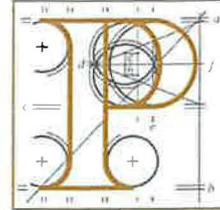


**Our Case Number:** ABP-318275-23

**Planning Authority Reference Number:** R23-76



An  
Bord  
Pleanála

Clare County Council  
C/O Anne O'Gorman, Planning Department, Economic Development Directorate  
Áras Contae an Chláir  
New Road  
Ennis  
Co. Clare

**Date:** 06 NOV 2024

**Re:** Question 1: Whether the partial/incidental use of a room within dwelling house on the part ground floor for part-time art school is incidental to the enjoyment of the dwelling house and as such, does not come within the scope of Section 4 (1) (j) of the Planning and Development Act, 2000 (as amended) and the character of the residence has not altered from the intensification of the use is or is not development or is or is not exempted development.  
Question 2: Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?  
4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare.

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

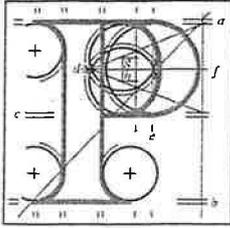
Rory Kelleedy  
Executive Officer

RL100n



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Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An  
Bord  
Pleanála

Board Order  
ABP-318275-23

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: R23-76**

**WHEREAS** a question has arisen as to whether (1) the partial/incidental use of a room within a dwelling house on the part ground floor for part-time art school is incidental to the enjoyment of the dwelling house and as such, does not come within the scope of Section 4(1)(j) of the Planning and Development Act 2000, as amended, and the character of the residence has not altered from the intensification of the use at 4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, County Clare is or is not development or is or is not exempted development; and, (2) whether the current warning letter dated 24<sup>th</sup> February 2023 is a completely new issue that should not be linked to file UD17-056?

**AND WHEREAS** Carmel Doherty requested a declaration on the said question from Clare County Council and the said Council did not issue a declaration:

**AND WHEREAS** Clare County Council referred these questions to An Bord Pleanála, on the 19<sup>th</sup> day of October 2023:

**AND WHEREAS** An Bord Pleanála reconfigured the question to read  
“Whether the use of a room within a dwelling as a part-time art school is or is not development or is or is not exempted development”

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the scale and nature of the art school use, and the availability of access to the premises by visiting members of the public, and
- (e) the impact on the character of the residential area resulting from general activity associated with the art school use, and including parking and traffic generation, as observed by the Inspector during her site visit

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the use of a room within a dwelling as a part-time art school does not constitute use as a house as defined at Section 2(1) of the Planning and Development Act, 2000, as amended, and therefore such use is a change of use;
- (b) the change of use from use as part of a house to use as a part-time art school, raises issues which are material in relation to the proper planning and sustainable development of the area and this change of use constitutes a material change of use having regard to the considerations outlined above and is therefore development;

- (c) the development does not come within the scope of Section 4(1)(j) of the Planning and Development Act, 2000, as amended, as the use as an art school in this instance is not considered incidental to the enjoyment of the house;
- (d) there are no other provisions in the Act or Regulations whereby such development would be exempted in this instance

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the use of a room within a dwelling as a part-time art school, at 4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, County Clare is development and is not exempted development.

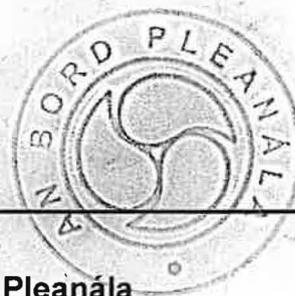
It is further noted that the referrer sought a determination on a second question. This question relates to an enforcement matter, which is not a valid matter for determination in accordance with the provisions of section 5 of the Planning and Development Act 2000, as amended, and the Board decided not to issue a determination in relation to that specific issue.



---

Liam McGree

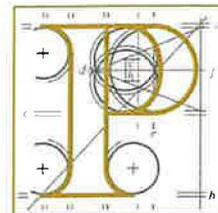
**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this 05 day of November 2024.

