



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Maria van den Berg & Verena Glur  
C/O Miles Sampson  
OARAD Ltd.,  
Croilar  
Mountshannon  
Co. Clare  
V94 T3Y8**

**7th April, 2025**

**Section 5 referral Reference R25-18 – Maria van den Berg & Verena Glur**

**Is the single storey shed to the side of the existing house (as shown in the attached drawings) development and if so, is it exempted development?**

A Chara,

I refer to your application received on 12th March 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 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:

85240

Reference Number:

R25-18

Date Referral Received:

12th March 2025

Name of Applicant:

Maria van den Berg & Verena Glur

Location of works in question:

17 Sandycove, Mountshannon, Co. Clare  
V94T3Y8

**Section 5 referral Reference R25-18 – Maria van den Berg & Verena Glur**

Is the single storey shed to the side of the existing house (as shown in the attached drawings) development and if so, is it exempted development?

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

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

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

- (a) The construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is not exempted development having regard to Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended)

**ORDER:** Whereas by Chief Executive's Order No. HR 46 dated 1<sup>st</sup> January 2025, Carmel Kirby, Interim Chief Executive for Clare County Council, did, pursuant to the powers conferred on her 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 construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is **development and is not exempted development.**

Signed:

  
\_\_\_\_\_  
GARRETH RUANE  
SENIOR EXECUTIVE PLANNER 

Date:

7th April, 2025

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

**Reference No.: R25-18**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R25-18**

**Is the single storey shed to the side of the existing house (as shown in the attached drawings) development and if so, is it exempted development?**

**AND WHEREAS, Maria van den Berg & Verena Glur** has requested a declaration from Clare County Council on the said question.

**AND WHEREAS Clare County Council in considering this referral had regard to:**

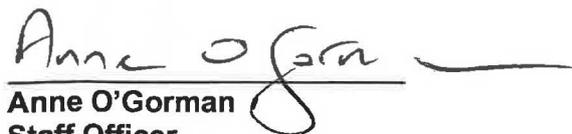
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted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

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

- (a) The construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is not exempted development having regard to Article 9(1)(a)(i) 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 construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare, V94T3Y8 **is development and is not exempted development.**



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

**7th April, 2025**

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

**FILE REF:** R25-18  
**APPLICANT(S):** Maria Van den Berg and Verena Glur  
**REFERENCE:** Whether the construction of a single storey shed to the side of the existing house is or is not development and is or is not exempted development.  
**LOCATION:** 17 Sandycove, Mountshannon, Co. Clare V94T3Y8  
**DUE DATE:** 08/04/2025

### **Site Location**

The subject site is located in the Sandycove development in the village of Mountshannon. The site comprises a detached 1.5 storey dwelling with a small garden and parking area. The subject shed is a small lean-to structure attached to the east gable of the dwelling.

### **Recent Planning History**

P04/1049 – Sean Henry granted permission to retain existing basement extension to side of existing dormer dwelling.

UD23-067 Enforcement Notice issued in relation to:

- Construction of extension to the side of a dwelling
- The placing of hardcore stone and paving materials on the site.

### **Background to Referral**

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Maria Van den Berg and Verena Glur. They are renting the property. They have provided details of the property owners and state that the owners are aware of this Section 5 referral.

The applicants are seeking a Section 5 Declaration as to whether the construction of a single storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. 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.*

Article 6(1) of the Planning & Development Regulations, 2001, as amended

Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

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:*

1. *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,*

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

*(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,*

*(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,*

*(vii) 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

### Basis of Referral

The applicants are seeking a Section 5 Declaration as to whether the construction of a single storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is or is not development and is or is not exempted development.

### Particulars of Proposal

The particulars of the proposal and site are set out below:

- Height: 2.7m. (lean-to roof – 2.7m is the highest point of the roof)
- Floor Area: 10.47m<sup>2</sup>.
- Use: the applicants have stated that the shed is primarily used to store health-related equipment for one of residents. It is being used to store a mobility assistance tricycle and a heated water treatment tub.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the structure comes within the scope of “works” and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

The site was inspected on 28/03/2028. I consider the description of the structure and the uses therein, as contained in the Section 5 referral documents to be accurate. No internal connectivity between the structure and the dwelling was noted. The structure is used for storage and uses ancillary to the use of the main dwelling on the site.

