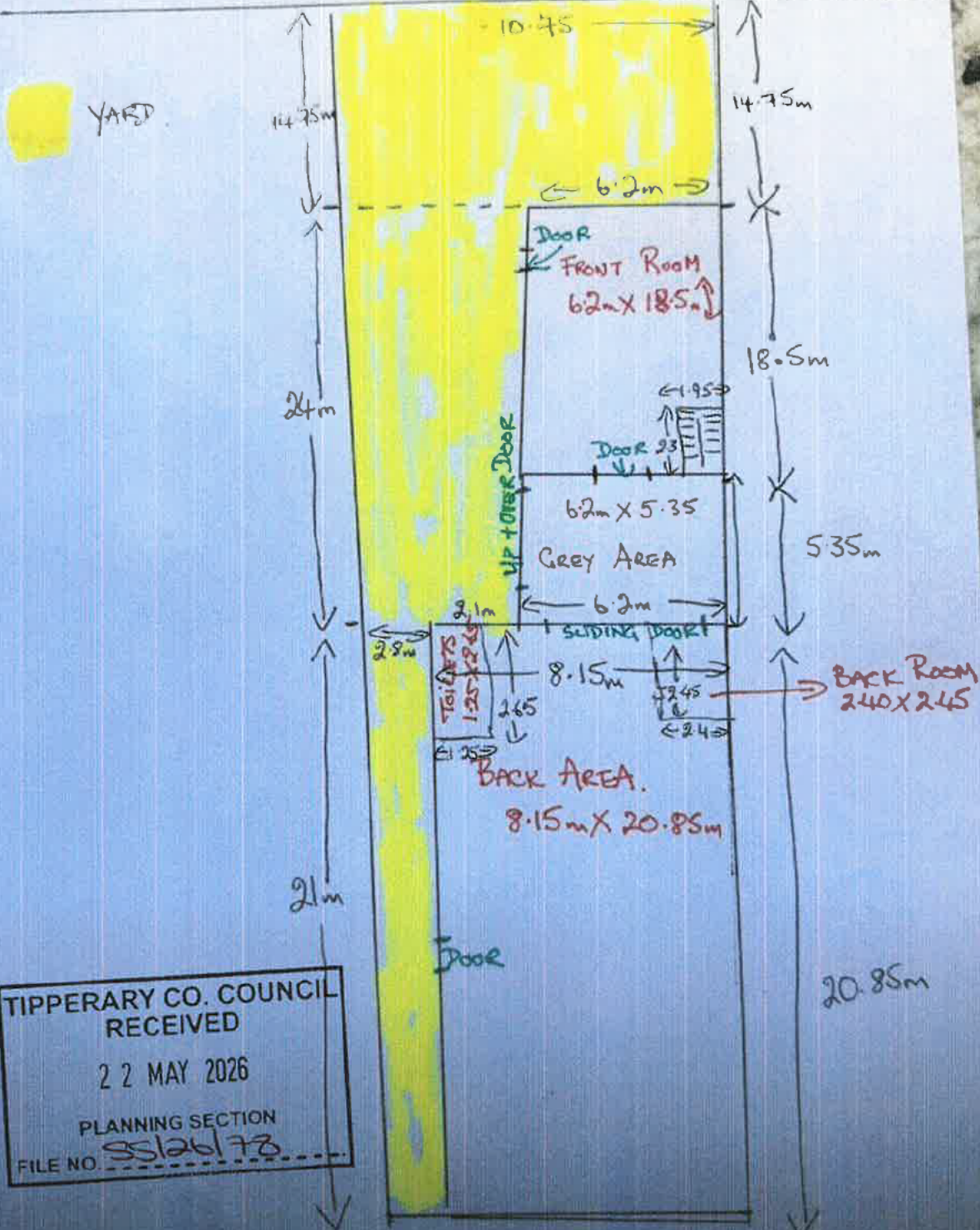
This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	OR	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 065000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
Fee Recd. € <u>80.00</u>	TIPPERARY COUNTY COUNCIL RECEIVED 22 MAY 2026 PLANNING SECTION FILE NO. <u>SS/26/78</u>
Receipt No <u>203980</u>	
Date <u>22/5/2026</u>	
Received by <u>C. Arden</u>	

