



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**James Whelan  
c/o Michael Conroy Architects  
73 O'Connell Street  
Limerick**

**14th June 2023**

**Section 5 referral Reference R23-35 – James Whelan**

Is the keeping of Mobile Homes and caravans for the use of habitable purposes even if it is only for occasional use development and if so is it exempted development?

A Chara,

I refer to your application received on 22nd 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](http://www.pleanala.ie)

Mise, le meas

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

**An Roinn Pleanála  
An Stiúirtheacht 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.: R23-35**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R23-35**

**Is the keeping of Mobile Homes and caravans for the use of habitable purposes even if it is only for occasional use development and if so is it exempted development?**

**AND WHEREAS, James Whelan** 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, 2000, as amended with particular reference to Section 3(2)(b)(i) and Section 3(2)(b)(ii) of said Act.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 1 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) The keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclloony, Killaloe, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) The said the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclloony, Killaloe, Co. Clare is not exempted development having regard to Section 3(1)(a), Section 3(2)(b)(i) and Section 3(2)(b)(ii) of the Planning and Development Act, 2000 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 keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclloony, Killaloe, 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

14th June 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:**

81907

**Reference Number:**

**R23-35**

**Date Referral Received:**

**22nd May 2023**

**Name of Applicant:**

**James Whelan**

**Location of works in question:**

**Ardcloony, Killaloe, Co. Clare**

**Section 5 referral Reference R23-35 – James Whelan**

Is the keeping of Mobile Homes and caravans for the use of habitable purposes even if it is only for occasional use 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, 2000, as amended with particular reference to Section 3(2)(b)(i) and Section 3(2)(b)(ii) of said Act.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 1 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) The keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) The said the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare is not exempted development having regard to Section 3(1)(a), Section 3(2)(b)(i) and Section 3(2)(b)(ii) of the Planning and Development Act, 2000 as amended.

**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 keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare is considered development which is not exempted development.

Signed:

  
GARETH RUANE  
SENIOR EXECUTIVE PLANNER 

Date:

14th June 2023

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

<b>FILE REF:</b>	R23-35
<b>APPLICANT(S):</b>	James Whelan
<b>REFERENCE:</b>	Whether the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use is or is not development and is or is not exempted development.
<b>LOCATION:</b>	Ardcloony, Killaloe, Co. Clare
<b>DUE DATE:</b>	15/06/2023

**Site Location**

The site is located in a rural area along the regional road (R463) between O'Briensbridge and Killaloe. Lough Derg lies to the east of this site. Access the overall landholding is via an existing entrance which serves a glamping site located close to the road. A further internal road leads to agricultural land and the lakeshore. There are a number of farm buildings and a yard in which vehicles are stored at the northern end of the site. There is also a mobile home at the northern end of the landholding which appeared to be occupied.

**Recent Planning History on the Landholding**

23/60099 PERMISSION is sought for the development of a new single storey dwelling house and a new waste water treatment system and a new vehicular and pedestrian entrance onto the public road and all associated site works.

17/982 - Brian Whelan - for development which will consist of the construction of a single storey dwelling house and a new site entrance onto the public road and a new on-site waste water treatment system and a bored well and all associated site works- Incomplete

P07/2211 – Brian Whelan - for the construction of a dwelling house and a new entrance and an effluent treatment system and bored well. Granted

P04/138 – Brian Whelan - for a two storey dwelling house, septic tank and percolation area and new entrance to the public road. Application withdrawn.

P21/451 – James Whelan - to erect a private dwelling house, install an effluent treatment system and percolation area, access road and all associated site works. A Natura Impact Statement will be submitted with this application. Permission granted.

20/922 – James Whelan - for development consisting of the construction of 1 Number additional camping pod in addition to those previously granted permission under Planning Reference No. P16/114 and all associated site works. Application withdrawn.

20/326 – James Whelan - to erect a private dwelling house, install an effluent treatment system and percolation area, access road and all associated site works. Application Withdrawn.

18/925 – James Whelan - to erect a dwellinghouse, install an effluent treatment system and percolation, driveway and all associated site works. Application Withdrawn.

