



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Ben Donnelly
No. 10 Greenlawns
Lissane
Clarecastle
Co. Clare
V95 K70K**

RL 4096 6284 1 1E

11th January, 2022

Section 5 referral Reference R21-69 – Ben Donnelly

Is the construction of a lean-to at the side of the house at No. 10, Greenlawns, Lissane, Clarecastle, County Clare for the purposes of covering a motor home considered to be development, and if so is it exempted development?

A Chara,

I refer to your application received on 8th December 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2**

**Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2**



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R21-69



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-69

Is the construction of a lean-to at the side of the house at No. 10, Greenlawns, Lissane, Clarecastle, County Clare for the purposes of covering a motor home considered to be development, and if so is it exempted development?

AND WHEREAS, Ben Donnelly has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- c) Classes 3 and 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- d) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 8th Dec. 2021 and 10th Jan. 2022.

And whereas Clare County Council has concluded:

- (a) the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Classes 3 and 8 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering

a motorhome is development and is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in dark ink, appearing to read 'Anne O'Gorman', followed by a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

11th January, 2022

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

79045

Reference Number:

R21-69

Date Referral Received:

8th December 2021

Name of Applicant:

Ben Donnelly

Location of works in question:

No.10, Greenlawns, Lissane, Clarecastle, Co. Clare

Section 5 referral Reference R21-69 – Ben Donnelly

Is the construction of a lean-to at the side of the house at No. 10, Greenlawns, Lissane, Clarecastle, County Clare for the purposes of covering a motor home considered to be development, and if so is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Classes 3 and 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 8th Dec. 2021 and 10th Jan. 2022.

AND WHEREAS Clare County Council has concluded:

- (a) the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Classes 3 and 8 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is development and is exempted development.

Signed:



GARRETH RUANE

SENIOR EXECUTIVE PLANNER 

Date:

11th January, 2022

**CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT**

FILE REF:	R21 69
APPLICANT(S):	Ben Donnelly
REFERENCE:	Whether the construction of a lean-to at the side of the house at No. 10 Greenlawns, Lissane, Clarecastle, County Clare is or is not development and is or is not exempted development.
LOCATION:	No. 10 Greenlawns, Clarecastle, County Clare
DUE DATE:	13 th Jan. 2022

Site Location

The site is located in the settlement of Clarecastle and is zoned as “*Existing Residential*” as per the Clare County Development Plan 2017-2023 (as varied). It accommodates a detached bungalow within the Greenlawn housing estate, which is located off the Lissane Road. Houses in this development are primarily detached bungalows, of slightly varying designs. The site is bound to the front by a low block wall. Side boundaries consist of mature shrubbery.



Site Context



Recent Planning History

Onsite

None.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Ben Donnelly. The applicant's legal interest in the site is stated as owner of the property.

The applicant is seeking a Section 5 Declaration as to whether the construction of a lean to at the side of his house at No. 10 Greenlawn, Clarecastle, Ennis, County Clare is or is not development and is or is not exempted development. The purpose of the proposed development is to provide cover / shelter to the applicant's motor home.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "development" means, except where the context otherwise requires, ***the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.***

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"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 3(2)(b) of the Act states that where land becomes used for '(i) *the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation, (ii) the storage of caravans or tents*', the use of the land shall be taken as having materially changed.

Exempted Development

4.—(1) *The following shall be exempted developments for the purposes of this Act—*

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 8

The keeping or storing of a caravan, campervan or boat within the curtilage of a house

Conditions and Limitations

1. *Not more than one caravan, campervan or boat shall be so kept or stored.*
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.*
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*

Under Article 9 (1) of the same Regulations, 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

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Particulars of the Development

- Use to shelter / cover a motorhome
- Floor Area 18 ft x 8 ft = 13.37 sqm
- Height Unspecified
- Roof Profile lean-to
- Location side of dwelling

Planning Exemption Assessment

Planning and Development Act 2000 (as amended) Section 4

4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Having regard to the nature of the proposed work, which it is noted will affect the exterior of the dwelling, I do not consider same will materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure / neighbouring structures. From the information provided, it would appear that the structure would measure approx. 13.37 sq.m. and would consist of 5 timber posts with a Perspex roof. Having regard to same, I am satisfied that such works may be considered under the exemptions as set out under Section 4(1)(h) of the Act.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*

It is stated in the submitted application form that the proposed structure will be located to the side of the existing dwelling.

2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

The stated size of the proposed structure is 18 ft. X 8 ft. This equates to 13.37 sq.m. It would not appear that there are any other such structures on site.

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

Having regard to the size of the site, and the stated size of the proposed structure, I do not consider that the private open space reserved exclusively for the occupants.

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

A Perspex roof is proposed. The remainder will be open, with timber posts supporting the roof.

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

The applicant submitted unsolicited information (received by the Planning Authority, via email from Cllr. Paul Murphy on 10.01.2021) which confirms that the height of the subject structure will not exceed 3m in height.

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

The proposed structure is to be used to store the applicant's motorhome.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 8

The keeping or storing of a caravan, campervan or boat within the curtilage of a house

Conditions and Limitations

1. *Not more than one caravan, campervan or boat shall be so kept or stored.*

The applicant has stated that one campervan (his own) will be stored on site.

