

# COMHAIRLE CLARE CONTAE AN CHLÁIR COUNTY COUNCIL

#### Registered Post

Wayne Burke 23 Dún Na Hinse Lahinch Road Ennis Co. Clare

1st November 2022

### Section 5 referral Reference R22-65 - Wayne Burke

Is the change of use of a bedroom, no construction involved, to a neuromuscular, orthopaedic, sports and injury massage room at 23 Dun Na Hinse, Lahinch Road, Ennis, Co. Clare a development and if so, is it an exempted development?

A Chara,

I refer to your application received on 10th October 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 <a href="https://www.pleanala.ie">www.pleanala.ie</a>

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

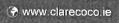
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2













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

Reference No.: R22-65



#### Section 5 referral Reference R22-65

Is the change of use of a bedroom, no construction involved, to a neuromuscular, orthopaedic, sports and injury massage room at 23 Dun Na Hinse, Lahinch Road, Ennis, Co. Clare a development and if so, is it an exempted development?

**AND WHEREAS, Wayne Burke** 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(1) (j) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" as specified under Article 5 of the Planning and Development Regulations 2001, as amended
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended
- (d) The details as submitted with the subject Section 5 referral

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

- (a) the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room constitutes a material change of use and is therefore development, as defined in section 3 of the Planning and Development Act 2000 as amended
- (b) Neither the Planning and Development Act 2000 (as amended) nor the Planning and Development Regulations 2001 (as amended) recognise the said material change of use as exempted development

**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 change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage at 23 Dún Na Hinse, Lahinch Road, Ennis, Co. Clare **constitutes 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** 

1st November 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:

80697

Reference Number:

R22-65

**Date Referral Received:** 

10th October 2022

Name of Applicant:

Wayne Burke

Location of works in question:

23 Dún Na Hinse, Lahinch Road, Ennis, Co.

Clare, V95 AWX8

#### Section 5 referral Reference R22-65 – Wayne Burke

Is the change of use of a bedroom, no construction involved, to a neuromuscular, orthopaedic, sports and injury massage room at 23 Dun Na Hinse, Lahinch Road, Ennis, Co. Clare a development and if so, is it an exempted development?

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

- (a) Sections 2, 3 and 4(1) (j) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" as specified under Article 5 of the Planning and Development Regulations 2001, as amended
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended
- (d) The details as submitted with the subject Section 5 referral

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

- (a) the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room constitutes a material change of use and is therefore development, as defined in section 3 of the Planning and Development Act 2000 as amended
- (b) Neither the Planning and Development Act 2000 (as amended) nor the Planning and Development Regulations 2001 (as amended) recognise the said material change of use as exempted development

#### **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 change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room at 12 Dún Na Hinse, Lahinch Road, Ennis, Co. Clare is considered development which is not exempted development.

Signed:

**GARETH RUANE** 

**SENIOR EXECUTIVE PLANNER** 

Date:

1st November 2022

### CLARE COUNTY COUNCIL SECTION 5 REFERRAL REPORT

Reference No:

R22 65

Applicant:

Wayne Burke

Location:

23 Dun na hInse, Ennis

Proposal:

Whether the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury

massage room is development and if so, is exempted development.

**Due Date:** 

4th Nov. 2022

#### Introduction

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 change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room is development and if so, is exempted development

The subject dwelling is located within a terrace of two story dwellings, within the Dun na hInse housing development.

#### Clare County Development Plan 2017- 2023, as varied

The site is located in the settlement of Ennis as per the Clare County Development Plan 2017-2023, as varied and is zoned "Existing Residential".

#### **Onsite Planning History**

None recent

#### Pre-planning History

None.

#### **Section 5 Declaration History**

There have been no previous Section 5 declarations made in respect of the subject building.

#### **Details Received**

- Site location map.
- Completed application form outlining details of proposed change of use.

#### **Background**

#### Planning and Development Act, 2000 (as amended)

#### Section 2

"habitable house" means a house which— (a) is used as a dwelling,

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon

"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

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.

#### Section 4

Section 4 (1)(H) states that the following shall be exempted development for the purpose of the Act.-

'development consisting for the carrying out of works for maintenance, improvement or other alterations 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 neighbouring structures'.

Section 4(1) (j) of the Act refers to Exempted Development and states that the following shall be exempted developments for the purposes of this Act—'development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such';

#### Section 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 7

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

#### Planning & Development Regulations, 2001, as amended

#### Article 5

Interpretation for this part – defines the following;

"business premises" means— (a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons

#### Part 2 Exempted Development

#### Article 6 (1) states

'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 the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'.

#### **Article 9 - Restrictions on Exemptions**

'Under Article 9 (1) of the same Regulations, development to which Article 10 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. except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,
  - 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,
- vi. 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. (a)

  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,
- vii. (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,
- vii. (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."
- 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'.

#### Article 10 Change of Use

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
  - (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
    - (i) as an amusement arcade,
    - (ii) as a motor service station,
    - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
    - (iv) for a taxi or hackney business or for the hire of motor vehicles,
    - (v) as a scrap yard, or a yard for the breaking of motor vehicles.
    - (vi) for the storage or distribution of minerals,
    - (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
    - (vii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
    - (viii) as a shop, associated with a petrol station, the total

net retail sales space of which exceeds 100 square metres.

