



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Noel Harding
C/o Brendan Mullins, Chartered Engineer
27 College Grove
Ennis
Co. Clare
V95 X0DW

20th September 2024

Section 5 referral Reference R24-67 – Noel Harding

Is the construction of a detached tool store & stables and conservatory annex at the rear of an existing cottage in Cuan, Ballinruan, Co. Clare in 1999 development and if so, is it exempted development?

A Chara,

I refer to your application received on 26th August 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

Mise, le meas


Colette Coakley
Assistant Staff Officer
Planning Department
Economic Development Directorate

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

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



CLARE 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:

84213

Reference Number:

R24-67

Date Referral Received:

26th August 2024

Name of Applicant:

Noel Harding

Location of works in question:

Cuan, Ballinruan, Co. Clare

Section 5 referral Reference R24-67 – Noel Harding

Is the construction of a detached tool store & stables and conservatory annex at the rear of an existing cottage in Cuan, Ballinruan, Co. Clare in 1999 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1, Class 3 and Class 6 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Clare County Council has concluded:

- (a) The conservatory annex extension as has been constructed onto the rear of the subject cottage is exempt from the requirement to obtain planning permission, in accordance with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).
- (b) The detached tool shed and stables building as has been constructed at this property is not exempted development as it does not meet the requirements conditions and limitations of Schedule 2, Part 1, Class 3 or Class 6 of Schedule 2 Part 3, of the Planning and Development Regulations 2001 (as amended).

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of a conservatory annex extension onto the rear of the cottage at Cuan, Ballinruan, Co. Clare is **considered development** which is **exempted development**.

The detached tool shed and stables building as has been constructed is **considered development** which is **not exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER

Date:

20th September 2024

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

Reference No.: R24-67



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-67

Is the construction of a detached tool store & stables and conservatory annex at the rear of an existing cottage in Cuan, Ballinruan, Co. Clare in 1999 development and if so, is it exempted development?

AND WHEREAS, Noel Harding 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1, Class 3 and Class 6 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council has concluded:

- (a) The conservatory annex extension as has been constructed onto the rear of the subject cottage is exempt from the requirement to obtain planning permission, in accordance with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).
- (b) The detached tool shed and stables building as has been constructed at this property is not exempted development as it does not meet the requirements conditions and limitations of Schedule 2, Part 1, Class 3 or Class 6 of Schedule 2 Part 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 conservatory annex extension onto the rear of the cottage at Cuan, Ballinruan, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

The detached tool shed and stables building as has been constructed constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Colette Coakley
Assistant Staff Officer
Planning Department
Economic Development Directorate

20th September 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R24/67
APPLICANT(S):	Noel Harding
REFERENCE:	Is the construction of a detached tool store and stables and conservatory annex at the rear of an existing cottage in Cuan, Ballinruan County Clare in 1999 development and if so, is it exempted development.
LOCATION:	Cuan, Balinruan County Clare
DUE DATE:	20/09/24

Site Location

The subject property is located at the small settlement of Ballinruan, which is located to the north east of Crusheen. There is a single storey older cottage on this site with a small conservatory to the rear. There is a stables building on this site to the rear of the cottage. The subject property is located within the settlement of Ballinruan and is on lands that are zoned as 'Existing Residential'. The church at Ballinruan is located to the south- west of this property, across the road from the property.

