



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

# Planning Enforcement

## December 2023



# Tipperary Overview

	Jan-Dec	Jan-Dec	Jan-Dec	Jan-Dec	Jan-Oct
	2019	2020	2021	2022	2023
Complaints received	185	244	205	164	198
Complaints investigated	202	187	163	216	145
Complaints dismissed	96	97	121	182	100
Warning Letters issued	174	174	136	182	137
Enforcement Notices issued	22	15	21	29	25
Prosecutions initiated	5	5	3	8	13
Injunctions sought	0	0	1	0	0
Case Closed	168	167	171	394	329



# Tipperary Overview

- **IT Systems**
- **Cross Departmental Cases**
- **CoUse Exemptions**
- **AIE/FOI**
- **Temporary Accommodation**
- **Resources – OPR Review**



# IT Systems

- **IT Systems Requirements:**
  - Document management system
  - Categorisation/search functionality
  - Tracking System/diary with alerts
  - Automated notice (Warning Letter/Enforcement Notice etc), letters generation.
  - Compatibility with other IT systems



# Cross Departmental Cases

- **Environment, Roads, Housing:**
  - Agreed procedures in place
  - Examples include waste, noise, encampments, LA owned properties
  - Facilitates decision making on most appropriate enforcement process/legislation to be used.



# Change of Use Exemptions

- **Notification Process**
- **Section 57**
- **Awareness of conditions/limitations**
  
- **Public Information Events on Vacancy & Dereliction**



# AIE/FOI

- **Significant increase in volume relating to Enforcement cases**
  - **2017**      **19 requests**
  - **2023\***     **45\***

## **Circa 2/3 relate to enforcement files**

- Section 42(m) of the Freedom of Information Act provides that the Act does not apply to ‘a record relating to information whose disclosure could reasonably be expected to reveal, or lead to the revelation of –
  - (i) The identity of a person who has provided information in confidence in relation to the enforcement or administration of the law to an FOI body, or where such information is otherwise in its possession, or
  - (ii) Any other source of such information provided in confidence to an FOI body, or where such information is otherwise in its possession.’



# Temporary Accommodation



- Some confusion around the planning permission requirements for this type of structure
- There are exemptions under planning legislation for:
  - Keeping a caravan / campervan within the curtilage of a house. Cant be kept for more than 9 months in a year and cant be occupied as a dwelling when kept.
  - Temporary accommodation for persons engaged in carrying out development (authorised by a permission/ exempted development). Accommodation shall be removed once period for carrying out development has expired.

## Proportionality Test

### Do You Need Planning Permission for Log Cabins in Ireland?

Planning permission is required for permanent structures, but due to the way that log cabins are built, they are not necessarily classified as permanent. Log cabins are built on timber frames and block pad foundation, which means they are not considered to be permanent structures.

If you are building a log cabin to the rear of your home, you are less likely to require planning permission. However, if it is to the side of your home, or if you have purchased to build a log cabin, there is a strong chance you will need to obtain planning permission, no matter what size the cabin is.



# OPR Review

## Performance Rating and Recommendations

With clear procedures in place, and enforcement outputs broadly in line with national patterns, the Council's delivery of its planning enforcement function is considered to be **effective**. While the ongoing volume of open cases is noted it is also recognised that the ratio (of live cases at year-end compared to cases closed in during a year) while generally in line with national trends, is tending to drift upwards.



# OPR Review

**Recommendation 8 – Organisation of Enforcement Team:** given the volume of enforcement cases being processed / awaiting processing, the Council should consider how the capacity of the enforcement team could be strengthened, with an emphasis on assigning dedicated enforcement officers to drive the progression of the enforcement caseload without being diverted to other functions. This exercise should tie in with recommendation 1 above. **HIGH**

**Recommendation 9 – Enforcement monitoring systems:** the Council should implement a fit-for purpose case management system to replace i-enforce and enable the production of comprehensive data regarding planning enforcement outcomes for inclusion in reporting, including statutorily required reporting to elected members. Special attention should be built in to such systems to ensure proper monitoring of development subject to EIA / AA in line with the requirement of the Section 29 Policy Directive. Aligned with this, the Council should also put in place a publicly available GIS-based monitoring system for enforcement. **MEDIUM**

**Recommendation 10 – Engagement:** the Council should enhance the level of information available on its website to assist members of the public in making meaningful planning enforcement complaints. The planning enforcement page on the Council website would benefit from a review with the objective of proving a more interactive and informative facility to the public. **LOW**



# The Business Case

- **15% FTE working in Enforcement.**
  - Additional Enf requirements- dedicated EP & AP
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