



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

### Registered Post

Catherine Fitzpatrick  
C/o Deirdre Foran  
Lisdoonvarna  
Co. Clare

3rd April 2024

#### **Section 5 referral Reference R24-25 – Catherine Fitzpatrick**

Is the 40 sqm extension to rear of derelict cottage and renovation of cottage considered development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th March 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie)

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 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

**DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT**

Chief Executive's Order No: 83358  
Reference Number: R24-25  
Date Referral Received: 12th March 2024  
Name of Applicant: Catherine Fitzpatrick  
Location of works in question: Caherycahill, Liscannor, Co. Clare

**Section 5 referral Reference R24-25 – Catherine Fitzpatrick**

Is the 40 sqm extension to rear of derelict cottage and renovation of cottage considered development and if so, is it exempted development?

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

(a) Sections 2 (1), Section 3 and Section 4(1) (H) of the Planning and Development Act 2000 (as amended) the Planning and Development Regulations 2001 as amended, the details received on the 12<sup>th</sup> March 2024 Clare County Council has concluded that:

**AND WHEREAS Clare County Council has concluded:**

- (a) The works which are the subject of the referral constitute development because the nature and extent of works required to bring the original derelict structure into habitable use do not fall within the scope of section 4(1) (H) of the Planning and Development Act 2000 as amended (which primarily refer to repair and alterations)
- (b) The extent of time in which the use of the original structure as a dwelling had been abandoned and the resumption of habitable use would constitute a material change of use thus requiring planning permission.
- (c) There is no provision in the Planning and Development Act as amended and the associated Regulations 2001 as amended whereby the said development amounting to the renovation of a derelict structure and an extension would constitute exempted development.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out herein,

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with

the referral described above, I, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of a 40 sq.m. extension to the rear of a derelict cottage and the renovation of the cottage at Caherycahill, Liscannor, Co. Clare is considered development which is not exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

3rd April 2024

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

Reference No.: R24-25



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-25**

**Is the 40 sqm extension to rear of derelict cottage and renovation of cottage considered development and if so, is it exempted development?**

**AND WHEREAS, Catherine Fitzpatrick** 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 (1), Section 3 and Section 4(1) (H) of the Planning and Development Act 2000 (as amended) the Planning and Development Regulations 2001 as amended, the details received on the 12<sup>th</sup> March 2024 Clare County Council has concluded that:

**And whereas Clare County Council has concluded:**

- (a) The works which are the subject of the referral constitute development because the nature and extent of works required to bring the original derelict structure into habitable use do not fall within the scope of section 4(1) (H) of the Planning and Development Act 2000 as amended (which primarily refer to repair and alterations)
- (b) The extent of time in which the use of the original structure as a dwelling had been abandoned and the resumption of habitable use would constitute a material change of use thus requiring planning permission.
- (c) There is no provision in the Planning and Development Act as amended and the associated Regulations 2001 as amended whereby the said development amounting to the renovation of a derelict structure and an extension would constitute exempted development.

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

The proposed development consisting of the construction of a 40 sq.m. extension to the rear of a derelict cottage and the renovation of the cottage at Caherycahill, Liscannor, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

3rd April 2024

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

**FILE REF:** 24/ 25  
**APPLICANT(S):** Catherine Fitzpatrick  
**REFERENCE:** Whether the construction of a 40 sq.m. extension to the rear of derelict cottage and renovation of the cottage is considered development and if so it is exempted development .  
**LOCATION:** Caherycahill Liscannor, County Clare  
**DUE DATE:** 08/04/24

**Site Location**

The site is located at Caherycahill. It is occupied by a dwelling and the stone outbuilding ( described as a derelict cottage) which has a Liscannor flag roof and a flag yard adjacent to the north. It is proposed to construct the extension to the eastern / rear side of the building. The septic tank is shown located near the eastern boundary.  
The internal floor area of the existing structure is 20.8 sq.m. as per drawings received.

**Recent Planning History on site.**

None

**Pre planning on site**

22/ 107 This pre planning for a triangle shaped extension to the stone structure which the Planning Authority advised against having regard to the provisions of CDP 13.5 ( Refurburbishment of Derelict structures in the Countryside.

**Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Catherine Fitzpatrick who claims to be the owner.

The applicant is seeking a Section 5 Declaration as to whether the construction of a 40 sq.m. extension to the rear of derelict cottage and renovation of the cottage is considered development and if so it is exempted development.

The details receive indicate that there will be no new wwtp as the renovated and extended structure will connect to the septic tank serving the main dwelling on site.

**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.*

## *Section 2(1) – Interpretation*

*In this Act, except where the context otherwise requires –*

- *“habitable house” means a house which—*

*(a) is used as a dwelling,*

*(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or*

*(c) was provided for use as a dwelling but has not been occupied;*

*“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;*

*“structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate*

*“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.*

Section 2 (1) ‘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.*

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.