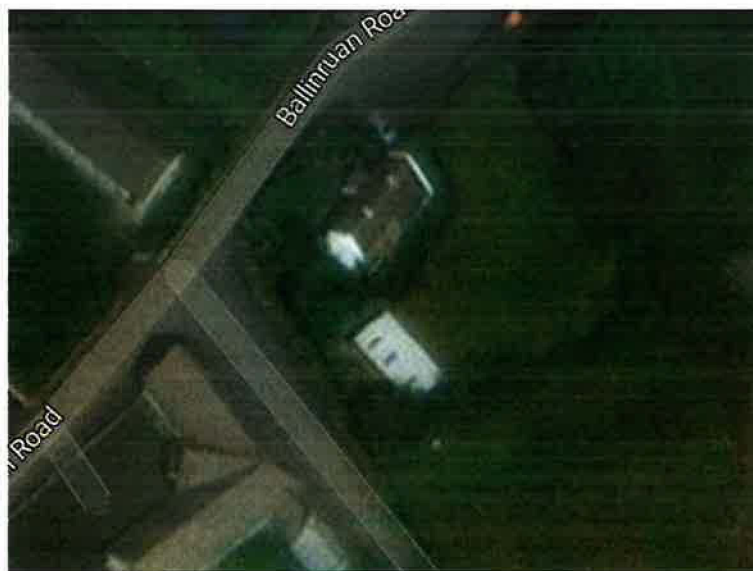


Figure 1; Aerial View of Subject property- dwelling and stables building at Ballinruan- Church lies to the south- west. Source ; Bing Maps.

Planning History

On subject site;

90-333

Martin Tobin

Ballinruan Co. Clare

permission to construct a septic tank

Permission was granted subject to conditions.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Mr Noel Harding C/o Brendan Mullins Engineer.

The applicant is seeking a Section 5 Declaration as to.

Whether the construction of a detached tool store and stables and a conservatory annex at the rear of an existing cottage in 'Cuan' Ballinruan County Clare is development, and if so, is it exempted development.

The agent for the applicant has submitted the following additional details in relation to this Section V Referral:

- The referrers parent's purchased the cottage in 1997 and added an annex conservatory onto the back of the cottage and a detached tool store and stables at the rear of the property.
- The property is now owned by the refer (Noel Harding) and intends to sell the property in the near future.
- Mr Harding now seeks to regularise the plannign situation of the two additions (extension and stables/ tool storage building) in advance of selling the property.
- The agent has submitted a site layout plan of the site and subject property. From the layout plan it can be seen that the extension as constructed onto the cottage has been constructed to the rear of the cottage and has a floor area of 10.54m² (6.2m x 1.7m).
- The layout plan as submitted shows that the tool store and stables building as has been constructed has a floor area of 40.12m² (10.7m X 3.75m) and this structure has a height of 3m.
- Photographs of the extension as has been constructed and the stables/ tool store as constructed have been submitted.

Statutory Provisions

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

To assess this proposal, regard must 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.

The work as have been carried out (the subject sunroom and stables / tool store shed) are considered to be development.

(2) Planning and Development Regulations 2001 (as amended)

In consideration of this referral, regard has been had to the form of exempted development provision as set out in Schedule 2, Part 1, Class 1, which provides for the following form of exempted development.

SCHEDULE 2

PART 1

Exempted Development —

Column 2

General Column 1

Conditions and Limitations

Description of Development

Development within the curtilage of a house

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

The subject development consists of a sunroom extension to the rear the subject property and which has a floor area of 10.54m² and a maximum roof ridge height of 2.6m. The extension is not less than 2m from any boundary wall of the site. The subject extension to the cottage is considered to fall within the above class of exempted development.

In consideration of this referral, and in particular with regard to the tool storage and stables building, regard has also been had to the form of exempted development provision as set out in Schedule 2, Part 1, Class 3, which provides for the following form of exempted development.

<p>CLASS 3</p> <p>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.</p>	<ol style="list-style-type: none"> 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.
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The subject tool shed and stables building has an overall floor area of 40.12m² and is constructed to the rear of the dwelling. There is no other store or shed in the rear garden. The stables building and tool store does not reduce the area of private open space available for the cottage to below 25m². The structure is constructed to the rear of the cottage on this site and not to the side of the cottage. The height of the roof does not exceed 3m (it is 3m in height) and galvanised sheeting is used on the roof.

The greater part of the subject structure is used as a stables for horses. Having regard to the details as submitted with this referral and to the provisions of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations and having regard to :

- The floor area of the structure being greater than 25m².,
- The use of the greater part of the structure as stables for horses.