- (3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.
- (4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.

#### **Assessment**

The question in this instance can be stated as follows:

'Whether the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room is development and if so, is exempted development

It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the proposed development in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development. In assessing the merits of the case, I have reviewed previous relevant declarations made by the An Bord Pleanála.

#### Is or is not development?

Section 3(1) of the Planning and Development Act 2000 (as amended) defines "development" as "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". The question put before the Planning Authority is "Whether the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room is or is not exempted development". The wording of this question would appear to acknowledge that a change of use will occur at the applicant's dwelling. The key question, therefore, is to determine if a "material" change of use will occur at the applicant's dwelling, and to establish, whether such material change of use is or is not exempted development.

Having regard to case law I acknowledge that there are generally two tests to establish whether a material change of use has occurred from the antecedent use to the subsequent use. The first test to consider, in accordance with case law, is the external effects of the change of use on the amenities of the area. Thus, for example, if the change would result in an increase in noise, traffic or odours, the change is probably material. In Galway County Council v. Lackagh Rock Ltd. [1985] I.R. 120 at 127 (H.C.) Barron J. suggested a test in the following terms:

"To test whether the uses are materially different it seems to me that what should be looked at are the matters which the planning authority would consider in the event of a planning application being made either for the use on the appointed day or for the present use. If the matters are materially different, then the nature of the use must be materially different".

The second aspect of the test seems to suggest that even in the absence of external effects arising from the change, there may nevertheless be development. The second test requires a consideration of the character of the antecedent and subsequent uses of the land. Thus, the High Court in Cusack v Minister for Local Government, 1980, considered that a change from a dentist's practice to use as a solicitor's office would involve a material change in use. In this regard, the court concentrated on the character of the two uses, stating that the professions were completely different in their

training, in their skills and in their general nature, and did not appear to regard the fact that there might be similarities in terms of the external effects to be relevant.

I note from case law therefore, that if changes to a planning unit give rise to new planning considerations this should be considered a material change of use. In the current referral the antecedent use is solely residential, and the proposed use will incorporate both residential and commercial i.e. a neuromuscular, orthopaedic, sports and injury massage room. The applicant has confirmed that he has professional liability insurance and that "clients" will utilise the proposed service. Such commercial undertaking within the applicant's dwelling falls within the definition of a "business premises", as set out under Article 5 of the Regulations.

The applicant confirms that the number of clients per week would be 10-15, and that only one client will be in the area at any given time. Since the use of part of the house will change from residential to commercial, it is my view there are matters which a planning authority would consider in the event of a planning application being made. Such matters would include (inter alia) the hours of operation of the facility, the generation of traffic and car parking, customer access, separation of residential / commercial accommodation. I would consider that such matters are materially different to residential use, and thereby the commercial nature of the change of use is materially different to residential use. This material change of use would, therefore, be development in accordance with the provisions of Section 3(1) of the Planning and Development Act, 2000, as amended.

#### Is the change of use exempted development?

In relation to whether the change of use is exempted development the following must be considered (a) the Planning and Development Act 2000, as amended, and (b) the Planning and Development Regulations, 2001, as amended.

Section 4 of the Planning and Development Act, 2000 (as amended), sets out exemptions and I would consider that there are no specific exemptions in relation to the subject change of use. The carrying out of neuromuscular, orthopaedic, sports and injury massage business, or any comparable type of business, within the curtilage of the house would not be incidental to the enjoyment of the house, and therefore does not come within the scope of Section 4(1)(j) of the Act.

There are no exempted development provisions under Schedule 2 Part 4 exempted development for a change of use, within a particular class, from residential to a neuromuscular, orthopaedic, sports and injury massage business, or any comparable type of business. I conclude, therefore, that the change of use of part of a residential dwelling to a neuromuscular, orthopaedic, sports and injury massage business, or any comparable type of business at the subject premises is development and is not exempted development.

#### **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 7 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 proposed development 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.

#### Appropriate Assessment

The subject building is located approx. 500m from the Lower River Shannon SAC. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, the availability of public services, it is my opinion that no appropriate assessment issues arise, and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

#### Conclusion

With reference to the above assessment the proposed development may be considered development which is not exempted development.

#### Recommendation

I recommend that this referral should be decided in accordance with the following.

WHEREAS a question has arisen as to whether the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room is development and if so, is exempted development

#### AND WHEREAS Clare County Council in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4(1) (j) of the Planning and Development Act, 2000, as amended
- (b) The Definition of a "Business Premises" as specified under Article 5 of the Planning and Development Regulations 2001, as amended
- (c) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended
- (d) The details as submitted with the subject Section 5 referral

#### AND WHEREAS Clare County Council has concluded that -

- (a) the whether the change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room constitutes a material change of use and is therefore development, as defined in section 3 of the Planning and Development Act 2000 as amended
- (b) Neither the Planning and Development Act 2000 (as amended) nor the Planning and Development Regulations 2001 (as amended) recognise the said material change of use as exempted development.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides that the he change of use of a bedroom to a neuromuscular, orthopaedic, sports and injury massage room is development which is not exempted development.