## *Exempted Development*

4.—(1) *The following shall be exempted developments for the purposes of this Act—*

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

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 and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1 (extension) and Class 7 (Porch)

**Class 1**

The extension of a house, by the construction or erection of an extension 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.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>Class 1</b></p> <p>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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p>

(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.

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,

(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

The agent has advised the following in the documents submitted:

### **Particulars of the Development**

- The 'derelict cottage' is stone structure with Moher flag roof.
- The structure is not a protected structure.
- The structure appears on last edition of the 6 inch and 25inch maps which date from the 1840s.
- The internal floor area is indicated as being 20.8 sq.m.
- There appears to be a functioning septic tank serving the dwelling . Note that the upgrade of an existing system does not fall within the scope of this query and would require the benefit of planning permission).
- It is not clear when the use of the structure as a dwelling ceased or was abandoned.

### **Planning Exemption Assessment**

There are 2 main elements within this referral:

- 1.The renovation of the original structure 20.8 sq.m.
- 2.The construction of the rear extension 40 sq.m.

- 1.The renovation / construction works to the original structure.

In respect of item 1, I refer to the definition of habitable house and the definition of house. I do not concur that the structure could be considered an habitable house. In respect of the definition of house, I note it includes for a building which '*has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied*', however this is not qualified by any time period. Having regard to the appearance of the structure it

does not appear that it was ever plumbed, had electricity or a floor fitted and as such having regard the length of time that it would appear that the structure has not been in residential use, that it could be said that the residential use was in fact abandoned and that the resumption of habitable use of the subject building would now constitute a change of use that is material, having regard to the potential planning and public health consequences arising from additional or intensification of residential use on the site.

I refer to the provisions of Section 4 (1) (h) of the Act. Having regard to the extent of works required to renovate the original structure so as to make it habitable, it is considered that these works go beyond mere alteration and repair and do not fall within the scope of 4 (1) (h) notwithstanding that all four external walls are to be retained. In addition it is considered that having regard to the restricted floor area of the structure being 20.8sq.m., the structure without the proposed extension is not a viable living space as it is smaller than the minimum floor area recommended for a studio apartment Guidelines for Planning Authorities- Design Standard for New Apartment ( July 2023 ) refers.

I consider that this element of the proposal constitutes development which does not come within the scope of any legislative provision for exempted development .

## 2. The construction of the rear extension ( 40) sq.m.

Normally the construction of a domestic extension falls within class 1 of the planning and Development Regulations Schedule 2, Part 1, Class 1 ( extension) , subject to compliance with Article 9. However in this instance and having regard to the assessment set out above at no 1., given that it has been determined that works to renovate the original structure to make it habitable are not exempted development then those works if carried out as a stand alone would be unauthorised development. An extension cannot exist on its own but must be attached to and associated with an existing or primary structure. Therefore the 40 sqm extension could only be constructed as an extension to an unauthorised structure, the exemption of which would be precluded by Article 9 (1) (a) (viii) of the Regulations 2001 as amended.

## **Recommendation**

Whereas the question has arisen as to whether the construction of a 40 square metre extension to the rear of a derelict cottage and renovation of the cottage is considered development and if so is it exempted development at Caherycahil, Liscannor Co Clare .

And whereas the Council in considering this reference had regarded particularly to a sections 2 (1), Section 3 and Section 4(1) (H) of the Planning and Development Act 2000<sup>(as amended)</sup> the Planning and Development Regulations 2001 as amended, the details received on the 12<sup>th</sup> March 24 Clare County Council has concluded that:

- (a) The works which are the subject of the referral constitute development because the nature and extent of works required to bring the original derelict structure into habitable use do not fall within the scope of section 4(1) (H) of the Planning and Development Act 2000 as amended (which primarily refer to repair and alterations)
- (b) The extent of time in which the use of the original structure as a dwelling had been abandoned and the resumption of habitable use would constitute a material change of use thus requiring planning permission .
- (c) There is no provision in the Planning and Development Act as amended and the associated Regulations 2001 as amended whereby the said development amounting to the renovation of a derelict structure and an extension would constitute exempted development.

Now **NOW THEREFORE** Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides the construction of a 40 sq.m. extension to the rear of a derelict cottage and the renovation of the cottage is considered development which is not exempted development .

  
Ellen Carey  
Executive Planner  
Date: 28/03/24 .

  
Garreth Ruane  
Senior Executive Planner  
28/03/24 .

## Appropriate Assessment & Determination

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

(a) File Reference No:	R24/25
(b) Brief description of the project or plan:	Refurbishment of derelict cottage and extension
(c) Brief description of site characteristics:	Dwelling and Derelict cottage on site in open countryside
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	Annex I Habitats <ul style="list-style-type: none"> <li>• <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</li> <li>• Mediterranean salt meadows <i>Juncetalia maritima</i>) [1410]</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>• *Fixed coastal dunes along the shoreline with herbaceous vegetation</li> </ul>	2km	None	No

(grey dunes) [2130]

- <sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
- <sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	None
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	None  Upgrade of wwts is not proposed as part of the Section 5 Query and falls outside the scope of this assessment.
In-combination/Other	None

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None

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

Yes  No

**Step 4. Screening Determination Statement**

**The assessment of significance of effects:**

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

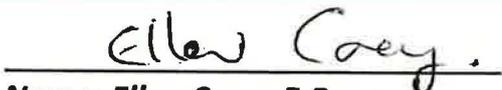
It is noted that the Inagh River estuary SAC is located approximately 2 distance as the crow flies . The provision of an upgraded wwts system falls outside the scope of this query.