17/627-James Whelan-for the following development: a serviced motor home park for short term stays and 16 No. caravan/mobile-home set down serviced bays within the site; site development works to include an internal access road to facilitate the phased development of the remainder of the site which will be subject to separate planning applications and; all ancillary works, landscaping and services including the upgrade of the existing on-site waste treatment unit. A Natura Impact Statement (NIS) accompanies this planning application – Withdrawn

16/870 – James Whelan- PERMISSION for the development of a serviced motor home park for short term stays and 16 no. caravan/mobile-home set down serviced bays. The proposed development includes all ancillary services and facilities including the upgrade of the existing on-site waste water treatment unit – REFUSED

16/114 - James Whelan - for development which will consist of a camp site with 3 camp pods and a disabled toilet to be located in an existing structure to be connected to an existing waste water treatment system and associated site services and roadway and a new entrance onto the public roadway – Granted

10/102-James Whelan to erect a dwelling house, install an effluent treatment system and percolation area, driveway and all associated site works. (This application is similar to previous application ref. no. 05/1113 but with a different house design and the site boundaries have been altered from those shown on the application reference 05/1113) – Granted – Expired 1/5/2015

09/1088- James Whelan - to change the house type from that approved under planning reference 05/1113 install an effluent treatment system and percolation area, driveway and all associated site works – Withdrawn

09/332 - Eileen Whelan - to erect a dwelling house, Entrance, Proprietary Waste System and soil polishing filter and carry out associated site works.

08/1592-Brian Whelan - the development will consist of the construction of a storage shed for agricultural use and a new entrance walls and piers- Granted, not constructed expired February 2014

06/1249- Brian Whelan -For raising the level of lands by the spreading of excavated material over lands- Refused

05/1113– James Whelan - To erect a dwelling house, install an effluent system and percolation area and carry out associated site works –Granted

04/2597– Brian Whelan - The development will consist of a Caravan Park and a Marina with an associated administrative building and services and roads and paths. – Refused

### **Enforcement History**

UD22-014 Warning Letters issued to James Whelan in relation to:

- Alleged land disturbance works in a Special Area of Conservation and construction of a jetty without planning permission.
- The unauthorised placing of a mobile home and its use for habitable purposes without the benefit of planning permission.

### **Background to Referral**

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by James Whelan. He states that he is the owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare is or is not development and is or is not exempted development.

If it does constitute development, the applicant queries what part of the Planning and Development Regulations deem it to be a development.

### Statutory Provisions

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

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

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.

S.3(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection –

(b) where land becomes used for any of the following purposes –

- (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purposes of caravanning or camping or habitation or the sale of goods,
- (ii) the storage of caravans or tents

the use of the land shall be taken as having materially changed.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

*"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.*

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

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

#### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 8

The keeping or storing of a caravan, campervan or boat within the curtilage of a house.

- Not more than one caravan, campervan or boat shall be so kept or stored.
- The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
- No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.

#### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 1

Temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping.

- Not more than one tent, campervan or caravan shall be placed within 100 metres of another tent, campervan or caravan at any time.
- No tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days.
- No tent, campervan, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
- No tent, campervan or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres.

Under Article 9 (1) of the same Regulations, *development to which Article 6 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,*

*(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

*(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,*

*(vii) 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) 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,*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance*

with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) 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,

(viiC) 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.

## Assessment

### Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardcloony, Killaloe, Co. Clare is or is not development and is or is not exempted development.

### Particulars of Proposal

No details of the number of caravans / mobile homes kept on the site have been provided. During the site inspection, one mobile home in habitable use was noted on the site. Further caravans / mobile homes may have been present in the yard at the northern end of the site.

Irrespective of the number of structures being kept on the site, having regard to Section 3(2)(b)(i) and Section 3(2)(b)(ii) of the Planning and Development Act, 2000 (as amended), the use of the land is taken to have materially changed by virtue of the keeping of vans or other objects for the purposes of habitation. The keeping of caravans and mobile homes for habitable purposes, albeit occasional use, therefore constitutes development in accordance with the definition set out in Section 3(1) of the same Act.



The use of the land for the keeping of mobile home and caravans for habitable purposes was also considered in the context of the exemptions set out in Schedule 2 of the Planning and Development Regulations 2001 (as amended):

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 8

This class allows for the storage of a caravan in the curtilage of house. The exemption refers to the storing a single caravan and the limitations of the exemption clearly indicated that it cannot be occupied as a dwelling while it is being kept / stored on the land.

The use of the land for keeping of mobile home and caravans for habitable purposes is not therefore considered exempt in the context of Schedule 2, Part 1, Class 8.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 1

This class allows for the temporary use of land for the placing of a caravan for the purposes of camping. The limitations of the exemption require that the caravan cannot stay on the land for more than 10 days. This class refers to tents, campervans and caravans. These are collapsible or wheeled structures that can be moved off the land with relative ease. It does not provide for mobile homes or other structures of a more static nature.