**Our Case Number:** ABP-318275-23

**Planning Authority Reference Number:** R23-76



An  
Bord  
Pleanála

Clare County Council  
C/O Anne O'Gorman, Planning Department, Economic Development Directorate  
Áras Contae an Chláir  
New Road  
Ennis  
Co. Clare  
V95DXP2

**Date:** 22 May 2024

**Re:** Question 1: Whether the partial/incidental use of a room within dwelling house on the part ground floor for part-time art school is incidental to the enjoyment of the dwelling house and as such, does not come within the scope of Section 4 (1) (j) of the Planning and Development Act, 2000 (as amended) and the character of the residence has not altered from the intensification of the use is or is not development or is or is not exempted development.

Question 2: Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare.

Dear Sir / Madam,

I have been asked by the Board to refer to the above-mentioned case and in particular, to the Board's notice to you under section 126 of the Planning and Development Act 2000, in which it was indicated that the Board intended to determine this case before 23rd May 2024.

I regret to inform you that, the Board will not now be in a position to determine the case before that date.

There has been a significant turnover of personnel at board level in the organisation over recent months which has resulted in severely restrained capacity at board level and a consequent backlog of cases for determination. The replacement of board members and recruitment of additional overall staff resources is progressing and will provide the necessary capacity to address current delays in determining cases.

This case will be determined as soon as practicable.

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

The delay in determining the case is regretted.

Yours faithfully,

*P.P. Louisa Grady Lawlor*

Karen Hickey  
Executive Officer  
Direct Line: 01-8737295

BPRL91A

Tell  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

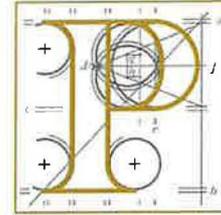
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64 Marlborough Street  
Dublin 1  
D01 V902

**Our Case Number:** ABP-318275-23

**Planning Authority Reference Number:** R23-76



**An  
Bord  
Pleanála**



Clare County Council  
Planning Department  
New Road  
Ennis  
Co. Clare

**Date:** 22 May 2024

**Re:** Question 1: Whether the partial/incidental use of a room within dwelling house on the part ground floor for part-time art school is incidental to the enjoyment of the dwelling house and as such, does not come within the scope of Section 4 (1) (j) of the Planning and Development Act, 2000 (as amended) and the character of the residence has not altered from the intensification of the use is or is not development or is or is not exempted development.  
Question 2: Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?  
4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare.

Dear Sir / Madam,

I have been asked by the Board to refer to the above-mentioned case and in particular, to the Board's notice to you under section 126 of the Planning and Development Act 2000, in which it was indicated that the Board intended to determine this case before 23rd May 2024.

I regret to inform you that, the Board will not now be in a position to determine the case before that date.

There has been a significant turnover of personnel at board level in the organisation over recent months which has resulted in severely restrained capacity at board level and a consequent backlog of cases for determination. The replacement of board members and recruitment of additional overall staff resources is progressing and will provide the necessary capacity to address current delays in determining cases.

This case will be determined as soon as practicable.

**Teil**  
**Glaó Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

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D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

The delay in determining the case is regretted.

Yours faithfully,

*P.P. Laura Gandy dandy*

Karen Hickey  
Executive Officer  
Direct Line: 01-8737295

BPRL91A

**Teil**  
**Glaio Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel**  
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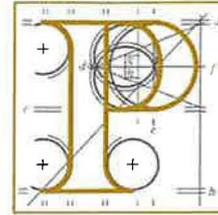
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Dublin 1  
D01 V902

**Our Case Number:** ABP-318275-23

**Planning Authority Reference Number:** R23-76



**An  
Bord  
Pleanála**



Clare County Council  
Planning Department  
New Road  
Ennis  
Co. Clare

**Date:** 29 February 2024

**Re:** Question 1: Whether the partial/incidental use of a room within dwelling house on the part ground floor for part-time art school is incidental to the enjoyment of the dwelling house and as such, does not come within the scope of Section 4 (1) (j) of the Planning and Development Act, 2000 (as amended) and the character of the residence has not altered from the intensification of the use is or is not development or is or is not exempted development.

