



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Patrick & Mary Stafford
c/o Aidan Murphy
Tulla
Co. Clare
V95Y4A3**

25th May 2023

Section 5 referral Reference R23-29 – Patrick & Mary Stafford

Is the Stables building constructed in 1990 development and if so, is it exempted development?

A Chara,

I refer to your application received on 5th May 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



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: 81806

Reference Number: R23-29

Date Referral Received: 5th May 2023

Name of Applicant: Patrick & Mary Stafford

Location of works in question: Cahershaughnessy, Quin, Co. Clare

Section 5 referral Reference R23-29 – Patrick & Mary Stafford

Is the Stables building constructed in 1990 development and if so, is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 1963, as amended,
- (b) Section 5 of the Planning and Development Act, 2000, as amended,
- (c) Article 11 of the Local Government (Planning & Development) Regulations 1977
- (d) Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984
- (e) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 5th May 2023.

AND WHEREAS Clare County Council has concluded:

- The construction of a stables building.
at Cahershaughnessy, Quin, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended.

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

The Planning Authority has concluded that the following development at Cahershaughnessy, Quin, Co. Clare is deemed to be exem development.

- The construction of a stables building

having regard to Section 4(1) (a) of the Planning and Development Act 1963, as amended and Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984.

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 construction of a stables in c. 1990 at Cahershaughnessy, Quin, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

25th May 2023

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

Reference No.: R23-29



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-29

Is the Stables building constructed in 1990 development and if so, is it exempted development?

AND WHEREAS, Patrick & Mary Stafford 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) Article 11 of the Local Government (Planning & Development) Regulations 1977
- (d) Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984
- (e) The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 5th May 2023.

And whereas Clare County Council has concluded:

- The construction of a stables building.
at Cahershaughnessy, Quin, Co. Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended.

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

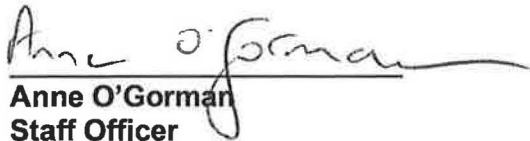
The Planning Authority has concluded that the following development at Cahershaughnessy, Quin, Co. Clare is deemed to be exem development.

- The construction of a stables building

having regard to Section 4(1) (a) of the Planning and Development Act 1963, as amended and Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984.

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

The proposed development consisting of the construction of a stables in c. 1990 at Cahershaughnessy, Quin, Co. Clare 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

25th May 2023

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No:	R23 29
Applicant:	Patrick and Mary Stafford
Location:	Cahershaughnessy, Quin, Co. Clare
Proposal:	Whether the construction of a stables building which was built in 1990 at Cahershaughnessy, Quin, Co. Clare is/is not exempted development.
Due Date:	1 st June 2023

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 construction of a stables building which was built in 1990 at Cahershaughnessy, Quin, Co. Clare is/is not exempted development.

Site location

The site is accessed via a local road, which is located to the south of the R352, and approx. 1.7km to the southeast of Spencilhill Cross Roads. The site accommodates a stables building which is located approx. 12m from the edge of the road. There is a splayed entrance serving the site, with access to the stable building addressing the road.



Planning History

None on site

Legal Context

As per the documentation submitted with the subject application, the stables were constructed in 1990.

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

- a) Section 2 (1) of the Planning and Development 1963 Act and,
- b) 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) (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”.

Section 3(1) defines “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)(a) states the following:

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

development consisting of the use of any land for the purposes of agriculture or forestry (including afforestation), and development consisting of the use for any of those purposes of any building occupied together with land so used

Planning and Development Act 2000, as amended

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

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

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

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

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

These regulations came into operation on 15th March 1977

Article 10(4) states the following:

Subject to article 11, in areas other than county boroughs, boroughs, urban districts and towns specified in the First Schedule to the Act of 1963, development of each class specified in column 1 of Part III of the Third Schedule shall be exempted development for the purposes of the Acts provided that such development complies with the limitations specified in the said column 1 in relation to that class and with the conditions specified in column 2 of Part III of the said Schedule opposite the mention of that class in the said column 1.

Article 11 states the following:

11. (1) Development to which article 10 relates shall not be

exempted development for the purposes of the Acts—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Acts or be inconsistent with any use specified in a permission under the Acts,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the metalled part of which is more than 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or any obstruction to the view of persons using any public road at or near any bend, corner, junction or intersection,

(iv) contravene any building regulation made under section 86 of the Act of 1963 or any byelaw in force under section 41 of the Public Health (Ireland) Act, 1878, in the area in which the land to which the development relates is situated,

(v) comprise the erection, construction, 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 the development plan for the area or, pending the variation of the development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(vi) consist of or comprise the carrying out under a public road of works other than a connection to a sewer, water main, gas main or electricity supply line or cable, or any works specified in class 21 or 22 of Part I of the Third Schedule,