The subject development does not meet the criteria as set out in Schedule 2, Part 1, Class 3 of the Planning and Development Regulations and is not exempted development under this class of exempted development.

Consideration has also been given to the exempted development provisions as are set out under Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations (as amended) , which provides for the following form of exempted development;

<p><i>Agricultural Structures</i></p> <p>CLASS 6</p> <p>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure),</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structure together with any other such structures situated within the same farmyard
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<p>and any ancillary provision for effluent storage.</p>	<p>complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</p> <p>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</p> <p>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</p> <p>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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Each part of the above class of exempted development has been considered. The subject structure is stated to be a tool shed and stables building. There are no other agricultural buildings associated with this property. No details have been submitted as regards effluent storage facilities for the stables. The subject structure is located approx. 7-8m from the public road and it is not stated where effluent from the stables is stored. The structure does not exceed 8m in height.

The subject structures in the rear garden of the cottage which is in the same ownership. The subject stables and tool storage building is within 100m of the Church at Ballinruan (approx. 18m from the church that lies to the south – west) and no letter of consent from the owner/ occupier or person in charge of the church has been submitted.

The roof of the subject structure is of unpainted galvanised sheeting.

Having regard to the details as submitted and to the location and nature of the subject stables and tool storage shed, and to the provisions of Class 6 of Part 3, Schedule 2 of the Planning and development regulations 2001 (as amended) the subject structure is not exempted development as details have not been provided as regards effluent storage for the structure, the structure is within 10m of a public road and the structure is within 100m of a church and the consent of the occupier or person in charge of the church has not been submitted.

It is also noted that the subject stables and tool storage building is within 100m of several other houses that are not in the referrers ownership.

Part 9 of the Planning and Development Regulations 2001 (as amended),

Part 9 of the Planning and Development Regulations 2001 (as amended), '*Restrictions on Exempted Development*' have also been considered and it is considered that none of the restrictions on exempted development apply in this case.

APPROPRIATE ASSESSMENT

Having regard to the nature and scale of the subject development and 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. An appropriate assessment screening report and determination is attached to this report.

Assessment

Basis of Referral

The following question has been Referred to the Planning Authority;

Whether the construction of a detached tool store and stables and a conservatory annex at the rear of an existing cottage in 'Cuan' Ballinruan County Clare is development, and if so , is it exempted development.

Conclusion

Having regard to the above, I conclude that:

- (1) The conservatory annex extension as has been constructed onto the rear of the subject cottage is exempt from the requirement to obtain planning permission, in accordance with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

- (2) The detached tool shed and stables building as has been constructed at this property is not exempted development as it does not meet the requirements and conditions and limitations of Schedule 2, Part 1, Class 3 or Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the reasons outlined earlier in this report.

Recommendation

The following question has been referred to the Planning Authority:

Whether the construction of a detached tool store and stables and a conservatory annex at the rear of an existing cottage in ' Cuan' Ballinruan County Clare is 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) The works as indicated in submitted documents from the referrer.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1, Class 3 and Class 6 of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council (Planning Authority) has concluded as follows;

considered to constitute development which is exempted development

- (e) The conservatory annex extension as has been constructed onto the rear of the subject cottage is ~~exempt from the requirement to obtain planning permission~~, in accordance with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).
- (f) The detached tool shed and stables building as has been constructed at this property is not exempted development as it does not meet the requirements conditions and limitations of Schedule 2, Part 1, Class 3 or Class 6 of Schedule 2 Part 3, of the Planning and Development Regulations 2001 (as amended).

