



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

George P. Hughes  
24 Glenbrook Park,  
Delgany,  
Co. Wicklow.  
A63 FH66

RL 5660 3326 31E

9th June, 2022

**Section 5 referral Reference R22-34 – George P. Hughes**

Is the addition of a front porch 7.50m x 1.75m x 1.5m and garage modifications which was extended and re-roofed with an A frame roof at 41 Ashfield Park, Ennis, Co. Clare considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 16th May 2022 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](http://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.: R22-34**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R22-34**

**Is the addition of a front porch 7.50m x 1.75m x 1.5m and garage modifications which was extended and re-roofed with an A frame roof at 41 Ashfield Park, Ennis, Co. Clare considered to be development and if so, is it exempted development?**

**AND WHEREAS, George P. Hughes** 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, 1963, as amended,
- (b) Section 5 of the Planning and Development Act, 2000, as amended
- (c) Class 1 of Part 1 of Schedule 3 of the Local Government (Planning and Development) Regulations 1977, as amended
- (d) Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981
- (e) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 16<sup>th</sup> May. 2022.

**And whereas Clare County Council has concluded:**

- The construction of a porch on the front elevation of the dwelling
- Modification and extension to the garage

at No. 41 Ashfield Park, Ennis, County Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended.

The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is deemed to be exempted development:

- The erection of a pitched roof over the existing garage and the extension to same,

having regard to Section 4(1) (g) of the Planning and Development Act 1963, as amended and Class 1 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is not deemed to be exempted development:

- The construction of a porch (7.5m x 1.5m) on the front elevation of the property

as same would not fall under the exempted development provisions in place at that time, Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981.

**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

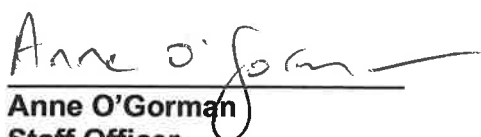
- The erection of a pitched roof over the existing garage and the extension to same,

is development, which is exempted development, and

- The construction of a porch (7.5m x 1.5m) on the front elevation of the property,

is development, which is not exempted development,

as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

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

**9th June, 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:**

79935

**Reference Number:**

**R22-34**

**Date Referral Received:**

**16th May 2022**

**Name of Applicant:**

**George P. Hughes**

**Location of works in question:**

**41 Ashfield Park, Ennis, Co. Clare**

**Section 5 referral Reference R22-34 – George P. Hughes**

Is the addition of a front porch 7.50m x 1.75m x 1.5m and garage modifications which was extended and re-roofed with an A frame roof at 41 Ashfield Park, Ennis, Co. Clare 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, 1963, as amended,
- (b) Section 5 of the Planning and Development Act, 2000, as amended
- (c) Class 1 of Part 1 of Schedule 3 of the Local Government (Planning and Development) Regulations 1977, as amended
- (d) Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981
- (e) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 16<sup>th</sup> May. 2022.

**AND WHEREAS Clare County Council has concluded:**

- The construction of a porch on the front elevation of the dwelling
- Modification and extension to the garage

at No. 41 Ashfield Park, Ennis, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended.

The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is deemed to be exempted development:

- The erection of a pitched roof over the existing garage and the extension to same,

having regard to Section 4(1) (g) of the Planning and Development Act 1963, as amended and Class 1 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is not deemed to be exempted development:

- The construction of a porch (7.5m x 1.5m) on the front elevation of the property

as same would not fall under the exempted development provisions in place at that time, Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> 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 Gareth 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, Gareth Ruane, Senior Executive Planner, hereby declare that the:

- The erection of a pitched roof over the existing garage, and the extension to same,  
is development, which is exempted development, and
- The construction of a porch (7.5m x 1.5m) on the front elevation of the property  
is development, which is not exempted development.