(vii) restrict 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 the development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(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 alteration or demolition of a building or other structure other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is 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 new development plan, as a building or other structure, or one of a group of buildings, of artistic, architectural or historic interest, the preservation of which it is an objective of the planning authority to secure,

(x) consist of the alteration or demolition of a building or other structure other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is 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 new development plan, as a building or other structure, or one of a group of buildings, of artistic, architectural or historic interest, the preservation of which it is the intention of the planning authority to consider in the event of an application for permission being made to alter or demolish the building or structure,

(xi) consist of the demolition or such alteration of a building as would preclude or restrict the continuation of an existing use of a building where it is an objective of the planning authority to secure that the building would remain available for such use and such objective has been included in the 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 new development plan,

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

(xiii) obstruct any public right of way, or

(b) in an area to which a special amenity area order relates, if such development would be development—

(i) of class 1, 3, 13, 17, 18, 23 or 24 specified in column 1 of Part I of the Third

Schedule,

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 4, 5, 8, 9, 13, 14 or 17 specified in column 1 of Part II of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 6, 7, 8 or 9 specified in column 1 of Part III of the said Schedule.

(2) Sub-paragraph (vii) of paragraph (a) of sub-article (1) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding one hundred metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984

The 1977 Regulations were amended by the deletion of classes 7, 8 and 9 specified in column 1 of Part III of the Third Schedule and of the conditions specified in column 2 of the said Part opposite the mention of the said classes and the substitution therefor of the following matter—

Class 7

Works consisting of the provision of a roofed structure for the housing of pigs, cattle, sheep, poultry, donkeys or horses, having a floor area not exceeding 300 square metres (whether or not by extension of an existing structure) and any ancillary provision for effluent storage.

Condition and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The total area of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres floor area in aggregate.
3. No such structure shall be situated within 10 metres of any public road the metalled part of which at the nearest point is more than 3 metres in width.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height above ground level.
5. No such structure shall be situated and no effluent from such structure shall be stored, within 100 metres of any dwelling house or school, church or building used for public assembly, save with the consent of the owner and occupier thereof.
6. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.

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

Assessment

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

- Planning and Development Act 1963, as amended
- Local Government (Planning and Development) (Exempted Development and Amendment) Regulations, 1984

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 stables building falls 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 1963, as amended namely Section 4 (1)(g) of the Planning and Development Act 1963, as amended

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

development consisting of the use of any land for the purposes of agriculture or forestry (including afforestation), and development consisting of the use for any of those purposes of any building occupied together with land so used;

The subject stables are used in conjunction with agricultural activities, and therefore would fall under the scope of Section 4(1)(g) of the Planning and Development Act 1963, as amended.

Regarding The Local Government (Planning & Development) Regulations 1977, I note Article 11 of said Regulations;

11. (1) Development to which article 10 relates shall not be exempted development for the purposes of the Acts—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Acts or be inconsistent with any use specified in a permission under the Acts, - **not applicable**

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the metalled part of which is more than 4 metres in width, - **I note that there is an entrance serving the stables building, which exits onto a public road, with the width of which exceeds 4 meters. It is not clear when same was constructed – same does not form part of this Section 5 declaration.**

(iii) endanger public safety by reason of traffic hazard or any obstruction to the view of persons using any public road at or near any bend, corner, junction or intersection, - **I would not consider that the subject stables building represents a traffic hazard.**

(iv) contravene any building regulation made under section 86 of the Act of 1963 or any byelaw in force under section 41 of the Public Health (Ireland) Act, 1878, in the area in which the land to which the development relates is situated, - **the subject site would not appear to contravene any such legislation.**

(v) comprise the erection, construction, 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 the development plan for the area or, pending the variation of the development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan, - **not applicable**

(vi) consist of or comprise the carrying out under a public road of works other than a connection to a sewer, water main, gas main or electricity supply line or cable, or any works specified in class 21 or 22 of Part I of the Third Schedule, - **not applicable**

(vii) restrict 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 the development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan, - **not applicable**

(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, - **not applicable**

(ix) consist of the alteration or demolition of a building or other structure other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is 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 new development plan, as a building or other structure, or one of a group of buildings, of artistic, architectural or historic interest, the preservation of which it is an objective of the planning authority to secure, - **not applicable**

(x) consist of the alteration or demolition of a building or other structure other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is 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 new development plan, as a building or other structure, or one of a group of buildings, of artistic, architectural or historic interest, the preservation of which it is the intention of the planning authority to consider in the event of an application for permission being made to alter or demolish the building or structure, - **not applicable**

(xi) consist of the demolition or such alteration of a building as would preclude or restrict the continuation of an existing use of a building where it is an objective of the planning authority to secure that the building would remain available for such use and such objective has been included in the 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 new development plan, - **not applicable**

(xii) consist of the fencing or enclosure of any land habitually open to or used by the public during the ten years preceding such fencing or enclosure for recreational purposes or as means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, or - **not applicable**

