



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Martin Conheady
Rowandene
Leamaneigh More
Newmarket-on-Fergus
Co. Clare
V95 D9KD**

8th August 2025

Section 5 referral Reference R25-61 – Martin Conheady

Is the change of use from farm building at V95 D9KD, currently used for storage of farm equipment and machinery to farm storage and light manufacturing development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th July 2025 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 Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas

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

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

86084

Reference Number:

R25-61

Date Referral Received:

15th July 2025

Name of Applicant:

Martin Conheady

Location of works in question:

Rowandene, Leamaneigh More, Newmarket-on-Fergus, Co. Clare, V95 D9KD

Section 5 referral Reference R25-61 – Martin Conheady

Is the change of use from farm building at V95 D9KD, currently used for storage of farm equipment and machinery to farm storage and light manufacturing 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, 9 and 10 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Parts 1-14 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 change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare is not exempted development having regard to Schedule 2 of the Planning and Development Regulations 2001 (as amended). The nature of the development proposed does not come within the meaning of descriptions for any of the Classes of Development provided for in said Schedule.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, 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 change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare is considered development which is not exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

8th August 2025

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

Reference No.: R25-61



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-61

Is the change of use from farm building at V95 D9KD, currently used for storage of farm equipment and machinery to farm storage and light manufacturing development and if so, is it exempted development?

AND WHEREAS, Martin Conheady 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 –

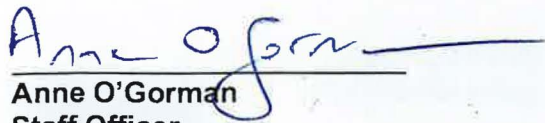
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Parts 1-14 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare is not exempted development having regard to Schedule 2 of the Planning and Development Regulations 2001 (as amended). The nature of the development proposed does not come within the meaning of descriptions for any of the Classes of Development provided for in said Schedule.

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 change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, 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

8th August 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-61
APPLICANT(S):	Martin Conheady
REFERENCE:	Whether the change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing is or is not development and is or is not exempted development.
LOCATION:	Rowandene, Leamaneigh More, Newmarket-on-Fergus, Co Clare V95D9KD
DUE DATE:	08 th August 2025

Site Location

The proposal site is located in a rural area approximately 3.5km northwest of Shannon, and midway between the Leamaneigh More Cluster and the Urlan More / Bellsfort Cluster. The site comprises an existing agricultural shed. The shed is set back over 200m from the public road. It is surrounded by agricultural fields.

Recent Planning History

No previous planning applications on the proposal site or adjoining lands.

Background to Referral

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

The applicant is seeking a Section 5 Declaration as to whether the change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing is or is not development and is or is not exempted development.

The applicant states that he intends to divide the shed and associated service yard into two separate areas. One area will remain in use for the storage of farm equipment. The second half will be used to carrying out light manufacturing work. They will cut and assemble PVC and metal components to provide cabinets, install electrical and mechanical components to the cabinets, providing a modular unit.

While not included in the written description of the development on the referral documents, the submitted drawings all show an intention to construct an access road from the public road to the subject shed.

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.

Assessment

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposal constitutes a material change of use of the building from agricultural use to manufacturing use. It therefore comes within the scope of “works” as defined under Section 2(1), and hence the proposal constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

The change of use of a farm building currently used for storage of farm equipment and machinery, to use for farm storage and light manufacturing does not come within the meaning of descriptions for any of the Classes of Development provided for in Schedule 2 of the Planning and Development Regulations.

The proposal is therefore development which is not exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, 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, 9 and 10 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Parts 1-14 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 change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare is not exempted development having regard to Schedule 2 of the Planning and Development Regulations 2001 (as amended). The nature of the development proposed does not come within the meaning of descriptions for any of the Classes of Development provided for in said Schedule.

Now therefore Clare County Council (Planning Authority), hereby decides that the change of use from a farm building currently used for storage of farm equipment and machinery, to farm storage and light manufacturing at Leamaneigh More, Newmarket-on-Fergus, Co. Clare is development and is not exempted development.



