



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Denis Quinn  
c/o Bill Wadkin  
10 Woodley Road, Maghull  
Liverpool  
L31 5LD  
U.K.**

**20th February 2023**

**Section 5 referral Reference R23-5 – Denis Quinn**

Is the construction of two apartments ancillary to the primary use of the stables development, and if so, is it exempted development?

A Chara,

I refer to your application received on 24th January 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.: R23-5**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R23-5**

**Is the construction of two apartments ancillary to the primary use of the stables development, and if so, is it exempted development?**

**AND WHEREAS, Denis Quinn** 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,
- (b) Articles 6 and 10 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer.
- (d) The history of the site and observations from site inspection.

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

- (a) The construction of two apartments within the stable building 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) Based on the drawings submitted, and observations from a site inspection, the said works is not considered to ancillary to the use of the stables and is not considered to be exempted development, since there is no provision within the Planning and Development Regulations 2001, as amended for the change of use or conversion of part of an agricultural building to residential.

**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 two apartments at the stables development at Ballyvogal Beg, Sixmilebridge, 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**

**20th February 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:**

81261

**Reference Number:**

**R23-5**

**Date Referral Received:**

**24th January 2023**

**Name of Applicant:**

**Denis Quinn**

**Location of works in question:  
Sixmilebridge, Co. Clare**

**Ballyvogal Stables, Ballyvogal Beg,**

**Section 5 referral Reference R23-5 – Denis Quinn**

Is the construction of two apartments ancillary to the primary use of the stables 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,
- (b) Articles 6 and 10 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer.
- (d) The history of the site and observations from site inspection.

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

- (a) The construction of two apartments within the stable building 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) Based on the drawings submitted, and observations from a site inspection, the said works is not considered to ancillary to the use of the stables and is not considered to be exempted development, since there is no provision within the Planning and Development Regulations 2001, as amended for the change of use or conversion of part of an agricultural building to residential.

**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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of two apartments at the stables development at Ballyvogal Beg, Sixmilebridge, Co. Clare is **considered development** which is **not exempted development**.

**Signed:**

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER

**Date:** 20th February 2023

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R23-5

Applicant: Denis Quinn

Location: Ballyvogal Stables, Ballyvogal Beg, Sixmilebridge, Co. Clare.

Proposal: Whether the construction of two apartments ancillary to the primary use of the stables development at Ballyvogal Stables, Ballyvogal Beg, Sixmilebridge, Co. Clare, is considered to be development and if so, is it exempted development.

Due Date: 20.02.2023

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 development and if so, if it is exempted development.

Whether the construction of two apartments ancillary to the primary use of the stables development at Ballyvogal Stables, Ballyvogal Beg, Sixmilebridge, Co. Clare, is considered to be development and if so, is it exempted development.

**Planning History**

UD 22-048: Enforcement file

**Background**

Planning and Development Act, 2000 (as amended)

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

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.

‘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: Exempted Development

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.

There is no Class of development and therefore no provision in the Planning and Development Regulations, 2001 under Article 6 for Exempted Development related to the conversion of agricultural buildings for residential purposes.

In addition to Article 6, in assessing this application I have had regard to Article 10 of the Planning & Development Regulations, 2001, as amended, which refers to exemptions relating to change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2. I note that the existing stables which are considered to be agricultural in terms of use classification do not fall under any of the eligible Classes of developed where conversion to residential use may be considered as exempted development. Therefore there is no provision in the Planning and Development Regulations, 2001 under Article 10 for Exempted Development related to the change of use from Agriculture to Residential.

### Article 10 Change of Use

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

- (a) involve the carrying out of any works other than works which are exempted development,*
  - (b) contravene a condition attached to a permission under the Act,*
  - (c) be inconsistent with any use specified or included in such a permission, or*
  - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*
- (2) (a) *A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.*

- (b) *Nothing in any class in Part 4 of the Schedule 2 shall include any use—*
- (i) *as an amusement arcade,*
  - (ii) *as a motor service station,*
  - (iii) *for the sale or leasing, or display for sale or leasing, of motor vehicles,*
  - (iv) *for a taxi or hackney business or for the hire of motor vehicles,*
  - (v) *as a scrap yard, or a yard for the breaking of motor vehicles,*
  - (vi) *for the storage or distribution of minerals,*
  - (vii) *as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,*
  - (vii) *as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or*
  - (viii) *as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.*
- (3) *Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.*
- (4) *Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*
- (5) *Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.*



Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022)

Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

3. The Principal Regulations are amended in article 10 (as amended by article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018 ( S.I. No. 30 of 2018 )) by substituting for sub-article (6) the following:

“(6) (a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d) (i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall -

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e) (i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in

writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property,

shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii)".

