



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

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Northern Ireland
BT35 8QZ

16th December 2025

Section 5 referral Reference R25-100 – John Scanlan

Are the following series of works to a dwelling house in Poulroe, Tubber, Co. Clare including ; the conversion of an adjoining residential water tank to a habitable room, an extension to rear of house (with 40m² as shown in green on the drawings), conversion of part of adjoining shed to home office, construction of dormer window on rear face of roof to existing first floor bedroom development and if so, are they exempted development?

A Chara,

I refer to your application received on 1st December 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, Placemaking & Economic Development

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: 86876

Reference Number: R25-100

Date Referral Received: 1st December 2025

Name of Applicant: John Scanlan

Location of works in question: Poulroe, Kilkeedy, Tubber, Co. Clare

Section 5 referral Reference R25-100 – John Scanlan

Are the following series of works to a dwelling house in Poulroe, Tubber, Co. Clare including ; the conversion of an adjoining residential water tank to a habitable room, an extension to rear of house (with 40m² as shown in green on the drawings), conversion of part of adjoining shed to home office, construction of dormer window on rear face of roof to existing first floor bedroom development and if so, are they 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 01st December 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The conversion of an adjoining residential water tank to a habitable room, The extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County 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 development of the conversion of an adjoining residential water tank to a habitable room, the extension to the rear of the house, the conversion of part of the adjoining shed to a home office, at Poulroe, Kilkeedy, Tubber, County Clare,, is not exempted development having regard to Class 1, of Schedule 2, Part 1 of the Planning and Development

Regulations 2001, as amended, and Article 9(vii)(b) of the Planning and Development Regulations 2001, as amended, as:



- (i) The proposed extension would be located to the side and not to the rear of the dwelling.
 - (ii) The water tank is no longer in place.
 - (iii) There is no specific planning exemption for the conversion of an outbuilding to habitable use.
- (d) The said development of the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development is exempted development having regard to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended:

ORDER: Whereas by Chief Executive's Order No. CE /25/18 dated 7th October 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 Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the conversion of an adjoining residential water tank to a habitable room, the extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County Clare is considered development which is not exempted development.

The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development is considered development which is exempted development.

Signed:


GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

16th December 2025

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

Reference No.: R25-100



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-100

Are the following series of works to a dwelling house in Poulroe, Tubber, Co. Clare including ; the conversion of an adjoining residential water tank to a habitable room, an extension to rear of house (with 40m² as shown in green on the drawings), conversion of part of adjoining shed to home office, construction of dormer window on rear face of roof to existing first floor bedroom development and if so, are they exempted development?

AND WHEREAS, John Scanlan 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 01st December 2025.

And whereas Clare County Council has concluded:

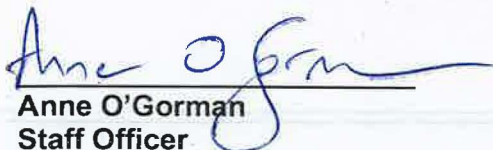
- (a) The conversion of an adjoining residential water tank to a habitable room, The extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County 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 development of the conversion of an adjoining residential water tank to a habitable room, the extension to the rear of the house, the conversion of part of the adjoining shed to a home office, at Poulroe, Kilkeedy, Tubber, County Clare,, is not exempted development having regard to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, and Article 9(vii)(b) of the Planning and Development Regulations 2001, as amended, as:
 - (i) The proposed extension would be located to the side and not to the rear of the dwelling.

- (ii) The water tank is no longer in place.
- (iii) There is no specific planning exemption for the conversion of an outbuilding to habitable use.
- (d) The said development of the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development is exempted development having regard to Class 1, of Schedule 2, Part 1 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 conversion of an adjoining residential water tank to a habitable room, the extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development **constitutes development** which is **exempted development**



Anne O'Gorman
Staff Officer

Planning, Placemaking & Economic Development

16th December 2025

**CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 1**

FILE REF:	R25-100
APPLICANT(S):	John Scanlan
REFERENCE:	Whether: 1: The conversion of an adjoining residential water tank to a habitable room, 2: the extension to the rear of the house (within 40sqm as shown in green on the drawings), 3: the conversion of part of the adjoining shed to a home office, and 4: the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development, at Kilkeedy, Tubber, County Clare, is or is not development, and is or is not exempted development.
LOCATION:	Poulroe, Kilkeedy, Tubber, County Clare
DUE DATE:	06 th January 2026

Site Location

The site is located in a rural area that is within the Castlequarter/Kilkeedy Cluster and it is to the north of the LS5006 local secondary road. The site accommodates a vacant single storey cottage and a number of outbuildings. There is an existing stone dwelling to the east of the site. The main views towards the site are local passing views on the adjacent road.

Recent Planning History

Onsite

None

East

00-2579 – Granted - Mr. Michael Scanlan - to construct a dwellinghouse and septic tank.

West

02-1366 – Refused - Sheila Hynes - to erect a dwelling house & septic tank.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by John Scanlan who is the stated owner of the site.

The applicant is seeking a Section 5 Declaration as to whether:

1. The conversion of an adjoining residential water tank to a habitable room,
2. The extension to the rear of the house (within 40sqm as shown in green on the drawings),
3. The conversion of part of the adjoining shed to a home office, and
4. The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development,

at Poulroe, Kilkeedy, Tubber, County 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.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Planning & Development Regulations, 2001, as amended Schedule 2, Part 1, 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 or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(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.*

Planning & Development Regulations, 2001, as amended, Article 9(1)

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:*

(a) *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,

(iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(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.

(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

Particulars of the Development

1. The conversion of an adjoining residential water tank to a habitable room. This water tank is no longer in place. What is proposed would act as a side link between the dwelling and the shed which is to be converted.
2. The extension to the rear of the house (within 40sqm as shown in green on the drawings). This extension is to the side of the dwelling and not to the rear. It would accommodate a bedroom, ensuite and an extended living area.
3. The conversion of part of the adjoining shed to a home office. This is to the side of the dwelling. It is also proposed to include a new roof light window on the western elevation.
4. The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development. This would be a box dormer window.

Planning Exemption Assessment

Outlined below is the assessment of the various elements of the development as proposed.

Planning & Development Regulations, 2001, as amended Schedule 2, Part 1, 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.

The front of the house faces to the south. The proposed extension would be located to the side and not the rear of the dwelling. Therefore, the above exemption would not apply for either the side extension, the water tank conversion or the shed conversion.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

It would appear that the dwelling may have been extended previously to the rear as the rear return looks like a more modern addition to the original cottage. Satellite imagery dating to

1995 shows the extension in place. In the instance where this was a more modern extension then the combined floor area of this and the current proposal would exceed 50sqm. Excluding this the floor are would be less than 40sqm.

(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.

Detached dwelling.

(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.

The box dormer window on the rear elevation is less than this floor area threshold. It is also greater than 11 metres from the boundary it faces.

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.

It would appear that the dwelling may have been extended previously to the rear as the rear return looks like a more modern addition to the original cottage. Satellite imagery dating to 1995 shows the extension in place. In the instance where this was a more modern extension then the combined floor area of this and the current proposal would exceed 50sqm. Excluding this the floor are would be less than 40sqm.

(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 or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

Not applicable.

(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.

Not applicable.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Not applicable.

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.

The front of the house faces to the south. The proposed extension would be located to the side and not the rear of the dwelling.

- (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.

The extension is to the side and not the rear.

- (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.

The extension is to the side and not the rear.

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.*

The area of open space remaining would be in excess of 25sqm.

6. (a)

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

The extension is to the side and not the rear.

- (b)

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

The extension is to the side and not the rear.

(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.

Not applicable.

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

Not applicable.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 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*

Not applicable.

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

- (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

The proposal would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.

- (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 proposal would be acceptable from a visual impact perspective.

- (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,*

This is 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,*

This is 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,*

This is 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,*

The buildings are vacant and external access is available to same for bat species. The roofs are generally intact. Therefore, the buildings may accommodate bat roosts. A qualify interest of the East Burren Complex SAC is the Lesser Horseshoe Bat. In addition, the design, capacity and location of the onsite wastewater treatment system is unknown. As such, on the basis of the available information it is not possible to conclude that the proposed development would not be likely to have a significant effect on the integrity of the East Burren Complex SAC.

- 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."*

The East Burren Complex is a proposed Natural Heritage area.

- (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,*

This is 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 question has been referred to the Planning Authority:

Whether:

1. The conversion of an adjoining residential water tank to a habitable room,
2. The extension to the rear of the house (within 40sqm as shown in green on the drawings),
3. The conversion of part of the adjoining shed to a home office, and
4. The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development,

at Poulroe, Kilkeedy, Tubber, County 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 01st August 2024.