Question 2: Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above mentioned referral.

In accordance with section 126(2)(a) of the Planning and Development Act, 2000, (as amended), it is a statutory objective of the Board to ensure that every referral received is determined within 18 weeks beginning on the date of receipt of the referral. Where it appears to the Board that it would not be possible or appropriate to determine a referral within this period, a notice must be sent to the parties to the referral in accordance with section 126(3)(a) of the 2000 Act, (as amended).

The Board hereby serves notice under section 126(3)(a) that it will not be possible to determine the case within the statutory objective period due to a backlog of cases.

The Board now intends to determine the above referral before **23rd May 2024**. The Board will take all such steps as are open to it to ensure that the referral is determined before that date.

Yours faithfully,

*P.P. Laura Grady Lawlor*

Karen Hickey  
Executive Officer  
Direct Line: 01-8737295

BPRL90 Registered Post

Teil	Tel	(01) 858 8100
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Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**REGISTERED POST**  
**The Secretary**  
**An Bord Pleanála**  
**64 Marlborough Street,**  
**Dublin 1,**  
**D01 V902**

**2<sup>nd</sup> November 2023**

**An Bord Pleanála Reference Number: ABP-318275-23**

**Section 5 referral Reference R23-76 – Carmel Doherty**

Q1. Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the PDA 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted development? Q2. Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

Dear Sir/Madam,

I refer to the above and **enclose** herewith all documents as requested in your submission dated 23<sup>rd</sup> October 2023.

1.
  - (i) Planning Permission was granted for the particular site as part of the planning permission (Ennis Town Council) P04/107. Please see attached conditions and final grant for same. I have also included the final grant and conditions for (Ennis Town Council) files P98/112 & P98/254 which also relate to Woodhaven estate.
  - (ii) There has been numerous correspondence between the parties involved as this particular section 5 referral relates to an enforcement issue. Please see attached a copy of the enforcement warning letter. Please note that we can furnish you with aspects of the enforcement file if you require this.
  - (iii) Please see attached Land registry details setting out the ownership. The occupier is Carmel Doherty.
  - (iv) The referral was due to be issued on Friday 20<sup>th</sup> October 2023.

Yours sincerely,

**An Roinn Pleanála**  
**An Stiúarthóireacht 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



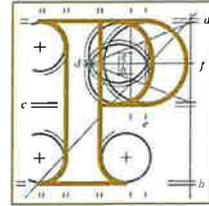


**Brian Fahy**  
**Planning Department**  
**Economic Development Directorate**  
**Enc.**

**Note:** If you have any queries on the appeal, please contact the Planning Section, Clare County Council on telephone number (065) 6846382.

**Our Case Number:** ABP-318275-23

**Planning Authority Reference Number:** R23-76



**An  
Bord  
Pleanála**

Clare County Council  
C/O Anne O'Gorman, Planning Department, Economic Development Directorate  
Áras Contae an Chláir  
New Road  
Ennis  
Co. Clare  
V95DXP2

**Date:** 20 October 2023

**Re:** Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of dwelling house and as such does not come within the scope of Section 4 (1) (j) of the PDA 2000 as amended and the character of my residence has not altered from the intensification of the use is development, and if so is it exempted development? Q2. Whether the current warning letter dated 24th February 2023 is a completely new issued that should not be linked to file UD17-056?  
4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare.

Dear Sir / Madam,

An Bord Pleanála has received your referral and will consider it under the Planning and Development Act, 2000, (as amended). A receipt for the fee lodged is enclosed.

Please note that under section 127(3) of the Planning and Development Act, 2000, (as amended), the person by whom the referral is made shall not be entitled to elaborate in writing upon or make further submissions in writing in relation to the grounds of the referral unless requested to do so by An Bord Pleanála.