A Mc Cathy

Annemarie Hennelly

Executive Planner

Date: 20-09-24

20-09-24

Gar

Garreth Ruane

~~Senior~~ Executive Planner

Date: *20/09/24*

Appropriate Assessment & Determination

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

(a) File Reference No:	R 24- 67
(b) Brief description of the project or plan:	The applicant is seeking a Section 5 Declaration as to. Whether the construction of a detached tool store and stables and a conservatory annex at the rear of an existing cottage in ' Cuan' Ballinruan County Clare is development, and if so , is it exempted development.
(c) Brief description of site characteristics:	This site is in residential use as a dwelling and associated stables and tool storage building.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
SPA Slieve Aughty Mountains 004168	Hen Harrier (<i>Circus cyaneus</i>) [A082]	Site is within this SPA	No	No

	Merlin (Falco columbarius) [A098]			
SAC Cregg House Stables Crusheen 002317	Lesser Horse shoe bat	3.87k	No	No
SAC Moyree River 000057	Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation [3260] Alkaline fens [7230] Limestone pavements [8240] Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355]	4.83k	No	No

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

² 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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>N/A a cottage and shed are long established on this site. No development is proposed at present.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles, and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>N/A</p>
<p>In-combination/Other</p>	<p>N/A</p>

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • 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.) 	<p>N/A</p>

- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

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

Yes No 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 conservaton objectives.

None.

Conclusion:

<p>It is clear that there is no likelihood of significant effects on a European site.</p>	<p>The development can be screened out: Appropriate assessment not required.</p>
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<p>Signature and Date of Recommending Officer:</p>	<p>Annemarie McCarthy 20-09-24 <i>A mccathy 20-09-24</i></p>
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<p>Signature and Date of the Decision Maker:</p>	<p><i>gmu 20/09/24</i></p>
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COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Noel Harding
C/o Brendan Mullins, Chartered Engineer
27 College Grove
Ennis
Co. Clare
V95 X0DW

26/08/2024

Section 5 referral Reference R24-67 – Noel Harding

Is the construction of a detached tool store & stables and conservatory annex at the rear of an existing cottage in Cuan, Ballinruan, Co. Clare in 1999 development and if so, is it exempted development?

A Chara,

I refer to your application received on 26th August 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

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

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

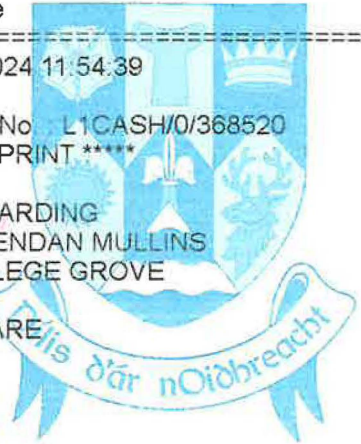


CLARE
AN CHLÁIR
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

26/08/2024 11:54:39

Receipt No. L1CASH/0/368520
***** REPRINT *****

NOEL HARDING
C/O BRENDAN MULLINS
27 COLLEGE GROVE
ENNIS
CO. CLARE



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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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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R24-67

**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	Noel Harding <hr/> Beechaven <hr/> Maesbrook <hr/> Oswestry <hr/> Shropshire, UK, SY10 8QW
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Brendan Mullins BE, MSc, Chartered Engineer <hr/> 27 College Grove <hr/> Ennis <hr/> Co Clare <hr/> V95 X0DW

tel:
 email: - E

0



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 a detached Tool Store & Stables and Conservatory Annex at the rear of an existing cottage in "Cuan", Ballinruan, Co Clare V95 H3E0 in 1999 development and if so 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 parents of the Applicant, John & Angharad Harding, moved to Ireland in 1997 and purchased a small cottage At "Cuan", Ballinruan, Co Clare V95 H3E0. Between 1997 and 2000 the new owners added an annex conservatory onto the back of the cottage and a detached tools store and stables at the rear of the property to continue to enjoy their love for horse riding. The details of these additions to the property are shown in the attached documents.

At the time, having made enquiries, Mr & Mrs Harding were led to understand that these additions on their property did not require planning permission due to their nature and size.

Unfortunately, Mr & Mrs Harding did not follow through on this advice and seek a formal Declaration of Planning Exemption for the works from the Planning Authority at that time.