(xiii) obstruct any public right of way, or **not applicable**

(b) in an area to which a special amenity area order relates, if such development would be development—

(i) of class 1, 3, 13, 17, 18, 23 or 24 specified in column 1 of Part I of the Third Schedule, - **not applicable**

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 4, 5, 8, 9, 13, 14 or 17 specified in column 1 of Part II of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or - **not applicable**

(iii) of class 6, 7, 8 or 9 specified in column 1 of Part III of the said Schedule. - **not applicable**

(2) Sub-paragraph (vii) of paragraph (a) of sub-article (1) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding one hundred metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises. -

not applicable

Regarding Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984, I note the following:

Class 7

Works consisting of the provision of a roofed structure for the housing of pigs, cattle, sheep, poultry, donkeys or horses, having a floor area not exceeding 300 square metres (whether or not by extension of an existing structure) and any ancillary provision for effluent storage.

Condition and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture. **I am satisfied that the subject structure is being used for agricultural purposes.**
2. The total area of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres floor area in aggregate. **The total square meters of the subject structure amounts to 154.48sqm, as per the drawings received by the Planning Authority on 5th May 2023.**
3. No such structure shall be situated within 10 metres of any public road the metalled part of which at the nearest point is more than 3 metres in width. **The subject road exceeds 3 m in width, however I am satisfied that the subject stables is located in excess of 10m from the edge of the public road.**
4. No such structure within 100 metres of any public road shall exceed 8 metres in height above ground level. **The maximum height of the subject structure is 5.571m.**
5. No such structure shall be situated and no effluent from such structure shall be stored, within 100 metres of any dwelling house or school, church or building used for public assembly, save with the consent of the owner and occupier thereof. **The subject stables are not within 100m of any dwelling house or school, church or building used for public assembly, other than that of the applicant's.**
6. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided. **The subject stables building incorporates 3 no. individual stable stalls. An "open area" is located within the stables building. While it is not clear where dung emanating from the stables are stored, it would appear that there is adequate space within the buildings to store same in the short term.**

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 5km from the following European Sites:

Special Area of Conservation: Old Domestic Building (Keevagh) SAC 002...	3.52 km
Special Area of Conservation: Newgrove House SAC 002157	3.7 km
Special Area of Conservation: Old Domestic Buildings, Rylane SAC 002314	3.93 km
Special Area of Conservation: Lower River Shannon SAC 002165	4.74 km

Having regard to:

- the small scale nature of the development,
- the location of the development in at a remove from the aforementioned European Sites,
- the consequent absence of a pathway to the European site,

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

Conclusion

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

I would further consider that the construction of a stables building to constitute exempted development having regard to the legislation (i.e. Planning and Development Act 1963, as amended and the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984) governing same that was in place at the time of construction.

Recommendation:

The following question has been referred to the Planning Authority:

Whether the construction of a stables building in c. 1990 at Cahershaughnessy, Quin, Co. Clare are considered to be development and if so, are they exempted development

The Planning Authority in considering this referral had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 1963, as amended,
- Section 5 of the Planning and Development Act, 2000, as amended
- Article 11 of the Local Government (Planning & Development) Regulations 1977
- Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984
- The works and times in which they were constructed as indicated in submitted documents received by the Planning Authority on 5th May 2023.

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

- The construction of a stables building.

at Cahershaughnessy, Quin, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 1963, as amended

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

The Planning Authority has concluded that the following development at Cahershaughnessy, Quin, Co. Clare is deemed to be exempted development

- The construction of a stables building

having regard to Section 4(1) (a) of the Planning and Development Act 1963, as amended and Class 7 of the Third Schedule, Part III, of the Local Government (Planning and Development) (Exempted Development and Amendment) Regulations 1984.

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

- The construction of a stables in c. 1990 at Cahershaughnessy, Quin, Co. Clare

Is development which is exempted development.



Fiona Barry
Executive Planner
Date: 22.05.2023



Garreth Ruane
Senior Executive Planner
Date: 23/05/23



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Patrick & Mary Stafford
c/o Aidan Murphy
Tulla
Co. Clare
V95Y4A3

05/05/2023

Section 5 referral Reference R23-29 – Patrick & Mary Stafford

Is the Stables building constructed in 1990 development and if so, is it exempted development?

A Chara,

I refer to your application received on 5th May 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 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



The Secretary,
Planning Section,
Aras Contae An Chlair,
New Road,
Ennis,
Co. Clare.

Chapel Street,
Tulla,
Co. Clare.
V95 Y4A3

05-05-2023

Re –Request for a declaration on development and exempted development.

(Section 5 of the Planning and Development Act 2000 (as amended)

Stables at Cahershaughnessy, Quin, Co. Clare – Patrick and Mary Stafford.

In relation to the above application I attach the following.

2 copies of drawings, 2 sets of photographs, 2 sets of completed application form.

On behalf of my clients Patrick and Mary Stafford can you confirm that the attached is exempted development. Same was constructed around 1990 and has a floor area of 154.48 square metres.