**Signed:**

  
\_\_\_\_\_  
**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER** 

**Date:**

**9th June, 2022**

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

<b>FILE REF:</b>	R22 34
<b>APPLICANT(S):</b>	George P. Hughes
<b>REFERENCE:</b>	Whether the developments as constructed to no. 41 Ashfield Park, Ennis, Co. Clare are considered to be development and if so, are they exempted development .
<b>LOCATION:</b>	41 Ashfield Park, Ennis, Co. Clare.
<b>DUE DATE:</b>	10 <sup>th</sup> June 2022

**Site Location**

The existing dwelling is located in a mature residential area and consists of a single story detached dwelling. There is a glazed porch / sunroom on the front elevation and 2 no. single story returns on the rear elevation. There is a detached dwelling on the adjacent site to the north, and a two story detached dwelling to the south. To the rear of the site the land levels fall towards Girroga Lough, with no development located between the subject site and the Lough.

**Site context**





### **Planning History**

No recent planning history

### **Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by George P. Hughes. It is submitted that Mr. Hughes is the owner of the subject property.

The applicant is seeking a Section 5 Declaration as to whether the following is development and if so is it exempted development:

- Construction of a porch on the front elevation measuring 7.5m x 1.75m
- Extension and modifications to adjoining garage

### **Statutory Provisions**

#### **Relevant Statutory Legislation**

As per the documentation submitted with the subject application, the extensions / alterations were carried out in:

- In or about 1980 - 1983 – porch on the front elevation was constructed
- In or about 1990 – modifications to garage were carried out

Having regard to the dates which it is stated the works were carried out, the categories of exempted developments which the subject application :

a) Section 2 (1) of the Planning and Development 1963 Act and,

b) In Planning Regulations made by the Minister for the Environment pursuant to section 4 (II) (VIII) of the 1963 Act. The current regulations made pursuant to this Section are:

- i. The Local Government (Planning & Development) Regulations 1977 S.I. No. 65 of 1977 - Third Schedule and Article II thereof.
- ii. Local Government (Planning & Development) (Amendment) Regulations 1981 S.I. No. 154 of 1981.
- iii. Local Government (Planning & Development) (Exempted Development & Amendment) Regulations 1984 S.I. No. 4348 of 1984.

#### **Planning and Development Act 1963, as amended**

Section 2(1) interpretation of “works” and “structure”

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

“structure” means any building, erection, structure, excavation, or other thing constructed, erected, or made on, in, or under any land, or any part of a structure so defined, and, where the context so admits, includes the land on, in, or under which the structure is situate;

Section 3(1) meaning of “development”.

3.—(1) “Development” in this Act means, save where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4 sets out development which is deemed to be exempted development.

Section 4(1)(g) states the following:

The following shall be exempted developments for the purposes of this Act—

- (g) 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 such appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(1)(h) states the following:

The following shall be exempted developments for the purposes of this Act—



- (h) development consisting of the use of any structure or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

#### **Planning and Development Act 2000, as amended**

The subject application was submitted to the Planning Authority under Section 5 of the Planning and Development Act 2000, as amended. Section 5 set out consideration in relation to a declaration and referral on development and exempted development.

Section 5 (6) - (a) The Board shall keep a record of any decision made by it on a referral under this section and the main reasons and considerations on which its decision is based and shall make it available for purchase and inspection.

(c) The Board shall, from time to time and at least once a year, forward to each planning authority a copy of the record referred to in *paragraph (a)*.

Section 5 (7) - A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with *subsection (6)(c)*.

#### **The Local Government (Planning & Development) Regulations 1977 S.I. No. 65 of 1977**

These regulations came into operation on 15<sup>th</sup> March 1977

#### **Third Schedule, Part 1, Class 1**

Any works for the provision of an extension to the rear of a dwellinghouse or the conversion for use as part of a dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse, where the height of any structural addition does not exceed that of the dwellinghouse and the original floor area of the dwellinghouse is not increased by more than 18 square meters.