The referral relates to the construction of domestic shed structure. The proposed development is therefore assessed in the context of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The shed has been constructed on the side elevation of the dwelling. It has not been constructed forward of the front wall of the house.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The floor area of the shed is 10.5m<sup>2</sup>, which does not exceed the limitations of the exemption.

3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

The remaining private open space is greater than 25m<sup>2</sup>.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

The finishes of the structure conform to the finishes of the dwelling.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The shed has a lean-to roof with a maximum height of 2.71m.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The shed will be used for activities ancillary to the main dwelling (storage and heated water treatment unit use).

Article 9(1) 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*

Planning permission for the housing development in which the site is located was granted under P94/554. Condition 24 of that permission stated:

*No garage, shed, awning, or similar structure shall be provided to the side/within the curtilage of any dwelling or within the land complex without the prior consent of the Planning Authority, whether or not such provision would otherwise constitute exempted development.*

The shed structure which is the subject of this referral is attached to the side of the dwelling. It is already fully constructed, and no *prior consent* was sought from the Planning Authority. The development undertaken therefore contravenes the provisions of Condition 24.

Having regard to the other considerations set out in the assessment, it appears that the structure would be *development which is exempted development* but for the lack of prior consent from the Authority. However, Article 9 of the Regulations requires consideration of the development in the context of the relevant permission under the Act, and in this instance, the structure has not been constructed in compliance with the relevant conditions.

- (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,*

Not applicable to the current proposal.

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

The development does not create a traffic hazard in the area.

- (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 development is located to the side of an existing dwelling in a holiday home development in the village of Mountshannon. The structure as construction is small in scale and is not out of character with the setting.

- (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,*

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,*

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,*

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 development is small in scale and located on a brownfield site, within a settlement, on zoned and serviced lands.

Having regard to the nature, scale and location of the development, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

- 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."*

This is not applicable in this instance.

- (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,*

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 questions have been referred to the Planning Authority:

Whether the construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is or is not development and is or is not exempted development.

### The Planning Authority in considering this referral had regard to:

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

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

- (a) The construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is not exempted development having regard to Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a single-storey shed to the side of the existing house at 17 Sandycove, Mountshannon, Co. Clare is development and is not exempted development.

  
Executive Planner

Date: 07/04/2025

  
Senior Executive Planner

Date: 07/04/25

R25-18







COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Maria van den Berg & Verena Glur**  
C/o Miles Sampson  
OARAD Ltd  
Croilar  
Mountshannon  
Co. Clare  
V94 D9X9

12/03/2025

**Section 5 referral Reference R25-18 – Maria van den Berg & Verena Glur**

is the single storey shed to the side of the existing house (as shown in the attached drawings) development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th March 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

Mise, le meas

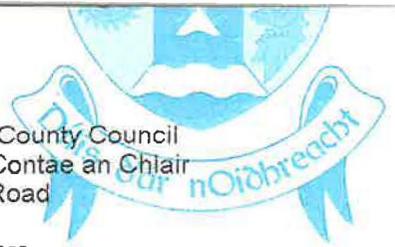
**Brian Fahy**  
Planning Department  
Economic Development Directorate

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

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



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



12/03/2025 10:40:19

Receipt No.: L1CASH/0/376378  
\*\*\*\*\* REPRINT \*\*\*\*\*

MARIA VAN DER BERG & VERENA GLUR  
C/O MILES SAMPSON OARAD LTD  
CROILAR  
MOUNTSHANNON  
CO. CLARE

R25-18

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 - DEIRDRE FRENCH  
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  
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Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R25-18

**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	<p>Maria van den Berg &amp; Verena Glur</p> <hr/> <p>17 Sandycove,</p> <hr/> <p>Mountshannon,</p> <hr/> <p>Co. Clare.</p> <hr/> <p>V94 T3Y8</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>Miles Sampson,</p> <hr/> <p>OARAD Ltd.</p> <hr/> <p>Croilar,</p> <hr/> <p>Mountshannon,</p> <hr/> <p>Co. Clare. V94D9X9</p>



**2. DETAILS REGARDING DECLARATION BEING SOUGHT**

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

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

Is the single storey shed to the side of the existing house (as shown in the attached drawings) exempted development?