ROAD

FOOTH PATH

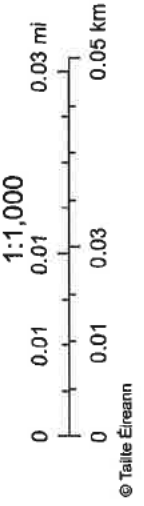
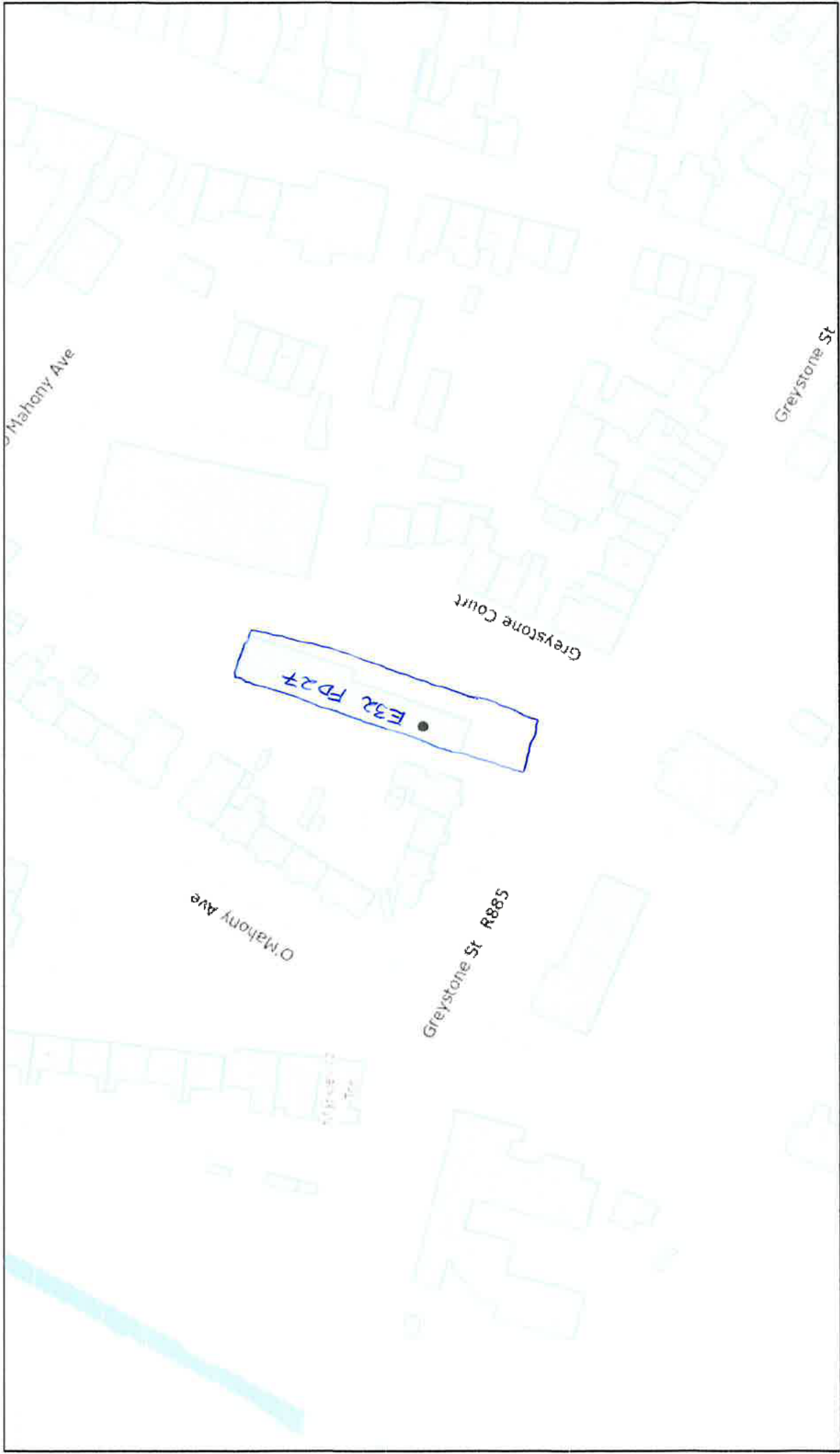


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PLANNING SECTION
FILE NO. 22/26/73