Executive Planner

Date: 07/08/2025



Senior Planner

Date: 08-08-2025.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Martin Conheady
Rowandene
Leamaneigh More
Newmarket-on-Fergus
Co. Clare
V95 D9KD

16/07/2025

Section 5 referral Reference R25-61 – Martin Conheady

Is the change of use from farm building at V95 D9KD, currently used for storage of farm equipment and machinery to farm storage and light manufacturing development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th July 2025 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





COMHAIRLE

CONTAE

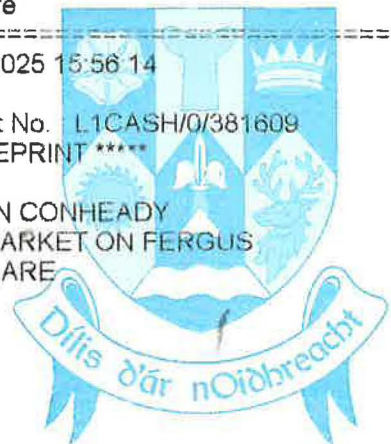
AN CHLÁIR

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

15/07/2025 15:56 14

Receipt No. L1CASH/0/381609
***** REPRINT *****

MARTIN CONHEADY
NEWMARKET ON FERGUS
CO. CLARE



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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

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From : MAIN CASH OFFICE LODGEMENT AF
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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
Email: planning@clarecoco.ie
Website: www.clarecoco.ie

**CLARE
COUNTY COUNCIL**

15 JUL 2025

Received
Planning Section



Comhairle Contae an Chláir
Clare County Council

R25-61

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	<p>MARTIN CONHEADY HOWARDENE, LEAMANEIGH - MORE NEW MARKET - ON - FERGUS Co. CLARE. V95D9KD.</p>
(b) Telephone No.:	
(c) Email Address:	<p>co.@.com</p>
(d) Agent's Name and address:	<p>Martin Conheady Howardene Leamaneigh More NEW MARKET - ON - FERGUS Co CLARE - V95D9KD</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?

IS THE CHANGE OF USE OF FARM BUILDING AT V95D9KD, CURRENTLY USED FOR STORAGE OF FARM EQUIPMENT AND MACHINERY TO FARM STORAGE AND LIGHT MANUFACTURING, 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 FARM BUILDING IS CURRENTLY USED FOR FARM STORAGE AND REPAIR WORKS. WE PROPOSE TO DIVIDE THE SERVICE YARD AND BUILDING INTO TWO SECTIONS.

AREA 1 - WORKSHOP AND YARD 1.

WE PROPOSE TO CARRY OUT LIGHT MANUFACTURING WORK IN THIS AREA, CUTTING AND ASSEMBLY OF PUL AND METAL COMPONENTS - TO PROVIDE CABINETS AND DETAIL ELECTRICAL AND MECHANICAL COMPONENTS TO THE CABINETS, MOVING A MODULAR UNIT, AREA - 2, FARM MACHINERY STORAGE AND YARD 2. THIS AREA SHALL CONTINUE TO BE USED FOR FARM WORK.

(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)

1.0 PLACE MAP - DETAILING FARM BUILDING AND WORKSHOP LOCATION: DATE JUNE 30TH - 2025

2.0 LAYOUT DRAWING - WORKSHOP AND MACHINERY STORAGE FACILITY AND SERVICE YARD'S.

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>ROSWADENE</u> <u>LEAMANEIGH MORE</u> <u>NEWMARKET-ON-FERGUS</u> <u>CO CLARE.</u> <u>V95D9KD.</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 of Property.</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>Yes.</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>No</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>SEPT TO NOV 2025.</u>