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

A single storey shed has been constructed to the side of the existing house and the enclosed drawings show the shed in question. Please confirm the shed is exempted development as per Class 3, Part 1, Schedule 2 of the Planning and Development Regulations. We can confirm:

1. The shed is not constructed forward of the front wall of the house.
2. The total area of the shed is less than 25m.sq.
3. The remaining private garden is in excess of 25m.sq.
4. The finishes of the shed match those of the house (where required).
5. The shed is not used for human habitation and is used solely for purposes incidental to the enjoyment of the house.

In addition we would like to note that the shed is being used primarily to assist with the ill health matters of one of the residents. It is being used to store a mobility assistance tricycle and for a heated water treatment tub.

(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)*

A101 Site Location Map, A102 Site Plan, A103 Floor Plan, A104 Building Sections,  
A105 Elevations

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	17 Sandycove, Mountshannon, Co. Clare. V94 T3Y8
(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):	Tenant
(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>	Terry Twomey and Kieron Brennan, Croiler, Mountshannon, Co Clare
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	Yes, warning letter UD23-067
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	Yes. Reference P04-1049 in 2004
(h) Date on which 'works' in question were completed/are likely to take place:	Completed in 2004

SIGNED: Miles Simpson

DATE: 11/03/2025

**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:.....			

Client: **Maria van den Berg & Verena Glur**  
Project: **Shed @ 17 Sandycove, Mountshannon, Co. Clare**  
Date: **11/03/2025** Job Code: **SYC17** Stage: **02r**  
Document: **Cover Letter**

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



Date: 11<sup>th</sup> of March 2025

Dear Sir/Madam,

Please find enclosed an application for a Section 5 Declaration for Maria van den Berg & Verena Glur.

This is partly in response to the warning letter UD23-067

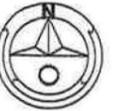
Please call me directly on 061 749975 to arrange payment by debit card.

Yours Sincerely,

A handwritten signature in blue ink that reads 'Miles Sampson'. The signature is written in a cursive style and is positioned above a horizontal line.

Miles Sampson, BArch, MRIAI, Architect  
OARAD Ltd.

No	Date	Description
Revision Schedule		



# Planning Pack Map



**Tailte Éireann**

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**OARAD**

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ITM 571321,686771

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**MAP SERIES:** 1:2,500 **MAP SHEETS:** 4157-B