Having regard to the separation distance of the site to the SAC it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

**Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.**

Tick as  
Appropriate:

Recommendation:

(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	27/03/24  <div style="text-align: center;">   <hr style="width: 100%; border: 0.5px solid black;"/> <b>Name: Ellen Carey E.P.</b> </div>	
<b>Signature and Date of the Decision Maker:</b>		



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Catherine Fitzpatrick**  
**C/o Deirdre Foran**  
**Lisdoonvarna**  
**Co. Clare**

**12/03/2024**

**Section 5 referral Reference R24-25 – Catherine Fitzpatrick**

Is the 40 sqm extension to rear of derelict cottage and renovation of cottage considered development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th March 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

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

**An Roinn Pleanála**  
**An Stiúrtóireacht 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



CONTAE

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

AN CHLÁIR

12/03/2024 11:23:13

Receipt No: L1CASH/0/361741  
\*\*\*\*\* REPRINT \*\*\*\*\*

CATHERINE FITZPATRICK  
C/O DEIRDRE FORAN  
LISDOONVARNA  
CO. CLARE  
REF: R24-25



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

Total : 80.00 EUR

COMHAIRLE

Tendered : 80.00  
CHEQUES

CONTAE

Change 0.00

AN CHLÁIR

Issued By : L1CASH - Noelette Barry  
From : MAIN CASH OFFICE LODGEMENT AF  
Vat reg No 0033043E

P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

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

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R24-25

**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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	CATHERINE FITZPATRICK <hr/> C/O DFORANDESIGN <hr/> LISDOONVARNA, <hr/> CO CLARE <hr/>
(b) Telephone No.:	- - - - <hr/>
(c) Email Address:	<hr/>
(d) Agent's Name and address:	DEIRDRE FORAN <hr/> LISDOONVARNA <hr/> CO CLARE <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?*  
**IS THE 40 SQM EXTENSION TO REAR OF DERELICT COTTAGE AND RENOVATION OF COTTAGE CONSIDERED DEVELOPMENT AND IF SO IS IT EXEMPTED DEVELOPMENT**

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

CATHERINE AND HER LATE HUSBAND OWN THE DWELLING AND DERELICT COTTAGE ON THE LAND AT CAHERYCAHILL.

CATHERINE'S DAUGHTER , HUSBAND AND CHILDREN ARE NOW USING THE MAIN DWELLING AND CATHERINE WANTS TO EXTEND THE DERELICT ORIGINAL COTTAGE TO PROVIDE A PLACE FOR HER TO STAY WHEN SHE VISITS HER DAUGHTER.

THERE IS A SEPTIC TANK ON SITE, WHICH CATHERINE PROPOSES TO CONNECT TO.

(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)*

PICTURE OF BUILDING, SITE LOCATION MAP; SITE LAYOUT PLAN  
PLANS OF PROPOSED EXTENSION & EXISTING DERELICT COTTAGE

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>CAHERYCAHILL</p> <p>LISCANNOR</p> <p>CO CLARE</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>
(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>	
(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>NO</p>
(h) Date on which 'works' in question were completed/are likely to take place:	

SIGNED: Kendie Foran  
AGENT

DATE: FEB 29TH 2024

**GUIDANCE NOTES**

*This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority*

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,  
Economic Development Directorate,  
Clare County Council  
Aras Contae an Chlair,  
New Road,  
Ennis,  
Co. Clare  
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