These stables were always used by the Stafford Family .

Planning Reference for their dwelling house is P92/323.

Yours Sincerely,



Aidan Murphy



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

05/05/2023 09:42:16

Receipt No. : L1CASH/0/348827
***** REPRINT *****

PATRICK & MARY STAFFORD
SPRINGFIELD HOUSE
QUIN
ENNIS
CO CLARE

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

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

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	PATRICK and MARY STAFFORD SPRINGFIELD HOUSE QUINN, ENNIS. CO. CLARE V95 T2K8
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Aidan Murphy TOWN CO. CLARE V95 Y4 A3



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 STABLE BUILDING CONSTRUCTED IN 1990
REQUIRE PLANNING ALLOCATION / PERMISSION?

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

THE STABLE BUILDING WAS CONSTRUCTED APPROX 1990
IT IS ON THE ALLUCANIS LANDS AT / FAMILY HOME
IS LOCATED SOUTH OF SNE. AN OLD DWELLING HOUSE
EXISTED IN THIS LOCATION PRIOR TO STABLES BEING
CONSTRUCTED. PLANNING REFERENCE FOR ALLUCANIS HOUSE
SOUTH OF SNE IS P92/323

(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 O.S.I. PLANNING BOOK (SCALES 1:2500 & 1:10560 NDS)
2 COPIES OF 900MS MAL SATCHEL 100YS OF AREA
2 COPIES OF PHOTOGRAPHS OF STABLES
2 COPIES OF PLANS AND ELEVATIONS - SCALES 1:100
AND SECTION

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	CANERSHAUGHNESSY QUIN, 60 CLARE
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Full owners
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?	YES
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	Adjacent family home P92-323
(h) Date on which 'works' in question were completed/are likely to take place:	Approx 6/12/2019 1990

SIGNED:  Alan Quin
Agent for the Applicant

DATE: 05-05-2020

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:

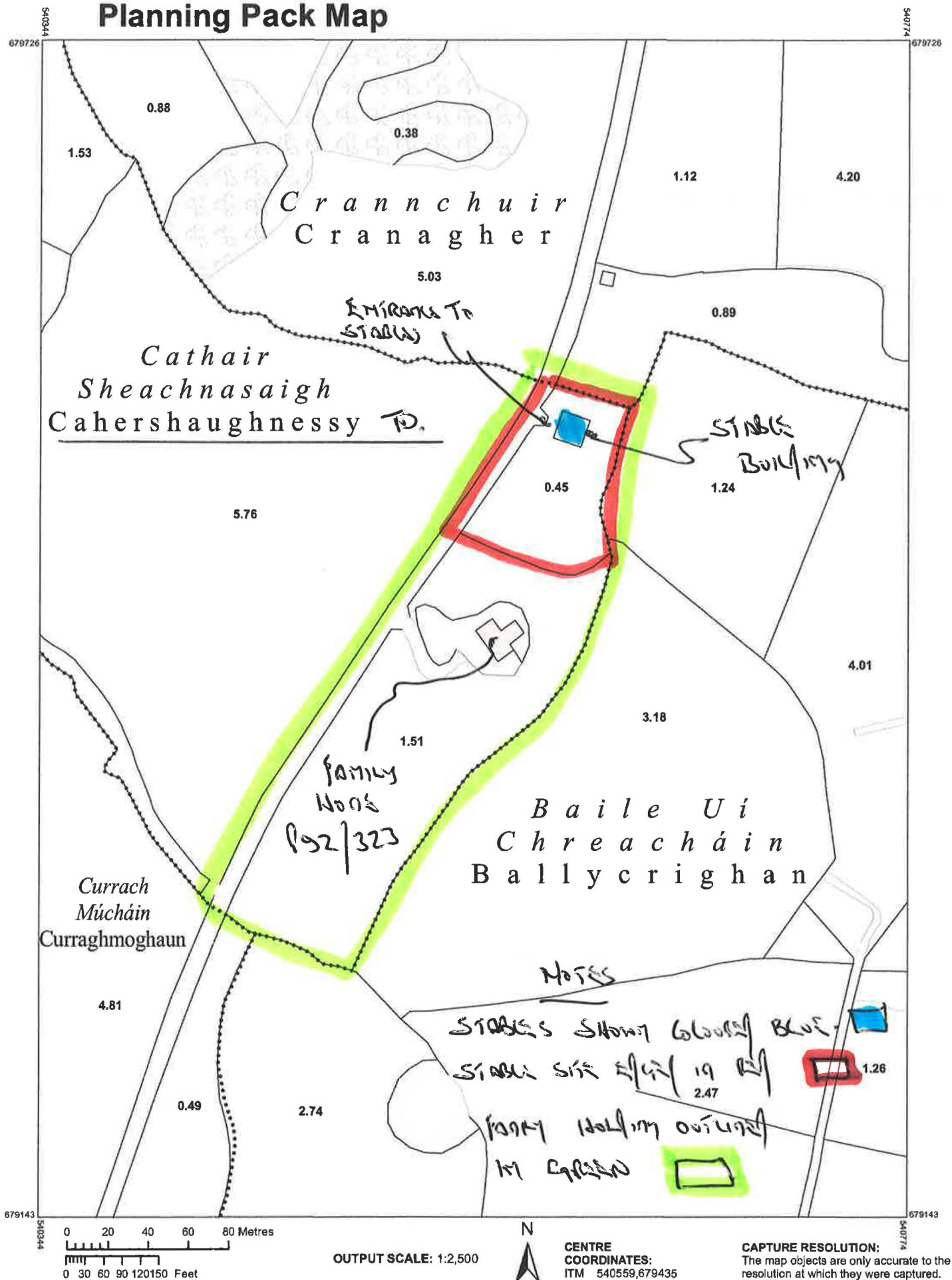
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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