Reply

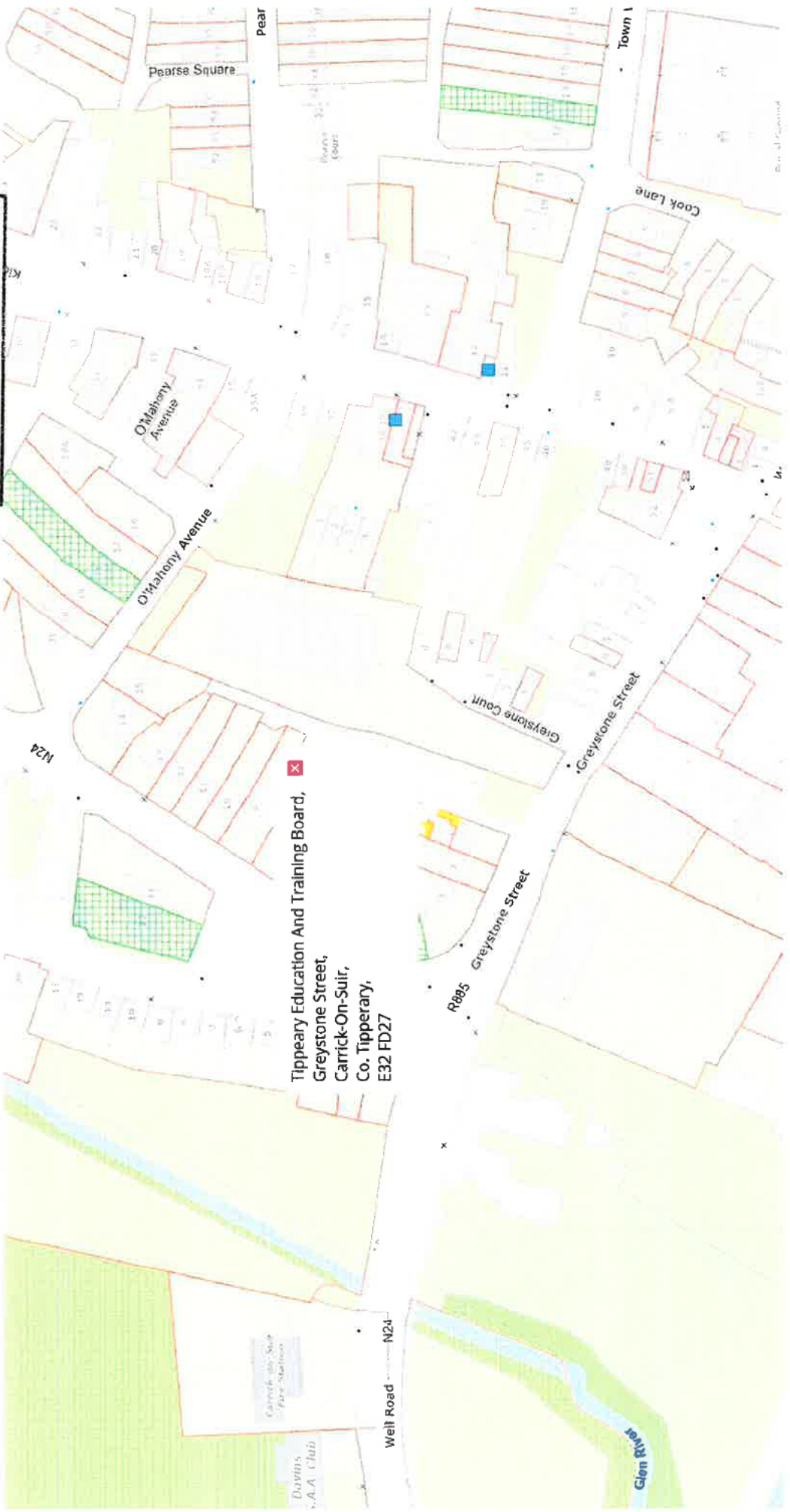
GeoHive Map



TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. SS/26/178

5/21/2026, 12:51:48 PM

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PLANNING SECTION
FILE NO. 25126178



Particulars of ACTS Returned on Within Search S2026RD038721H

Registration Reference/ Serial Number and Date of Registration	Name and Date of the Instrument	Grantor	Grantee	Nature of Instrument; Notes; Consideration	Description and Situation of Premises	Vacate/ Satisfactions
2006045067 24-FEB-2006	Conveyance 16-DEC-2005	Mulcahy Peter	Murphy Brian and anr	Conveyance ----- therein	Ground at Greystone Street Town: Carrick-on-Suir Barony: Iffa and Offa East County: Tipperary -----	

End of Search Results. Generated at 22-MAY-2026 10:11:43

TIPPERARY CO. COUNCIL RECEIVED 22 MAY 2026 PLANNING SECTION FILE NO. <u>SS/26/178</u>

Registry of Deeds Public Search Application No. S2026RD038721H

Criteria Entered

Surname	Firstname	Start Date	End Date	County	Affecting
Mulcahy	Peter	01/01/2006	01/01/2007	TIPPERARY	