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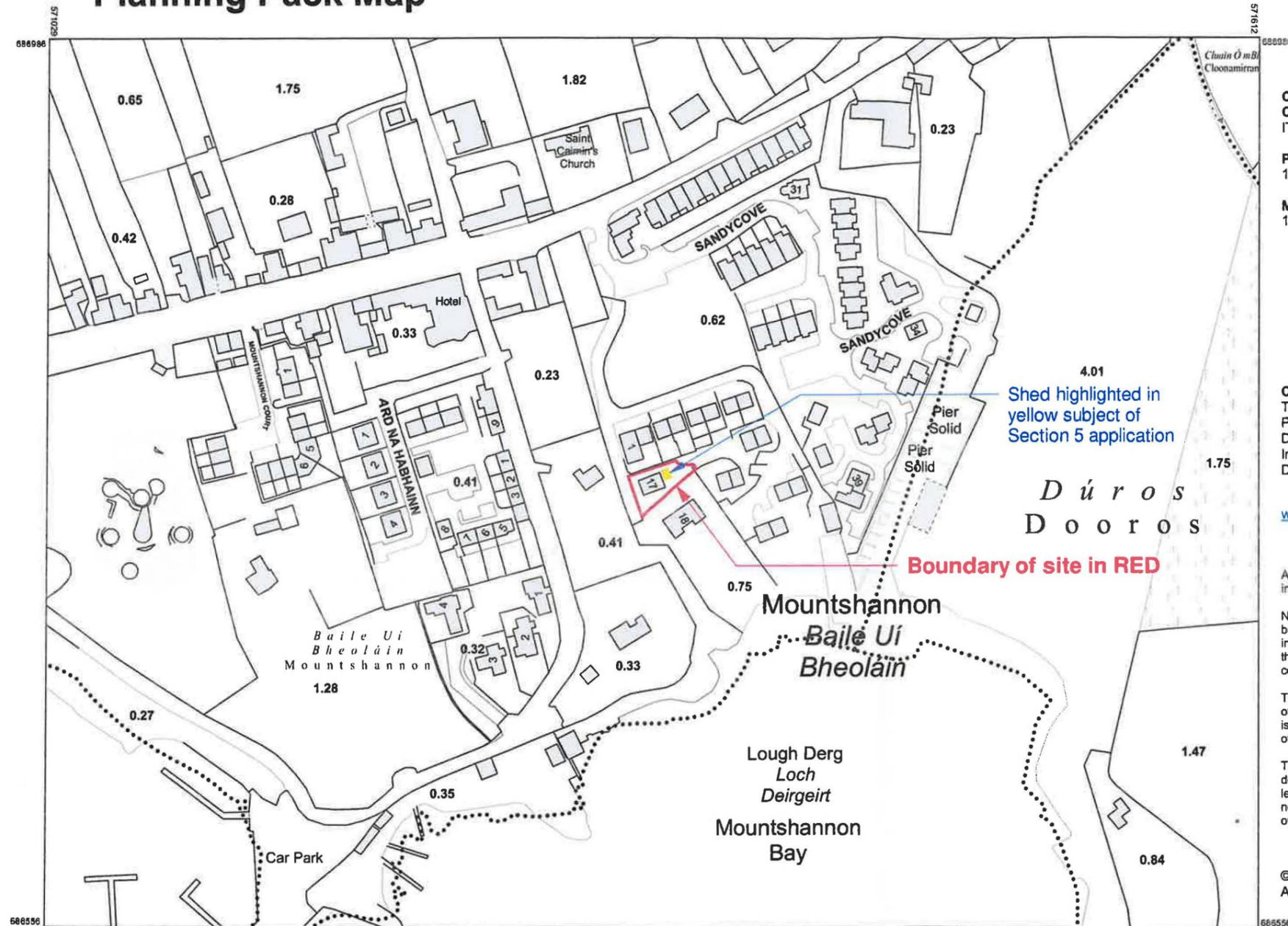
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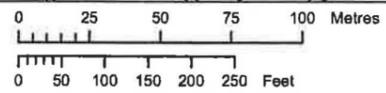
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Shed highlighted in  
yellow subject of  
Section 5 application

Boundary of site in RED



OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
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Output scale is not indicative of data capture scale.  
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**LEGEND:**  
To view the legend visit  
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'Large Scale Legend'



**1** Site Location Map  
1 : 2500

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10/03/25  
FIRST ISSUE DATE

A101  
SHEET

02r  
SERIES

1 : 2500  
SCALE AT A3

SYC17  
PROJECT

Site Location Map

REVISION DATE

REVISION

PURPOSE

SECTION 5



No	Date	Description
Revision Schedule		



1 Site Plan  
1 : 500

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 Drawing for planning purposes only, not for construction

SYC17 02r A102 Site Plan 10/03/25  
 PROJECT SERIES SHEET TITLE FIRST ISSUE DATE  
 1 : 500 SECTION 5  
 SCALE AT A3 REVISION REVISION DATE PURPOSE  
 100MM SCALE