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

- (a) The conversion of an adjoining residential water tank to a habitable room, The extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County 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 development of the conversion of an adjoining residential water tank to a habitable room, the extension to the rear of the house, the conversion of part of the adjoining shed to a home office, at Poulroe, Kilkeedy, Tubber, County Clare,, is not exempted development having regard to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, and Article 9(vii)(b) of the Planning and Development Regulations 2001, as amended, as:

- (i) The proposed extension would be located to the side and not to the rear of the dwelling.
 - (ii) The water tank is no longer in place.
 - (iii) There is no specific planning exemption for the conversion of an outbuilding to habitable use.
- (d) The said development of the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development is exempted development having regard to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended:

Now therefore Clare County Council (Planning Authority), hereby decides that the conversion of an adjoining residential water tank to a habitable room, The extension to the rear of the house, the conversion of part of the adjoining shed to a home office, and the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development at Poulroe, Kilkeedy, Tubber, County Clare, is development and is not exempted development.

Clare County Council (Planning Authority), also decides that the construction of a dormer window on the rear face of the roof to the existing first floor bedroom development is development and exempted development.


Executive Planner
Date: 15th December 2025


Senior Executive Planner
Date: 15/12/25

Clare County Council

Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

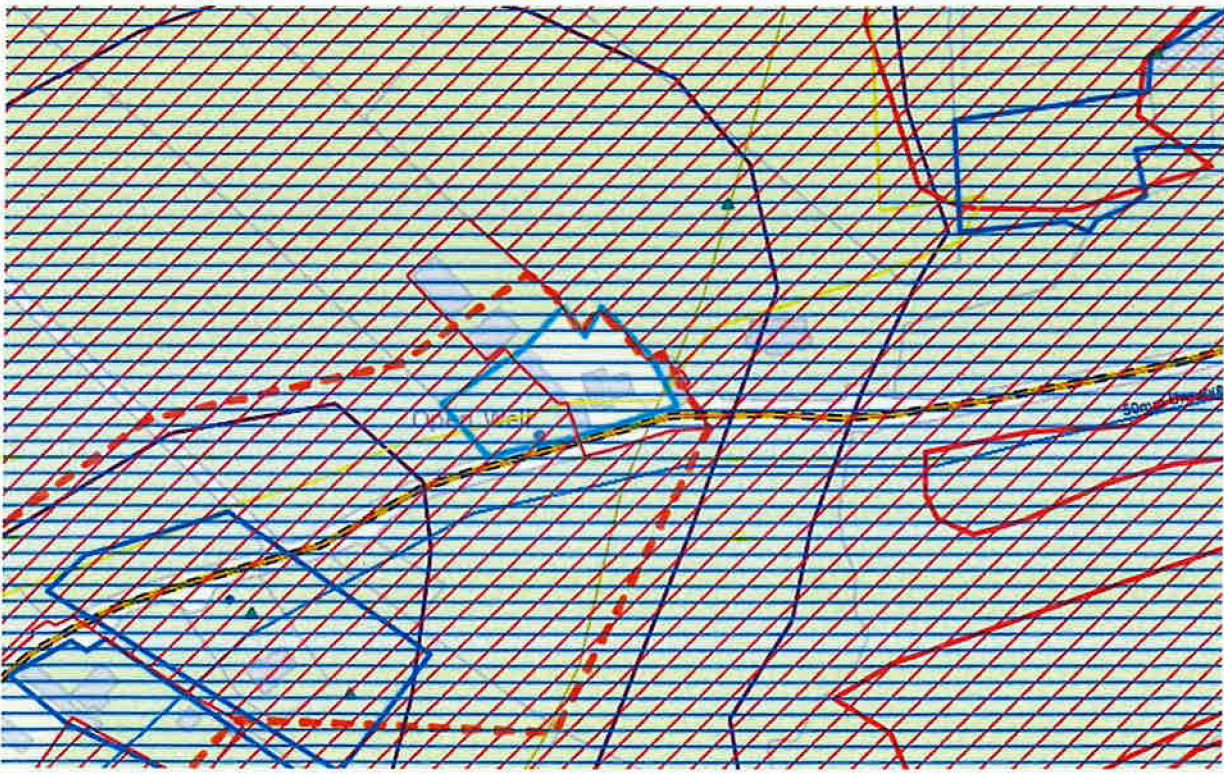
Planning File Reference	R25-100
Applicant Name	Scanlan
Development Location	Poulroe Kilkeedy
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Alterations to dwelling and shed	
	

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
East Burren Complex SAC	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Turloughs [3180]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion</p>	Adjacent

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	albae) [91E0] Euphydryas aurinia (Marsh Fritillary) [1065] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	Yes
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	Potential impacts on bat species and water quality

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Appropriate Assessment Screening Determination	
Planning File Reference	R25-100
Proposed Development	Rural dwelling alterations and extension
Development Location	Poulroe Kilkeedy
European sites within impact zone	As per report
Description of the project	
1. The conversion of an adjoining residential water tank to a habitable room, 2. The extension to the rear of the house (within 40sqm as shown in green on the drawings), 3. The conversion of part of the adjoining shed to a home office, and 4. The construction of a dormer window on the rear face of the roof to the existing first floor bedroom development,	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Potential impacts on bat roosts and water quality	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Further information would be required on these issues	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	
(b) There is no potential for significant effects to European Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010 ⁵	
Completed By	John O'Sullivan
Date	15 th December 2025

affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.















COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

John Scanlan
C/o GAAN Architects Ltd
2 Carn Road
Newry
Co. Down
Northern Ireland
BT35 8QZ

01/12/2025

Section 5 referral Reference R25-100 – John Scanlan

Are the following series of works to a dwelling house in Poulroe, Tubber, Co. Clare including ; the conversion of an adjoining residential water tank to a habitable room, an extension to rear of house (with 40m² as shown in green on the drawings), conversion of part of adjoining shed to home office, construction of dormer window on rear face of roof to existing first floor bedroom development and if so, are they exempted development?

A Chara,

I refer to your application received on 1st December 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
Clerical Officer

Planning, Placemaking & Economic Development

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



COMHAIRLE
CONTAE
AN CHLÁIR



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

01/12/2025 14:56:00

Receipt No. : L1CASH/0/387574
***** REPRINT *****

JOHN SCANLAN
c/o GAAN Architects Ltd, 2 Cam
Road, Newry, Co Down, N Ireland,
BT35 8QZ
REF. R25-100

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 - Colm Murphy
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
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-100

**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	John Scanlan <hr/> Kilkeedy, Tubber <hr/> Co. Clare <hr/> H91 XW2H <hr/>
(b) Telephone No.:	<hr/>
(c) Email Address:	<hr/>
(d) Agent's Name and address:	GAAN Architects Ltd <hr/> 2 Carn Road, Newry <hr/> Co. Down, N. Ireland <hr/> BT35 8QZ <hr/>



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?*

Are the following series of works to a dwelling house in Poulroe, Tubber, Co. Clare exempted development - the works include; the conversion of an adjoining residential water tank to a habitable room, an extension to rear of house (with 40sqm as shown in green on the drawings) conversion of part of adjoining shed to home office, construction of dormer window on rear face of roof to existing first floor bedroom.

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

The existing house is in need of extensive renovation and modernisation, to include repairs, additional insulation, creation of more Ground floor level accessible rooms and better natural lighting for improvement of the interior environment and for reasons of passive solar heating.

As part of this we seek to make the most effective use of the existing envelope to create a home which will function for the owner now and into the future as he ages. Creating a space for him within the rural community into which he was born.

The house currently has an adjoining concrete water tank which was used as the supply water to the house, this is no longer the case. We wish to change this to a habitable room to extend the living space of the ground floor of the house allowing for the space to be more usable as the occupants age, designing with lifetime homes in mind. This is to be continued to create an extension to the rear which can contain a level access bedroom to life time homes standard.

Along side this we propose to use part of the existing adjoining vernacular shed as a home office on the same level - to allow the occupant work from home and be a part of the local community he grew up in.

In order to provide better light to the existing first floor bedrooms we propose the addition of a dormer window on the rear face of the roof.