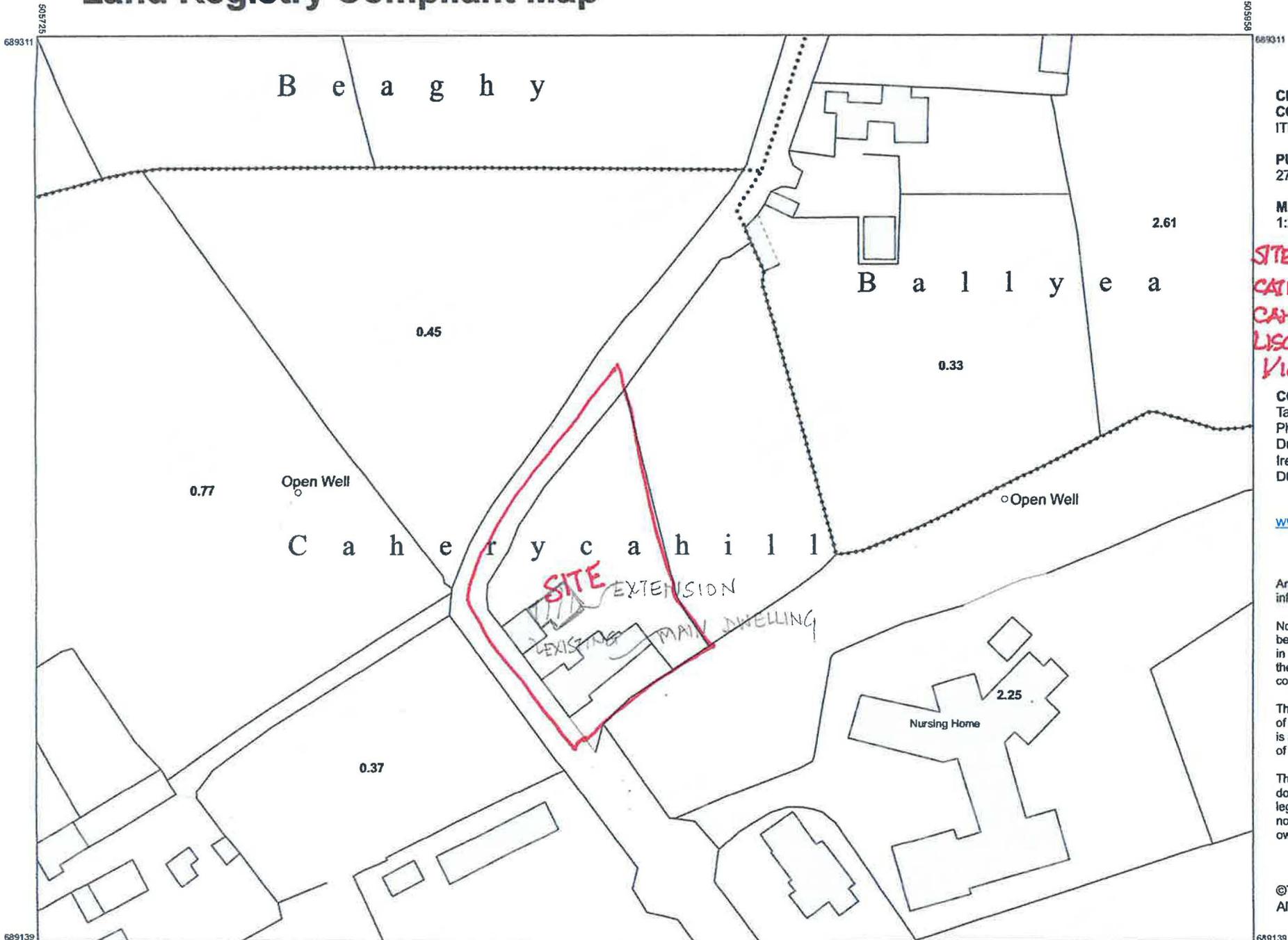
**FOR OFFICE USE ONLY**

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

# Land Registry Compliant Map



Tailte  
Éireann



**CENTRE COORDINATES:**  
ITM 505842,689225

**PUBLISHED:** 27/02/2024  
**ORDER NO.:** 50385558\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4082-A

**SITE LOCATION MAP**  
CATHERINE FITZPATRICK  
CAHERYCAHILL  
LISCANNOR  
V1000 DFORAN B.ENG

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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

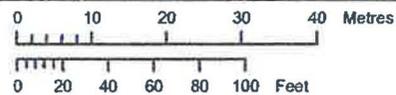
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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**OUTPUT SCALE: 1:1,000**