TIPPERARY CO. COUNCIL
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22 MAY 2026
PLANNING SECTION
FILE NO. 55125178



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
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 25th May 2026 Our Ref: S5/26/78 Civic Offices, Clonmel

**Vanessa Moriarty,
Unit 2 Crann Ard,
Fethard Road,
Clonmel,
Co. Tipperary.**

**Re: Application for a Section 5 Declaration – Change of use to
childcare facility, preschool, afterschool and full day service at
Tipperary Education & Training board, Greystone Street,
Carrick on Suir, Co. Tipperary, E32 FD27.**

Dear Ms. Moriarty,

I acknowledge receipt of your application for a Section 5 Declaration received on 22nd May 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/26/78

Applicant: Vanessa Moriarty.

Development Address: Tipperary Education & Training board, Greystone Street, Carrick on Suir, Co. Tipperary

Proposed Development: Change of use to childcare facility, preschool, afterschool and full day service at Tipperary Education & Training board facility

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether the following is development and is exempted development:

The Change of use to childcare facility, preschool, afterschool and full day service of an existing building currently occupied by the Tipperary Education & Training board.

The site is located at Greystone Street, Carrick on Suir, Co. Tipperary.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (as amended)

Section 3(1) of the Planning and Development Act 2000, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4 conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Planning and Development Regulations 2001 (as amended).

Article 5 of the Planning and Development Regulations 2001 states that “School” has the meaning assigned to it under the Education Act 1998.

“school” means an establishment which—

- (a) provides primary education to its students and which may also provide early childhood education, or
- (b) provides post-primary education to its students and which may also provide courses in **adult, continuing or vocational education or vocational training**, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;

Art 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.

Art 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—
 - (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

Art 10 (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

3. ASSESSMENT

a. Site Location

The application site contains the existing premises at Greystone Street, Carrick on Suir, Co. Tipperary.

b. Relevant Planning History

PI Ref 98560029: Grant of permission for the temporary change of use of one of our rehearsal rooms to a Gael Scoil for two years (a room of 58.5m² approx.).

PI Ref 02560027: Grant of permission for the proposed change of use and extension /alterations to existing building from Gaelscoil to carpet retail outlet

The site is currently occupied by the Tipperary Education and Training Board, which means that it could come under the definition of a school, provided that the building was used for educational and not administrative purposes.

However, at this point, it is important to note the planning history on site. The building appears to have been originally used by an amateur operatic society. Under Plan Reg no. 98560029, permission was granted for the temporary change of use of one of the rooms of the building to a Gael Scoil. Under Plan Reg no 02560027, permission was granted for the change of use and extension /alterations to existing building from a Gaelscoil to carpet retail outlet.

A review of google streetview, shows that in August 2022, the building was still being used for the sale of carpets.

There is no record of a planning consent to change the use from the carpet outlet centre to its current use. As such, the last permitted use was as a retail outlet centre. When considering this declaration, regard is given to the last permitted use and not any unauthorised use.

The proposal therefore constitutes development as it involves the material change of use of the building from a permitted retail outlet centre to a childcare facility.

ii) Is or is not Exempted Development

There is no exemption allowing for the change of use of a retail outlet centre to a childcare facility.

iii) Is the exemption restricted under Article 9

As the proposal does not constitute exempted development, the question as to whether the exemption is restricted under Article 9 does not arise.

4. RECOMMENDATION

A question has arisen as to whether the use of existing premises at Greystone Street, Carrick on Suir, Co. Tipperary to a childcare facility is development and if so, is it or is it not exempted development.

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
- (b) Article 5 of the Planning and Development Regulations 2001 (as amended),
- (c) Article 6 and 9 of the Planning and Development Regulations 2001,
- (d) Article 10 (1) (d) of the Planning and Development Regulations 2001 (as amended)
- (e) Class 14 of Part 1 of Schedule 2 of the said Regulations 2001; and
- (f) the planning history of the site and documentation submitted to the Planning Authority

The Planning Authority has concluded that the last permitted use of the building was as a retail outlet centre.

Accordingly, the Planning Authority has decided that the change of use of a permitted retail outlet centre to a childcare facility constitutes “development” and is not “exempted development”.