All extension works to the house is within the 40sqm green area as illustrated on the 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)

Site location map, Site location plan, Site layout - existing, site layout - proposed, Ground floor plan, First floor plan, Roof plan, Existing & Proposed elevations, Existing & Proposed sections

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>Kilkeedy, Tubber</p> <p>Co. Clare</p> <p>H91 XW2H</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> <p>Land registry certificate included</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>Yes</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>Yes</p> <p>Planning granted may 1965 for reconstruction of house Ref 263</p>
(h) Date on which 'works' in question were completed/are likely to take place:	<p>Mid Spring 2026</p>

SIGNED:



AGENT

GAAN Architects Ltd
2 Carn Road, Newry
Co. Down, N. Ireland
BT35 8QZ

DATE: 27th November 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:	

SITE PHOTOS

House in Poulroe, Tubber, Co. Clare



Water Tank

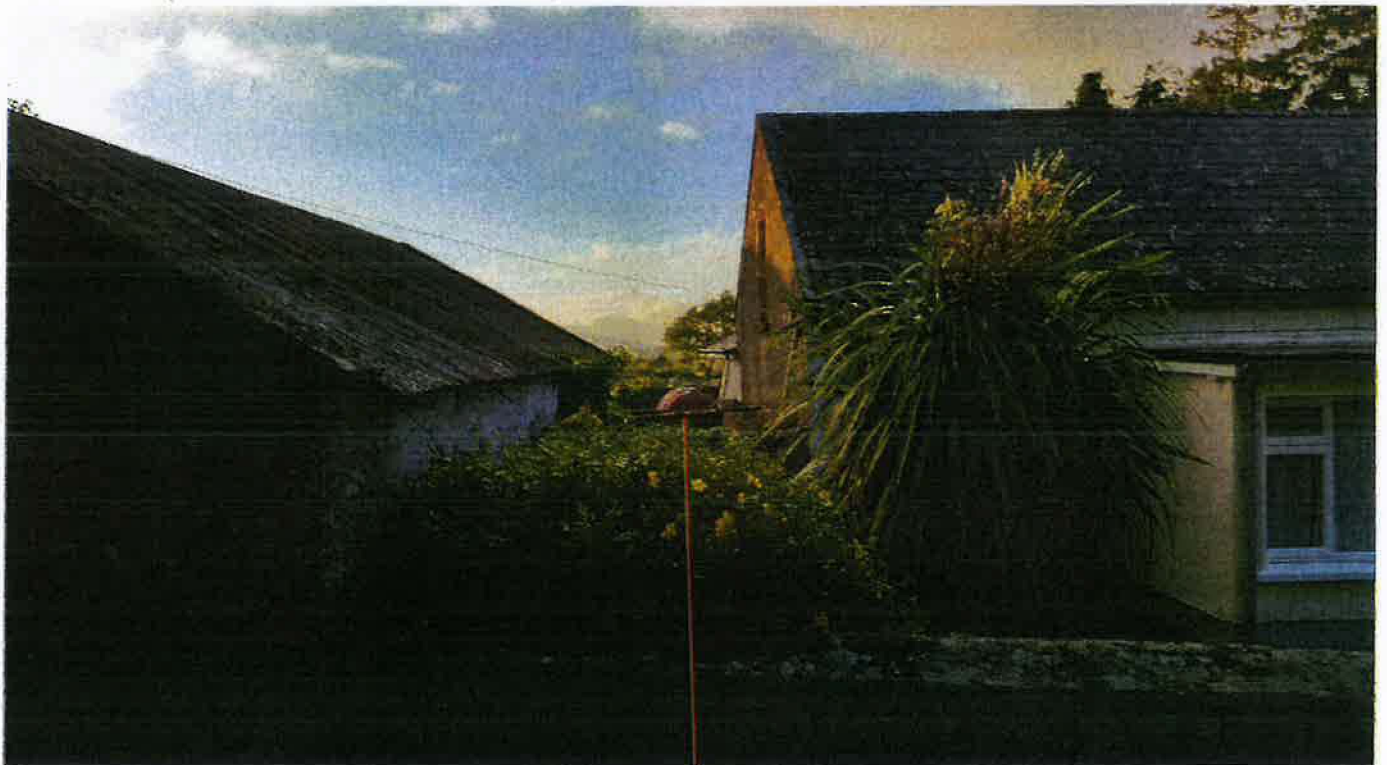


SITE PHOTOS

House in Poulroe, Tubber, Co. Clare



Water Tank



Water Tank

SITE PHOTOS

House in Poulroe, Tubber, Co. Clare

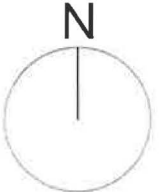
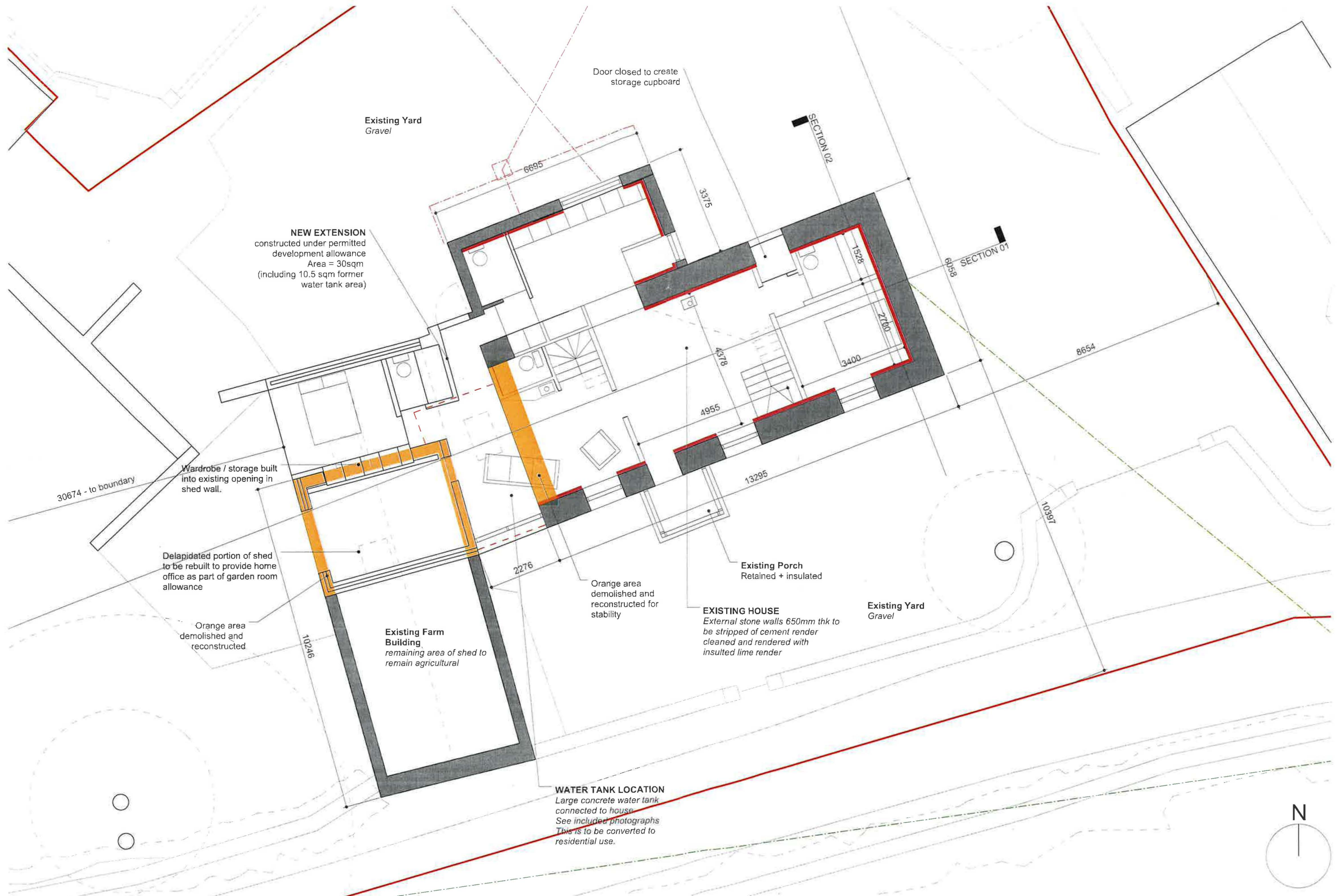


