



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Patryk Glowacz  
1 Ballycasey Court  
Shannon  
Co. Clare  
V14 YP11**

**29th July 2024**

**Section 5 referral Reference R24-53 – Patryk Glowacz**

Is the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 3rd July 2024 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 Stúirthóireacht 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:

83948

Reference Number:

R24-53

Date Referral Received:

3rd July 2024

Name of Applicant:

Patryk Glowacz

Location of works in question:

1 Ballycasey Court, Shannon, Co. Clare

**Section 5 referral Reference R24-53 – Patryk Glowacz**

Is the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare 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 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The erection of a concrete shed in the back yard at 1 Ballycasey Court, Shannon 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) On the basis that the existing timber shed will be removed from the site, the said construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (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 construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is **considered development** which is **exempted development**.

Signed:

  
\_\_\_\_\_  
GARETH RUANE   
SENIOR EXECUTIVE PLANNER

Date:

29th July 2024

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

Reference No.: R24-53



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-53**

**Is the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare development and if so is it exempted development?**

**AND WHEREAS, Patryk Glowacz** 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 –**

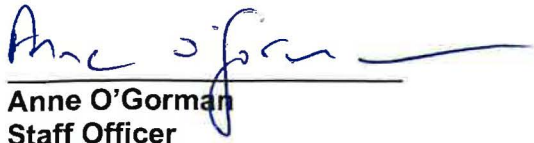
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The erection of a concrete shed in the back yard at 1 Ballycasey Court, Shannon 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) On the basis that the existing timber shed will be removed from the site, the said construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (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 construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, 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**

**29th July 2024**

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

<b>FILE REF:</b>	R24-53
<b>APPLICANT(S):</b>	Patryk Glowacz
<b>REFERENCE:</b>	Whether the construction of a concrete shed at the back yard is or is not development and is or is not exempted development.
<b>LOCATION:</b>	1 Ballycasey Court, Shannon, Co. Clare
<b>DUE DATE:</b>	30/07/2024

**Site Location**

The proposed development location is the rear garden of a semi-detached dwelling in Shannon. There is an existing timber shed to the rear of the dwelling. The dwelling faces south, towards the internal roadway in Ballycasey Court. However, the road leading into Ballycasey Creascent runs along the rear boundary of the site and the rear garden of the dwelling is overlooked from this roadway.

**Recent Planning History**

No recent planning applications on the proposal site.

**Background to Referral**

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

The applicant is seeking a Section 5 Declaration as to whether the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is or is not development and is or is not exempted 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.

‘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.*

Article 6(1) of the Planning & Development Regulations, 2001, as amended

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

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

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

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

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:*

1. *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 construction of a concrete shed in the back yard of 1 Ballycasey Court, Shannon, Co. Clare is or is not development and is or is not exempted development.

### Particulars of Proposal

The particulars of the proposal and site are set out below:

- Height 3.8m.
- Proposed Floor Area 24m<sup>2</sup>.
- Intended use the applicant has stated that the shed will be used for storage and may be converted to use as a sauna (for private use) in the future.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed developments, come within the scope of "works" and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

The referral relates to the construction of domestic shed structure. The proposed development is therefore assessed in the context of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations. It is noted that the future use of the building as a private sauna is also covered by this class of the Regulations.

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

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

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The proposed shed will be located to the rear of the dwelling.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The floor area of the proposed shed is 24m<sup>2</sup>, which does not exceed the limitations of the exemption. There is an existing timber shed on the site. The applicant confirmed via telephone call (on 29/07/2024) that the existing shed will be removed and will be replaced by the proposed concrete shed.

3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

The remaining private open space will be greater than 25m<sup>2</sup>.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

Not applicable. The proposed shed will be located to the rear of the dwelling.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The proposed shed will have a pitched roof and will be 3.8m in height.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The shed will be used for activities ancillary to the main dwelling (storage and/or sauna use).

