



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Elizabeth Walsh
Happy Villa
Slievenagry
Kilshanny
Co. Clare

RL 5431 0203 11E

15th September, 2022

Section 5 referral Reference R22-59 – Elizabeth Walsh

Is the use of one room for AirBnB and/or room to rent at Happy Villa, Slievenagry, Kilshanny, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th August 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

Mise, le meas


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht 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





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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

Reference No.: R22-59



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-59

Is the use of one room for AirBnB and/or room to rent at Happy Villa, Slievenagry, Kilshanny, Co. Clare, considered to be development and if so, is it exempted development?

AND WHEREAS, Elizabeth Walsh 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 and 3 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) (S.I. No 235 / 2019) Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.
- (d) The planning history pl 15/ 430 of the site and the conditions attached to pl 15/430.
- (e) The submitted documents from the referrer as received by the Planning Authority on the 24th August 2022.

And whereas Clare County Council has concluded:

- (a) The subject site is located outside a designated rent pressure zone.
- (b) Having regard to the nature of the proposed use, namely the letting out of a single bedroom for letting, the Planning Authority does not consider that same would contravene condition no. 3 (b) of Pl. Ref 15/430 as it relates to one bedroom only and not the overall house.
- (c) The proposed use, namely the letting out of a single bedroom for letting, would not therefore result in a material change of use of the existing dwelling house.

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



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 use of one room for Air BnB and / or room to rent at Happy Villa, Slievenagry, Kilshanny, Co. Clare is not development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in black ink, appearing to read 'Anne O'Gorman', is written over a horizontal line.

Anne O'Gorman
Staff Officer

Planning Department
Economic Development Directorate

15th September, 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: 80456

Reference Number: R22-59

Date Referral Received: 24th August 2022

Name of Applicant: Elizabeth Walsh

Location of works in question: Happy Villa, Slievenagry, Kilshanny, Co. Clare

Section 5 referral Reference R22-59 – Elizabeth Walsh

Is the use of one room for AirBnB and/or room to rent at Happy Villa, Slievenagry, Kilshanny, 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 and 3 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) (S.I No 235 / 2019) Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.
- (d) The planning history pl 15/430 of the site and the conditions attached to pl 15/430.
- (e) The submitted documents from the referrer as received by the Planning Authority on the 24th August 2022.

AND WHEREAS Clare County Council has concluded:

- (a) The subject site is located outside a designated rent pressure zone.
- (b) Having regard to the nature of the proposed use, namely the letting out of a single bedroom for letting, the Planning Authority does not consider that same would contravene condition no. 3 (b) of Pl. Ref 15/430 as it relates to one bedroom only and not the overall house.
- (c) The proposed use, namely the letting out of a single bedroom for letting, would not therefore result in a material change of use of the existing dwelling house.

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 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 use of one room for Air BnB and / or room to rent at Happy Villa, Slievenagry, Kilshanny, Co. Clare is not development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER

A-6

Date:

15th September, 2022

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R22-59

Applicant: Elizabeth Walsh

Location: Slievenagry

Proposal: Whether the use of one room for Air B n B and/ or room to rent at Happy Villa, Slievenagry, Kilshanny is or is not development and is / is not exempted development.

Due Date: 19th September 22

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following constitutes exempted development.

Whether the use of one room for Air B n B and/ or room to rent at Happy Villa, Slievenagry, Kilshanny is or is not development and is / is not exempted development.

Planning History

15/ 430 Elizabeth Walsh Mason. Permission granted for development which will consist of (a) the demolition of an existing substandard dwelling structure and the construction of a replacement new single storey pitched roof dwelling, (b) the construction of a detached single storey pitched roof domestic garage adjacent to the proposed new dwelling, (c) 8 sqm of solar panels to the south roof plane of the proposed new dwelling, (d) new waste water drip distribution system to the proposed new dwelling, (e) new vehicular entrance and driveway to the proposed new dwelling and (f) all ancillary site works.