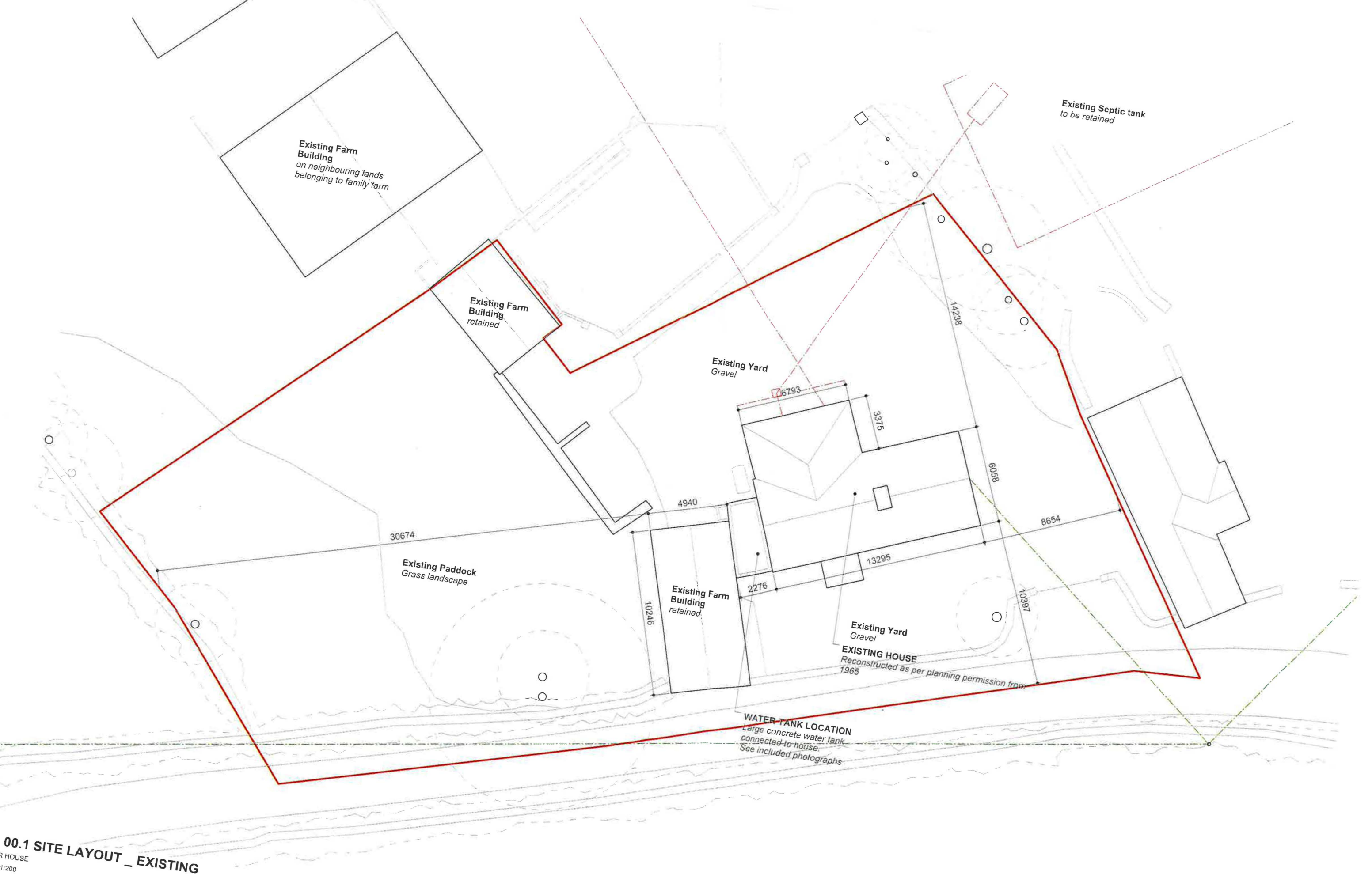
SITE PHOTOS

House in Poulroe, Tubber, Co. Clare



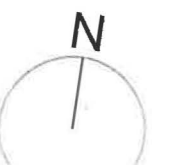
TE LAYOUT _ PROPOSED





00.1 SITE LAYOUT _ EXISTING

R HOUSE
1:200

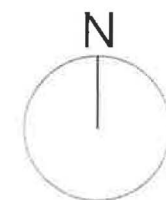




061 00.0 SITE LOCATION PLAN

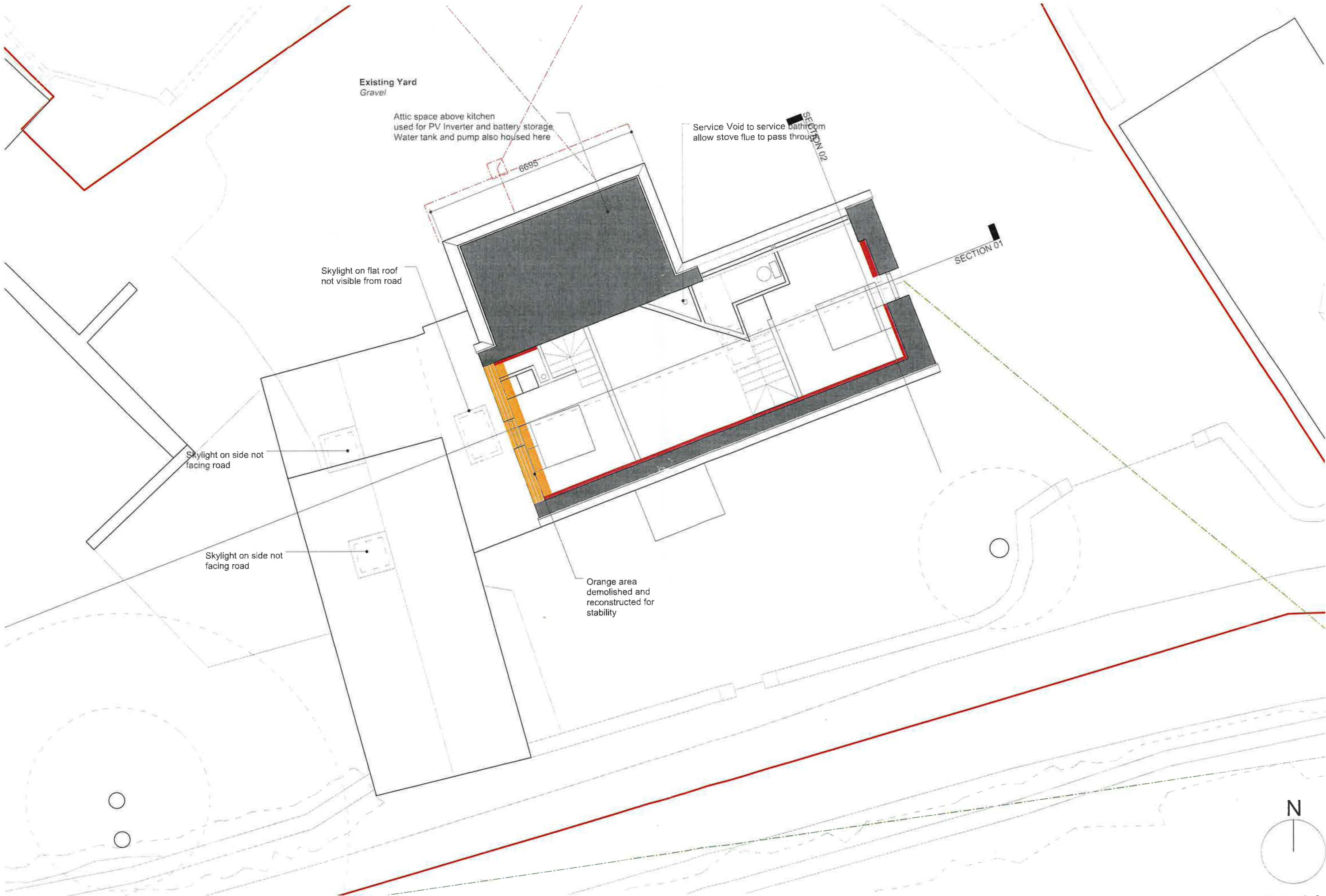
TUBBER HOUSE
SCALE 1:1000

ISSUED for CERTIFICATE OF EXEMPTION
2025_1117



GAAN

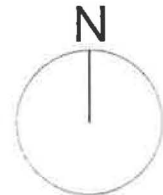
e, info@gaanarchitects.com



061 01.3 FIRST FLOOR PLAN_PROPOSED