#### **Conditions**

None specified

#### **S.I. No. 154/1981 - Local Government (Planning and Development) (Amendment) Regulations, 1981**

These Regulations amend the Local Government (Planning and Development) Regulations, 1977 so as to increase from 18 square metres to 23 square metres, the maximum floor area of an extension to the rear of a dwelling house, which can normally be provided without planning permission. The Regulations also provide that certain porches outside an external door of a dwellinghouse will not normally require planning permission.

The Local Government (Planning and Development) Regulations, 1977 ( S.I. No. 65 of

1977 ) is hereby amended as follows:—

( a ) by the substitution in Class I in column I of Part I of the Third Schedule to the said Regulations of "23 square metres" for "18 square metres",

( b ) (i) by the insertion after Class 6 in column I of Part I of the said Third Schedule of the following class—

"Class 6A

The erection or construction, outside any external door of a dwelling house and not less than 2 metres from any public road, of a porch, having a floor area not exceeding 2 square metres", and

(ii) by the insertion in column 2 of the said Part opposite the mention of the said class 6A of the following condition—

"The height above ground level of any such structure shall not exceed, in the case of a building with a tiled or slated ridged roof, 4 metres or in any other case, 3 metres," and

( c ) by the addition to article 11 of the following sub-article—

(3) Sub-paragraph (v) of paragraph (a) of sub-article (1) shall not apply where the development consists of the construction of a porch as described in class 6A in column I of Part I of the Third Schedule and which complies with the condition mentioned opposite such class in column 2 of the said Part of the said Schedule.

**I have consulted the other above mentioned Regulations, and there is no provision contained therein that would be relevant to the subject Section 5 declaration.**

#### **Assessment**

Having regard to the stated times in which the alterations / extensions were constructed, regard shall be had to the provisions of:

- Planning and Development Act 1963, as amended
- The Local Government (Planning & Development) Regulations 1977 S.I. No. 65 of 1977
- Local Government (Planning and Development) (Amendment) Regulations, 1981

#### **Is it development?**

Under Section 2(1) of the Planning and Development Act 1963, as amended 'Works' includes "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal."

The erection of an extension to a residential dwelling and modifications to a garage into habitable accommodation and the subsequent alterations to same comes within the scope of works as defined in the aforementioned Act. As such it can be reasonably and logically concluded that works as outlined in the Section 5 declaration constitutes "development" under the meaning of development as stipulated in Section 3(1) of the aforementioned Act, as development is defined as, inter alia, "the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land."

#### **Is / is not exempted development?**

A question now arises as to whether or not development constitutes exempted under the broader provisions of Section 4 of the Planning and Development Act 2000, namely Section 4 (1)(g) of the Planning and Development Act 1963, as amended

Section 4(1)(g) of the Act states the following shall be considered exempted development -

(g) 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 such appearance inconsistent with the character of the structure or of neighbouring structures;

Regarding the modification to the roof and extension to the garage which is attached to the dwelling house on site, I note that the applicant states that same was constructed in or about 1990. I would consider that this development would be exempt from the requirements of planning permission having regard to Section 4(1)(g) of the Planning and Development Act 1963, as amended, as it does not materially affect the external appearance of the structure so as to render such appearance inconsistent with the character of the structure or of neighbouring structures.

In addition, I have also had regard to Class 1 of the Third Schedule, Part 1, of the Local Government (Planning & Development) Regulations 1977. I note that the height of the garage does not exceed that of the dwellinghouse, and as such I would consider the subject modifications to be exempt from the requirements of planning permission having regard to Class 1 of the 1977 Regulations.

Regarding the construction of the porch to the front of the property, which the applicant states was erected in or about 1980 – 1983. I note the Local Government (Planning and Development) Regulations, 1977 provided for an exemption from Planning Permission in relation to an extension to the rear of a dwelling only. These Regulations were subsequently amended in 1981 to allow for an exemption from the requirements of Planning Permission for the construction of a porch to the front of a dwelling house, however the conditions and limitations attached to same (Class 6A) specified that the size of same must have a floor area not exceeding 2 square metres. The subject porch measuring 7.5m x 1.5m exceeds this limit.