**CAPTURE RESOLUTION:**

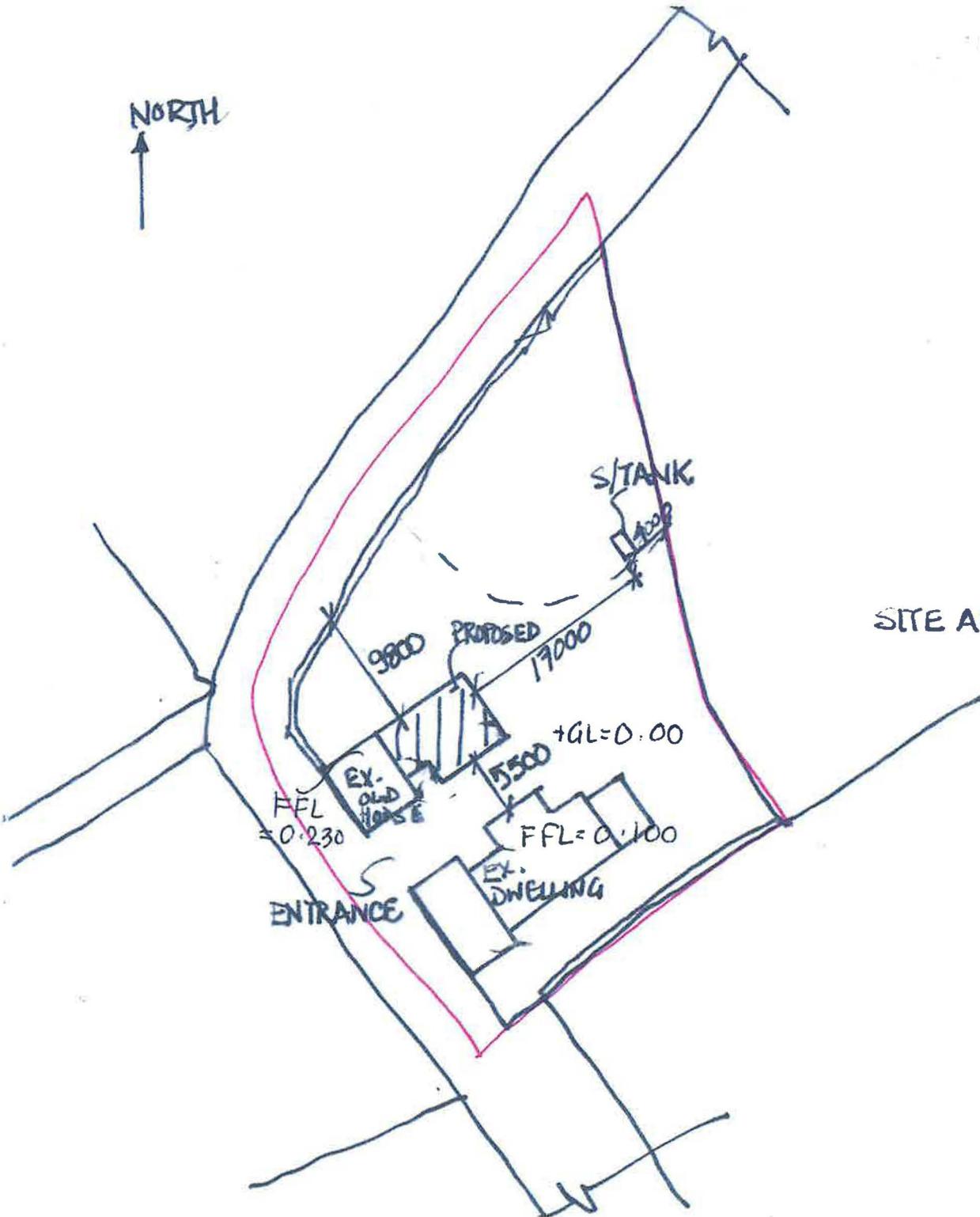
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**