COMPILED AND PUBLISHED BY:

National Mapping Division of
 Tailte Éireann,
 Phoenix Park,
 Dublin 8,
 Ireland.
 D08F6E4

www.tailte.ie

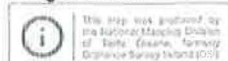
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OUTPUT SCALE: 1:2,500



CENTRE
 COORDINATES:
 ITM 540559,679435

PUBLISHED: 03/05/2023
 MAP SERIES: 1:5,000
 ORDER NO.: 50332358_1
 MAP SHEETS: 4266

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:
www.osi.ie; search 'Capture Resolution'
 LEGEND:
www.osi.ie; search 'Large Scale Legend'



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Order Confirmation

Tailte Éireann
National Mapping Division
Phoenix Park, Dublin 8
D08 F6E4
VAT No. IE 4102063GH
custserv@osi.ie
+353-1-802-5300

Order #: 50332358

Order Date: 3 May 2023, 09:46:48

Sold to:

Aidan Murphy

An Gleib

Chapel Street

Tulla

Ennis, Clare, V95Y4A3

Ireland

T: 0868726002

Payment Method

Pay by Credit or Debit Card

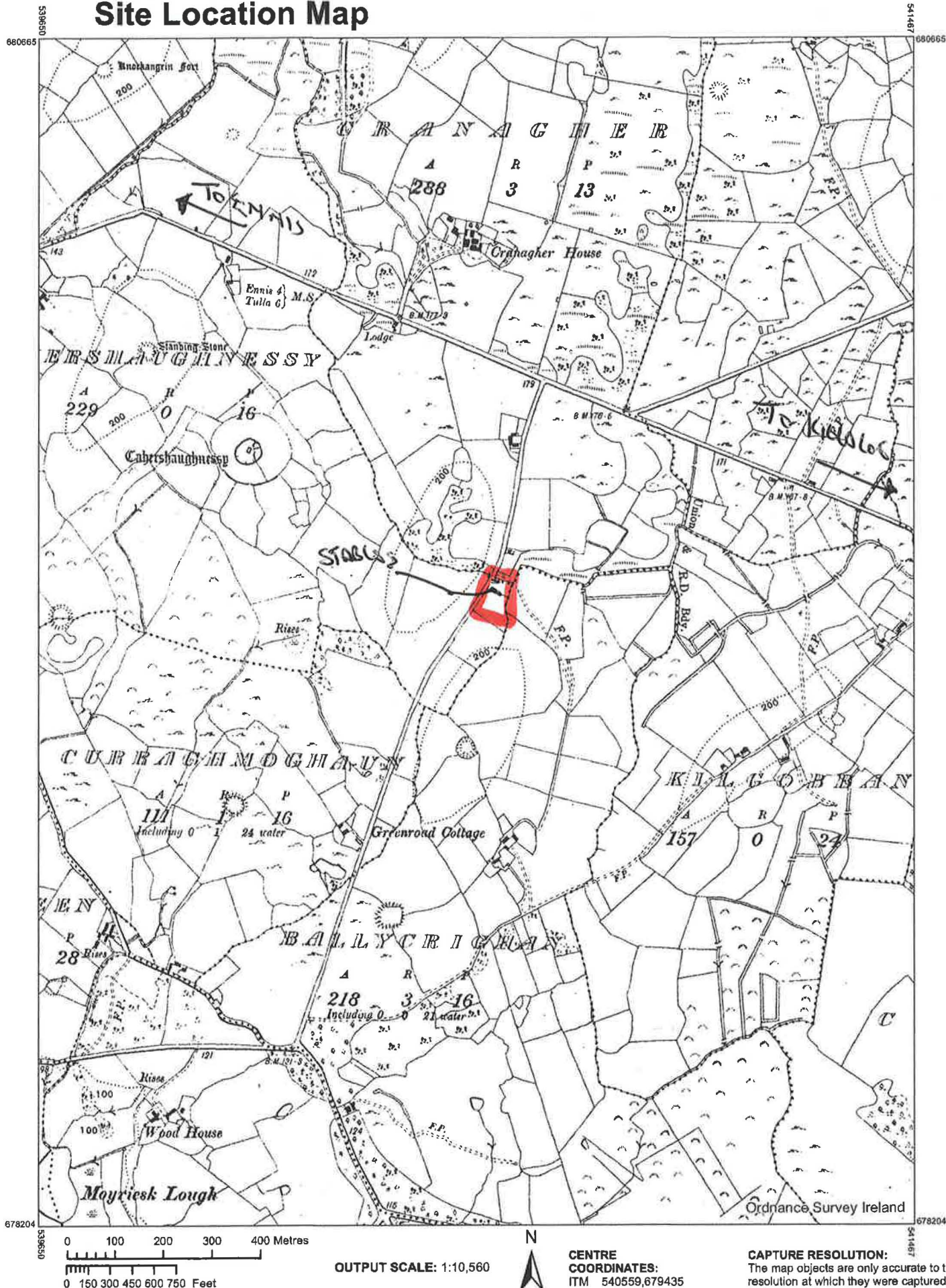
SKU	Product	Price	Qty	Subtotal
471006	Planning Pack	€48.50	1	€59.66
540559,679435, A4, 1:2,500, Portrait, PDF X/1-A, ITM				