## Assessment

### Primary legislation

Having regard the details submitted it is considered that the proposal constitutes 'works' as defined by to section 2 of the Planning and Development Act 2000, as amended. It is also considered that the proposal constitutes 'development' having regard to the definition of development which includes for making of any material change in the use of any structures. In respect of Section 4 (1)(H) it is noted that while the section makes provision for development consisting of the carrying out of works for maintenance, improvement or other alterations of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures' to be considered exempted development, it does not expressly clarify that the internal alterations can result in a change of use and that this new use is exempted development.

### **Site Inspection**

A site inspection has been conducted by the Planning Department, where it was documented that the development is in place and that part of the stables has undergone a change of use from agriculture to residential use in the form of two apartment units.

### Conclusions

*The following question has been referred to the Planning Authority:*

Whether the construction of two apartments ancillary to the primary use of the stables development at Ballyvogal Stables, Ballyvogal Beg, Sixmilebridge, Co. Clare, is considered to be development and if so, is it 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,
- (b) Articles 6 and 10 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer.
- (d) The history of the site and observations from site inspection.

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

- (a) The construction of two apartments within the stable building 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) Based on the drawings submitted, and observations from a site inspection, the said works is not considered to ancillary to the use of the stables and is not considered to be exempted development, since there is no provision within the Planning and Development Regulations 2001, as amended for the change of use or conversion of part of an agricultural building to residential.

Now therefore Clare County Council (Planning Authority), hereby decides that the Planning Authority considers the construction of two apartments at the stables development at Ballyvogal Beg, Sixmilebridge <sup>is development</sup> ~~is not ancillary to the primary use of the stables, and is not~~ considered to be exempt development, ~~and that a planning application would be required.~~

  
**Name: Grainne McCormack**  
**Assistant Planner**  
**Date 17.02.2023**

  
**Name: ~~Garrett Ruane~~**  
**A Senior Executive Planner**  
**Date 20-02-2023**

## Appropriate Assessment & Determination

### STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	R23-5
(b) Brief description of the project or plan:	Construction of two apartments at Ballyvogal Stables, Ballyvogal Beg, Sixmilebridge, Co. Clare.
(c) Brief description of site characteristics:	Existing stables development with 2 apartments constructed within the stables.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/A

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Lough Gash Turlough SAC (00000051)	Annex I habitats: *Turloughs [3180]	C.5KM	None	Y

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	Development is located within an existing agricultural building. Due to nature of development and distance to SAC no construction impacts are likely to have occurred.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> </ul>	No details regarding wastewater treatment or water connection have been submitted. However, due to

<ul style="list-style-type: none"> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	distance from SAC no operational concerns regarding the SAC exist.
In-combination/Other	n/a

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None anticipated but no details re wastewater treatment have been included.

**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

☐ Yes ☒ No

**Step 4. Screening Determination Statement**

**The assessment of significance of effects:**

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

Not likely however no details of the treatment of wastewater have been submitted.

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	X	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

Signature and Date of  
Recommending Officer:

  
Name: **Grainne McCormack**  
**Assistant Planner**  
17.02.2023

Signature and Date of the  
Decision Maker:





COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

Denis Quinn  
c/o Bill Wadkin  
10 Woodley Road, Maghull  
Liverpool  
L31 5LD  
U.K.

25/01/2023

**Section 5 referral Reference R23-5 – Denis Quinn**

Is the construction of two apartments ancillary to the primary use of the stables development, and if so, is it exempted development?

A Chara,

I refer to your application received on 24th January 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 Stiúirtheoireacht Forbairt Gheilleagrach  
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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  
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Website: [www.clarecoco.ie](http://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	DENIS QUINN THE BULL 62 MARKET STREET NEWMARKET CB8 8LB. U.K.
(b) Telephone No.:	+
(c) Email Address:	
(d) Agent's Name and address:	BILL WADKIN 10 WOODLEY ROAD, MAGHULL LIVERPOOL L31 5LD U.K.



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 CONSTRUCTION OF TWO APARTMENTS  
 ANCILLIARY TO THE PRIMARY USE OF THE  
 STABLES DEVELOPMENT, IS IT EXEMPTED DEVELOPMENT?

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

THE BUILDING IN QUESTION IS AN EXISTING  
 STABLES. TWO APARTMENTS HAVE BEEN  
 CONSTRUCTED IN RELATION TO THAT USE.

THE WEST APARTMENT WAS BUILT IN 2002  
 AS A SECURITY /NIGHTWATCHMAN AREA. THIS  
 HAS ONE PERSON LIVING IN THE APARTMENT.  
 THIS APARTMENT CONTAINS A BEDROOM, BATH  
 AND LOUNGE.