To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



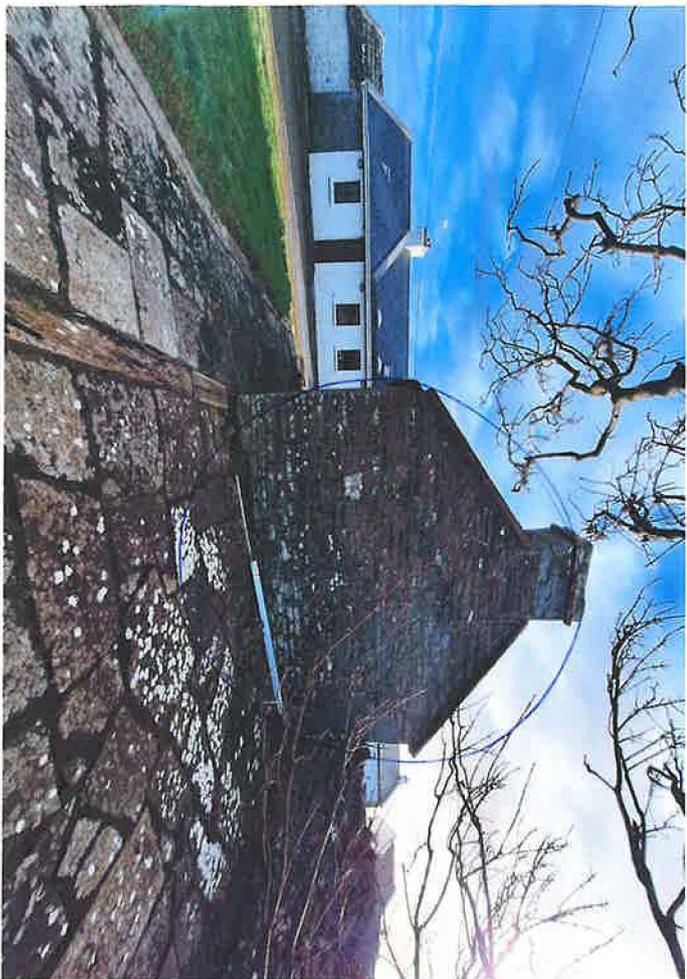
NORTH  
↑



SITE AREA = 0.18 hA