#### **Environmental Impact Assessment**

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the development as constructed and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **Appropriate Assessment**

The development as constructed is located within an established residential area and comprises the construction of a wall.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area so that any construction surface water runoff will be managed via the existing drainage system,
- the consequent absence of a pathway to the European site,

it is considered that the development as constructed would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### **Conclusion**

I would consider the stated works constitute 'development' having regard to the meaning of same as contained in the Planning and Development Act 1963.

I would further consider that the following works to constitute exempted development having regard to the legislation (i.e. Planning and Development Act 1963, as amended and The Local Government (Planning & Development) Regulations 1977) governing same that was in place at the time of construction:

- the modifications and extension to the garage attached to the principle dwellinghouse structure on site

However having regard to the stated floor area of the porch as constructed to the front elevation, and having regard to of the provisions in relation to exempted development as contained in Planning and Development Act 1963, as amended, and the Local Government (Planning & Development) Regulations 1977 and Local Government (Planning and Development) (Amendment) Regulations, 1981, this element is not considered to constitute exempted development.

<b>Recommendation</b>
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**The following question has been referred to the Planning Authority:**

Whether the developments as constructed to no. 41 Ashfield Park, Ennis are considered to be development and if so, are they exempted development

**The Planning Authority in considering this referral had regard to:**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 1963, as amended,
- (b) Section 5 of the Planning and Development Act, 2000, as amended
- (c) Class 1 of Part 1 of Schedule 3 of the Local Government (Planning and Development) Regulations 1977, as amended
- (d) Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981
- (e) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 16<sup>th</sup> May. 2022.

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

- The construction of a porch on the front elevation of the dwelling
- Modification and extension to the garage

at No. 41 Ashfield Park, Ennis, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended

the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is deemed to be exempted development

- The erection of a pitched roof over the existing garage and the extension to same

having regard to Section 4(1) (g) of the Planning and Development Act 1963, as amended and Class 1 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

The Planning Authority has concluded that the following development at No. 41 Ashfield Park, Ennis, County Clare is not deemed to be exempted development

- The construction of a porch (7.5m x 1.5m ) on the front elevation of the property

as same would not fall under the exempted development provisions in place at that time, Class 6A of Part 1 of Schedule 3 of the Local Government (Planning and Development) (Amendment) Regulations 1981

**NOW THEREFORE** Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, as amended, hereby decides

- The erection of a pitched roof over the existing garage and the extension to same

is development which is exempted development

- The construction of a porch (7.5m x 1.5m) on the front elevation of the property

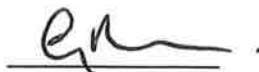
is development which is not exempted development