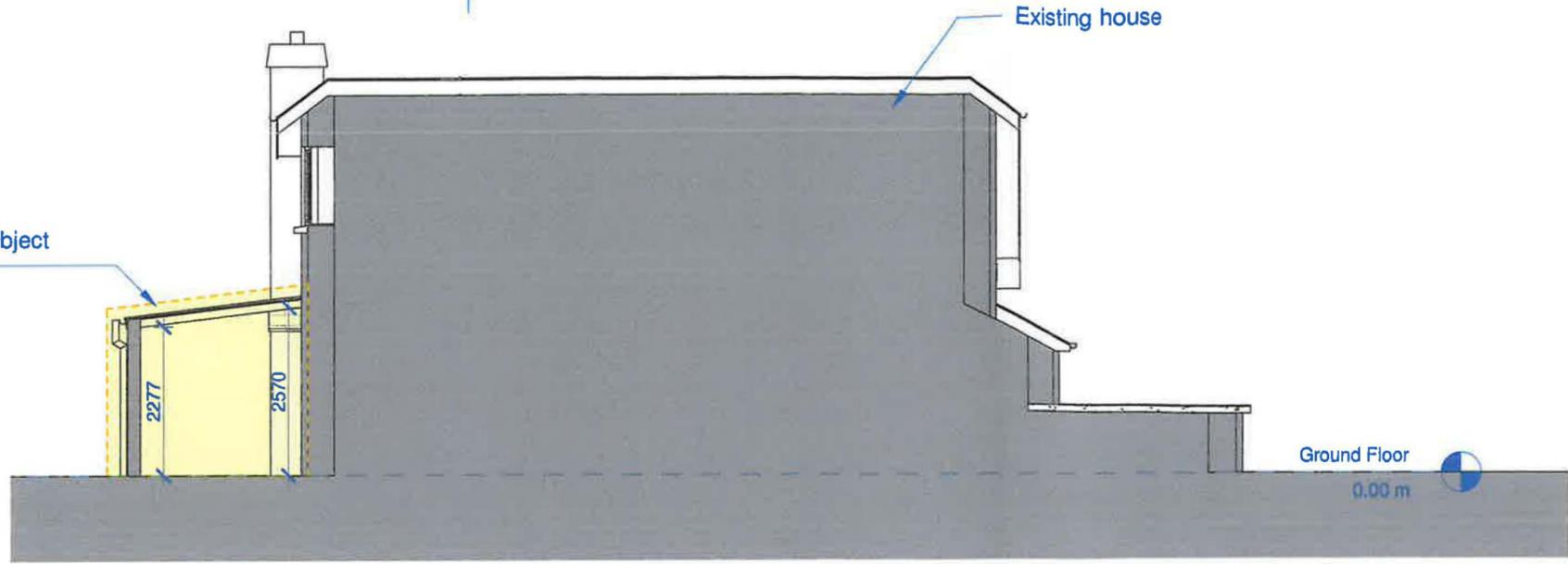
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No	Date	Description
Revision Schedule		



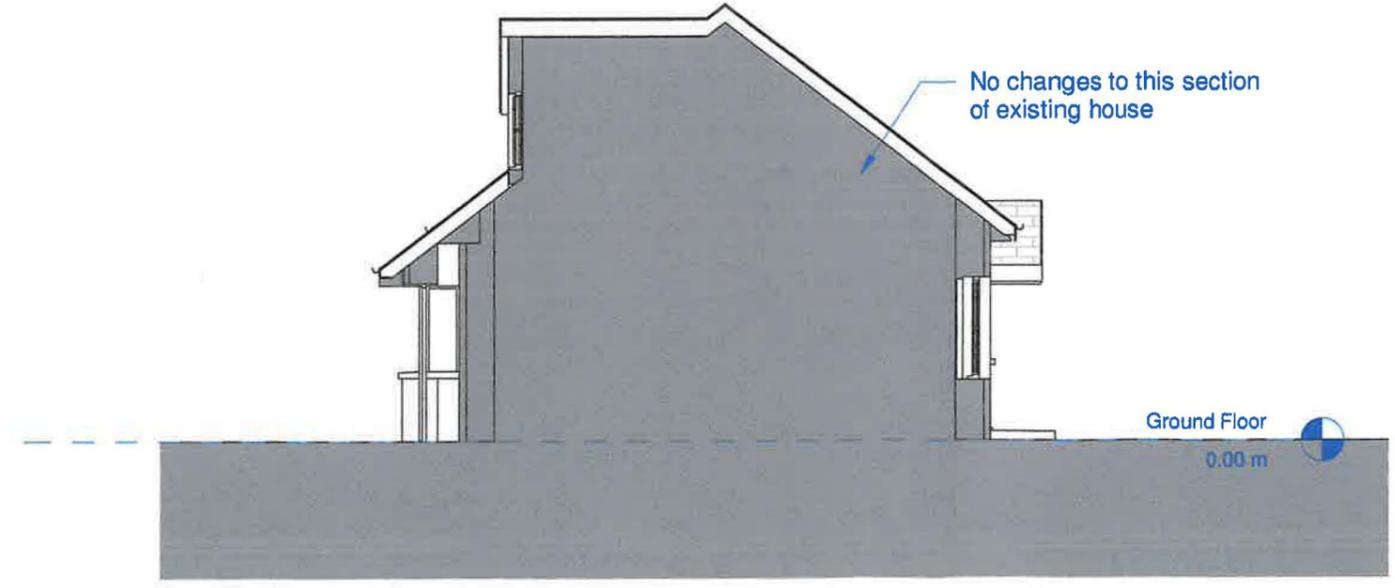
Shed highlighted in yellow subject of Section 5 application