Signed: Paul Killeen
Paul Killeen District Planner

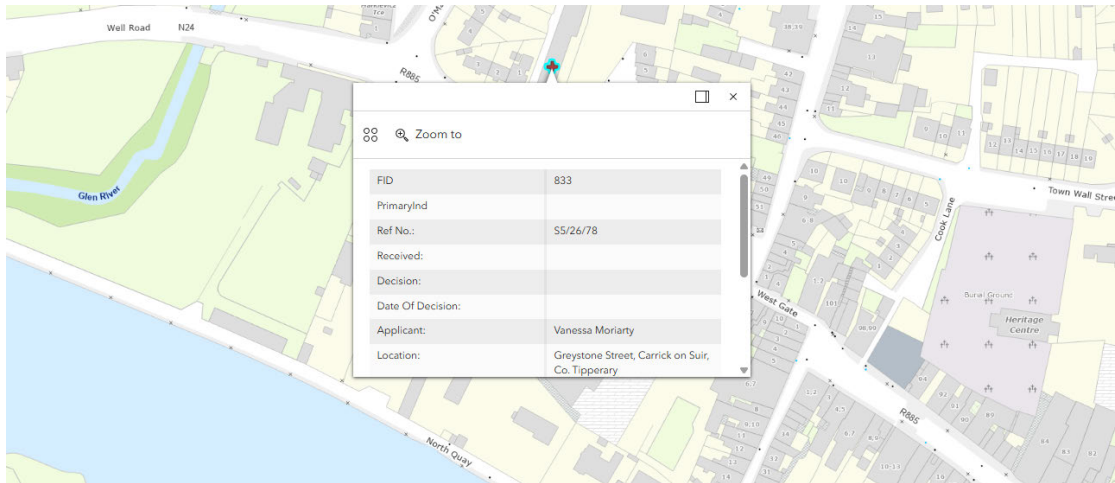
Date: 12/06/26

C. Conway

Signed: Caroline Conway, Senior Executive Planner

Date: 15.6.2026

Figure 4: S5/26/78 digitised



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/78** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Vanessa Moriarty, Unit 2 Crann Ard, Fethard Road, Clonmel, Co. Tipperary, re: Change of use to childcare facility, preschool, afterschool and full day service at Tipperary Education & Training board facility at Tipperary Education & Training board, Greystone Street, Carrick on Suir, Co. Tipperary is development and is exempted development.

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
- b) Article 5 of the Planning and Development Regulations 2001 (as amended),
- c) Article 6 and 9 of the Planning and Development Regulations 2001,
- d) Article 10 (1) (d) of the Planning and Development Regulations 2001 (as amended)
- e) Class 14 of Part 1 of Schedule 2 of the said Regulations 2001; and
- f) the planning history of the site and documentation submitted to the Planning Authority

The Planning Authority has concluded that the last permitted use of the building was as a retail outlet centre.

Accordingly, the Planning Authority has decided that the change of use of a permitted retail outlet centre to a childcare facility constitutes "development" and is **not "exempted development"**.

Signed:



Brian Beck
Director of Services

Date: 16/06/2026



Date: 16th June 2026

Our Ref: S5/26/78

Civic Offices, Nenagh

**Vanessa Moriarty
Unit 2 Crann Ard
Fethard Road
Clonmel
Co. Tipperary**

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear Vanessa,

I refer to your application for a Section 5 Declaration received on 22nd May 2026 in relation to the following proposed works:

Change of use to childcare facility, preschool, afterschool and full day service at Tipperary Education & Training board facility at Tipperary Education & Training board, Greystone Street, Carrick on Suir, Co. Tipperary.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

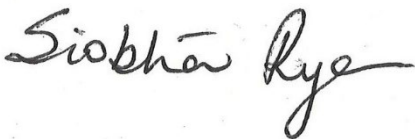
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 5 of the Planning and Development Regulations 2001 (as amended),
- c) Article 6 and 9 of the Planning and Development Regulations 2001,
- d) Article 10 (1) (d) of the Planning and Development Regulations 2001 (as amended)
- e) Class 14 of Part 1 of Schedule 2 of the said Regulations 2001; and
- f) the planning history of the site and documentation submitted to the Planning Authority

The Planning Authority has concluded that the last permitted use of the building was as a retail outlet centre.

Accordingly, the Planning Authority has decided that the change of use of a permitted retail outlet centre to a childcare facility constitutes "development" and is **not "exempted development"**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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 sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

CC: Lily Brophy Butler, Salaheen, 11 Castlr Park, Carrick on Suir, Co Tipperary.