Sadly, both the applicants father and mother have now passed away (mother in early 2024) and their only son, Noel Harding (the Applicant), has inherited the property. Noel lives and works in the UK and cannot afford to keep the additional property in Ireland. He is therefore forced to sell it as soon as possible. Noel Harding is now seeking to regularise the planning situation of these two additions to the subject property in advance of the sale.

(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)

Site Location Map (Scale 1:10,560)

Site Map (Scale 1:1,000)

Site Layout (Scale as shown)

Site Photographs (Historic & current)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
<p>(a) Postal Address of the Property/Site/Building for which the declaration sought:</p>	<p>"Cuan"</p> <hr/> <p>Ballinruan</p> <hr/> <p>Co Clare</p> <hr/> <p>V95 H3E0</p> <hr/>
<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>	<p>No</p> <hr/> <hr/> <hr/>
<p>(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):</p>	<p>Owner, (subject to Probate)</p> <hr/> <p>Noel Harding has inherited the property from his late mother who was the sole owner</p> <hr/>
<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:</p> <p><i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i></p>	<p>As above</p> <hr/> <hr/> <hr/>
<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>	<p>Yes, see above</p>
<p>(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i></p>	<p>No</p>
<p>(g) Were there previous planning application/s on this site? <i>If so please supply details:</i></p>	<p>Yes, for installation of a septic tank by former owner Ref P90/333</p>
<p>(h) Date on which 'works' in question were completed/are likely to take place:</p>	<p>2000</p>

SIGNED: Brenda Mullins

DATE: 26/08/2024

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

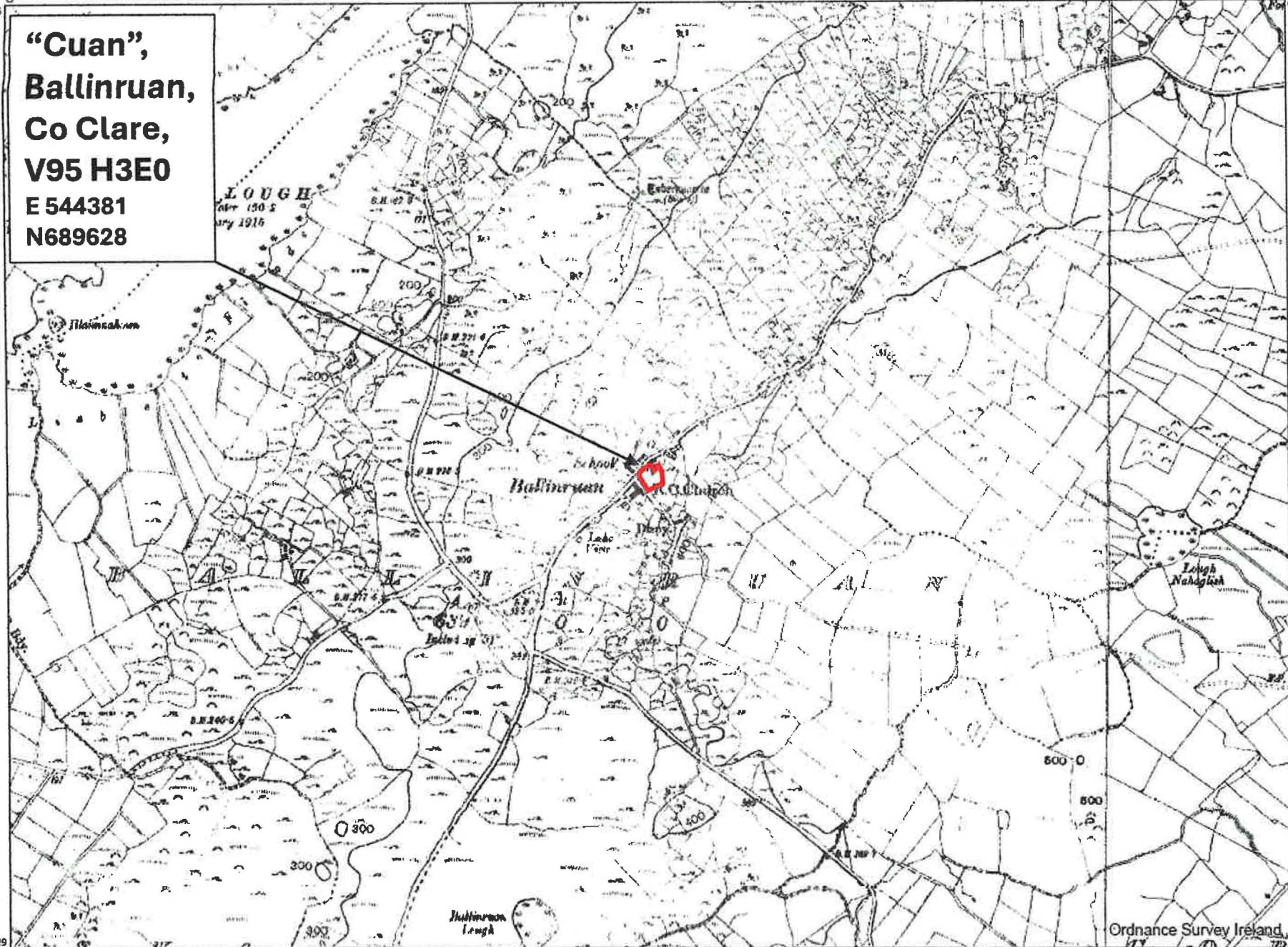
Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