**1** Long Section  
1 : 100



No changes to this section of existing house



**2** Cross Section  
1 : 100

**SYC17** | PROJECT

**02r** | SERIES

**A104** | SHEET

**Building Sections** | TITLE

**10/03/25** | FIRST ISSUE DATE

**SECTION 5** | PURPOSE

**1 : 100** | SCALE AT A3

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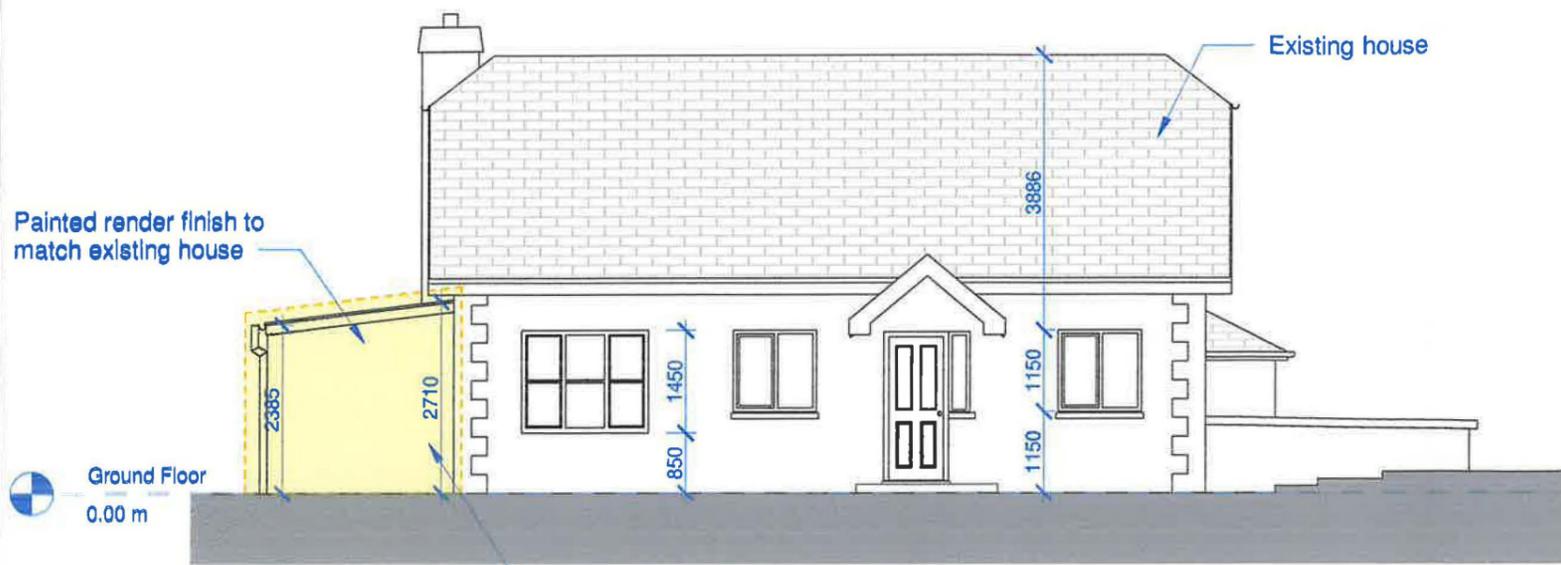
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100MM SCALE