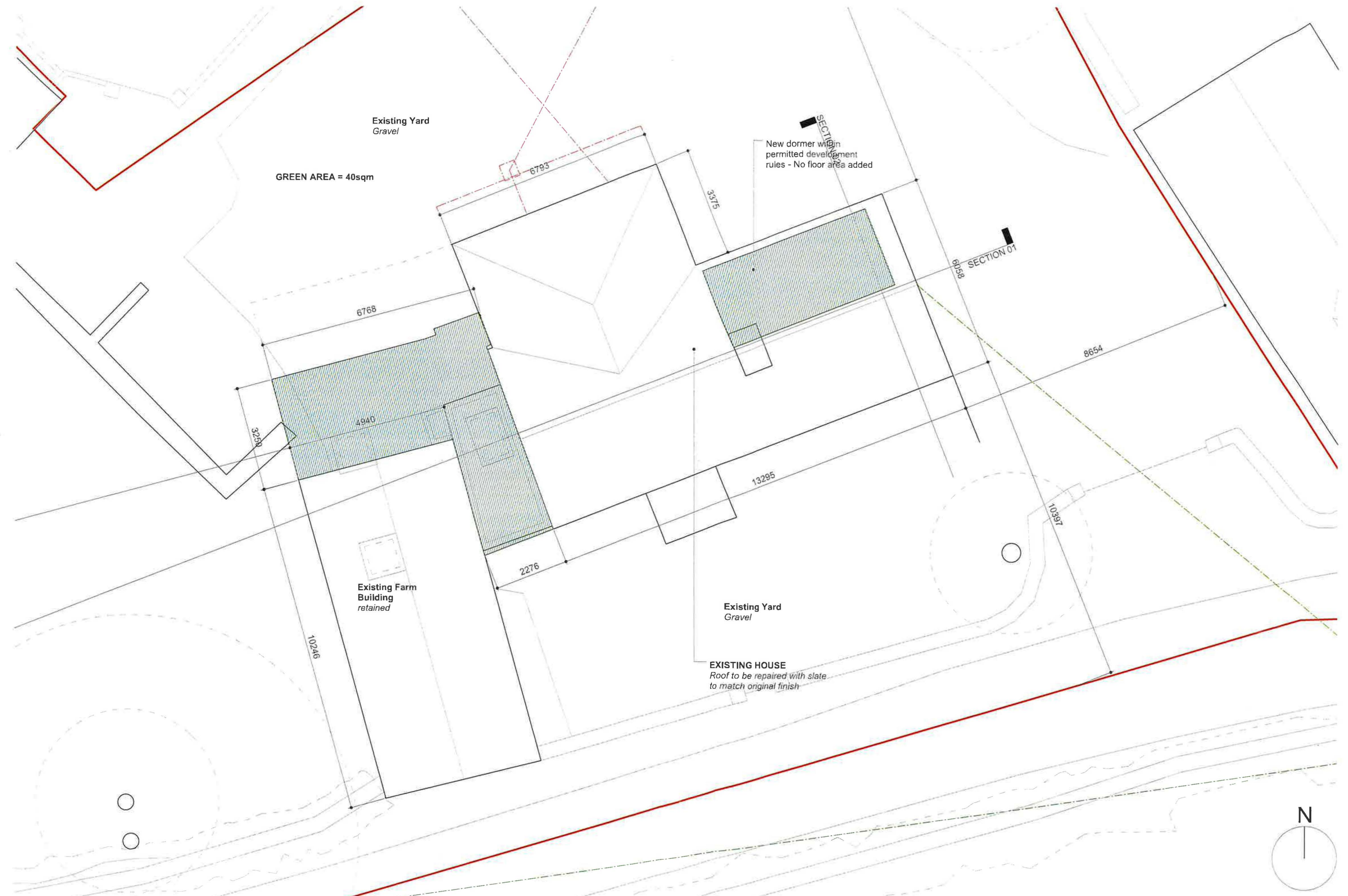
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ISSUED for CERTIFICATE OF EXEMPTION
2025_1117



GAAN

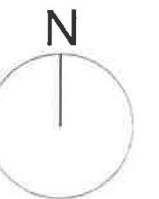
e. info@gaanarchitects.com



061 01.4 ROOF PLAN_PROPOSED

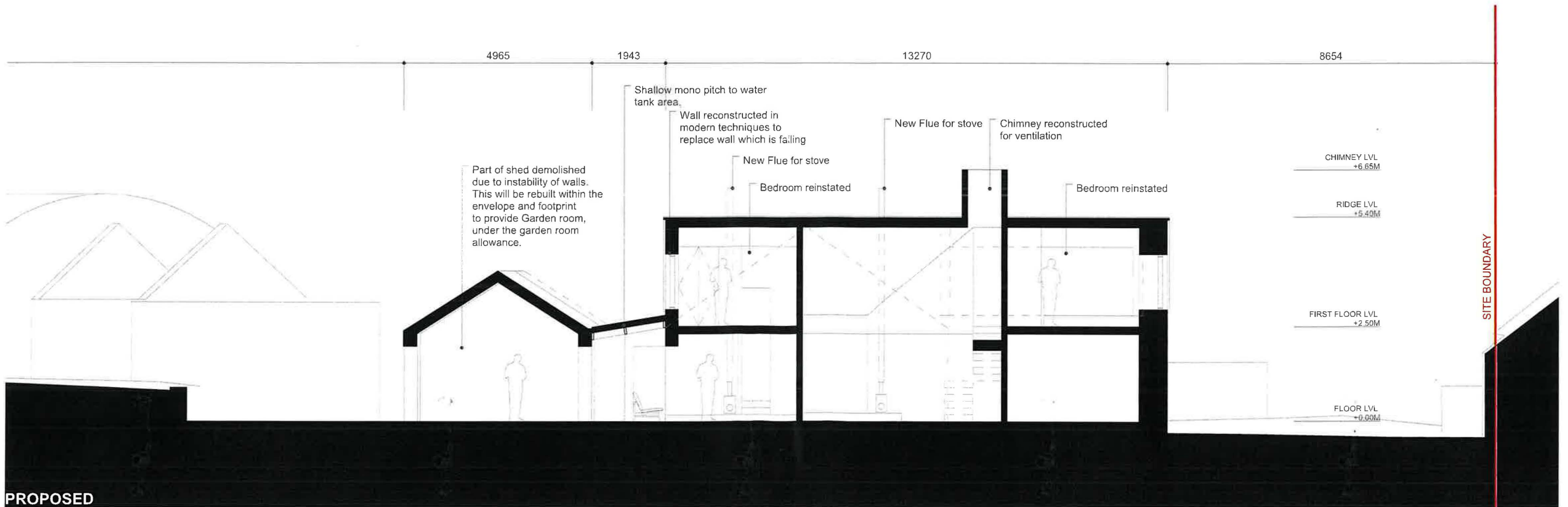
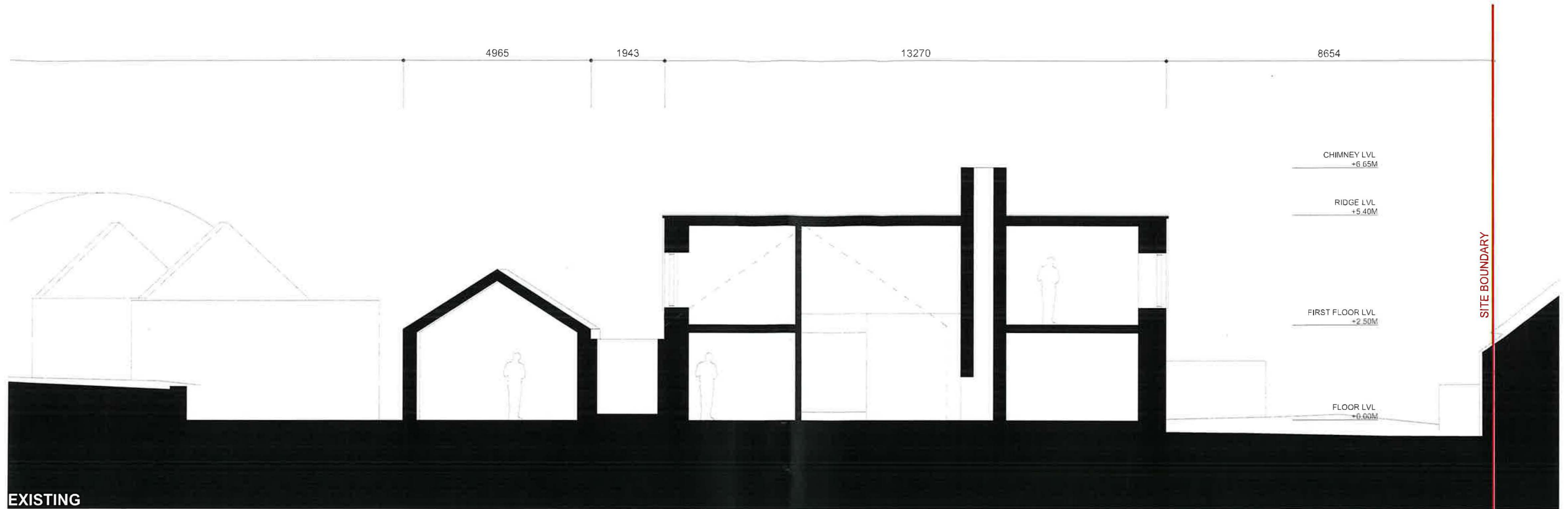
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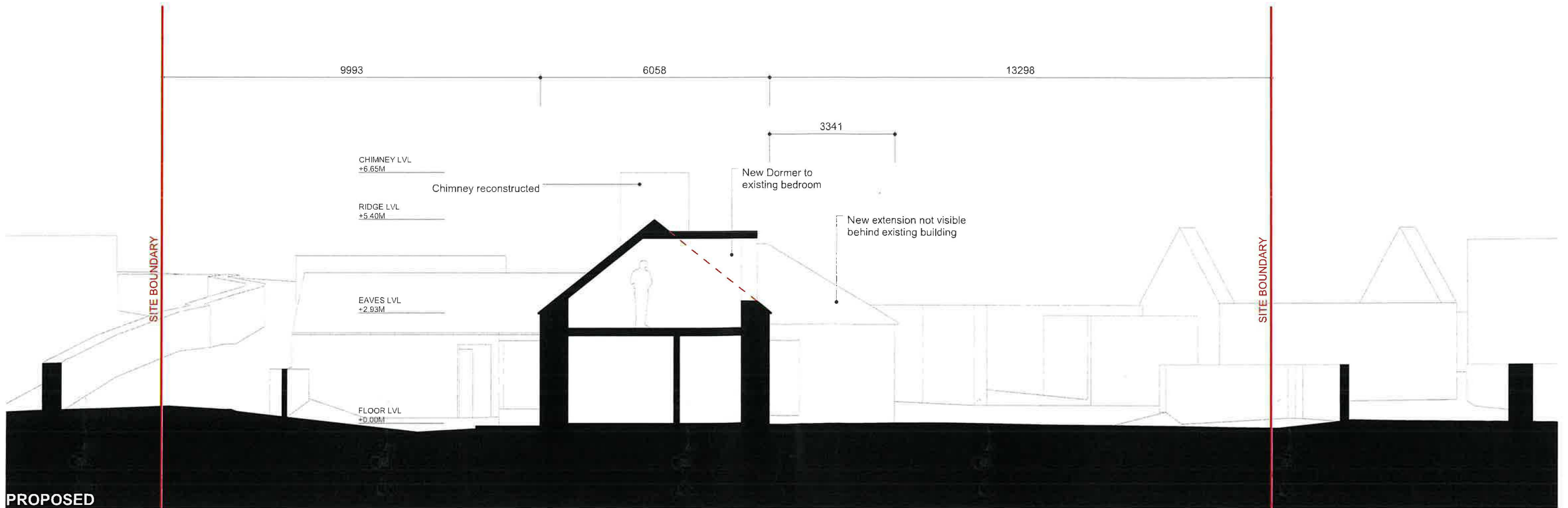
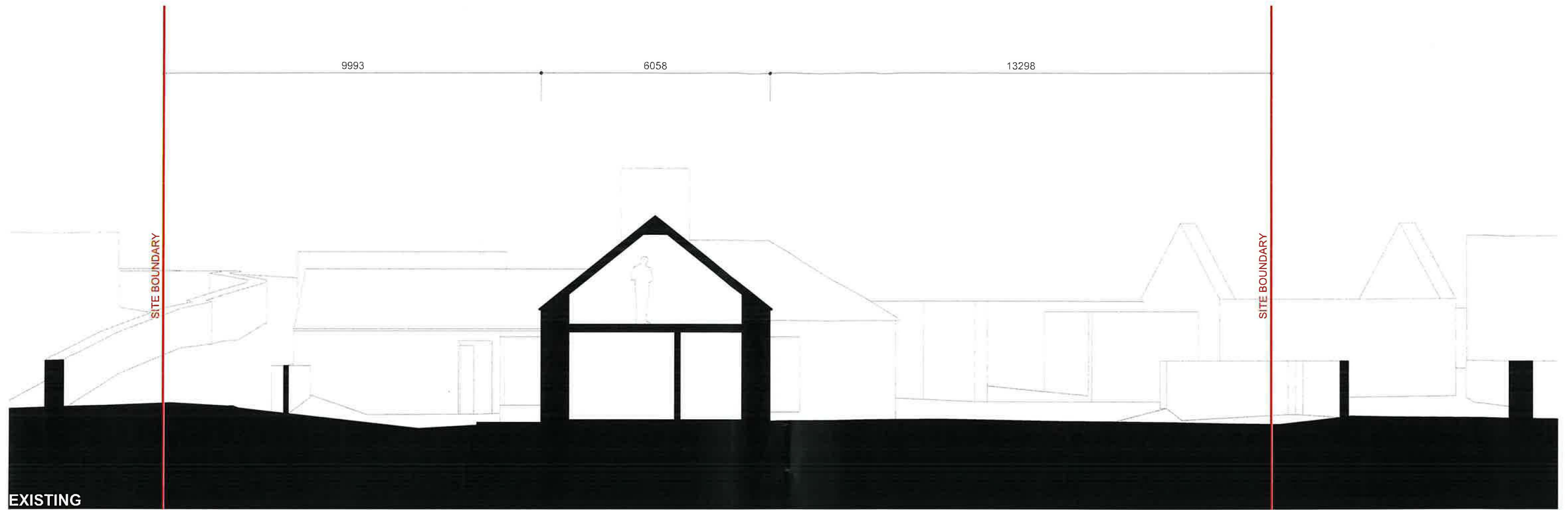
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2025_1117