Yours faithfully,

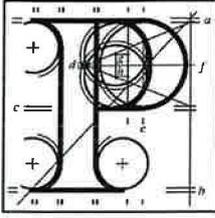
Daniel Moore  
Administrative Assistant  
Direct Line:

BPRL01

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**Glaó Áitiúil** 1800 275 175  
**Facs** (01) 872 2684  
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An  
Bord  
Pleanála

Táille Reachtúil  
Statutory Receipt

<b>Ainm an Chustaiméara:</b> <b>Name of Customer:</b>	Clare County Council
<b>Gníomhaire:</b> <b>Agent:</b>	
<b>Íocaíocht Faighte:</b> <b>Payment Received:</b>	€110
<b>Modh Íocaíochta:</b> <b>Payment Method:</b>	Money Order
<b>Uimh. Aitheantais Lóisteála:</b> <b>Lodgement ID:</b>	LDG-067722-23
<b>Cineál na Lóisteála:</b> <b>Lodgement Type:</b>	Referral
<b>Iarratas ar éisteacht ó bhéal</b> <b>Oral Hearing Request:</b>	No
<b>Dáta Faighte:</b> <b>Date Received:</b>	19/10/2023
<b>Faighte ag:</b> <b>Received by:</b>	Aisling Litster

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COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**REGISTERED POST**  
The Secretary  
An Bord Pleanála  
64 Marlborough Street,  
Dublin 1,  
D01 V902

18<sup>th</sup> October 2023

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>067722-23</u>
ABP-	_____
19 OCT 2023	
Fee: €	<u>110</u> Type: <u>PMO</u>
Time: <u>9.45am</u>	By: <u>REG. POST</u>

**Section 5 referral Reference R23-76 – Carmel Doherty**

Q1. Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the PDA 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted development? Q2. Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

A Chara,

The Planning Authority has received a Section 5 declaration with respect to the above works.

I wish to advise that the Planning Authority has not made a declaration in this instance and is now referring the matter to An Bord Pleanála for a determination under Section 5(4) of the Planning and Development Act, 2000, as amended.

The Planning Authority is referring the Section 5 declaration as received on the 26<sup>th</sup> September 2023 but we do not believe that Question 2 is a valid question that can be considered under the Section 5 declaration process.

I attach relevant details in relation to same along with fee of €110.00 for the referral.

Mise, le meas

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

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

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



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

<b>FILE REF:</b>	<b>R23-76</b>
<b>APPLICANT(S):</b>	<b>Carmel Doherty</b>
<b>REFERENCE:</b>	<b><u>Question 1:</u> Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the Planning and Development 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted</b>
	<b><u>Question 2:</u> Whether the current warning letter dated 24<sup>th</sup> February 2023 is a completely new issue that should not be linked to file UD17-056?</b>
<b>LOCATION:</b>	<b>4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare</b>
<b>DUE DATE:</b>	<b>20<sup>th</sup> October 2023</b>

**Site Location**

The site is located at 4 Woodhaven Drive, Woodhaven, Kilrush Road, Ennis, Co. Clare which is located in an established residential development. Accessed via L-46382, the site comprises of an existing, detached, two storey dwellinghouse with well-maintained gardens.

**Recent Onsite Planning History**

- UD17-56 – unauthorised art school within dwellinghouse at 4 Woodhaven Drive, Kilrush Road, Ennis, Co. Clare.

**Assessment**

**Basis of Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Carmel Doherty, who are the stated owner of the property.

The applicant is seeking a Section 5 Declaration as to 1) *Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the*

*enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the Planning and Development 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted and 2) whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?*

### **Assessment**

In this case there is an open and active unauthorised development file in relation this property and in relation to the activity as to which the applicant is seeking a Section 5 declaration.

Having regard to the nature of the Section 5 request and noting that there is an existing unauthorised development file open on this property, it is considered appropriate that this Section 5 Referral be referred to An Bord Pleanála for determination in accordance with Section 5(4) of the Planning and Development Act 2000, as amended.