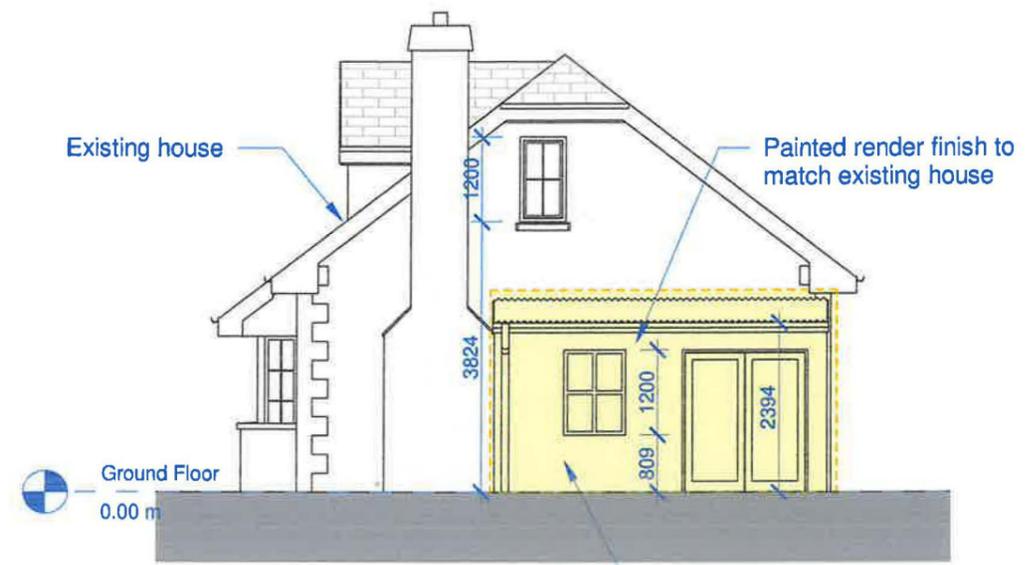
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No	Date	Description
Revision Schedule		



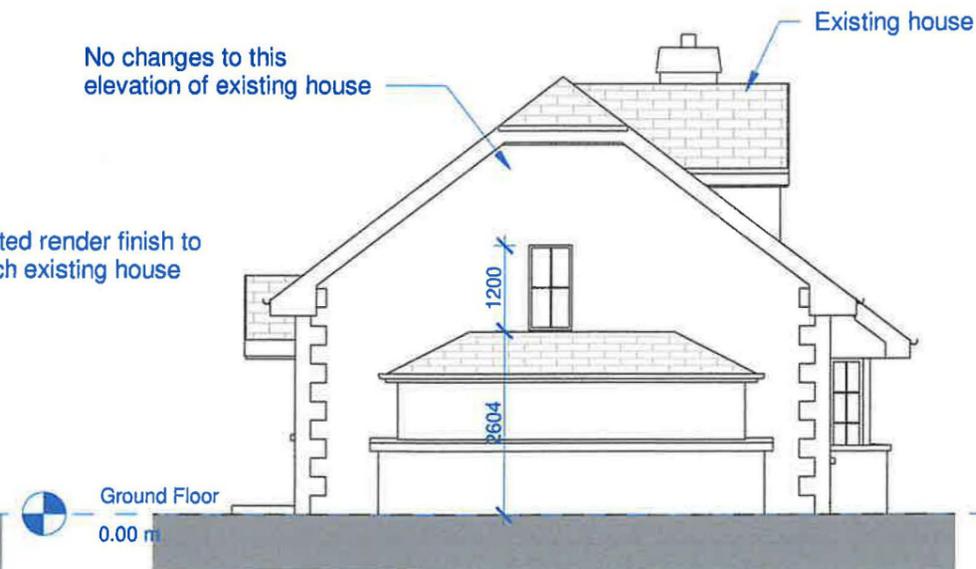
**1** North Elevation  
1 : 100



**2** East Elevation  
1 : 100



**3** South Elevation  
1 : 100



**4** West Elevation  
1 : 100

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10/03/25  
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SYC17 02r A105  
PROJECT SERIES SHEET

Elevations

SECTION 5  
PURPOSE

1 : 100  
SCALE AT A3

REVISION: REVISION DATE

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