

# What are 'Protected Structures'?

YOU MUST SEEK PLANNING PERMISSION IF YOU WANT TO CARRY OUT ANY WORKS THAT WOULD "MATERIALLY AFFECT" A PROTECTED STRUCTURE OR ITS CURTILEGE.

If you own or occupy a Protected Structure, as listed in the County Development Plan 2003, or if you are thinking of buying one, you need to be aware of the law in relation to protected structures. Read on for more detail.

The South Tipperary County Development Plan 2003 contains a "Record of Protected Structures" or "RPS".

Protected Structures are protected under the Planning and Development Act 2000. One major effect of declaring a building (or other structure) to be a protected structure is to 'de-exempt' any and all development that might "materially affect" the character of the structure (or its curtilage and attendant grounds).

Ordinarily, in the case of properties which do not appear on the "Record of Protected Structures", certain types of development do not *normally* require the permission of the planning authority (such as building a small extension to the rear of a house). The phrase "Exempted Development" applies to these types of development.

However, if a structure appears on the RPS no development that would "materially affect the character of the structure" is exempt from the requirement to obtain planning permission (in other words, to use the example above, building an extension onto a Protected Structure wouldn't be considered "exempted development").

**How can you tell if the works would "materially affect" the character of the protected structure?** The County Council can tell you if the works you are proposing to carry out on a protected structure could go ahead without damaging its interest (the reasons why it was added to the Record of Protected Structures in the first place). If you own or occupy a protected structure you can write to the Council and request a 'Declaration' under Section 57 of the PDA 2000. This will tell you what you can and cannot change as exempted development and, if you are told that the works will require planning permission, the Declaration can be used to help you draw up your application for planning permission to carry out the works.