Fiona Barry

Executive Planner

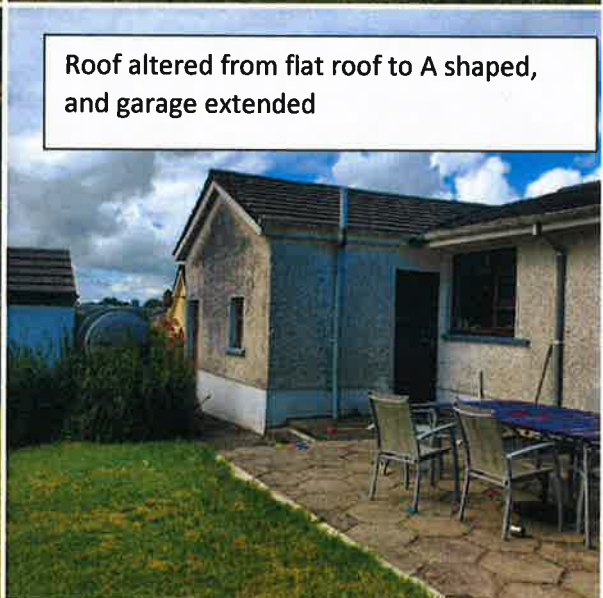
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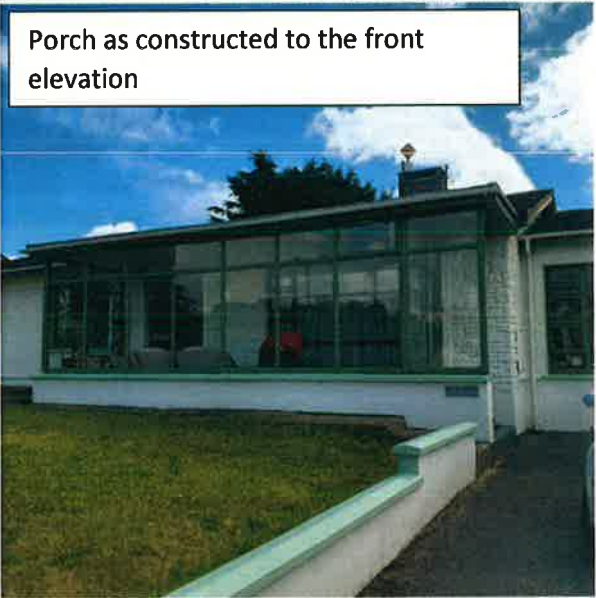
Garreth Ruane

Senior Executive Planner

Date: 03/06/22







Porch as constructed to the front elevation







COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

George P. Hughes  
24 Glenbrook Park,  
Delgany,  
Co. Wicklow.  
A63 FH66

17<sup>th</sup> May 2022

**Section 5 referral Reference R22-34 – George P. Hughes 41 Ashfield Park, Ennis, Co. Clare**

Is the addition of a front porch 7.50m x 1.75m x 1.5m and garage modifications which was extended and re-roofed with an A frame roof at 41 Ashfield Park, Ennis, Co. Clare considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 16th May 2022 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

**Mark Kerin**  
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



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](mailto:planoff@clarecoco.ie)  
 Website: [www.clarecoco.ie](http://www.clarecoco.ie)



**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	George S. Hughes 24 Glenbrook Park Delgany, Co. Wicklow A63FH66.
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	    

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?

X Is the porch added ~ 1980-83 Exempted Development?  
Are the modifications to garage carried out around 1990 exempted?

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

1) the front porch 7.50m x 1.75m with height 1.50m and 2) the garage which was extended and re-roofed with an A frame roof. These modifications are shown on the plan for the proposed en-suite extension which was approved by Glare Co. Council 12/11/1990

(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)*

Proposed en suite bedroom extension at  
41 Ashfield Park, Ennis, Co. Glare September 1990  
Designed & Drawn John O'Grady B.E. C.Eng.

37 Malrose,  
Nenagh, Co. Tipperary (Rev2)



3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	41 Ashfield Park, Kanis, 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):	George P. Hughes
(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>	N/A
(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? <i>If so please supply details:</i>	No.
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	Yes.
(h) Date on which 'works' in question were completed/are likely to take place:	12/11/1990.

SIGNED:

George P. Hughes

DATE:

16/5/2012.