Site Location Map



Tailte
Éireann

**“Cuan”,
Ballinruan,
Co Clare,
V95 H3E0
E 544381
N689628**



**CENTRE
COORDINATES:**
ITM 544381,689628

PUBLISHED: 22/08/2024
ORDER NO.: 50418073_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CE018
6 Inch Raster CE019
6 Inch Raster GY133+133A

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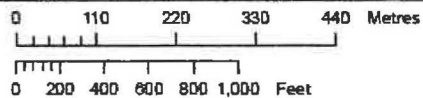
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Ordnance Survey Ireland



OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
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Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Planning Pack Map



Tailte
Éireann

“Cuan”, Ballinruan, Co Clare

Site Map

Site outlined in Red
Scale as shown

Ballinruan
*Baile
an Ruáin*

0.50

2.13

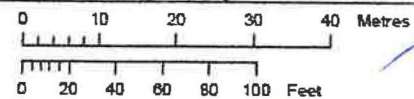
0.89

Church of the
Immaculate
Conception

0.72

*B a i l e
a n R u á i n
B a l l i n r u a n*

0.52



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:

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LEGEND:

To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

CENTRE
COORDINATES:
ITM 544381,689628

PUBLISHED: 22/08/2024 ORDER NO.: 50418073_1

MAP SERIES: 1:5,000 MAP SHEETS: 4092

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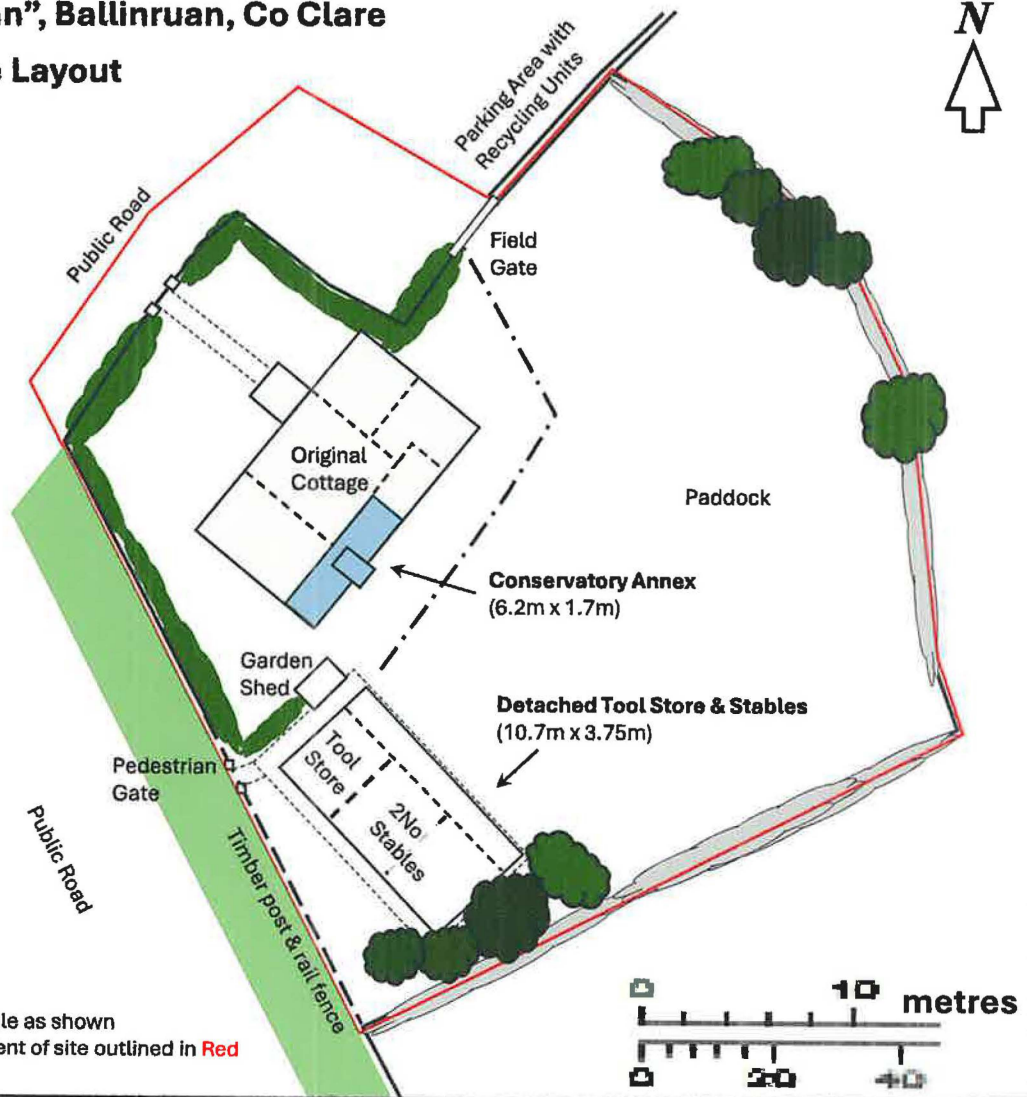
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**“Cuan”, Ballinruan, Co Clare
