



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Evan Marrinan  
C/o Enda Colleran  
Shanaway Road  
Ennis  
Co. Clare  
V95 DVY1**

**4th June 2025**

**Section 5 referral Reference R25-38 – Evan Marrinan**

Is the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalia, Quin, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th May 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 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**

**SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

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

Chief Executive's Order No: 85615

Reference Number: R25-38

Date Referral Received: 12th May 2025

Name of Applicant: Evan Marrinan

Location of works in question: Caharcalla, Quin, Co. Clare

**Section 5 referral Reference R25-38 – Evan Marrinan**

Is the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Caharcalla, Quin, Co. Clare 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 50 of the Planning and Development Regulations 2001, as amended;
- (d) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) The demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint 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 demolition of the existing dilapidated shed is not exempted development having regard to Schedule 2, Part 1, Class 50 the Planning and Development Regulations 2000 (as amended).
- (d) The construction of new farm shed is not exempted development having regard to:
  - (i) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
  - (ii) Article 9(1)(a)(vi) and Article (9)(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

**ORDER:** Whereas by Chief Executive's Order No. HR 343 dated 19<sup>th</sup> May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out herein,

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Kieran O'Donnell, Administrative Officer, hereby declare that the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Caharcalla, Quin, Co. Clare is **considered development** which is **not exempted development**.

Signed:



KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER



Date:

4th June 2025

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

Reference No.: R25-38



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R25-38**

**Is the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin, Co. Clare development and if so, is it exempted development?**

**AND WHEREAS, Evan Marrinan** has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 200, as amended;
- (d) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) The demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint 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 demolition of the existing dilapidated shed is not exempted development having regard to Schedule 2, Part 1, Class 50 the Planning and Development Regulations 2000 (as amended).
- (d) The construction of new farm shed is not exempted development having regard to:
  - (i) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
  - (ii) Article 9(1)(a)(vi) and Article (9)(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

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

The proposed development consisting of the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprints at Caharcalla, Quin, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, reading "Anne O'Gorman", written over a horizontal line.

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

**4th June 2025**

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

<b>FILE REF:</b>	R25-38
<b>APPLICANT(S):</b>	Evan Marrinan
<b>REFERENCE:</b>	Whether the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint is development and if so, is it exempted development.
<b>LOCATION:</b>	Cahercalla, Quin, County Clare
<b>DUE DATE:</b>	06 <sup>th</sup> June 2025

### Site Location

The proposal site is located in a rural area approximately 3km northeast of Quin. It is accessed from the local road network. The site is located in an agricultural field. There is a low-lying wetland area close to the roadside. The remainder of the field, including the proposed development location, appear to be well-drained.

An access road, which appears to be recently constructed, leads <sup>from</sup> for the entrance gate to the shed proposed for demolition. There is a large hardcore area to the front of the existing shed. It also appears to have been recently constructed.

The existing shed on the site is in poor condition. Some ground works have already taken place to the side of the shed.

### Recent Planning History

No recent planning applications on the proposal site or adjoining lands

### Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Evan Marrinan. He states that he is the legal owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint is considered exempted development as defined by Section 5 of the Planning and Development Act, 2000 (as amended).

### 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*.

5.3.(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(3) of the Planning & Development Regulations, 2001, as amended

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), 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 50

*The demolition of a building, or buildings, within the curtilage of—*

- (i) a house,*
- (ii) an industrial building,*
- (iii) a business premises, or*
- (iv) a farmyard complex.*

- 1. No such building or buildings shall abut on another building in separate ownership.*
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:*
  - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and*
  - (b) in all other cases, 100 square metres.*
- 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.*

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

*Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.*

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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,*

*(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, 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 applicant is seeking a Section 5 Declaration as to whether the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin, Co. Clare is development, and if so, it is exempted development.

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

### Particulars of Proposal

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

- Existing shed floor area                      Approx. 72m<sup>2</sup>
- Proposed shed height                        6 metres
- Proposed Floor Area                         274.56m<sup>2</sup>
- Proposed shed distance from road       Greater than 10 metres
- Proposed shed distance from dwelling   Greater than 100 metres

### Consideration of the following element of the development:

- the demolition of the existing dilapidated shed

This aspect of the development is considered in the context of Schedule 2, Part 1, Class 50 of the Planning and Development Regulations.