### **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

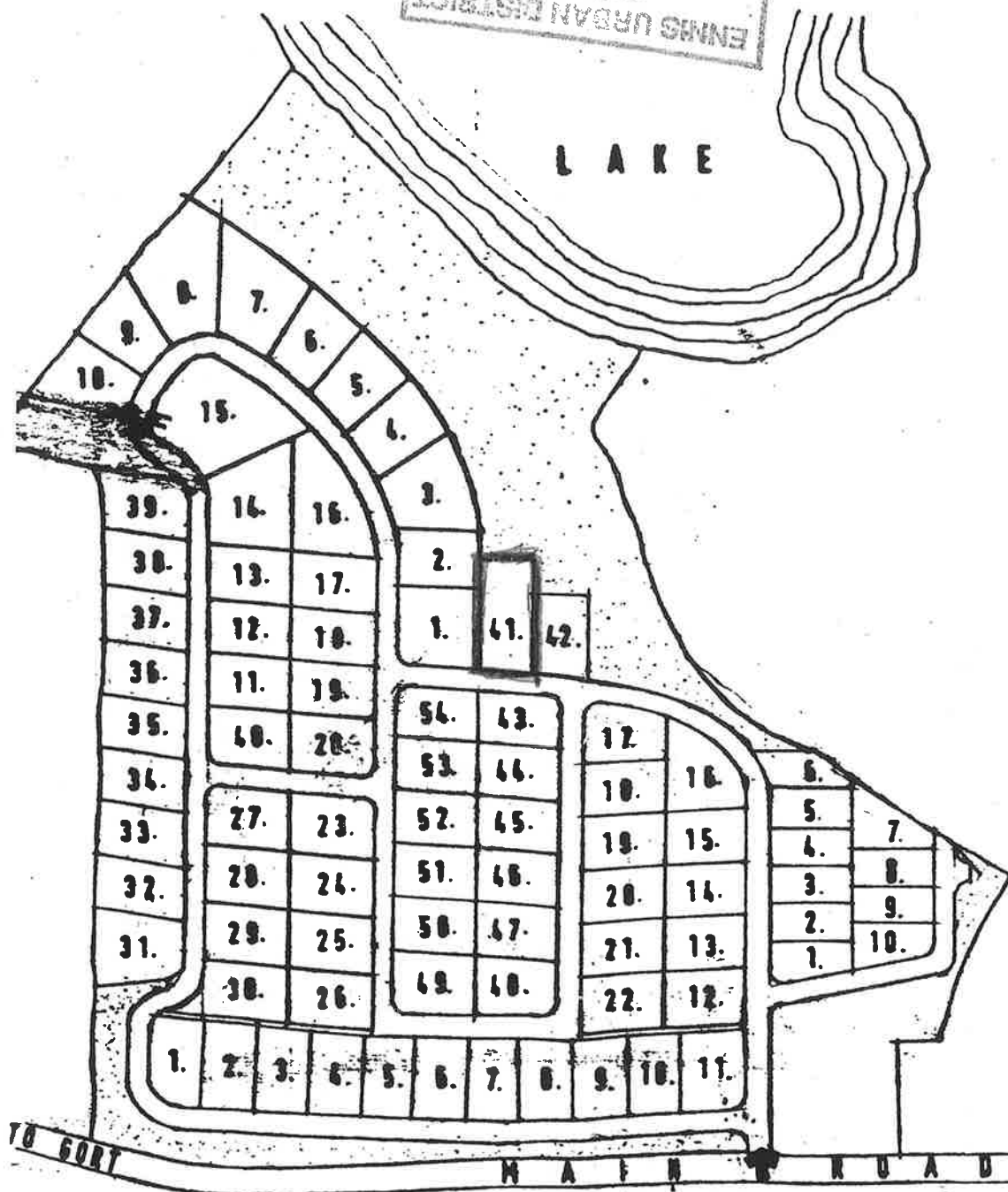
### **FOR OFFICE USE ONLY**

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:.....			