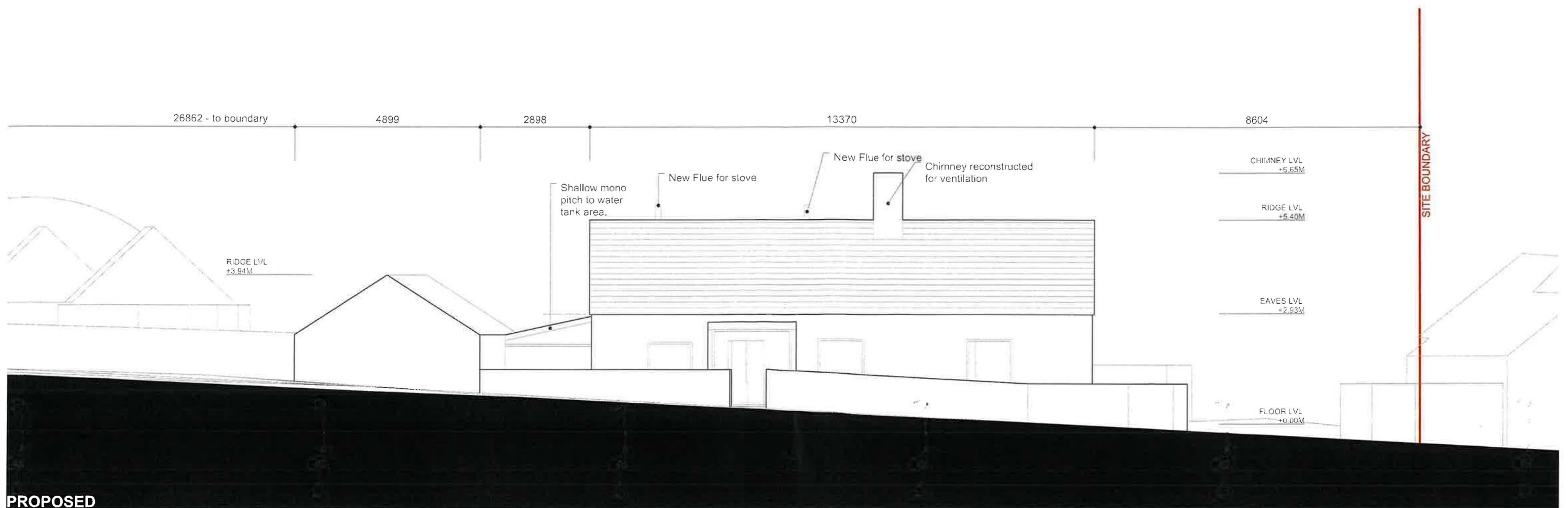
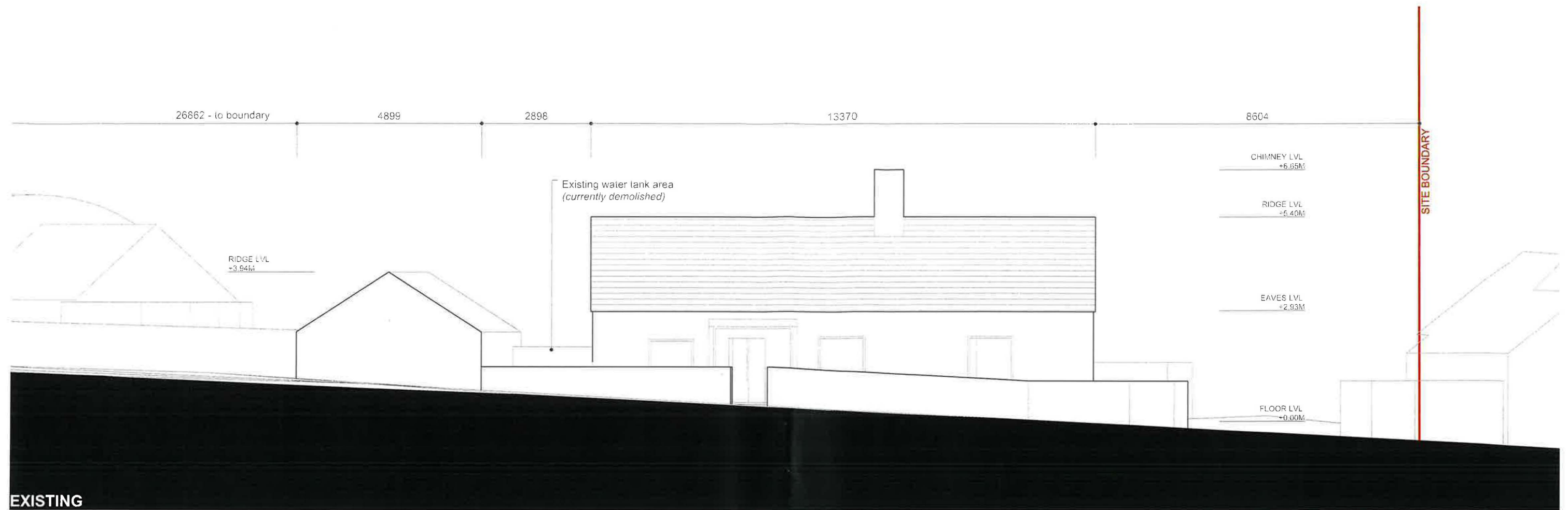


