



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Brian Eccles
Ardcarn
Ballinasloe
Co. Roscommon
H53 X3A3**

30th March 2023

Section 5 referral Reference R23-16 – Brian Eccles

Is the shed/garage constructed with the house in 1983 require planning permission?

A Chara,

I refer to your application received on 9th March 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas


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

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

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



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

Reference No.: R23-16



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-16

Is the shed/garage constructed with the house in 1983 require planning permission?

AND WHEREAS, Brian Eccles 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 3 of Part 1 of Schedule 3 of the Planning and Development Regulations 1977, as amended.
- (d) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 9th March 2023 and 13th March 2023.

And whereas Clare County Council has concluded:

The erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

Further the Planning Authority has concluded that the erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare is deemed to be exempted development having regard to Section 4(1)(g) and Section 4(1)(h) of the Planning and Development Act 1963, as amended and Class 3 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

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

The proposed development consisting of the erection of a garage to the side of a house at Ballymacahil, Ennis, Co. Clare (in 1983/4) **constitutes development** which is **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

30th March 2023

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:

81445

Reference Number:

R23-16

Date Referral Received:

9th March 2023

Name of Applicant:

Brian Eccles

Location of works in question:

Cappabeg, Barefield, Co. Clare

Section 5 referral Reference R23-16 – Brian Eccles

Is the shed/garage constructed with the house in 1983 require planning permission?

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 3 of Part 1 of Schedule 3 of the Planning and Development Regulations 1977, as amended.
- (d) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 9th March 2023 and 13th March 2023.

AND WHEREAS Clare County Council has concluded:

The erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

Further the Planning Authority has concluded that the erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare is deemed to be exempted development having regard to Section 4(1)(g) and Section 4(1)(h) of the Planning and Development Act 1963, as amended and Class 3 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

ORDER:

Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to 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 erection of a garage to the side of a house at Ballymacahil, Ennis, Co. Clare (in 1983/4) is considered development which is exempted development.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER *AR*

Date:

30th March 2023

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

FILE REF: R23 16
APPLICANT(S): Brian Eccles
REFERENCE: Whether the garage as constructed in 1982 / 3 is or is not development and is or is not exempted development.
LOCATION: Cappabeg, Barefield, County Clare
DUE DATE: 4th April 2023

Site Location

The site is located along the Ballymacahil Road, approx. 3km to the west of Ballymacahil / Tulla Road junction. On site is a bungalow, with a block built shed, located to the side of same. On the opposing side, within the curtilage of the site, is a timber shed.



Recent Planning History

Onsite

None.

Background to Referral

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

The applicant is seeking a Section 5 Declaration as to whether the erection of a garage of his house at Ballymacahil, Ennis, County Clare is or is not development and is or is not exempted development. It is stated in the documentation as submitted with the Section 5 declaration application that the garage was constructed at the same time as the dwelling on site (c. 1982 / 3)

Statutory Provisions

Having regard to the dates which it is stated the works were carried out, the categories of exempted developments which the subject application may be considered are as follows:

- a) Section 4 (1) of the 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) (Postal & Telecommunications) (Exempted Development) Regulations 1983 S.I. No. 403 of 1983.
 - iv. 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;

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

These regulations came into operation on 15th March 1977

Third Schedule, Part 1, Class 3

The erection, construction or placing within the cartilage of a dwellinghouse of any tent, awning, shade or other object, greenhouse, garage, shed or other similar structure

Conditions

1. 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 meters or any other case 3 meters
2. The structure shall not be used for human habitation or for the keeping of pigs or poultry or for any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse as such

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)*.

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

Particulars of the Development

- | | |
|----------------|--|
| • Use | ancillary to the existing dwelling on site |
| • Floor Area | 5.45 x 4.15 metres |
| • Height | 3.76m (height) |
| • Roof Profile | Pitched |
| • Location | Side of applicant's dwelling |

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

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 a garage within the curtilage of a residential dwelling 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) and (h) 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;

I would not consider the garage as constructed materially affects the external appearance of the principal structure so as to render such appearance inconsistent with the character of the structure or of neighbouring structures. It is located to the side of the dwelling and utilised material similar to that used in the original dwelling.