THE EAST APARTMENT WAS BUILT IN 2018  
 AS CHANGING ROOMS FOR HORSE RIDING  
 PERSONEL, MALE AND FEMALE, WITH A  
 BATHROOM AND MESS ROOM. THE HORSES  
 REQUIRE RIDING OUT, FEED AND CLEAN  
 AND THERE WILL BE FUTURE FOALING  
 WITHIN THE STABLES.

- (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)*

1: 2500 SITE LOCATION PLAN, SITE RED LINED.

23/11/01 PROPOSED FLOOR PLANS.

23/11/02 PROPOSED ELEVATIONS.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>BALLYVOGAL STABLES</u> <u>BALLYVOGAL BEG</u> <u>SIXMILEBRIDGE</u> <u>COUNTY CLARE</u> <u>V95 X924</u>
(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?	<u>NO</u>   
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>OWNER</u>  
(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>	<u>N/A.</u>  
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>N/A.</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>THIS REQUEST IS A FOLLOW UP FROM AN ENFORCEMENT LETTER OF 25 AUGUST 2022</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>NO</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>WEST APARTMENT 2002.</u> <u>EAST APARTMENT 2018</u>

SIGNED:


DATE: 16/01/2023

### 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*

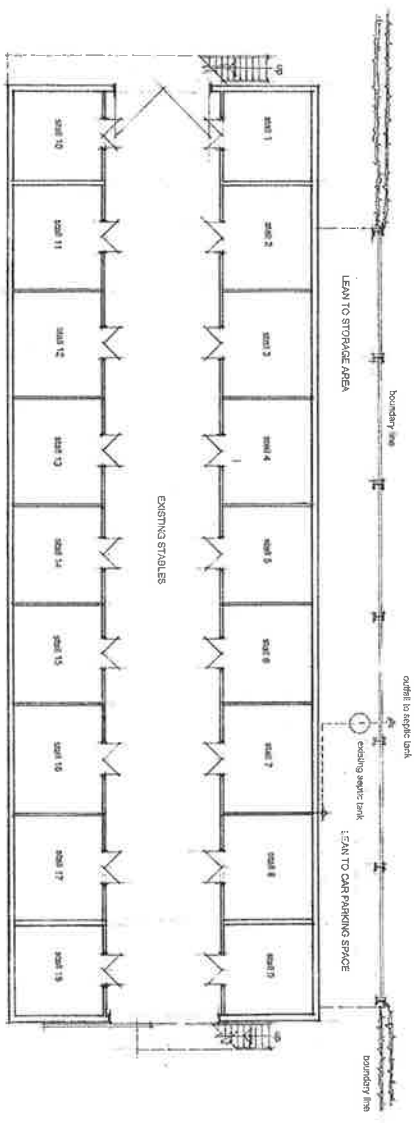
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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

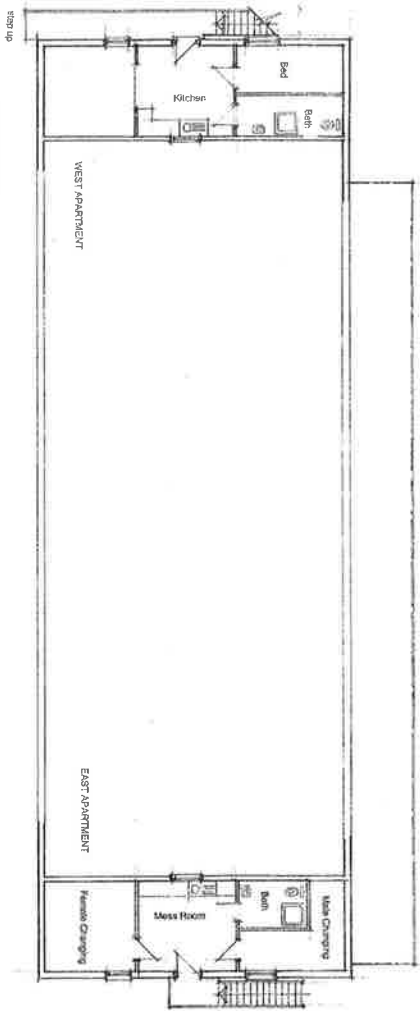
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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

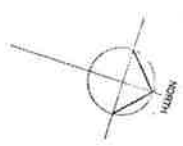


GROUND FLOOR PLAN



MEZZANINE LEVEL

SCALE BAR 1:100



NOTES  
Do not scale the drawing.  
Use stated dimensions only.  
If in doubt ASK.  
It is the contractor's responsibility to ensure that all  
measurements are correct prior to manufacture or  
supply.