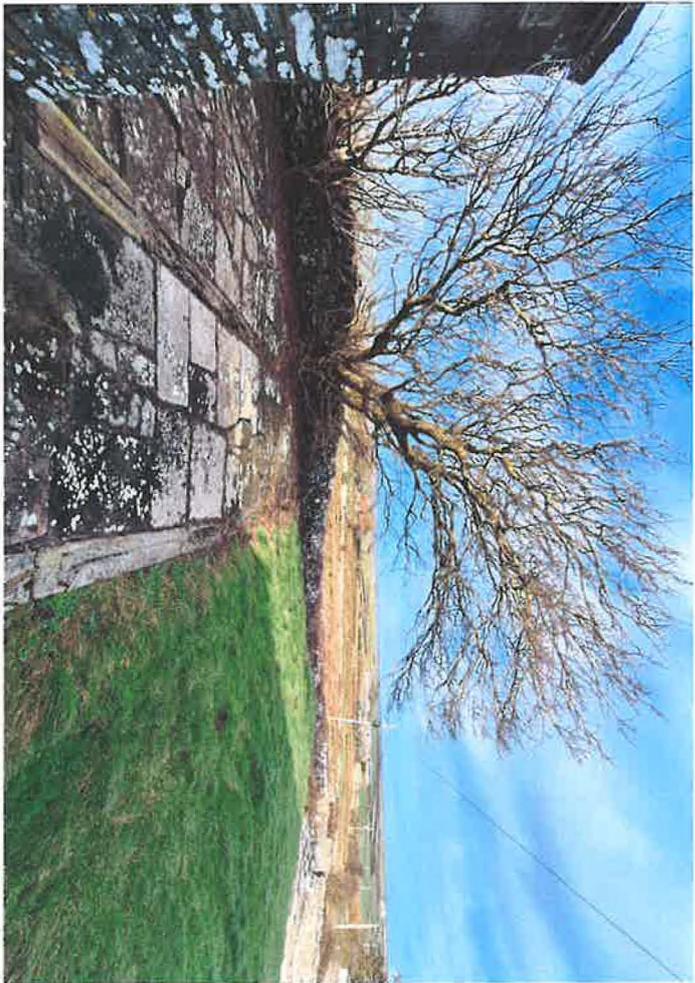
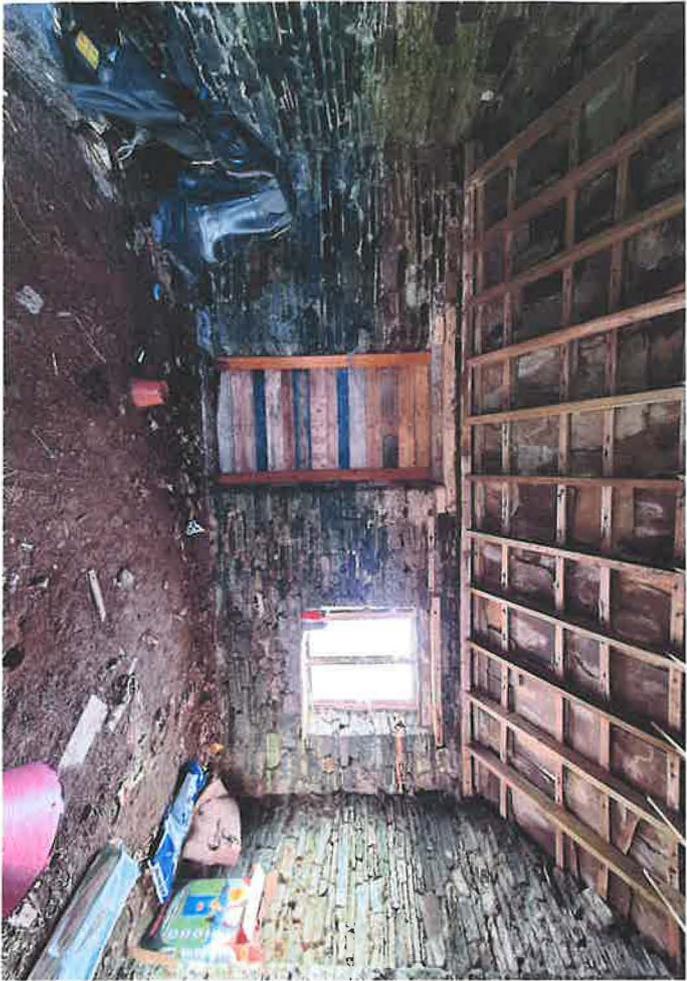
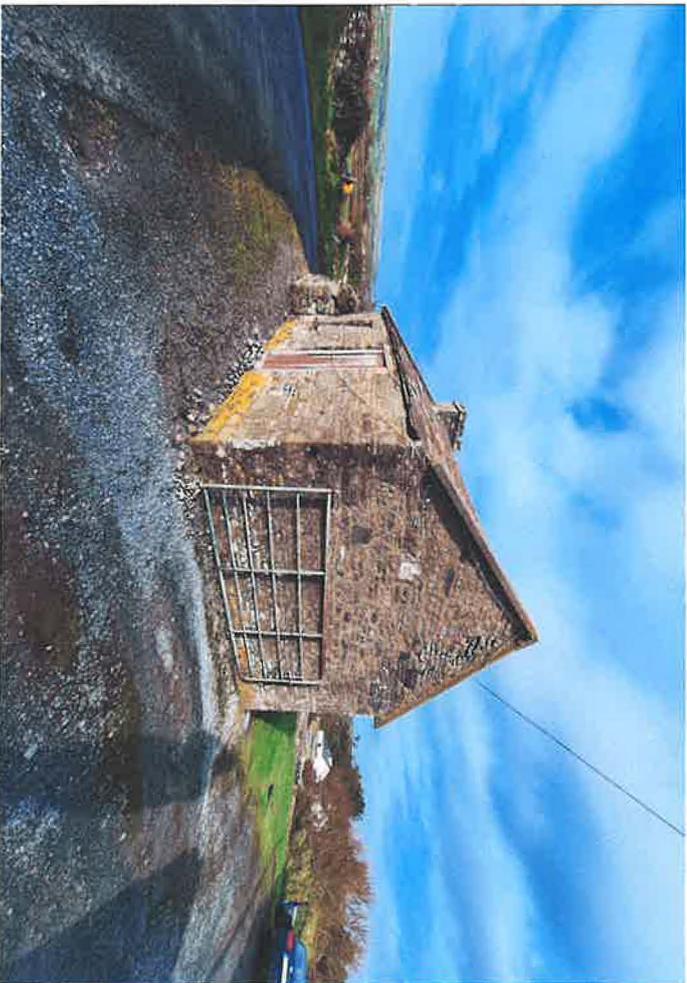
FOLIO PLAN CE 39318F