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;

I would consider that the use of the garage as constructed, would be incidental to the enjoyment of the dwellinghouse.

Regarding the Local Government (Planning & Development) Regulations 1977 S.I. No. 65 of 1977 I note the following:

Third Schedule, Part 1, Class 3

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

Conditions

1. 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 meters or any other case 3 meters
2. The structure shall not be used for human habitation or for the keeping of pigs or poultry or for any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse as such

The garage as constructed would comply with such limitations.

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.

Recommendation

I would consider 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 construction of a garage in 1982/3.

Recommendation

The following question has been referred to the Planning Authority:

Whether the erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare is or is not development and is or is not exempted development

The Planning Authority in considering this referral had regard to:

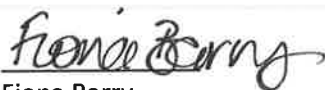
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 1963, as amended,
- (b) Section 5 of the Planning and Development Act, 2000, as amended
- (c) Class 3 of Part 1 of Schedule 3 of the Planning and Development Regulations 1977, as amended.
- (d) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 9TH March 2023 and 13th March 2023.

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

The erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 1963, as amended.

Further the Planning Authority has concluded that the erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare is deemed to be exempted development having regard to Section 4(1) (g) and Section 4(1)(h) of the Planning and Development Act 1963, as amended and Class 3 of Schedule 3, Part 1 of the Planning and Development Regulations 1977, as amended.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the Planning and Development Act 2000, as amended, hereby decides the erection of a garage to the side of a house at Ballymacahil, Ennis, County Clare (in 1983/4) is development which is exempted development.



Fiona Barry
Executive Planner
Date: 27th March 2023



Garreth Ruane
Senior Executive Planner
Date: 30/03/23.

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	R23 16
Applicant Name	Brian Eccles
Development Location	Ballymacahil, Ennis, County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No

Description of the project (To include a site location map):

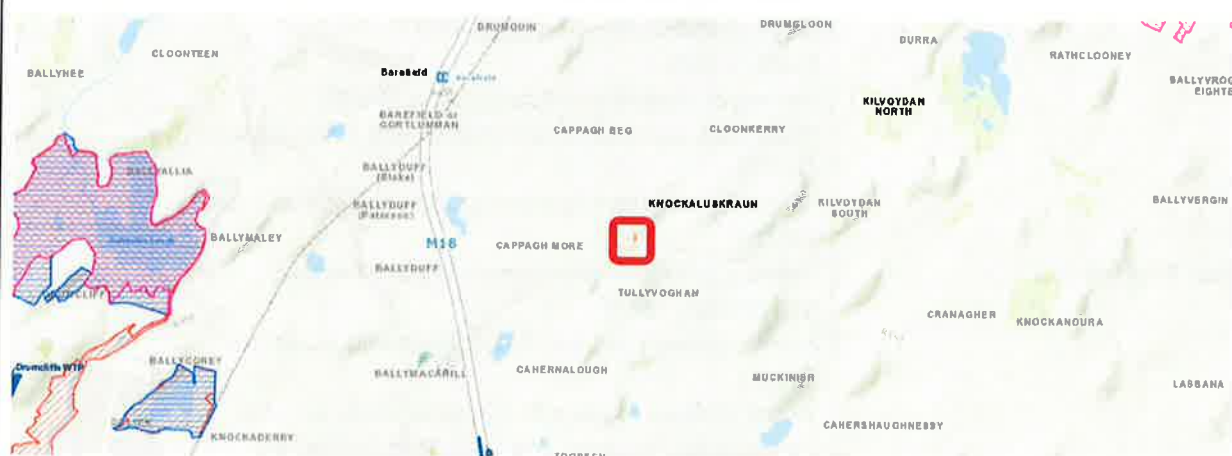


Table 2: Identification of European sites which may be impacted by the proposed development.