Article 9(1)(c) of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

Planning permission for the housing development in which the site is located was granted under P91/460. Condition 19 of that permission stated:

*No garage, shed, awning, or similar structure shall be provided to the side/within the curtilage of any dwelling without the prior approval of the Planning Authority, whether or not such provision would otherwise constitute exempted development.*

The current Section 5 referral constitutes "seeking approval" from the Planning Authority in compliance with the terms of this condition.

- (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,*

Not applicable to the current proposal.

- (iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

The proposed development will not create a traffic hazard in the area.

- (iv) *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.*

The proposed development will be located in the rear garden of a suburban dwelling. While there are views towards the development location from surrounding roadways, the proposal will not be out of character with the setting.

- (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,*

Not applicable in this instance.

- (vi) *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,*

Not applicable in this instance

(vii)

- a. *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,*

Not applicable in this instance.

- b. *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

Having regard to the nature, scale and location of the proposed development, the likely zone of influence is no greater than 1km.

There are no European sites within 1km of the proposed development location.

In the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

- c. *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*

This is not applicable in this instance.

- (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 in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (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.*

This is not applicable in this instance.

## Recommendation

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

Whether the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, 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;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The erection of a concrete shed in the back yard at 1 Ballycasey Court, Shannon 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) On the basis that the existing timber shed will be removed from the site, the said construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare is development and is exempted development.

  
Executive Planner

Date: 29/07/2024

  
Senior Executive Planner

Date: 29/07/24.













COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Patryk Glowacz**  
**1 Ballycasey Court**  
**Shannon**  
**Co. Clare**  
**V14 YP11**

**03/07/2024**

**Section 5 referral Reference R24-53 – Patryk Glowacz**

Is the construction of a concrete shed in the back yard at 1 Ballycasey Court, Shannon, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 3rd July 2024 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**

# CONTAE

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

# AN CHLÁIR

03/07/2024 10:25:06

Receipt No. L1CASH/0/366305  
\*\*\*\*\* REPRINT \*\*\*\*\*

PATRYK GLOWACZ  
1 BALLYCASEY COURT  
SHANNON  
CO. CLARE  
V14 YP11  
R24-53

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

Total : 80.00 EUR

# COMHAIRLE

Tendered :  
CREDIT CARDS 80.00

# CONTAE

Change : 0.00

# AN CHLÁIR

Issued By : L1CASH - Noelette Barry  
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  
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Website: [www.clarecoco.ie](http://www.clarecoco.ie)



Comhairle Contae an Chláir  
Clare County Council

R24-53



**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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	<p>PATRYK GLOWACZ</p> <hr/> <p>1 BALLYCASEY COURT</p> <hr/> <p>SHANNON</p> <hr/> <p align="right">Eircode: V14 YP11</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>NIA</p> <hr/> <hr/> <hr/> <p align="right">EIRCODE: _____</p>

**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?*

CAN I BUILD A ~~SHEED~~ CONCRETE SHED ON THE  
BACK OF MY YARD? MY ADDRESS IS :  
1 BALLYCASEY COURT, SHANNON, V14 YP11

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

THE SHED I WOULD LIKE TO BUILD IS 6x4m  
AND 3.8m HIGHT. AT THE BEGINNING I WOULD  
LIKE TO USE IT AS A STORAGE, BUT  
AT SOME STAGE IN THE FUTURE TRANSFORM  
IT TO SAUNA FOR MY PRIVATE USAGE.  
THE ~~X~~ SKETCH OF THE SHED WITH ITS  
LOCATION YOU CAN FIND ON THE ATTACHED  
DRAWINGS

(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) SKETCH OF THE SHED
- 2) SKETCH OF THE SHED ON THE PROPERTY
- 3) SHED LOCALISATION ON THE 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:	<p>1 BALLYCASEY COURT</p> <p>SHANNON</p> <p>V14 YP11</p>
(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?	<p>NO</p>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<p>OWNER</p>
(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>	<p>N/A</p>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<p>N/A</p>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<p>NO</p>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<p>SINCE I OWN THE HOUSE, THERE WASN'T</p>
(h) Date on which 'works' in question were completed/are likely to take place:	<p>BEFORE THE END OF THE YEAR</p>

SIGNED: Patryk Glowacz

DATE: 02-JUL-2024

**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: .....	