Condition 3 states:

(a) The proposed dwelling, when completed, shall be first occupied as the place of permanent residence by the applicant. Within two months of the occupation of the permitted dwelling, the applicant shall submit to the Planning Authority a written statement of confirmation of the first occupation of the dwelling and the date of such occupation. (This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale)

And

(b) The proposed dwelling shall be for permanent occupation only.

Reason: In the interest of proper planning control, having regard to the County Development Plan 2011-2017 (as varied) and the 2005 Sustainable Rural Housing Guidelines.

Details Submitted

- Completed application form
- OS map scale 1 : 500 with the house in questioned shaded yellow.

Background

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*.

Section.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.

Section 3 (a) of the Planning and Development Act 2000. Inserted by Section 38 of the Residential Tenancies Amendment Act (no. 14 of 2019) and the Planning and Development (Amendment) Regulations 2019 (S.I. no. 235 of 2019 .

(S.I. No 235 / 2019) Planning and Development Act 2000 (Exempted Development) (No. 2) Regulation 2019

The Planning and Development Regulations 2001 to 2018, the Planning and Development Act 2000 (Exempted Development) Regulations 2019 (S.I. No. 12 of 2019) and these Regulations may be cited together as the Planning and Development Regulations 2001 to 2019.

These Regulations came into operation on 1 July 2019.

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Planning and Development Regulations 2001 as amended

Article 6 This article states that 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 this act , provided that such development complies with the conditions and limitation specified in column 2 Exempted Development of the said part 1 opposite the mention of that class in the said column 1.

Article 6 of the Principal Regulations is amended by the insertion of the following subarticle:

“(5) (a) Each of the following shall be exempted development:

(i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that –

(I) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons,

and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission;

(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –

(i) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission.

Assessment

- The dwelling in question is the applicant's principle private residence (where the applicant normally resides)
- The new provision only apply in areas designated as rent pressure zoned under the Residential Tenancies Act 2004.
- Short term lettings in areas outside the designated rent pressure zoned are not impacted in any way by the new regulations. There is no rent pressure zone in Slievenary, Kilshanny where the dwelling is located.
- The query is in respect of **one room only**. Having regard to the nature of the proposed use, namely the letting out of a *single* bedroom for letting, the Planning Authority does not consider that same would contravene condition no. 3 (b) of Pl. Ref 15/430 as it relates to one bedroom only and not the overall house.
- The proposed use, namely the letting out of a *single* bedroom for letting, would not therefore result in a material change of use of the existing dwelling house.
- Home sharing (the letting of a room or rooms in a persons principle private residences) is permissible. on an unrestricted basis and is exempted from the new planning regulations.

Conclusion

With reference to the above assessment, the proposed development can be considered exempted development as per Section 5.

Recommendation

The following question has been referred to the Planning Authority:

Whether the use of one room for Air B n B and/ or room to rent at Happy Villa, Slievenagry, Kilshanny 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 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) (S.I. No 235 / 2019) Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.
- (d) The planning history pl 15/ 430 of the site and the conditions attached to pl 15/430.
- (e) The submitted documents from the referrer as received by the Planning Authority on the 24th August 22

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

- i. The subject site is located outside a designated rent pressure zone.
- ii. Having regard to the nature of the proposed use, namely the letting out of a *single* bedroom for letting, the Planning Authority does not consider that same would contravene condition no. 3 (b) of Pl. Ref 15/430 as it relates to one bedroom only and not the overall house.
- iii. The proposed use, namely the letting out of a *single* bedroom for letting, would not therefore result in a material change of use of the existing dwelling house.

Now therefore Clare County Council (Planning Authority), hereby decides that the use of one room for Air B n B and/ or room to rent at Happy Villa, Slievenagry, Kilshanny County Clare is not development .

Signed Ellen Coey.
E.P.

Date 14-09-22.

Signed Garreth Ruane
Garreth Ruane S. E.P.