### **Recommendation**

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

The applicant is seeking a Section 5 Declaration as to:

- Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the Planning and Development 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted?
- Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

1. Having regard to the nature of the Section 5 request and noting that there is an existing unauthorised development file open on this property, it is considered appropriate that this Section 5 Referral be referred to An Bord Pleanála for determination in accordance with Section 5(4) of the Planning and Development Act 2000, as amended.

2. It is recommended that the referrer and the owner of the subject property be advised in writing that the Planning Authority has referred this Section 5 Referral to An Bord Pleanála for determination once this has been done.



**Graduate Planner**  
**Date: 16<sup>th</sup> October 2023**



---

**Senior Executive Planner**  
**Date: 17/10/23.**



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Carmel Doherty**  
**4 Woodhaven Drive, Woodhaven**  
**Kilrush Road**  
**Ennis**  
**Co. Clare**  
**V95 YFX3**

**27/09/2023**

**Section 5 referral Reference R23-76 – Carmel Doherty**

Q1. Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the PDA 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted development? Q2. Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

A Chara,

I refer to your application received on 26th September 2023 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 Stúirthóireacht Forbairt Gheilleagrach**

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

**Planning Department**  
**Economic Development Directorate**

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



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

27/09/2023 10:24:52

Receipt No. L1CASH/07334985  
\*\*\*\*\* REPRINT \*\*\*\*\*

CARMEL DOHERTY  
4 WOODHAVEN DRIVE  
WOODHAVEN  
KILRUSH ROAD  
ENNIS  
CO. CLARE V95 YFX3  
R23-76

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 - Patricia Quinlivan  
From : MAIN CASH OFFICE LODGEMENT A  
Vat reg No.0033043E

COMHAIRLE

CONTAE

AN CHLÁIR



PC 7

CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR

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

Telephone No. (065) 682 616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL

R23-76

**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>CARMEL DOWERTY  A WOODHAVEN DRIVE, WOODHAVEN,  KILLASH ROAD, ENNIS,  CO. CLARE. Eircode: V95YFX3</p>
(b) Telephone No.:	<p>087 901 1111</p>
(c) Email Address:	<p>carol.dowerty@clarecoco.ie</p>
(d) Agent's Name and address:	<p>N/A  EIRCODE:</p>

**2. DETAILS REGARDING DECLARATION BEING SOUGHT**

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

*See ITEM 1. THE QUESTION ON ATTACHED  
Report- See ITEM 2. THE QUESTION ON ATTACHED  
Report.*

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

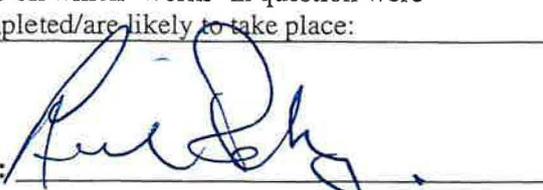
*See ATTACHED Report.*

(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)*

*ATTACHED.*

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	A WOODHAVEN PLACE, WOODHAVEN, KILRUSH ROAD, ENNIS G. CLARE V95 YF X3
(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? If so please supply details:	SEE ATTACHED REPORT.
(g) Were there previous planning application/s on this site? If so please supply details:	
(h) Date on which 'works' in question were completed/are likely to take place:	N/A.