Having regard to the limitations of this exemption, the use of the land for keeping of mobile home and caravans for habitable purposes is not considered exempt in the context of Schedule 2, Part 3, Class 1.

Having regard to the foregoing, the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use does not come within the meaning of descriptions for any of the Classes of Development provided for in Schedule 2, Parts 1 and 3 of the Planning and Development Regulations

The keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use is development which is not exempted development.

## Recommendation

### The following questions have been referred to the Planning Authority:

Whether the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. 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, 2000, as amended with particular reference to Section 3(2)(b)(i) and Section 3(2)(b)(ii) of said Act
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 8 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 1 of Part 3 of Schedule of the Planning and Development Regulations 2001, as amended
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare is not exempted development having regard to Section 3(1)(a), Section 3(2)(b)(i) and Section 3(2)(b)(ii) of the Planning and Development Act, 2000 (as amended).

Now therefore Clare County Council (Planning Authority), hereby decides that the keeping of mobile homes and caravans for habitable purposes, even if it is only for occasional use at Ardclony, Killaloe, Co. Clare is development and is not exempted development.

  
Executive Planner

Date: 14/06/2023

  
Senior Executive Planner

Date: 14/06/23





R23-35













COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**James Whelan**  
**c/o Michael Conroy Architects**  
**73 O'Connell Street**  
**Limerick**

**23/05/2023**

**Section 5 referral Reference R23-35 – James Whelan**

Is the keeping of Mobile Homes and caravans for the use of habitable purposes even if it is only for occasional use development and if so is it exempted development? Also, if it does constitute development what part of the Planning and Development Regulations under S.I 600 of the 1991 deem it to be a development?

A Chara,

I refer to your application received on 22nd 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



Michael Conroy Architects  
73 O'Connell Street, Limerick.

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road,  
Ennis,  
Co. Clare.  
V95DXP2



Your Ref:

Our Ref: **22113-A-02**

Date: **22<sup>nd</sup> May 2023**

**Re: Section 5 Declaration Application by Mr. James Whelan on lands at Ardclony, Killaloe, Co. Clare.**


A Chara,

I enclose a **Section 5 Declaration Application Form** duly completed and attach an Ordnance Survey Map with the total landholding of my Client outlined in blue thereon.

Please contact the undersigned at \_\_\_\_\_ for payment of the Application Fee by Debit/Credit Card.

I await your response to the above correspondence.

Yours Sincerely,

  
**Michael Conroy,**  
**Dip. Arch., B. Arch. Sc. F.R.I.A.I..**



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

23/05/2023 10:43:48

Receipt No. : L1CASH/0/349594

\*\*\*\*\* REPRINT \*\*\*\*\*

JAMES WHELAN  
C/O MICHAEL CONROY ARCHITECTS  
73 O'CONNELL STREET  
LIMERICK  
R23/35

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) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R23-35

**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	<p>Mr. James Whelan</p> <hr/> <p>C/O Michael Conroy Architects</p> <hr/> <p>73 O' Connell Street,</p> <hr/> <p>Limerick.</p> <hr/>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>Michael Conroy</p> <hr/> <p>Michael Conroy Architects</p> <hr/> <p>73 O' Connell Street,</p> <hr/> <p>Limerick.</p> <hr/>





## 2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

**Sample Question:** *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the keeping of Mobile Homes and caravans for the use of habitable purposes even if it only for occasional use

Development and if so is it exempted development? Also, if it does constitute Development what part of the Planning

and Development Regulations under S.I. 600 of 1991 deem it to be a Development.

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

The Landowner acknowledges the presence of a number of caravans, in use, on the site over a number of years and

seeks to obtain a Declaration that the keeping of caravans on his Landholding is exempted development.

- (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)*

Drawing No. P-00 Landholding Map.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Ardclony, Killaloe, Co. Clare.  
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No.   
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner  
(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>	Not Applicable  
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Not Applicable
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	Yes, A Warning Letter was Issued on 8th June 2022. Reference No. UD22-014
(g) Were there previous planning application/s on this site? If so please supply details:	Yes,
(h) Date on which 'works' in question were completed/are likely to take place:	Not Applicable

SIGNED:


 (Agent)

DATE: 22nd May 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 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: .....	

Surveyed 1840  
Revised 1938  
Levelled 1938-1939

# Record PLACE Map



671183

ITM CENTRE PT. COORDS.