Date 15/09/22

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R 22/ 59
Applicant Name	E. Walsh
Development Location	Slievenagry, Kilshanny
Application accompanied by an EIS	No
Application accompanied by an NIS	NO
Description of the project (To include a site location map):	
Section 5 referral	

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Ballyteige SAC 0000994	Annex I habitats: • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410	1.53km
Cliff of Moher SPA 004006	Fulmar <i>Fulmarus glacialis</i> [A009] breeding ☐ Kittiwake <i>Rissa tridactyla</i> [A188] breeding ☐ Guillemot <i>Uria aalge</i> [A199] breeding ☐ Razorbill <i>Alca torda</i> [A200] breeding ☐ Puffin <i>Fratercula arctica</i> [A204] breeding ☐ Chough <i>Pyrrhocorax pyrrhocorax</i> [A346] breeding	7.6km

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	No
2	Impacts on terrestrial habitats & species.	Is the development within 1km of a European site with terrestrial based habitats or species?	No
3	Impacts on designated marine habitats & species.	Is the development located within marine or intertidal areas and within 5 km of a	No

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

		<i>European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3: Identification of potential impacts.

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown". Does the development involve any of the following:</i>	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	N/A
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie , internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	NA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	NA

1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	Impacts on terrestrial habitats and species. <i>Please answer the following if the answer to question 2 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	Impacts on designated marine habitats and species. <i>Please answer the following if the answer to question 3 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or	NA

	species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	
3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	Impacts on birds in SPAs <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R22/ 59
Proposed Development	Section 5 referral
Development Location	Slievenagry Kilshanny
European sites within impact zone	Ballyteige SAC 0000994 Cliff of Moher SPA
Description of the project:	
As above	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
See above	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Not likely- query relates to use of one room for Air B n B/ rent	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice 	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	No
(b) There is no potential for significant effects to European Sites ³	There is no potential for significant effects to European Sites

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	The potential for significant effects to European Site(s) can be ruled out
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	N/A
Completed By	Ellen Carey
Date	13 th September 22

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



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



**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	Elizabeth Walsh Happy Villa, Slievenagry Kilshanny Co Clare, V95 P52W
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Self



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?*

Is the use of one room at Happy Villa, Slievenagry, Kilshanny, County Clare,

V95 P52W considered to be a 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.

As the owner, I wish to know if opening up one room in my home for AirBnB &/or room to rent, is in contravention of the provision of Condition No 3 of P15-430.

Condition No 3 (b) of P15-430 states: "The proposed dwelling shall be for permanent occupation only".

- (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)


Ordnance Survey map highlighting Happy Villa, Slievenagry, V95 P52W. Planning permission P15-430

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<div>Happy Villa</div> <div>Slievenagry</div> <div>Kilshanny</div> <div>Co Clare, V95 P52W</div>
(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?	<div>No</div>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<div>I am the owner</div>
(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>	<div>N/A</div>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<div>Yes</div>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<div>No</div>
(g) Were there previous planning application/s on this site? If so please supply details:	<div>Yes, Planning Permission P15-430 was granted in Nov 2015</div>
(h) Date on which 'works' in question were completed/are likely to take place:	<div>Jan 2023</div>

SIGNED:



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

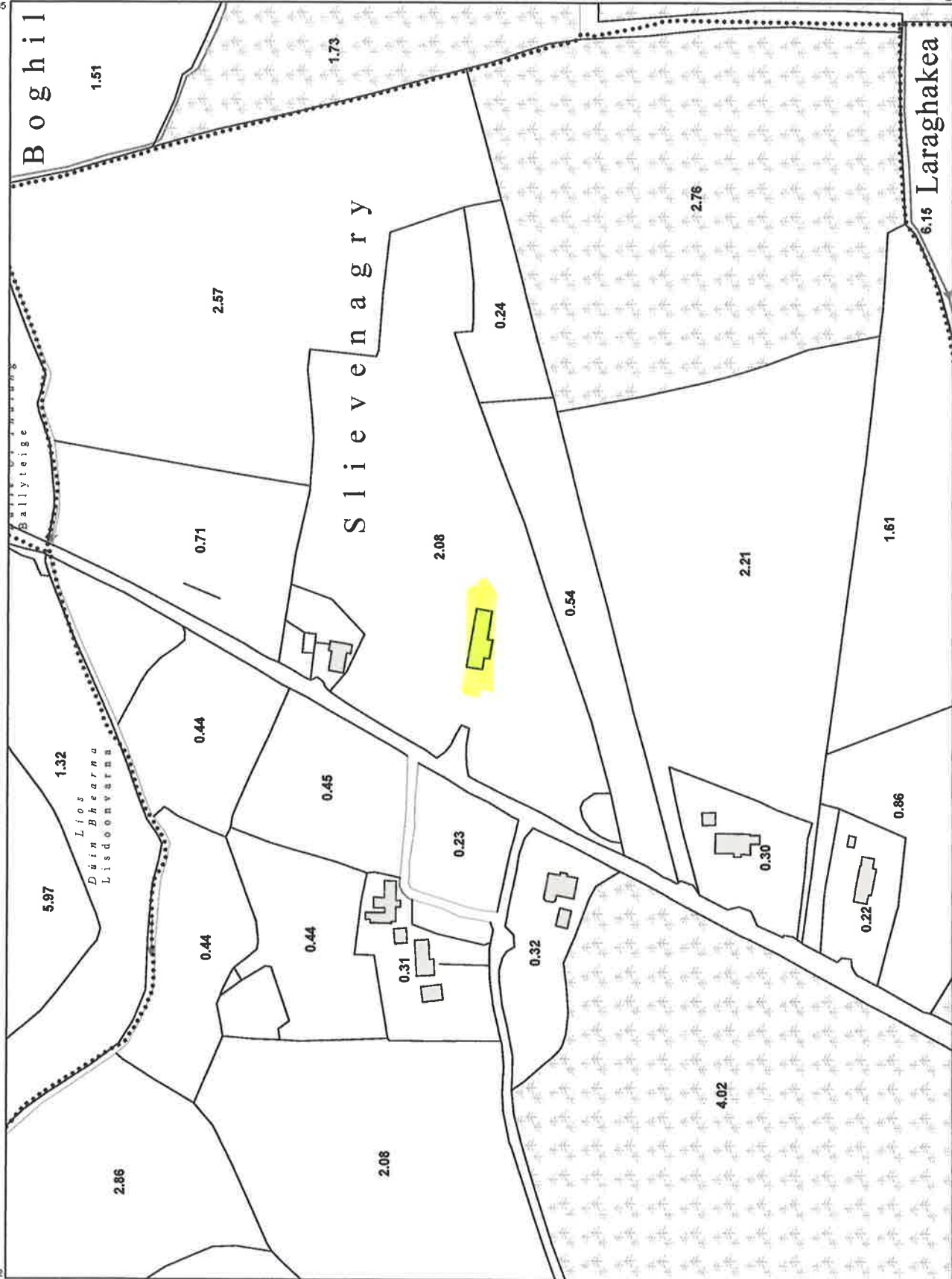
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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

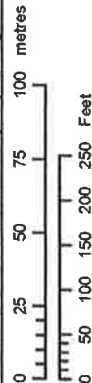
Planning Pack Map

514282 696562 514865 696152



CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>; search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



514282 696152

CENTRE COORDINATES:
ITM 514574 696367

PUBLISHED:
22/08/2022

ORDER NO.:
50286861_1

MAP SERIES:
1:5,000

MAP SHEETS:
3909

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<http://www.osi.ie>;
search 'Large Scale Legend'

CONTAE

AN CHLAIR

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

25/08/2022 09:43:46

Receipt No. L1CASH/0/337340
***** REPRINT *****

ELIZABETH WALSH
HAPPY VILLA
SLIEVENAGRY
KILSHANNY
CO. CLARE
R22-59



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

Total : 80.00 EUR

COMHAIRLE

Tendered :
MONEY ORDER 80.00

CONTAE
AN CHLAIR

Change : 0.00

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From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No. 0033043E

CLARE COUNTY COUNCIL
ARAS CONTAE AN CHLAIR
NEW ROAD
ENNIS
CO CLARE

25/08/2022 09:43:46

Receipt No L1CASH/0/337340
***** REPRINT *****

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