SIGNED: \_\_\_\_\_



DATE

25th Sept 2023

**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

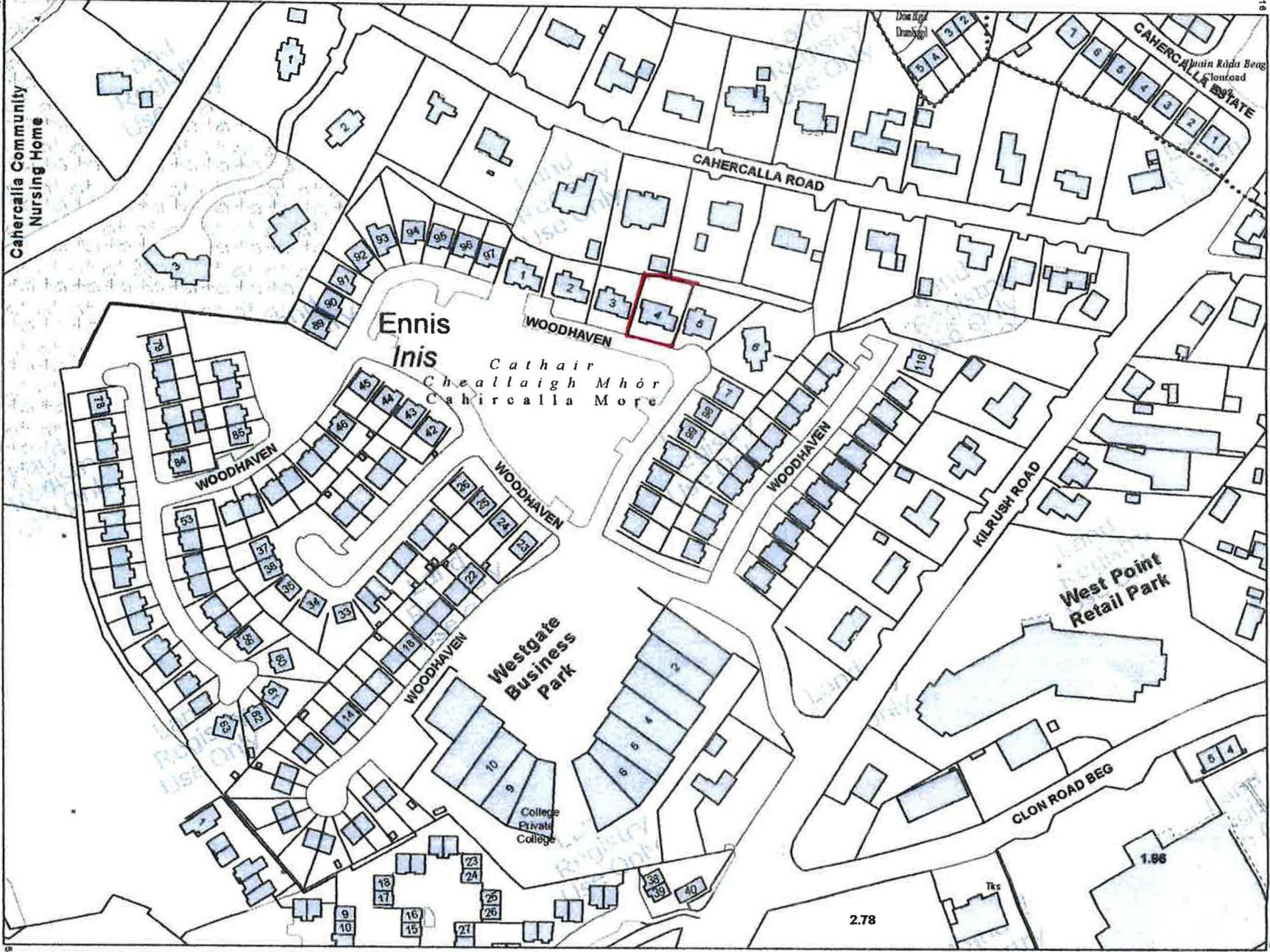
**FOR OFFICE USE ONLY**

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

# Land Registry Compliant Map



**Tailte Éireann**



**CENTRE COORDINATES:**  
ITM 532825.676157

**PUBLISHED:** 19/09/2023  
**ORDER NO.:** 50358131\_1

**MAP SERIES:** 1:1,000, 1:1,000, 1:1,000, 1:2,500  
**MAP SHEETS:** 4322-11, 4322-12, 4322-17, 4322-C

**COMPILED AND PUBLISHED BY:**  
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Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

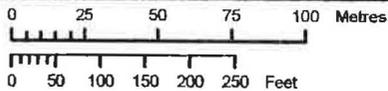
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**OUTPUT SCALE: 1:2,500**

**CAPTURE RESOLUTION:**  
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**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'



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