Subtotal: €48.50

Tax: €11.16

Grand Total: €59.66

Site Location Map



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 Dublin 8,
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 D08F6E4

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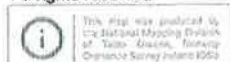
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OUTPUT SCALE: 1:10,560

CENTRE

COORDINATES:

ITM 540559,679435

PUBLISHED:

03/05/2023

MAP SERIES:

6 Inch Raster

ORDER NO.:

50332358_1

MAP SHEETS:

CE034

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:
www.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'



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 Éireann**

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Red Escalator - 5700 1/2





Sick & Miserable

Stamps & Stationery



Katie's Place



STABLES AT CAHERSHAUGHNESSY, QUIN - PAT AND MARY STAFFORD

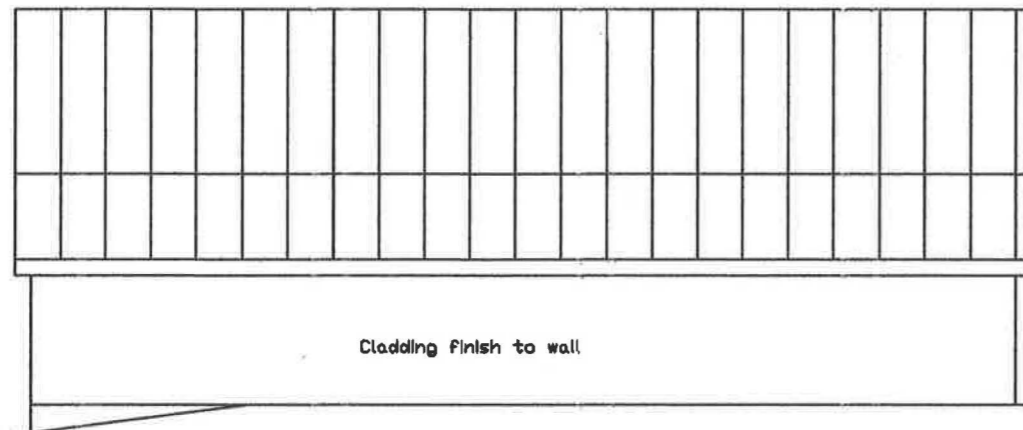
Drawn by Aidan Murphy
Eng. Tech. M.I.E.I.
Tulla, Co. Clare.

Scale 1-100

Date May 2023

DRG. NO. 12

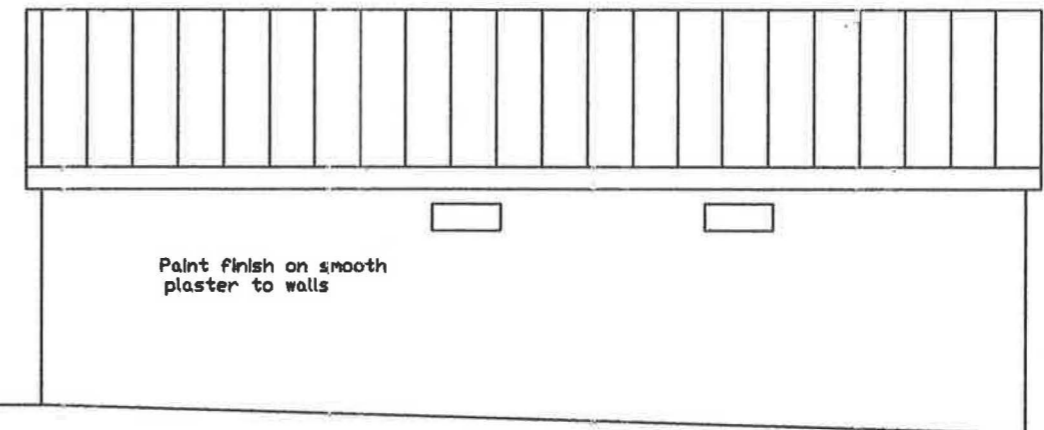
Corrugated cladding to roof with clear sheeting