GAAN

e. info@gaanarchitects.com





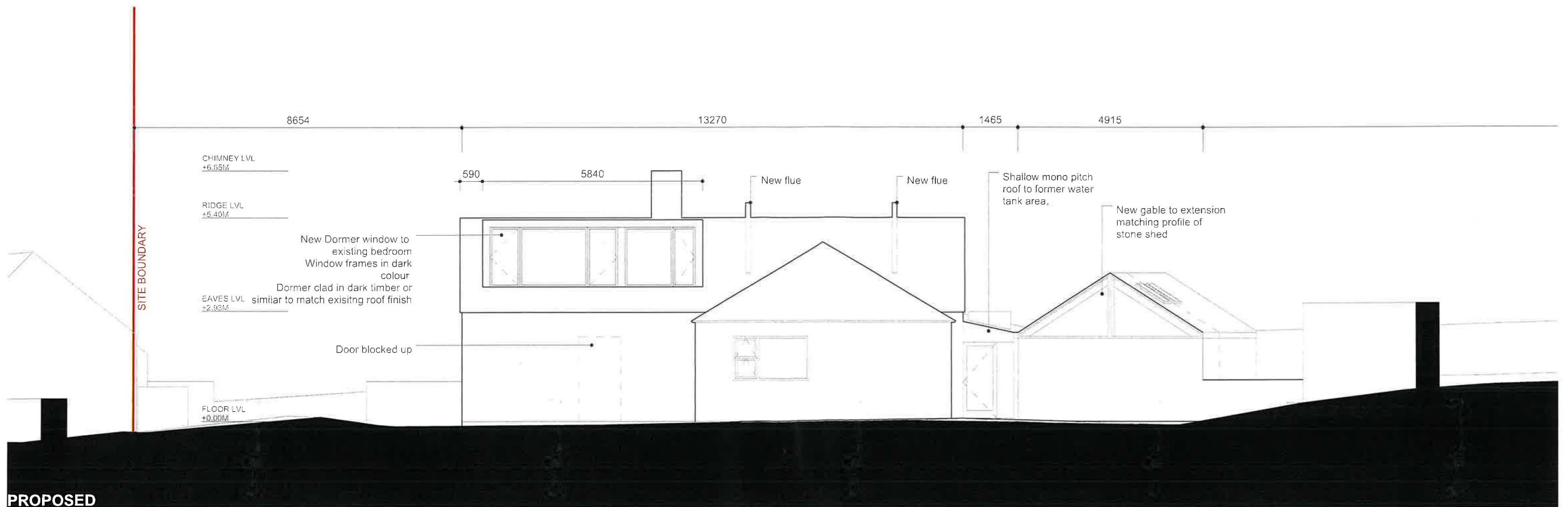
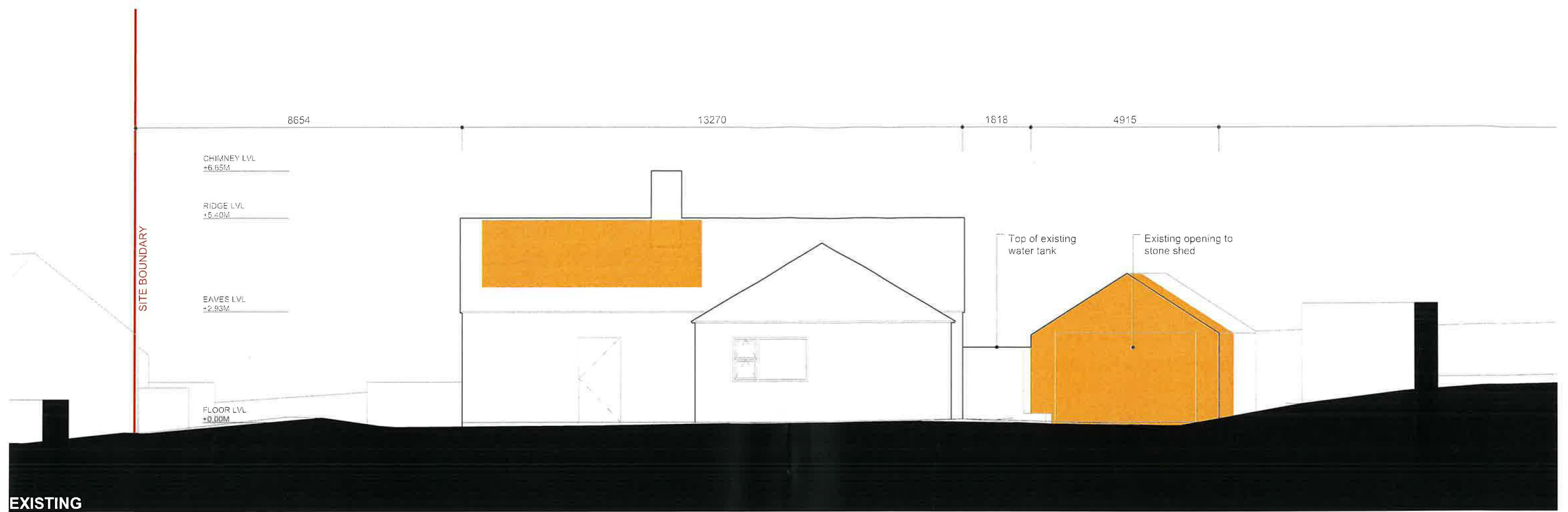