SIGNED: Martin J CorheadyDATE: 15 July 2025

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

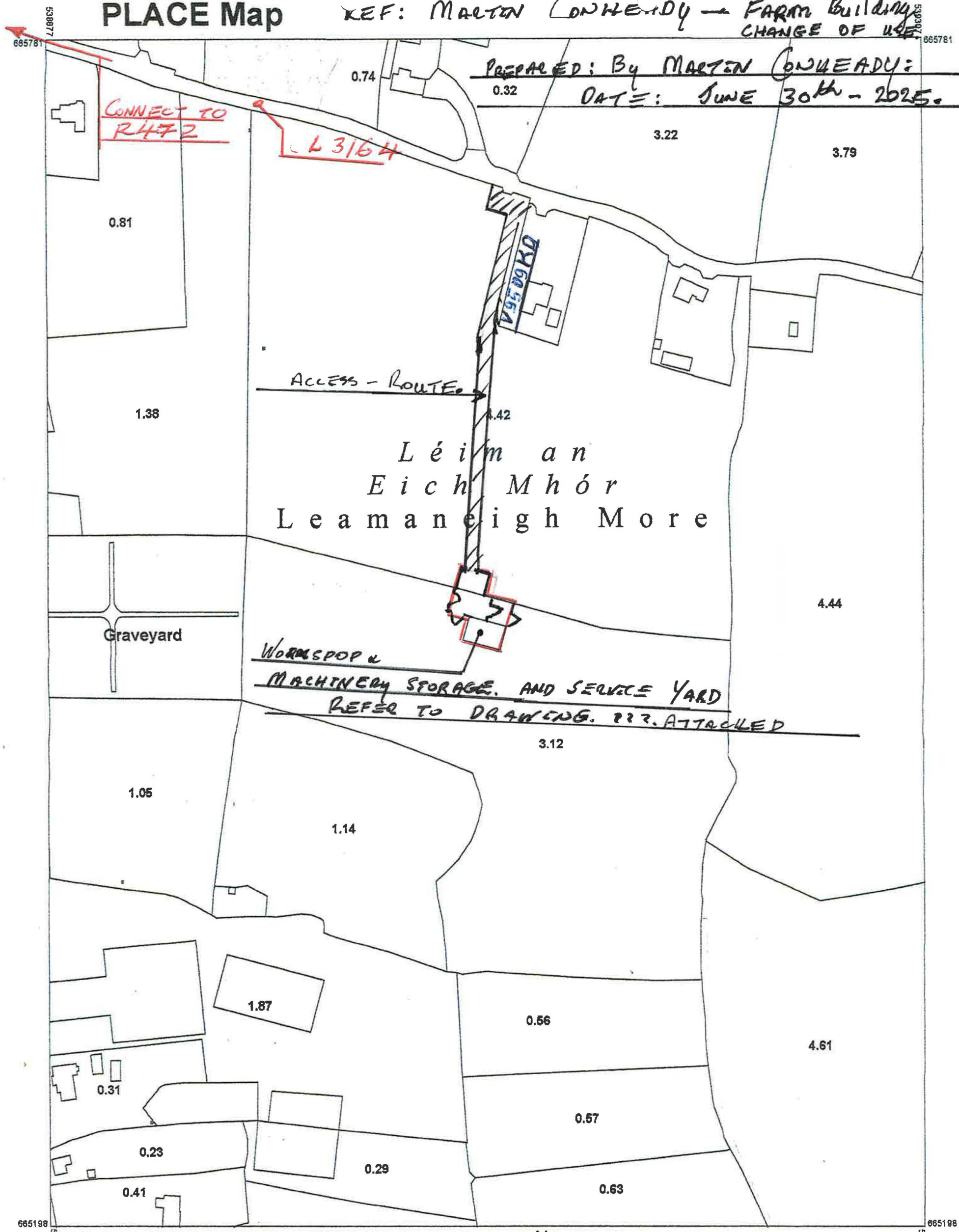
FOR OFFICE USE ONLY

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

PLACE Map

REF: MARTIN CONHEADY - FARM BUILDING
CHANGE OF USE

PREPARED: By MARTIN CONHEADY:
DATE: JUNE 30th - 2025.



COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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OUTPUT SCALE: 1:2,500



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COORDINATES:
ITM 539092,665490

PUBLISHED: 24/06/2025
ORDER NO.: 50474714_1

MAP SERIES: 1:2,500
MAP SHEETS: 4558-B

CAPTURE RESOLUTION:

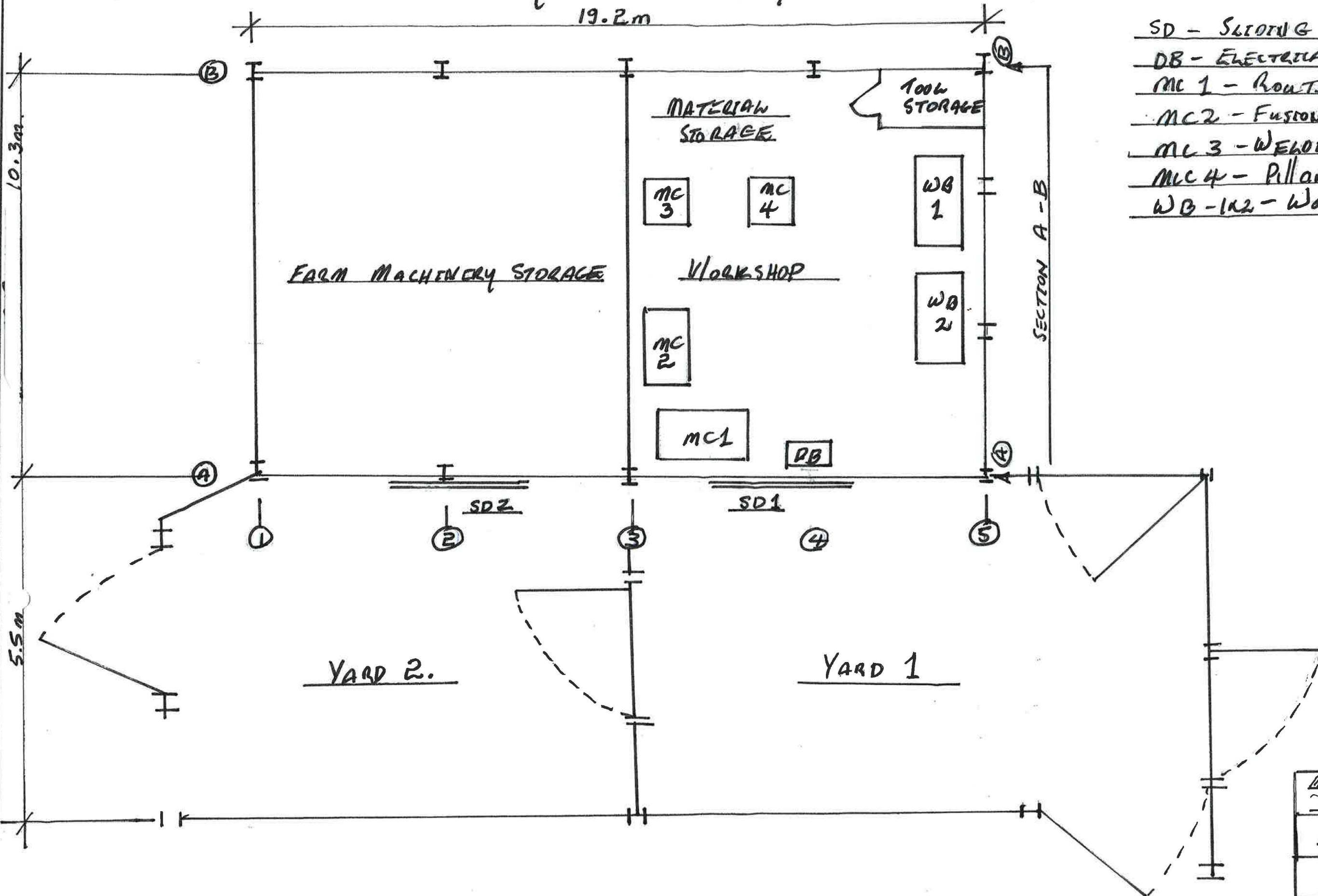
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



**Tailte
Éireann**

DETAIL: WORKSHOP AND MACHINERY STORAGE FACILITY - AND SERVICE YARDS.



- SD - SLIDING DOOR
- DB - ELECTRICIAN DISTRIBUTION
- MC 1 - ROUTER
- MC 2 - FUSION WELDER
- MC 3 - WELDING PLANT/STATION
- MC 4 - PILLAR DRILL
- WB - 1x2 - WORK BENCHES

MARTEN R ANN
CONHEADY.
DATE: 30/06/25
N.T.S.
M. CONHEADY.