



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Annick Counihan
Callow Cottage
Newtown, Lusmagh
Banagher
Co. Offaly
RA2 VK10**

12th August 2025

Section 5 referral Reference R25-62 – Annick Counihan

Is the renovation of an old dwelling at V94 4X20 development and if so, is it exempted development?

A Chara,

I refer to your application received on 17th 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



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

Reference No.: R25-62



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-62

Is the renovation of an old dwelling at V94 4X20 development and if so, is it exempted development?

AND WHEREAS, Annick Counihan 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 –

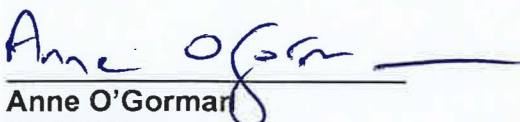
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The renovation of an old dwelling at Corracloon More, Feakle, 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 renovation of an old dwelling is exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the renovation of an old dwelling at Corracloon More, Feakle, Co. Clare V94 4X20 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

12th August 2025

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: 86098

Reference Number: R25-62

Date Referral Received: 17th July 2025

Name of Applicant: Annick Counihan

Location of works in question: Cooracloon More, Feakle, Co. Clare,
V94 4X20

Section 5 referral Reference R25-62 – Annick Counihan

Is the renovation of an old dwelling at V94 4X20 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) The works as indicated in submitted documents from the referrer.

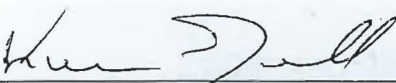
AND WHEREAS Clare County Council has concluded:

- (a) The renovation of an old dwelling at Corracloon More, Feakle, 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 renovation of an old dwelling is exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).

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 renovation of an old dwelling at Corracloon More, Feakle, Co. Clare V94 4X20 is considered development which is exempted development.

Signed:



KIERAN O'DONNELL
ADMINISTRATIVE OFFICER



Date:

12th August 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25-62
APPLICANT(S):	Annick Counihan
REFERENCE:	Whether the renovation of an old dwelling is or is not development and is or is not exempted development.
LOCATION:	Cooracloon More, Feakle, Co. Clare V94 4X20
DUE DATE:	13 th August 2025

Site Location

The proposal site is located in a rural area approximately 3.3km southeast of Flagmount and 1.8km east of Caher. The site comprises a dwelling house in poor condition, with several outbuildings, also in poor repair. The dwelling is located downslope of the public road and is not visible from same.

Planning History

No recent planning applications on the proposal site.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Annick Counihan. They state that they are the owner of the dwelling which is the subject of this referral.

The applicant is seeking a Section 5 Declaration as to whether the renovation of an old dwelling 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.

Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)

(1) The following shall be exempted developments for the purposes of this Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the renovation of an old dwelling at Corracloon More, Feakle, Co. Clare is or is not development and is or is not exempted development. It is submitted that the dwelling was last occupied in the 1980s.

The submitted documents state that the applicant intends to restore the dwelling without changing the size or external appearance of the building. Photographs have been submitted which show that the house needs a new roof, windows, doors, and rainwater goods. A complete new internal fit out is also required.

The applicant has submitted proposed elevation drawings and floor plans which show that no changes are proposed to the external design of the dwelling. No extension is proposed.

The applicant also states that a new wastewater treatment plant is required, and planning permission will be sought separately for this element of the renovation works.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed development, 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).

Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)

The following is noted:

- The majority of the works required to bring the dwelling back to a habitable standard are confined to the interior of the house.
- The external works will not render the appearance of dwelling inconsistent with the character of the structure.
- The building is not a Protected Structure.

Having regard to the foregoing, the proposal is development which is exempted development, under the provisions of Section 4(1)(h) of the Act.

Conclusions

The following question has been referred to the Planning Authority:

Whether the renovation of an old dwelling at Corracloon More, Feakle, Co. Clare V94 4X20 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) The works as indicated in submitted documents from the referrer.

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

- (a) The renovation of an old dwelling at Corracloon More, Feakle, 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 renovation of an old dwelling is exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).

Now therefore Clare County Council (Planning Authority), hereby decides that the renovation of an old dwelling at Corracloon More, Feakle, Co. Clare V94 4X20 is development and is exempted development.