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.*

There is no evidence to suggest that the campervan will be used for the storage, display, advertisement or sale of goods.

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*

As the campervan is a mobile vehicle, which can be moved at any occasion, I consider the development could comply with this condition.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below (for both the dwelling extension and the garage):

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

Not applicable.

- (ii) *consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

No alterations to the existing access point are proposed.

- (iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

Not applicable in this instance.

- (iv) *interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

It is considered that same does not interfere with the character of the landscape or views in the area.

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

This is not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

This is not applicable in this instance.

- (vii)

- a. *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

This is not applicable in this instance.

- b. *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

This is not applicable in this instance.

- c. *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*

These are not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (ix) *consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

This is not applicable in this instance.

- (x) *consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

This is not applicable in this instance.

Recommendation

The following question has been referred to the Planning Authority:

Whether the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is or is not development and is or is not exempted development

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Classes 3 and 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 8th Dec. 2021 and 10th Jan. 2022.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Classes 3 and 8 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a lean-to at the side of the house at No. 10 Greenlawn, Lissane, Clarecastle, County Clare for the purposes of covering a motorhome is development and is exempted development.



Fiona Barry
Executive Planner
Date: 10th Jan. 2022



Garreth Ruane
Senior Executive Planner
Date: 10/01/22.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Ben Donnelly
10 Greenlawns
Lissane
Clarecastle
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V95 K70K

08/12/2021

Section 5 referral Reference R21-69 – Ben Donnelly

Is the construction of a lean-to at the side of the house at No. 10, Greenlawns, Lissane, Clarecastle, County Clare for the purposes of covering a motor home considered to be development, and if so is it exempted development?

A Chara,

I refer to your application received on 8th December 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Tadhg Holmes

Tadhg Holmes
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrtóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
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Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

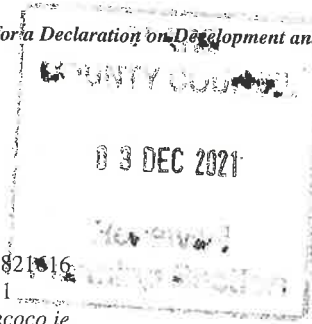


P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration

*Ben Donnelly, 106 Greenhorns
Lissane Clare Castle Co Clare*

Eircode: *V95.K707*

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

EIR CODE.

EIRCODE: *V95.K70K*

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Could I Ben Tonnelly Erect
 a lean too at the Side of My
 house at no 10 Green Lawns Lissane
 Clare Castle Co Clare. Length 18^{FT} x
 Width 8 FT. in Side, Cover My
 Motor Home - put Down 5 Wooden
 Posts. Perspex. Roof.

- (c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	No 10 Green Lawns Lissane Cove Castle Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	No.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	Owner, Ben Tonnelly.
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	NO
(h) Date on which 'works' in question were completed/are likely to take place:	dont know YET.

SIGNED: Ben Tonnelly.

DATE: _____

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:

Fee Paid:

Date Acknowledged:

Reference No.:

Date Declaration made:

CEO No.:

Decision:

FYI

From: Carmel Brislane (cbrislane@clarecoco.ie)

To:

Date: Friday 27 August 2021, 16:12 IST

Paul,

As discussed, see Planning Exemptions are set out in the Regulations,

CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<ol style="list-style-type: none">1. No such structure shall be constructed, erected or placed forward of the front wall of a house.2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved
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	<p>exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</p> <p>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</p> <p>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</p> <p>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</p>
<p>CLASS 8 The keeping or storing of a caravan, campervan or boat within the curtilage of a house.</p>	<p>1. Not more than one caravan, campervan or boat shall be so kept or stored.</p> <p>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.</p> <p>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.</p>

[REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT \(clarecoco.ie\)](#)

Link Above to form for Declaration.

Regards,

Carmel

Carmel Brislane

Assistant Planner

Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

T: 065 6846462 E: cbrislane@clarecoco.ie | W: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

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SÉANADH: Is eolas rúnda atá sa teachtaireacht seo agus d'fhéadfadh sé bheith faoi phribhléid dhlíthiúil. Is don seolai amháin atá sí ceaptha. Is neamhúdairithe í an rochtain ar an teachtaireacht seo ag duine ar bith eile. Tá toirmeasc ar aon nochtadh, cóipeáil nó leithdháileadh den teachtaireacht, nó aon ghníomh nó neamhghníomh a ghlacann tusa agus tú ag brath uirthi, mura tusa an faighteoir a bhí ceaptha di. Téigh i dteagmháil leis an seoltóir láithreach má fuair tú an teachtaireacht seo trí earráid, le do thoil. Go raibh maith agat.



V45 K70K



V95 K70K

AN CHLÁIR

Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

03/12/2021 11:27:38

Receipt No. : LICASH0325614
REPRINT

BEN DONNELLY
10 GREENLAWNS
LISSANE
CLARECASTLE
CO. CLARE



SECTION 5 REFERENCES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : BANKS - Rebecca Ryan
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No.0033043E