Signed

**Executive Planner** 

Date: 27th Oct. 2022

**Garreth Ruane** 

**Senior Executive Planner** 





#### COMHAIRLE CONTAE AN CHLÁIR COUNTY COUNCIL

Wayne Burke 23 Dun Na Hinse **Lahinch Road Ennis** Co. Clare **V95 AWX8** 

#### 10/10/2022

### Section 5 referral Reference R22-65 – Wayne Burke

Is the change of use of a bedroom, no construction involved, to a neuromuscular, orthopaedic, sports and injury massage room at 23 Dun Na Hinse, Lahinch Road, Ennis, Co. Clare a development and if so is it an exempted development?

#### A Chara,

I refer to your application received on 10th October 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

**Brian Fahy** 

**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 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	WAYNE BURKE  23 DUN NA HINSE  LAHINCH ROAD, ENNIS,  CO. CLARE Eircode: V95AWX8			
(b) Telephone No.:	0876323715			
(c) Email Address:	jakansolo@hotmail.com			
(d) Agent's Name and address:	WAYNE BURKE  23 DUN NA HINSE,  LAHIPCH ROAD, ENDIS  CO. CLARE EIRCODE: V95 AWX8			

### 2. DETAILS REGARDING DECLARATION BEING SOUGHT PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT (a) 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 change of use of a bedroom, no construction involved, to a Newsomuscular, Orthopaedic, sports and lybry massage room @ 23 Den na Hinsis, LAMINUM Rd, Ennis, co. clore a development and if so is a exempted development. (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought. Neuromuscular Newsonutarial or , Orthopaedic, physical, sports massage and qualified I already as such have professional liability liability Insurance which allows me to provide multiple bootions like club house, spoils locators pitch side Calls and other locations, I also I have home and for the property 23 Den No hinge latinch Rd, Ennis Co clase of new Construction OF ony way 60 Still 1000 CS house was constructed from blue prints Only one client will be in the area working room, so traffic through to therapy room vouldbe a time, to 10-15 people per week Signage of the world plus plaque beside door so is planning or is developed a change duse exempted? (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) OSI supplied area maps x2 with pink highhinse lahinch Rd, Enris Co clare blue prints will be as 1999

	3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT				
(a)	Postal Address of the Property/Site/Building for which the declaration sought:	23 Dun va Hose, LARWCHRd, Ennis. County Clore 195AWX8			
(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?	Po .			
(c)	Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	15 my our nortgogad residentia			
(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:	As Above			
	Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.				
(e)	Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	les			
(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:	Change of use from 18/10/2022			

SIGNED:

DATE: 06/10/2022

#### **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 Countil
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:			

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

10/10/2022 13:21:40

Receipt No. L1CASH/0/339625
\*\*\*\*\* REPRINT \*\*\*\*\*

WAYNE BURKE
23 DUN NA HINSE
LAHINCH ROAD
ENNIS
CO. CLARE

R22-65

### CONTAE

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

Total:

80.00 EUR

0.00

Tendered: CREDIT CARDS 80.00

Change:

Issued By: L1CASH - DEIRDRE FRENCH From: MAIN CASH OFFICE LODGEMENT AF Vat reg No.0033043E

National Mapping Agency Ordnance Osi Survey MAP SHEETS: 4322-A ORDER NO.: 50295439\_1 2022 © Ordnance Survey Ireland, 2022 www.osi.ie/copyright Unauthorised reproduction Ordnance Survey maps never show legal property boundaries, nor do they show ownership of Ordnance Survey Ireland, Phoenix Park, COORDINATES:
ITM 532573,677889 http://www.osi.ie; search 'Large Scale Legend' the copyright owners. written permission of **MAP SERIES:** 1:2,500 physical features. **PUBLISHED**: 06/10/2022 of a right of way. copyright. Dublin 8, LEGEND: freland. 677974 532689 10 3 % 12/2 2 ŝ 3 z 💜 20 ,© Ą 8 125 92/ 1 37 & B 777 127 CAPTURE RESOLUTION:

The map objects are only accurate to the resolution at which first were captured.

Output scale is not indicative of data capture scale.

Further information is available att.

Intip://www.osi.ie; search 'Capture Resolution' 8 170 128 8 8 80, 6 159 8 0 8 130 20% 8 131 Z' 203 , Ev 0 OUTPUT SCALE: 1:1,000 OUN NA HINSE S. ₹o d) ф, 80 Š Og 4 OSi PLACE Map 9 BNIH æ metres **ઈ** á 1 r AN NŅQ 50 8 4 Feet. 57 ~ n 5 22 8 t 42 Ennis 4 80 Ŷ Inis 4 æ B ب ء 8 Ş Ø 8 g, 8 4 æ 9 02 00 To ኇ Q, B 532458 877974 677802

COMPILED AND PUBLISHED BY: All rights reserved.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior infringes Ordnance Survey Ireland and Government of Ireland © Suirbhéireacht Ordanáis Éireann, of a road, track or footpath is not evidence of the existence The representation on this map