Caroline Balfe

Executive Planner

Date 07/08/2025



Helen Quinn

Senior Planner

Date 08-08-2025.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Annick Counihan
Callow Cottage
Newtown, Lusmagh
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Co. Offaly
RA2 VK10

18/07/2025

Section 5 referral Reference R25-62 – Annick Counihan

Is the renovation of an old dwelling at V94 4X20 development and if so, is it exempted development?

A Chara,

I refer to your application received on 17th 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 Stiúirtheoireacht 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



P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

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

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



Comhairle Contae an Chláir
Clare County Council



R25-62

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>ANNICK COUNIHAN</p> <p>CALLOW COTTAGE,</p> <p>NEWTOWN LUSMAGH</p> <p>BANAGHER, CO. OFFALY</p> <p>R42 VK10</p>
(b) Telephone No.:	[REDACTED]
(c) Email Address:	[REDACTED]
(d) Agent's Name and address:	<p>N/A</p> <p></p> <p></p> <p></p> <p></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 RENOVATION OF AN OLD DWELLING AT
 V94 4x20 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.

I WISH TO RESTORE THE HOUSE WITHOUT
 CHANGING THE SIZE OR THE EXTERNAL
 APPEARANCE. I AM APPLYING FOR THE VACANT
 PROPERTY GRANT AND WANT TO CONFIRM
 THAT THE REFURBISHMENT OF THE HOUSE IS
 EXEMPT FROM P.P?

THE HOUSE WAS LAST LIVED IN DURING THE LATE
 1980s.

THIS SECTION 5 DECLARATION RELATES ONLY TO
 RESTORATION WORK TO THE EXISTING BUILDING.
 A SEPARATE PLANNING APPLICATION WILL BE
 SUBMITTED FOR A NEW WASTE WATER TREATMENT
 SYSTEM AND DRIVEWAY

- (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

REGISTRY MAP

PHOTOS OF HOUSE, DRAWING / FLOOR PLAN OF HOUSE

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	CORRACLOON MORE FEAKIE CO CLARE V94 4X20
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	OWNER
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	2025/2026

SIGNED: Amrith GnanDATE: 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

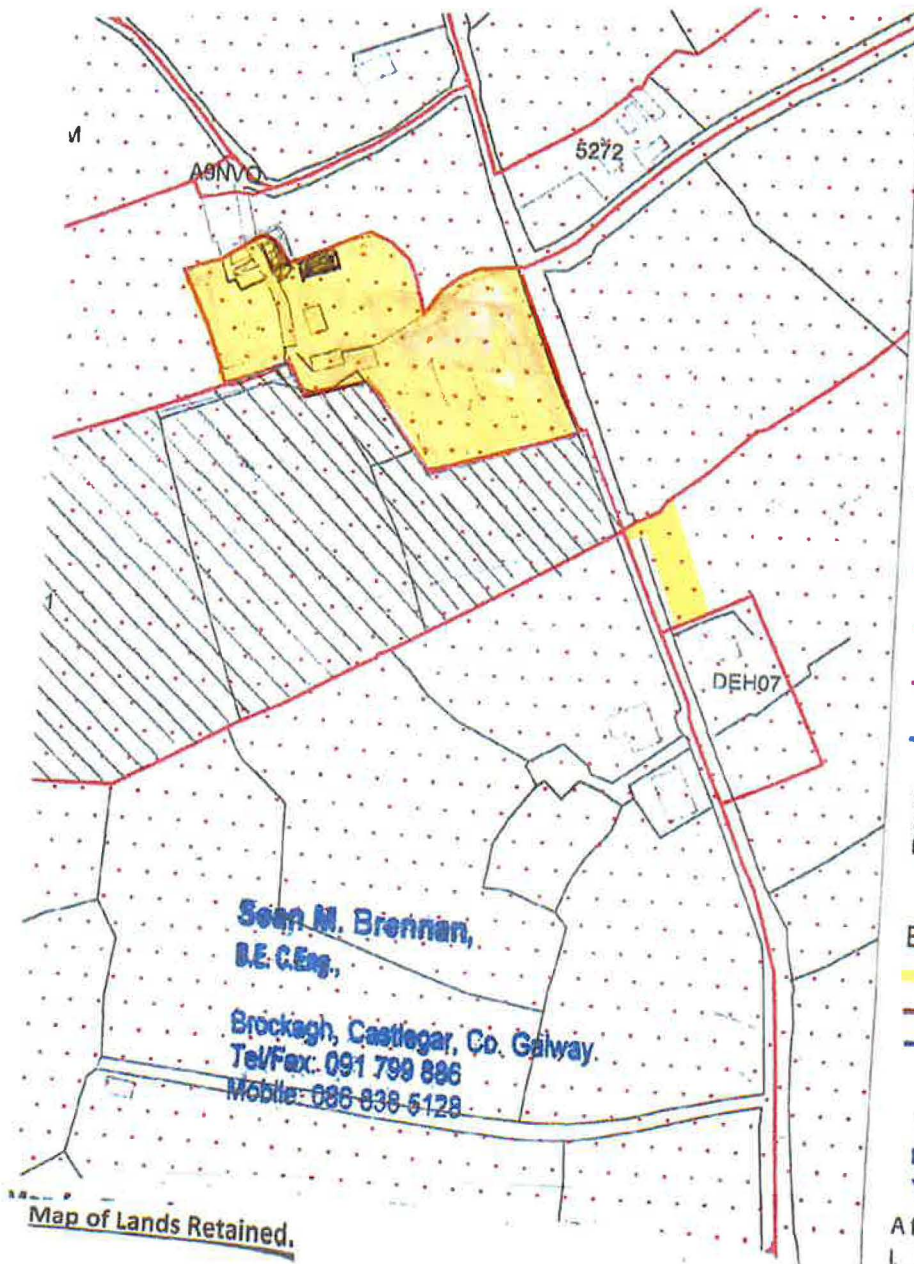
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration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