RECEIVED  
03 DEC 1999  
ENNIS URBAN DISTRICT  
COUNCIL

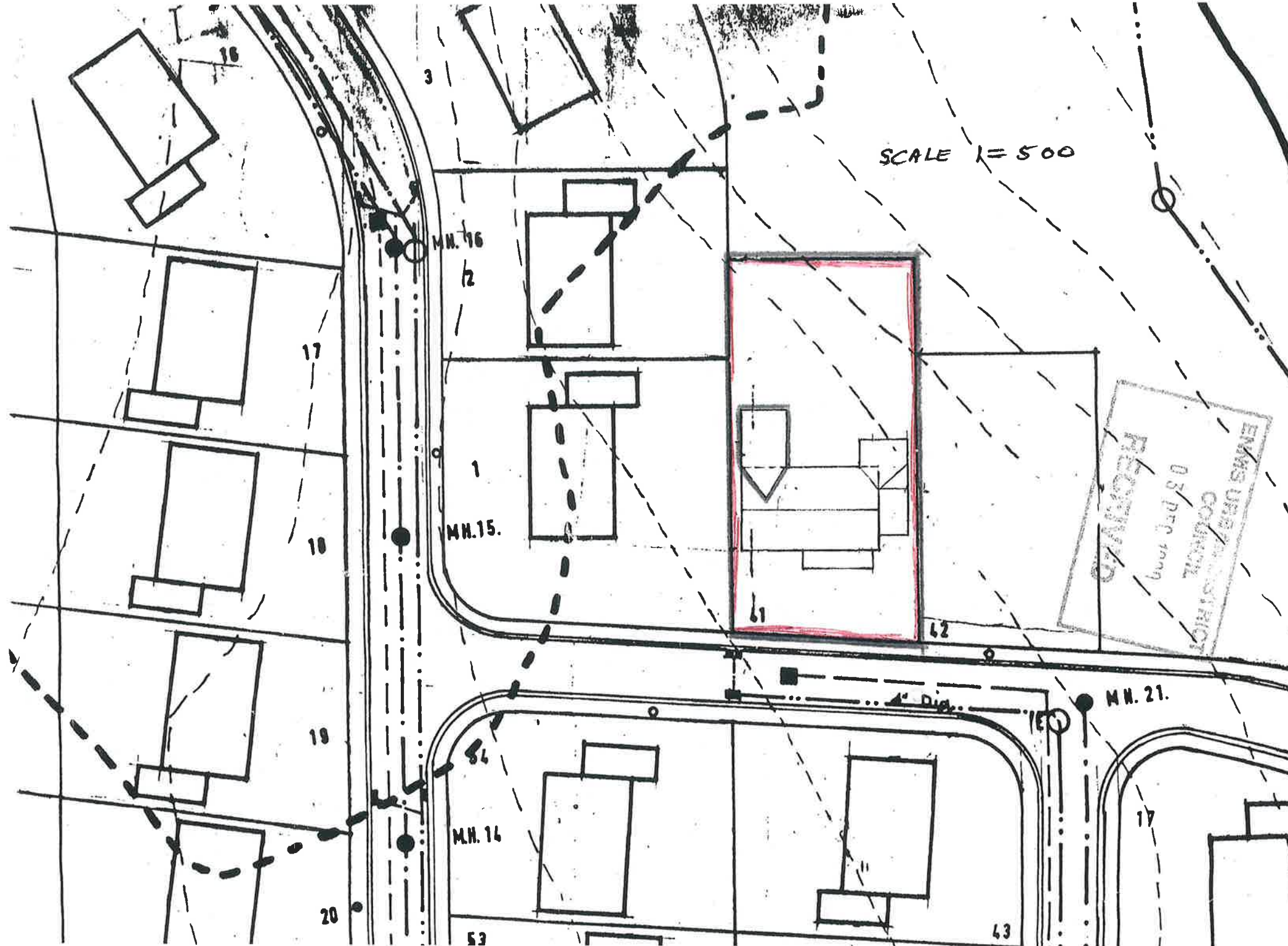
LAKE

NORTH



SCALE 1 = 500

RECEIVED  
03 DEC 1969  
ENGLAND  
COUNCIL





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

16/05/2022 15:56:46

Receipt No. : L1CASH/0/332642  
\*\*\*\*\* REPRINT \*\*\*\*\*

GEORGE HUGHES  
24 GLENBROOK PARK  
DELGANY  
CO WICKLOW

## AN CHLÁIR

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 : L1CASH - Colm Murphy  
From : MAIN CASH OFFICE LODGEMENT AF  
Vat reg No.0033043E