*The demolition of a building, or buildings, within the curtilage of—*

- (v) a house,*
- (vi) an industrial building,*
- (vii) a business premises, or*
- (viii) a farmyard complex.*

- 1. No such building or buildings shall abut on another building in separate ownership.*
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:  
(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and  
(b) in all other cases, 100 square metres.*
- 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.*

The applicant proposes to demolish an existing farm building. It is a free-standing structure. There are no other buildings in the vicinity of same. While the building has a rural location, I do not consider it to be *within the curtilage of a farmyard complex*. Having regard to the conditions and limitations of the exemption, I consider the demolition of the existing shed on the site, albeit in a poor condition, to be development which is not exempted development.

Consideration of the following element of the development:

- The construction of a new farm shed for the storage of machinery

This aspect of the development is considered in the context of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations.

*Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.*

The gross proposed floor area is 274.5m<sup>2</sup>. The stipulated floor area is not exceeded in this instance.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

The applicant has stated that the shed will be used to house machinery. There is no indication that the machinery to be stored is related to agricultural or forestry activity. There was machinery on the site at the time of the inspection. While 1no. tractor was noted, the other machinery was construction-related. There was also no agricultural activity noted within the landholding at the time of the inspection (no livestock or tillage). Based on the information submitted with the referral and the observations during the site inspection, I am not satisfied that the proposal complies with this limitation of the exemption.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

There are no other buildings proposed on the site.

3. *No such structure shall be situated within 10 metres of any public road.*

The proposed structure is in excess of 10 metres from the public road.

4. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*

The height threshold is not exceeded.

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*

There are no dwellings or other uses listed above within 100m of the proposed structure

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

The drawings indicate a block wall and green metal sheeting finishes.

Article 9(1)(a) of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

The proposal does contravene the conditions of a previous permission.

- (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,*

The applicant does not propose to alter the entrance to the site as part of this referral. However, it is noted that the entrance appears to have been widening in the recent past. The roadway abutting the site was not measured at the time of the site inspection, so it is not known if it is greater than 4m in width.

This is discussed further in section *viii* below.

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

Not applicable in this instance

- (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.*

This site is located within the Western Corridor Working Landscape where it is an Objective under CDP14.3 of the County Development Plan *inter alia* to ensure that the design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

The proposed shed is 6m in height and incorporates a palette of materials that would generally be used in agricultural buildings. However, the structure incorporates three large roller doors on the front elevation, rendering the building more commercial / industrial than agricultural in appearance. This is not appropriate in this rural setting.

It is also noted that the applicant has constructed an internal roadways and hardcore yard / parking area in the vicinity of the proposed development. Infilling works have been carried out to facilitate the construction of these feature, some of which infringe on a low-lying wetland area located close to the roadside.

The works undertaken, combined with the proposed commercial / industrial style shed will result in a form of development which is not appropriate to the setting and will interfere with the character of the landscape.

The proposed development does not comply with this limitation of the exemption.

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

This is not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the*

*preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

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,*

The proposal site is not located within a zone of archaeological potential.

- 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,*

Having regard to the nature and scale of the proposed development, the likely zone of impact is no greater than 3km.

There are no European sites within 3km of the proposed development site.

In the absence of proximity or connectivity to a European Site, 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."*

Not applicable to the proposed development

- (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,*

The applicant proposes a new shed. However, it is noted that the shed will be accessed via a roadway and hardcore yard / parking area which was recently constructed without the benefit of planning permission.

Based on older imagery of the site, and indeed the Site Layout Plan submitted with the referral, the farm road which currently exists on the site, does not follow the same route as the former farm track which led to the shed proposed for demolition.

The construction of the roadway and yard required the importation of fill onto the site which did not have the benefit of the planning permission. The imported material appears to comprise a mix of clean stone, spoil and construction waste. The infilling / roadway construction infringes on a wetland area and is therefore not exempt under the provisions of Article 8 of the Planning Regulations. I note that a Warning Letter from the Waste Enforcement Section of Clare County Council was issued in March 2025 in relation to the importation of materials onto this site.