Official Property Registration Map
This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.prai.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Lands at : Corracloon More, Tulla Upper, Co. Clare.

Lands to be Retained by Martin Keane Outlined in Red & Coloured Orange.

Lands to be Retained form Part of Land Registry Folio **CE41939F**.

Ares of Lands to be Retained : 0.688 Hectare = 1.7 Acres Approx.

Signed : Sean M. Brennan

February 23rd, 2024.

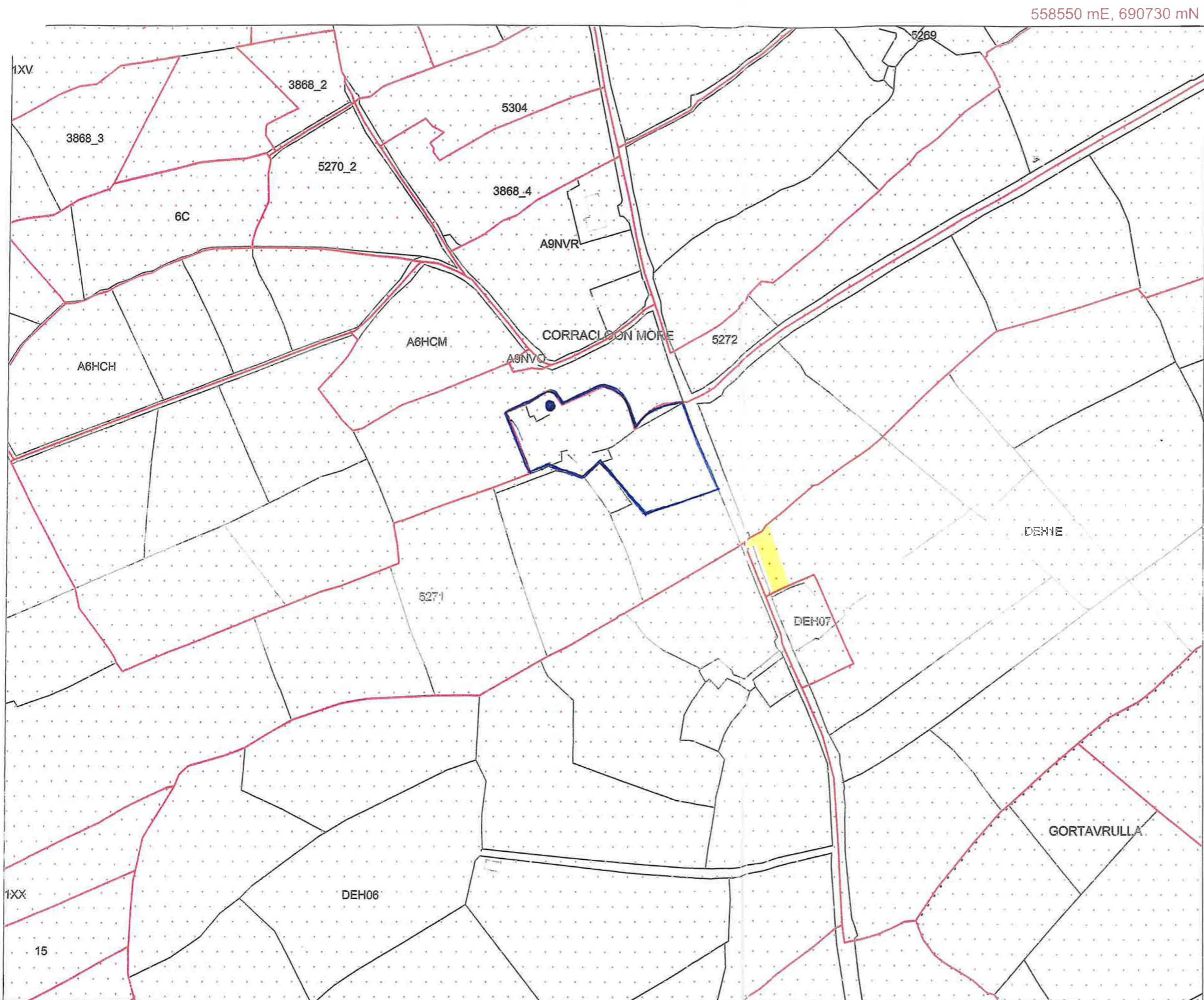
~~2024-01-2023~~

er: S2023LR012635X

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500





Official Tailte Éireann Registration Map
This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to Land Registry maps, see www.tailte.ie.

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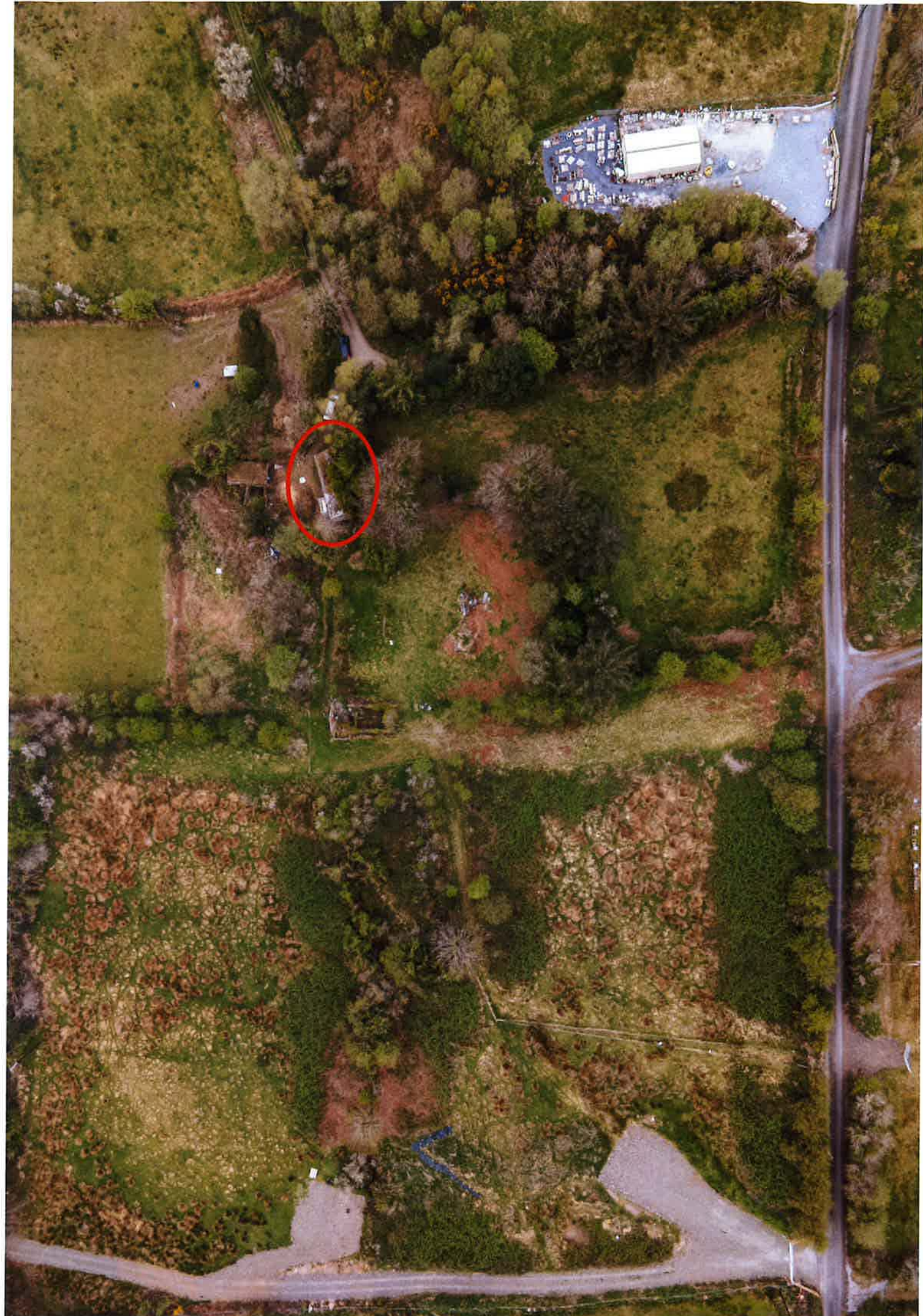
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 - 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