567928,869805

DESCRIPTION

MAP SHEETS

6 inch  
TY025 TY031+03  
CE045



Ana thimris agus ana fhoilsiú ag  
Súirbhíocht Ordánais Éireann, Páirc  
an Fhionnuithe, Baile Átha Cliath 8,  
Éire.  
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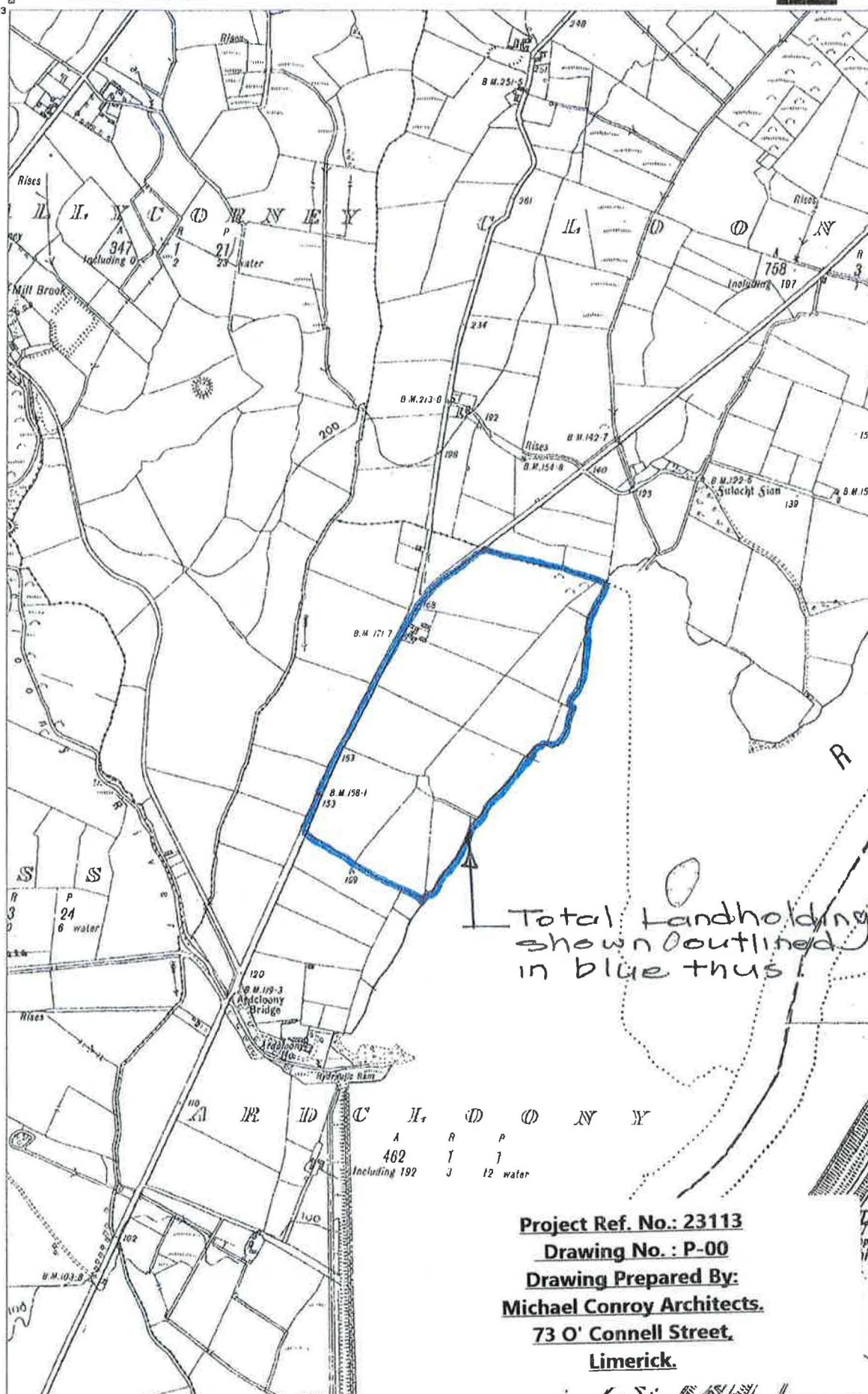
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**Project Ref. No.: 23113**  
**Drawing No. : P-00**  
**Drawing Prepared By:**  
**Michael Conroy Architects.**  
**73 O' Connell Street,**  
**Limerick.**

Scale:- 1:10,560  
Scale:- 1:10,560



Plot Ref. No. 19706855\_1  
Plot Date 18-FEB-2018