REVISION	APPROVED	DATE
CLIENT		
APARTMENTS AT BAL VOGEL STABLES BAL VOGEL STABLES SUNLEBRIDGE COUNTY CLARE ISSUE NO. 1 FOR MR. D. QUINN		
CHANGING TITLE		
PROPOSED FLOOR PLANS		
<p>The BIM Workshop Consultancy 10 Woodway Road Maghull Liverpool L31 5LD Tel: 07960867255 E-mail: bimbworkshop@bt.com</p>		
DATE: 11/10	CHANGING TITLE	DATE
DATE: JUN 23	23/11/01	DATE

# Planning Pack Map



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 549956,666703

**PUBLISHED:** 02/01/2023

**ORDER NO.:** 50309817\_1

**MAP SERIES:** 1:5,000 1:2,500 1:2,500

**MAP SHEETS:** 4501 4501-A 4501-B

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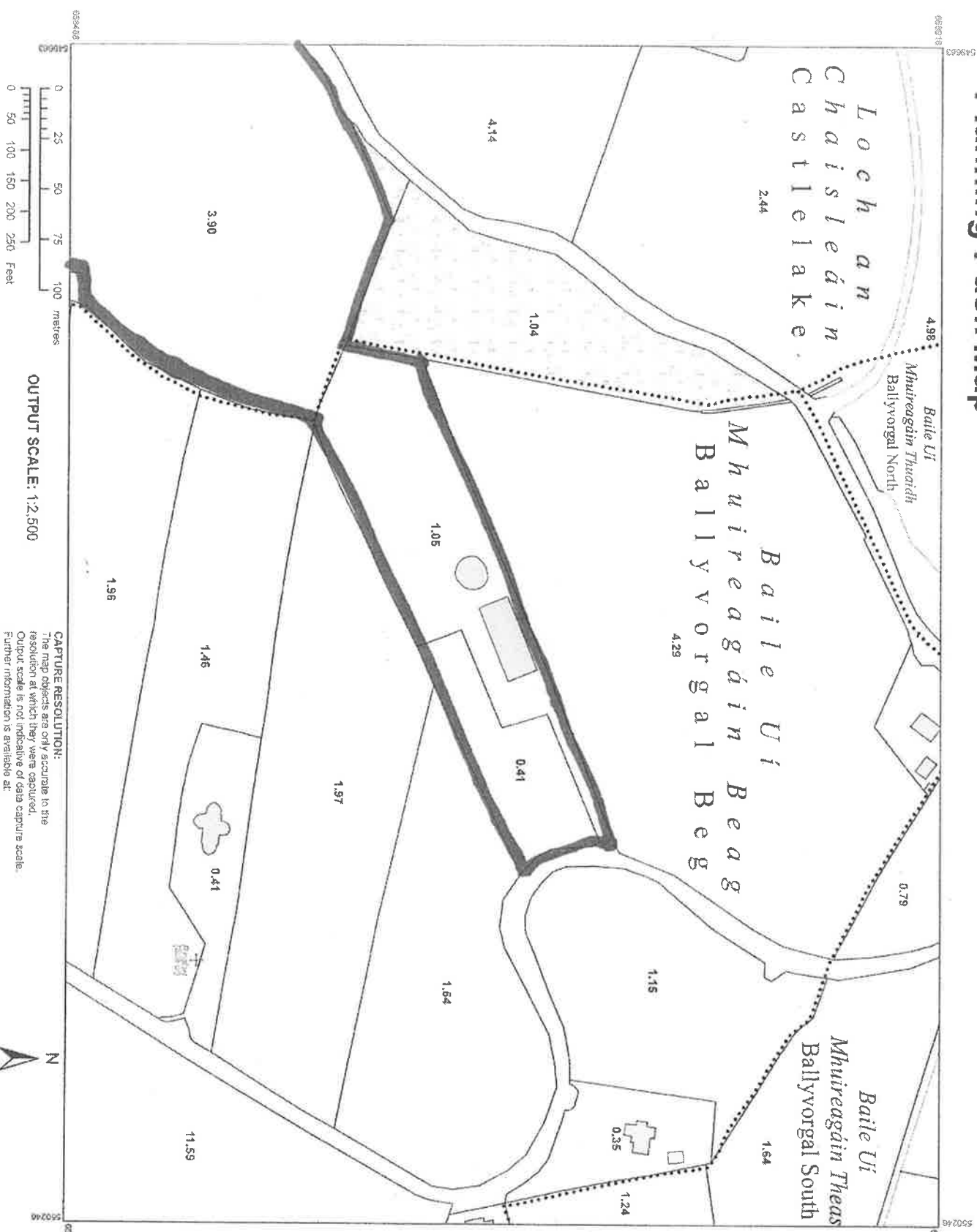
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<http://www.osi.ie>  
search 'Large Scale Legend'



OUTPUT SCALE: 1:2,500

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