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)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	3.37m

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.

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)
	Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
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 – minor nature of works, distance from designation and no direct hydrological link

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.

Appropriate Assessment Screening Determination	
Planning File Reference	R23 16
Proposed Development	Garage
Development Location	Ballymacahil, Ennis, County Clare
European sites within impact zone	As above
Description of the project	
Garage – 5.45 x 4.15 metres. This equates to 22.61sq.m.	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No impacts envisaged.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
<p>The subject site is located approx. 0.79km from Lower River Shannon SAC.</p> <p>The proposed works are minor in nature, comprising of a polytunnel which has been placed on the existing grassed ground thus not requiring any ground works. The site is located in an urban, developed area, and does not require connections to any public services</p> <p>Having regard to:</p> <ul style="list-style-type: none"> • The minor nature of the proposed works • The location of the site in a developed area • The consequent absence of a pathway to any European site <p>I am satisfied that the proposed development, either alone or in combination with any other plans/ projects will not be likely to have a significant effect on any European site.</p>	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
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	
(b) There is no potential for significant effects to European Sites ³	✓

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no 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	
(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	
Completed By	Fiona Barry, Executive Planner
Date	27.03.2023

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 be 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.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Brian Eccles
Ardcarn
Ballinasloe
Co. Roscommon
H53 X3A3**

09/03/2023

Section 5 referral Reference R23-16 – Brian Eccles

Is the shed/garage constructed with the house in 1983 require planning permission?

A Chara,

I refer to your application received on 9th March 2023 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 Stiúirthóireacht 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



CLARE
AN CHLÁIR
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

09/03/2023 11:50:16

Receipt No L1CASH/0/348449
***** REPRINT *****

BRIAN ECCLES
ARDCARN
BALLINASLOE
CO. ROSCOMMON
H53 X3A3



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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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) 6821
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie

CLARE
COUNTY COUNCIL

09 MAR 2023

Received
Planning Section

Comhairle Contae an Chláir
Clare County Council

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

FEE: €80

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

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	BRIAN ECCLES C/o CAPPABEG BAREFIELD ENNIS Co. CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	BRIAN ECCLES ARDARA BALLINASLOE H53 X3A3

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?

Does the shed/garage constructed with the house in 1983 require planning application/permission?

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

Our house was constructed in 1982/83 and a blockwork garage shed was built at the same time.

The eircode is V95 P7XD

The garage has the same blockwork construction and tiled roof as the house.

- (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)

- 2 copies of OSI Planning Pack (1:2500 & 1:10560 maps).
- 2 copies of Google maps satellite image of area.
- 2 copies of photograph of front view of house + garage.
- 2 copies of photograph of rear view of house + garage.²

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Cappabeg Barfield Ennis Co. Clare V95 P7XD
(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):	Joint owner with Donna Eccles
(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>	
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	Only original in early 1980's
(h) Date on which 'works' in question were completed/are likely to take place:	Same time as house — 1982

SIGNED:

Brai Eccles

DATE:

7/3/23

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

CENTRE
COORDINATES:
ITM 538061,680979

PUBLISHED:
06/03/2023

ORDER NO.:
50321539_1

MAP SERIES:
1:5,000 4207
1:2,500 4207-C
1:5,000 4265
1:2,500 4265-A

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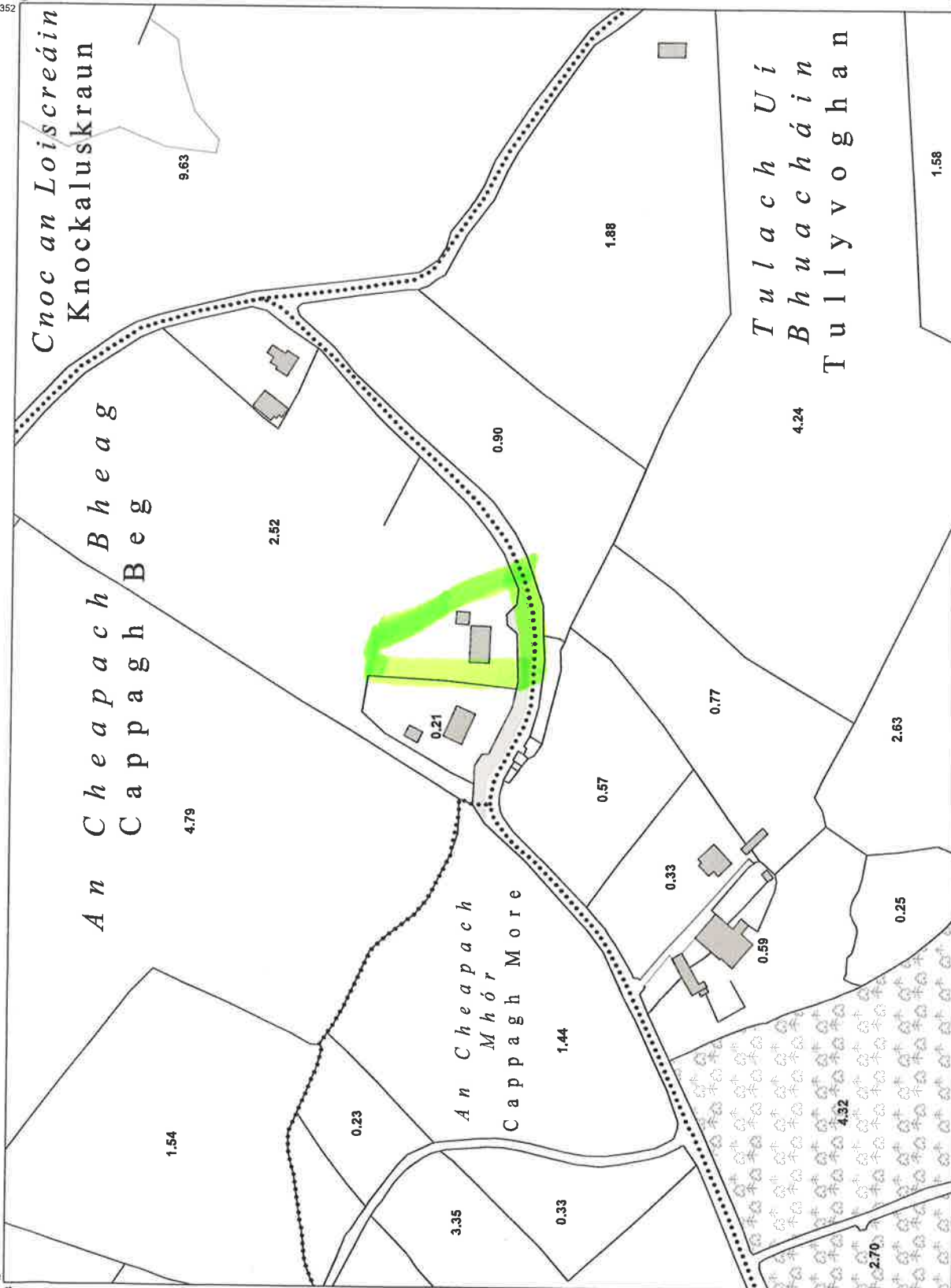
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OUTPUT SCALE: 1:2,500