EXTEND & RENOVATE BUILDING  
AT: CAHERYCAHILL, LISCANNOR  
FOR: CATHERINE FITZPATRICK  
SHEET 2: SITE PLAN  
SCALE: 1/500      JAN. 2024  
D'FORAN B. ENG. 087 675 0327



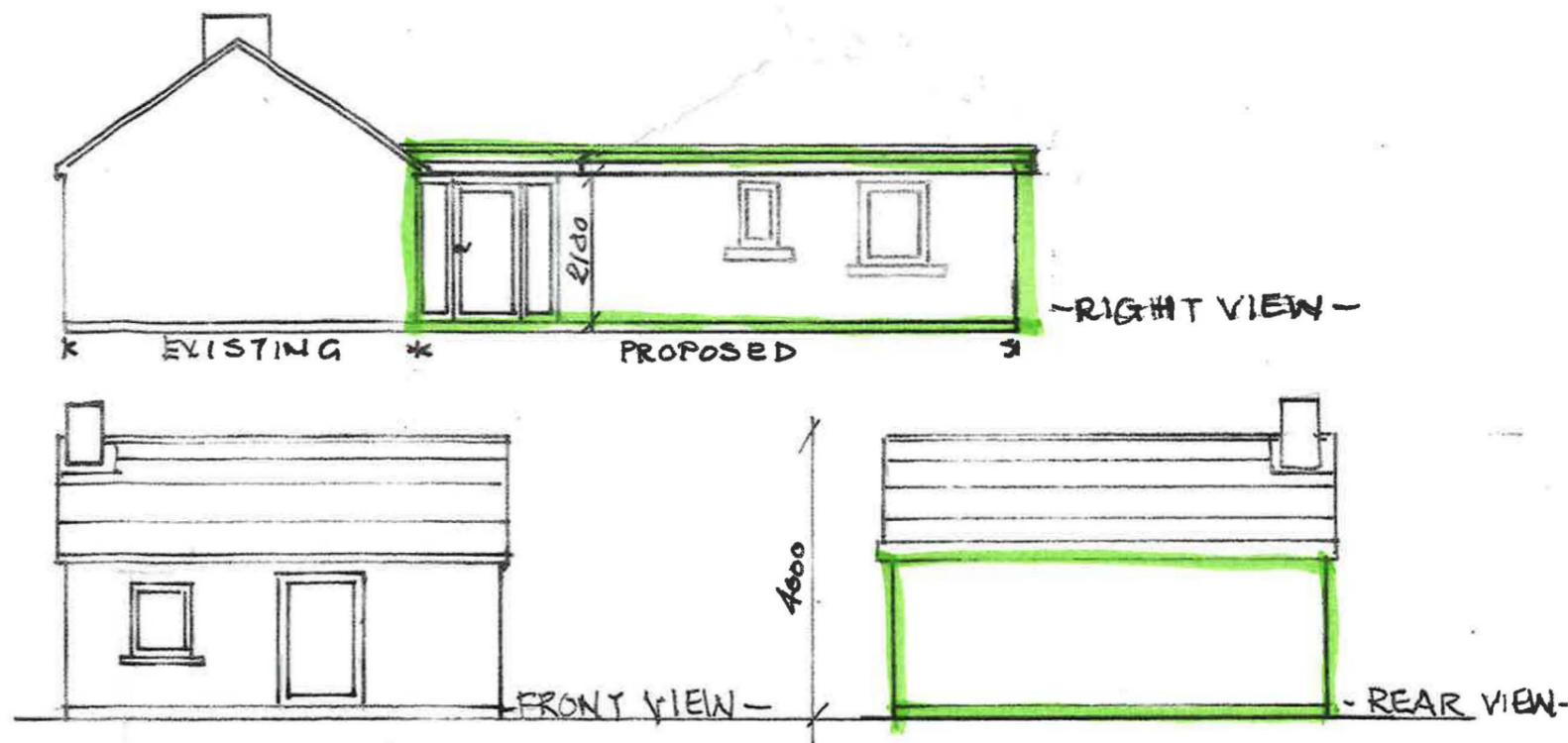
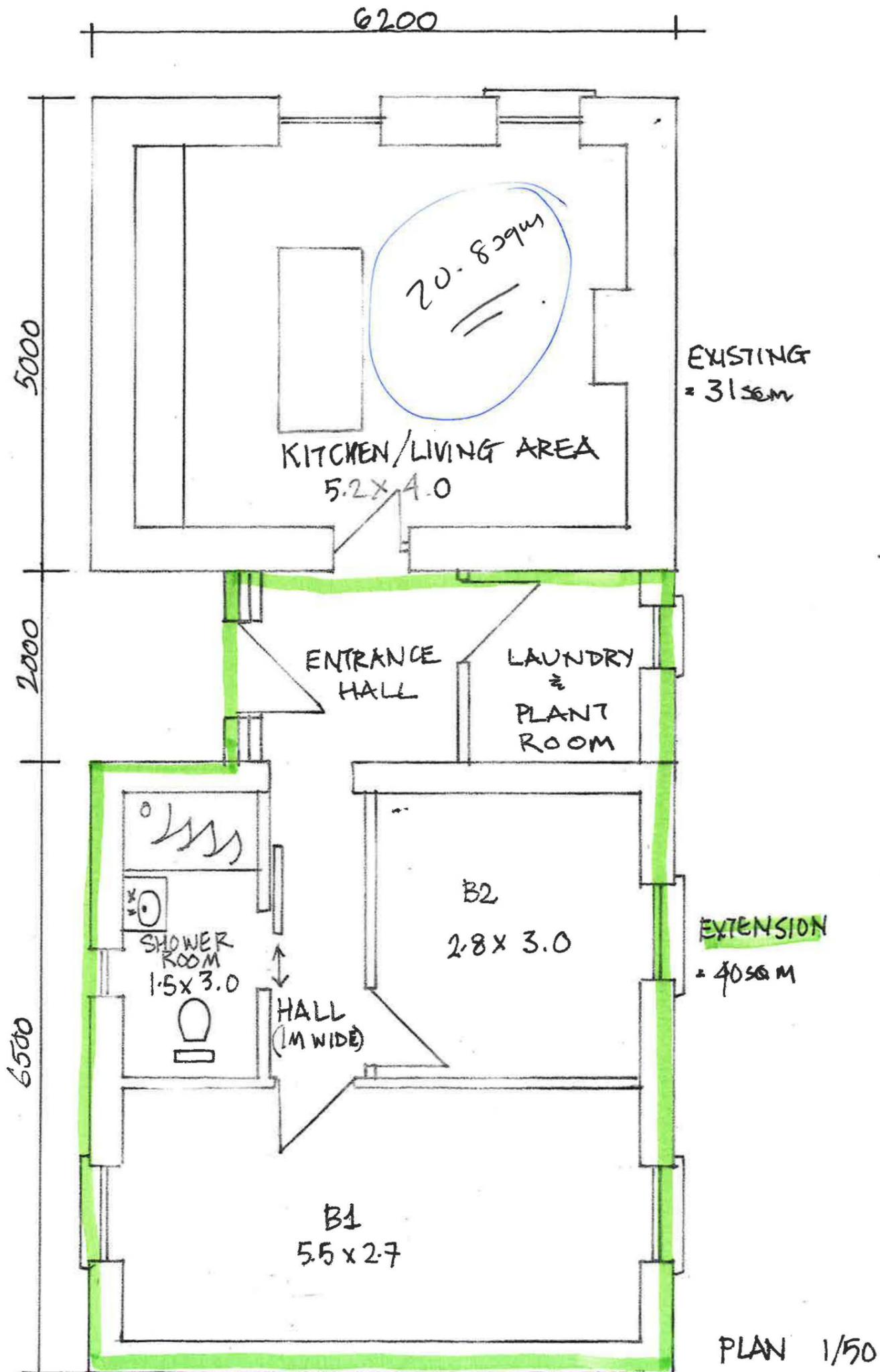
REF: Catherine Fitzpatrick  
Cashengishill Lissemner  
Section 5 Declaration





Deneham

Deneham Cottage



EXTEND & RENOVATE BUILDING  
 AT: CAHERYCAHILL, LISCANNOR  
 FOR: CATHERINE FITZPATRICK  
 SHEET 1: PLANS & VIEWS  
 SCALES: 1/50 & 1/100 JAN. 2024  
 D. FORAN B. ENG. 0876750327