061 03.1 SOUTH ELEVATION

TUBBER HOUSE
SCALE 1:100

ISSUED for CERTIFICATE OF EXEMPTION
2025_1117

GAAN
e. info@gaanarchitects.com



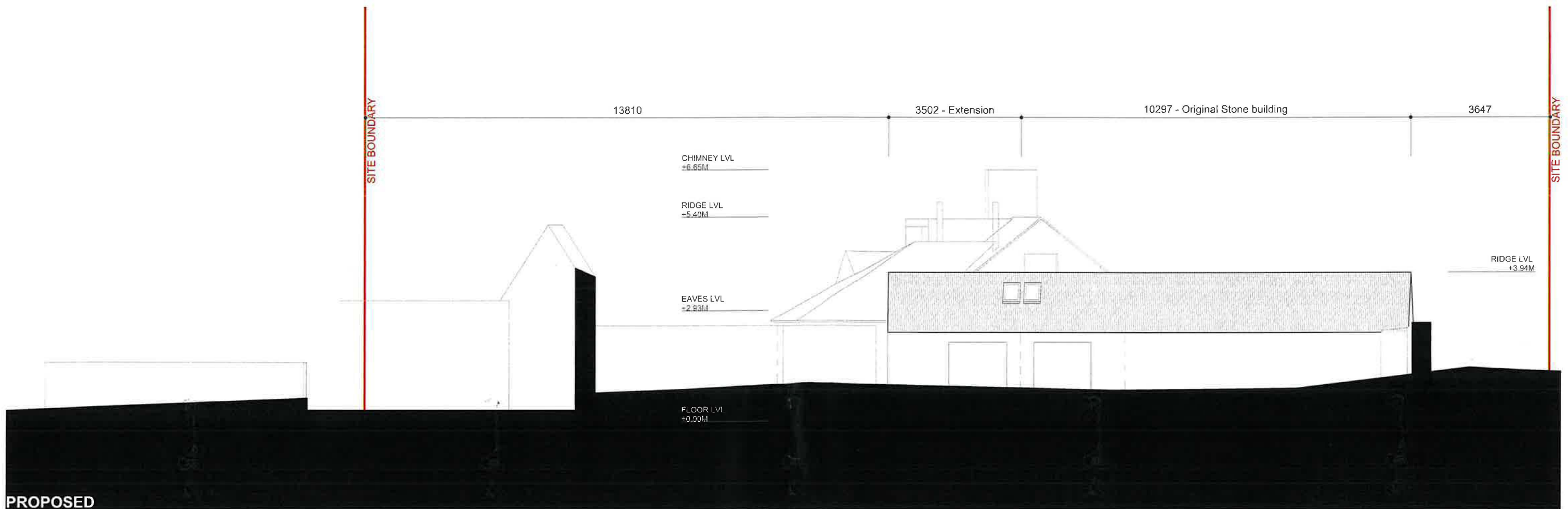
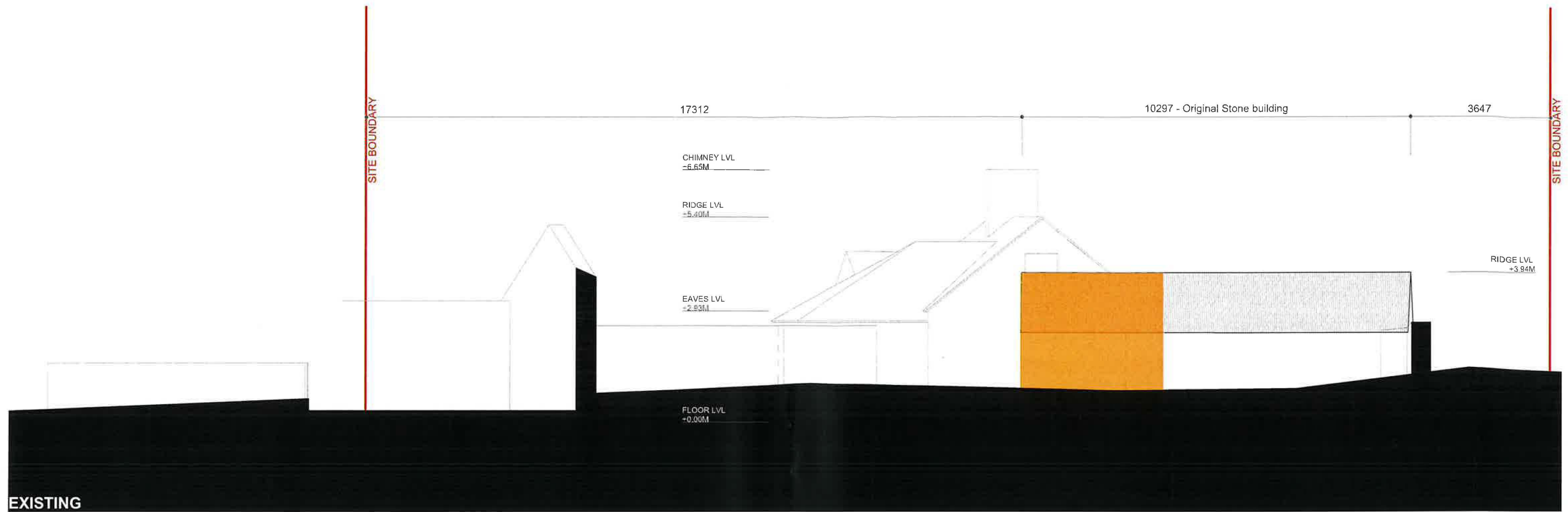
061 03.2 NORTH ELEVATION

TUBBER HOUSE
SCALE 1:100

ISSUED for CERTIFICATE OF EXEMPTION
2025_1117

GAAN

e. info@gaanarchitects.com

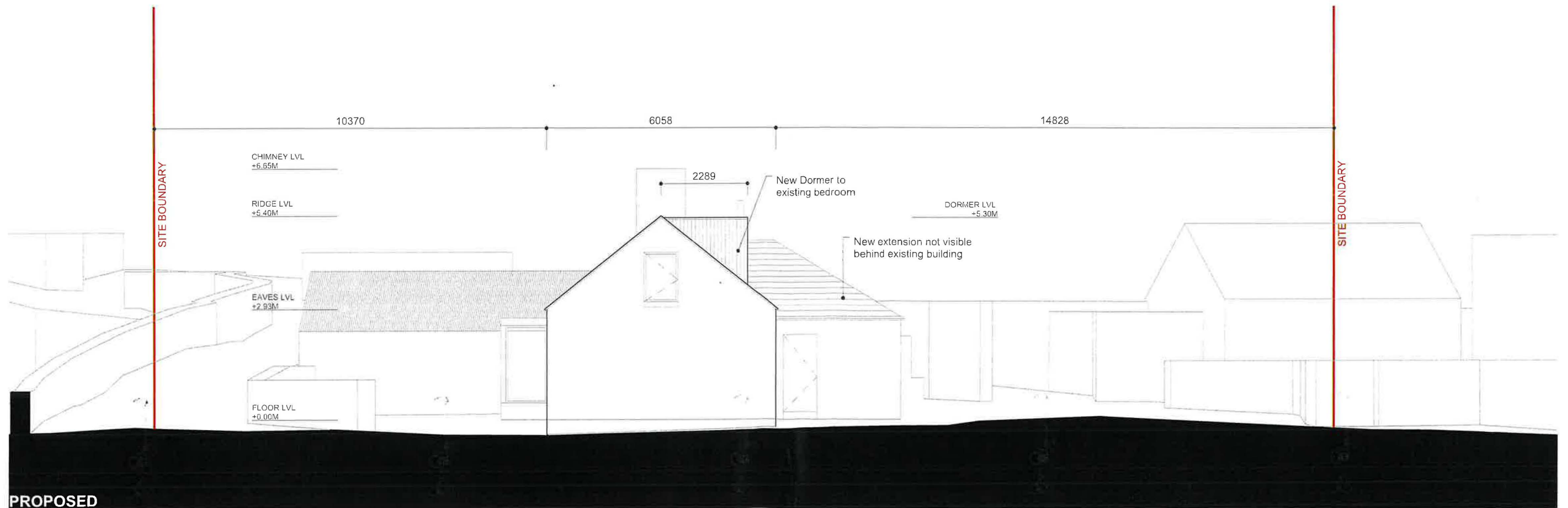
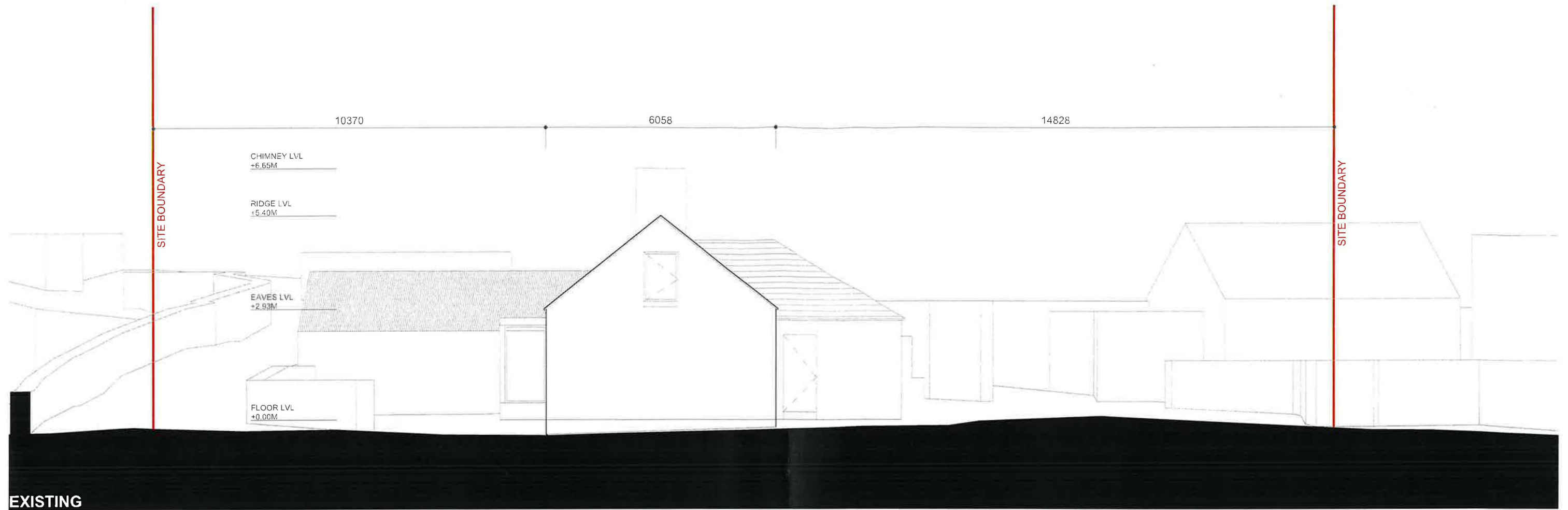


PROPOSED
061 03.3 WEST ELEVATION

TUBBER HOUSE
 SCALE 1:100

ISSUED for CERTIFICATE OF EXEMPTION
 2025_1117

GAAN
 e. info@gaanarchitects.com



061 03.4 EAST ELEVATION

TUBBER HOUSE
SCALE 1:100

ISSUED for CERTIFICATE OF EXEMPTION
2025_1117

GAAN
e. info@gaanarchitects.com