Site Location Map

CENTRE
COORDINATES:
ITM 538061,680979

PUBLISHED:
06/03/2023

ORDER NO.:
50321539_1

MAP SERIES:
6 Inch Raster
6 Inch Raster

MAP SHEETS:
CE026
CE034

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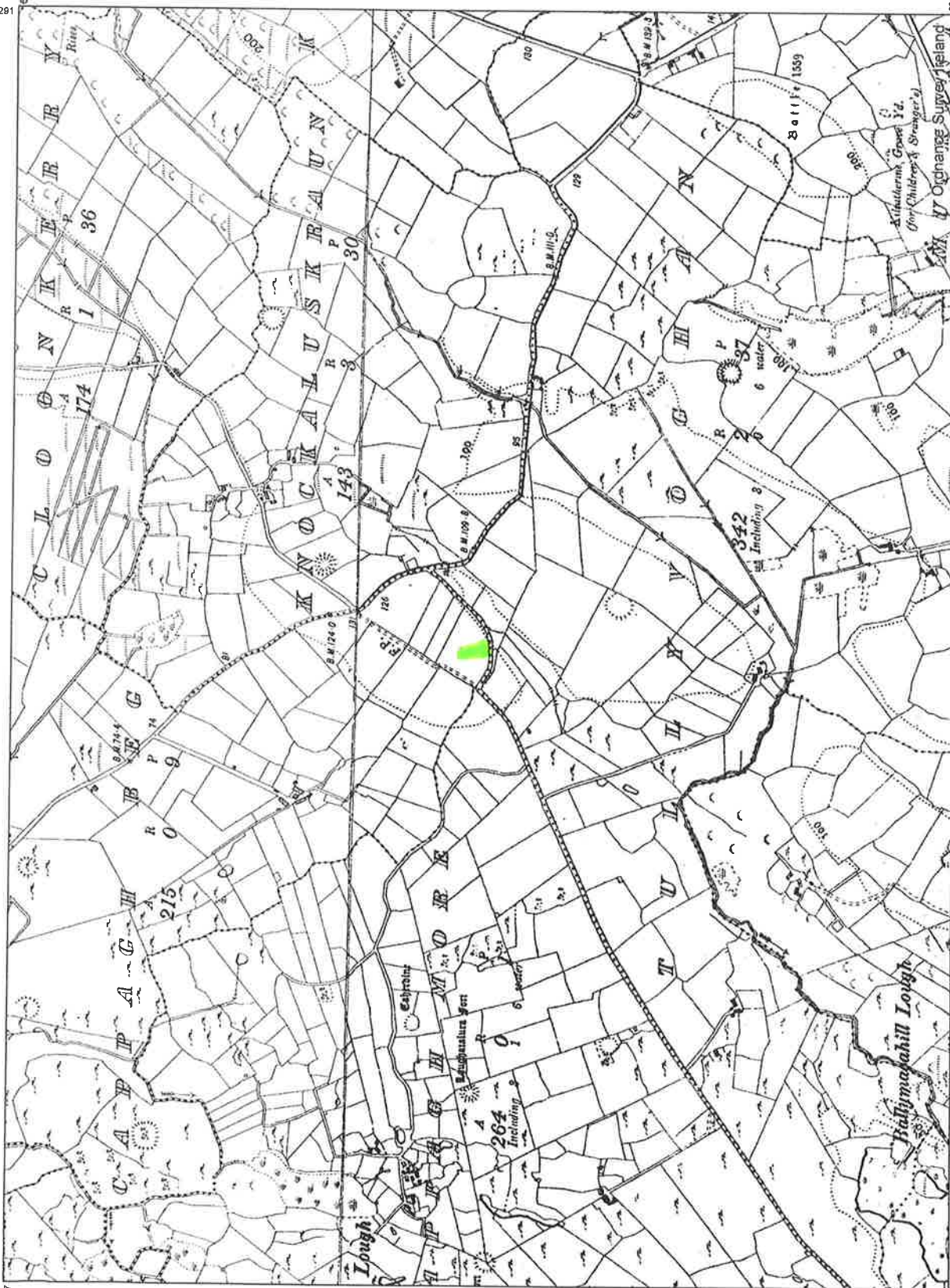
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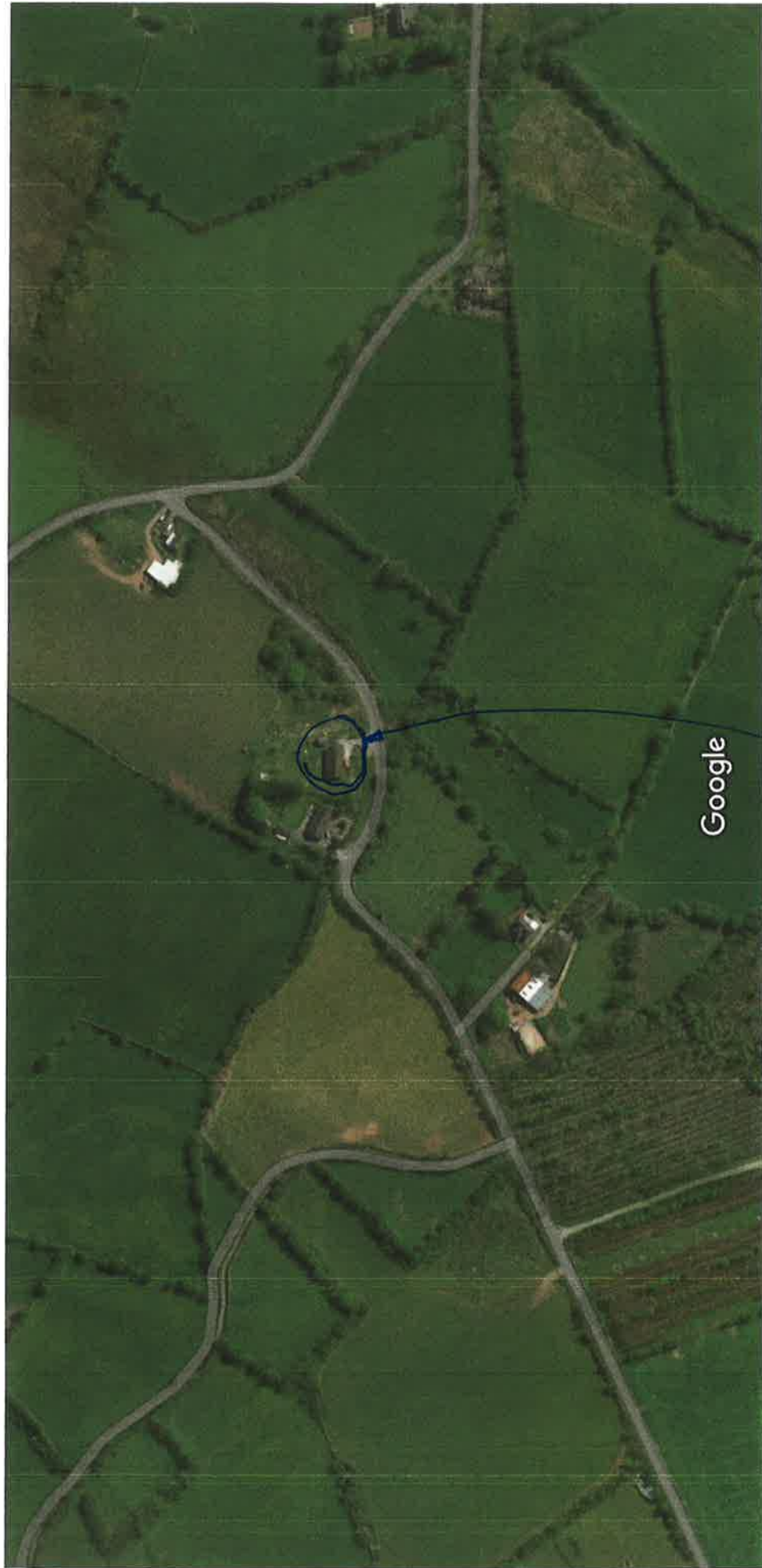
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OUTPUT SCALE: 1:10,560





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House/garage at V95 P7XD

House & Garage at
Carrabeg, Barefield
Front View



House & GARAGE AT
CAPPABEG, BAREFIELD
FROM THE REAR