Image 1 : access road and associated infilling runs along the eastern edge of the wetland. Image source: Google Maps 2009



I am not satisfied that works undertaken on the site, which will facilitate the construction and use of the proposed shed have the benefit of the relevant planning consents or are exemption under planning legislation.

- (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 demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin, Co. Clare is or is not development and is or is not exempted development.

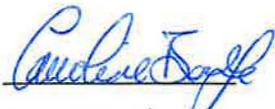
### The Planning Authority in considering this referral had regard to:

- 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 50 of the Planning and Development Regulations 200, as amended;
- d. Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001, as amended;
- e. The works as indicated in submitted documents from the referrer.

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

- (a) The demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint 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 ~~the~~ demolition of the existing dilapidated shed is not exempted development having regard to Schedule 2, Part 1, Class 50 the Planning and Development Regulations 2000 (as amended).
- (d) The construction of new farm shed is not exempted development having regard to:
  - (i) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
  - (ii) Article 9(1)(a)(vi) and Article (9)(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

Now therefore Clare County Council (Planning Authority), hereby decides that the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin, Co. Clare is development and is not exempted development.



Executive Planner

Date: 03/06/2025



Senior Planner

Date: 04-06-25

R25-38







New roadway and hardcore area on site.













COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

Evan Marrinan  
C/o Enda Colleran  
Shanaway Road  
Ennis  
Co. Clare  
V95 DVY1

12/05/2025

**Section 5 referral Reference R25-38 – Evan Marrinan**

Is the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th May 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 Stiúthóireacht 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

12/05/2025 13:36:48

Receipt No. L1CASH/0/378839  
\*\*\*\*\* REPRINT \*\*\*\*\*

EVAN MARRINAN  
C/O ENDA COLLERAN  
SHANAWAY ROAD  
ENNIS  
CO. CLARE

CONTAE

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



R25-38

**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	Evan Marrinan  Quin, Co. Clare
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Enda Colleran  Shanaway Road  Ennis Co. Clare V95DVY1

**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 an agricultural shed at Cahercalla, Quin, development and if so is it exempted development?*

Is the demolition of the existing dilapidated shed and the construction of a new farm shed on its footprint at Cahercalla, Quin 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.

It is proposed to demolish the existing dilapidated farm shed and replace it with a new farm shed. The new shed will be used to house machinery. It will be constructed on the footprint of the existing shed, will be 274.56 square metres, and will be located greater than 100m from all dwelling houses

(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)*

OS Map 4324, ITM 543610, 676779, Scale 1:2500

Site Layout Plan, Scale 1:1000

Floor Plan and elevations of proposed farm shed

<b>3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT</b>	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Cahercalla, Quin, Co. Clare _____ _____ _____ _____
(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 _____ Evan Marrinan recently purchased the subject land from the previous owner, Michael Neylon
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A _____ _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	CRM Ref. No. 024004
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	15/06/25