- Burdens** (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - Soak Pit

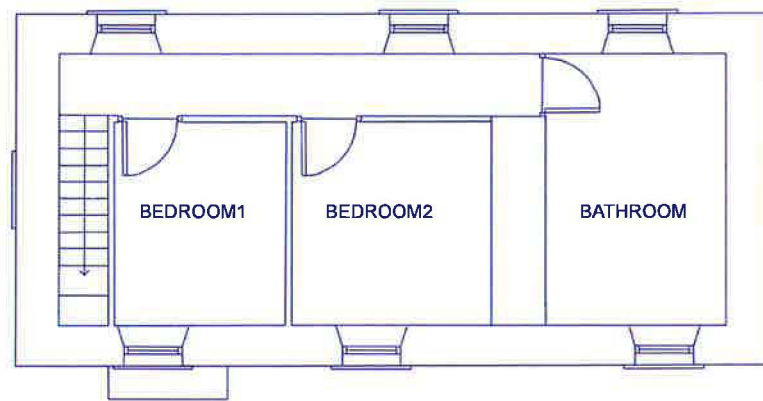
A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

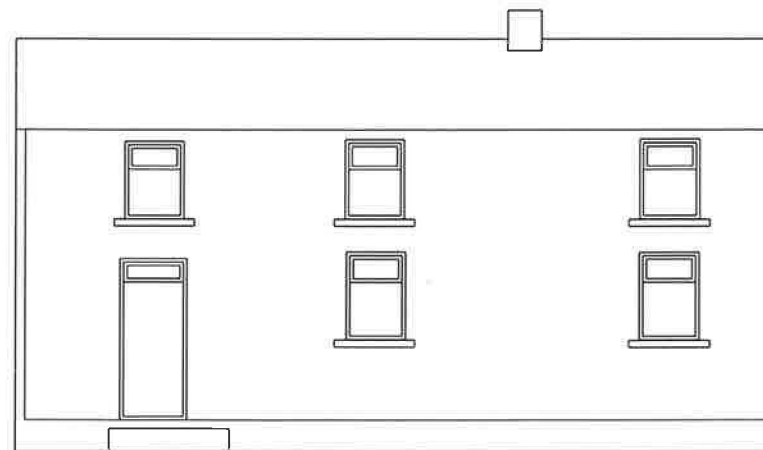








FLOOR PLAN SCALE 1:100



FRONT ELEVATION SCALE 1:100