Cladding finish to wall

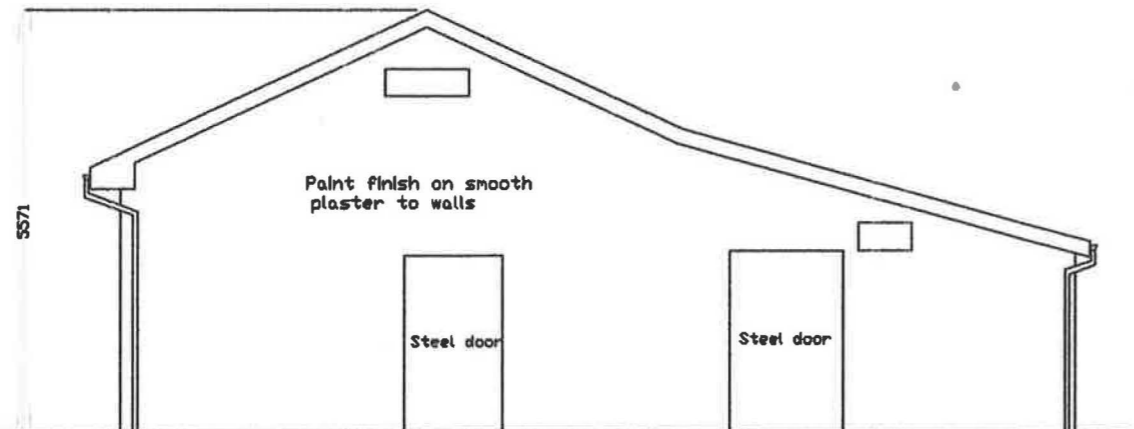
SIDE ELEVATION

Corrugated cladding to roof with clear sheeting



Paint finish on smooth
plaster to walls

SIDE ELEVATION

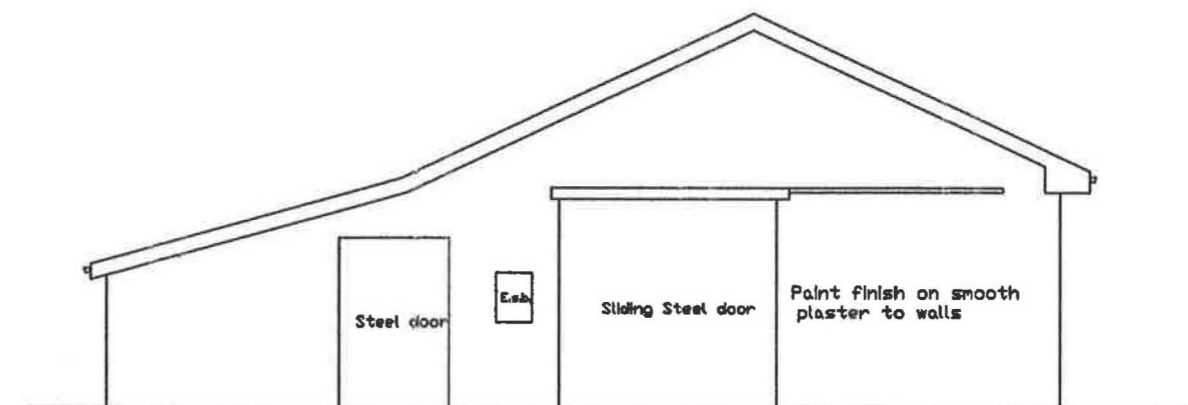


Paint finish on smooth
plaster to walls

Steel door

Steel door

REAR ELEVATION



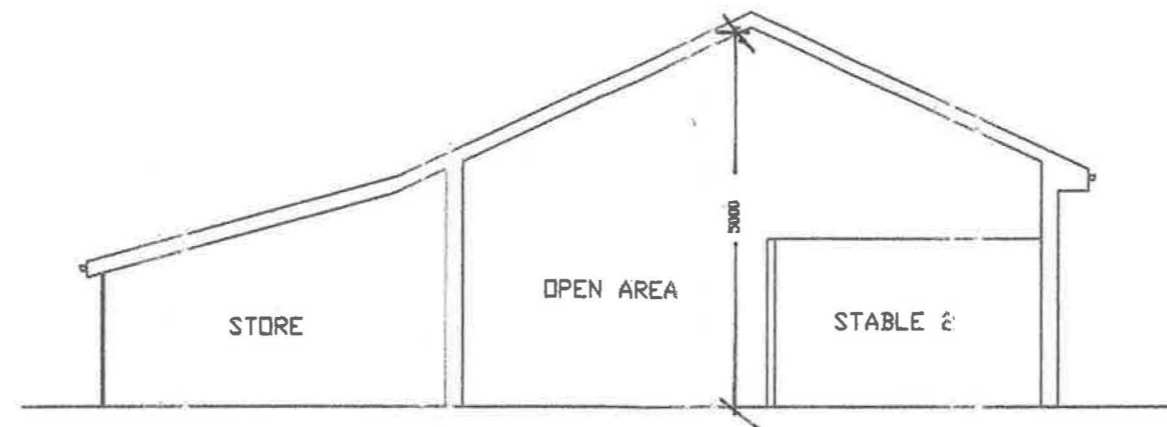