Site Layout**



View of rear of cottage showing Conservatory



View of Tool Store & Stables at rear of cottage

Details of Works at "Cuan", Ballinruan, Co Clare



Details of Conservatory

Date of Construction: 1999-2000
Length: 6.20m
Width: 1.70m
Height from Slab to Roof: 1.5m – 2.6m
Construction: Clear Perspex roof on timber frame with glass half-height walls on block & plaster stub walls on slab foundation. Render finish to match original cottage. Timber door at rear. All constructed below roof eaves and at the rear of the original cottage.



Front View of detached Tool Shed & Stables

Details of Tool Shed & Stables

Date of Construction: 1999-2000

Length: 10.70m

Width: 3.75m

Height from Slab to Apex: 3.00m

Construction: Timber frame, shi lap board cladding with corrugated galvanised steel roof on a concrete slab base.

40.12m²



Rear View of Tool Shed & Stables

Historic Photographs of “Cuan”, Ballinruan, Co Clare



Historic Photograph of Conservatory Annex under construction in 1999



Historic Photograph of rear of subject property showing Original Cottage, detached Tool Store & Stables and Conservatory Annex in 2005
(Photograph taken on 26.12.2005)

Present-day Photograph of “Cuan”, Ballinruan, Co Clare



Rear View of cottage showing Original Cottage, Tool Store & Stables and Conservatory Annex (Photograph taken on 23.08.2024)