Steel door

End

Sliding Steel door

Paint finish on smooth
plaster to walls

FRONT ELEVATION



SECTION A-A

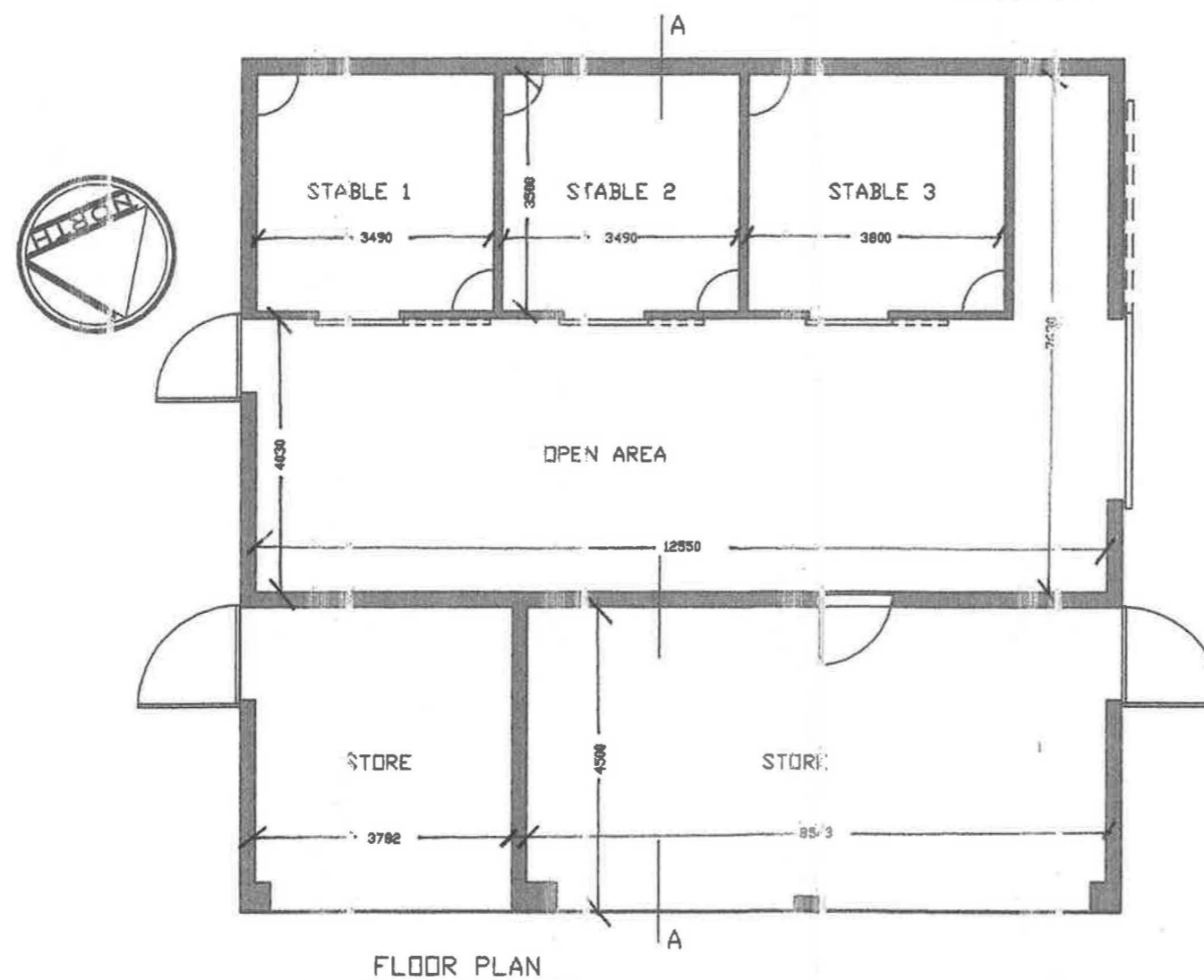
STABLES AT CAHERSHAUGHNESSY, QUIN - PAT AND MARY STAFFORD

Scale 1-100

Date May 2023

DRG. NO. 11

Drawn by Aidan Murphy
Eng. Tech. N.I.E.I.
Tulla, Co. Clare.



FLOOR AREA OF STABLES
154.48 SQ M