SIGNED: Fiona Collier

DATE: 12/05/2025

**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

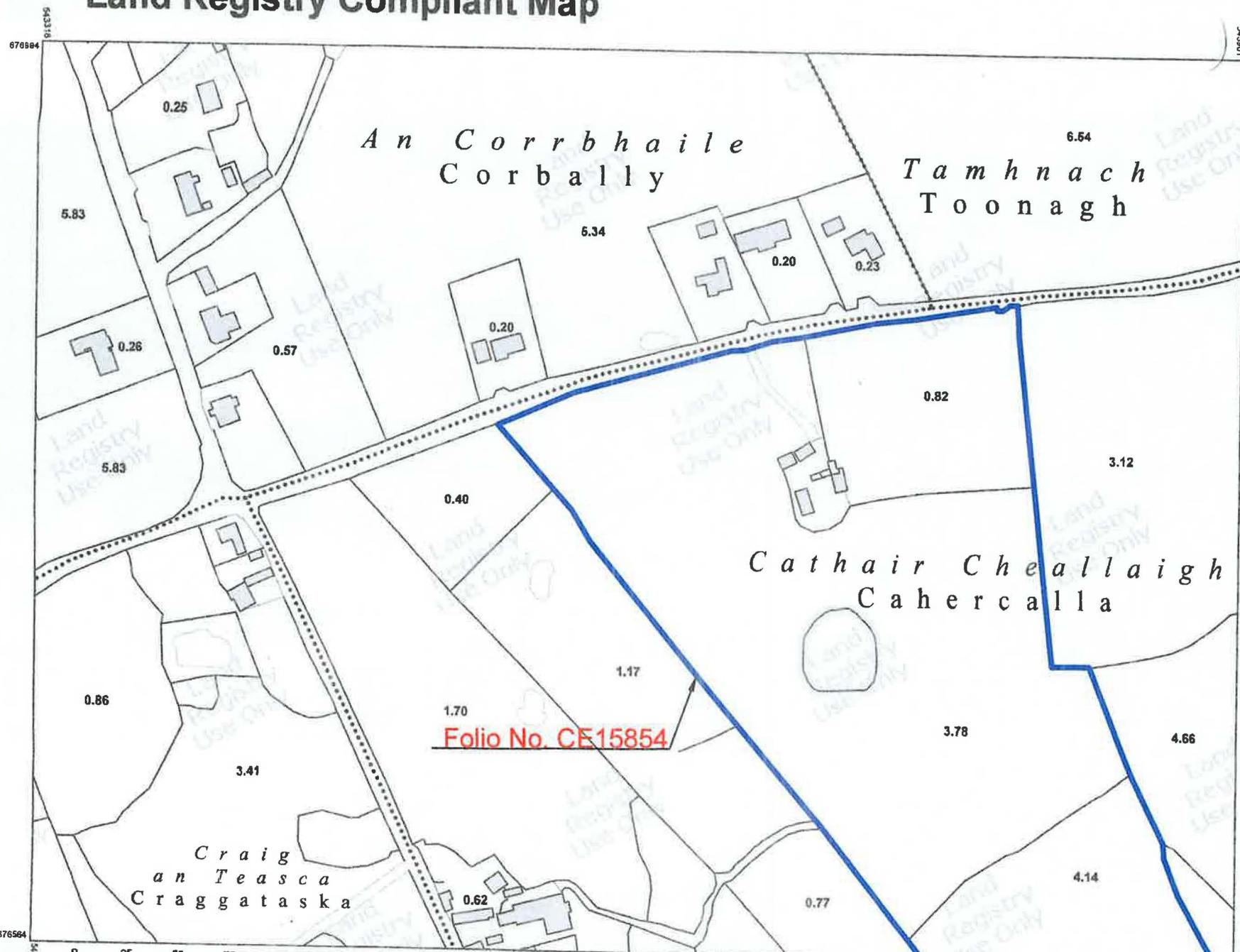
**FOR OFFICE USE ONLY**

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

# Land Registry Compliant Map



Tailte Éireann



**CENTRE COORDINATES:**  
ITM 543610,676779

**PUBLISHED:** 02/05/2025      **ORDER NO.:** 50464141\_1

**MAP SERIES:** 1:5,000      **MAP SHEETS:** 4324

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

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

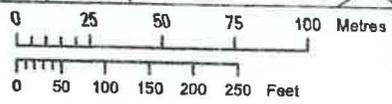
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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

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OUTPUT SCALE: 1:2,500

**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'

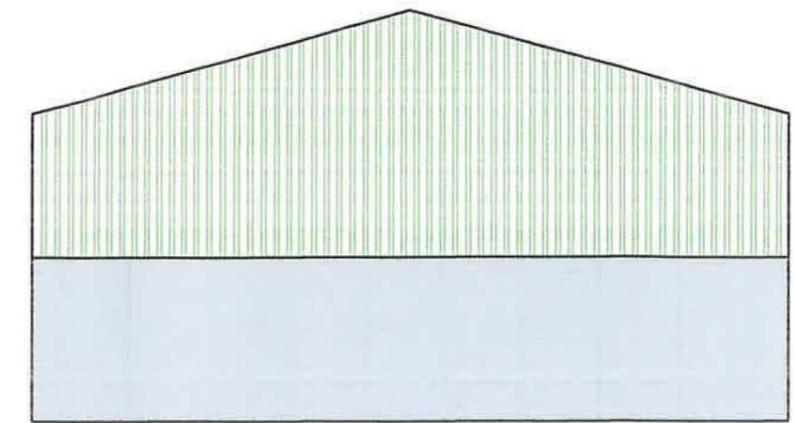




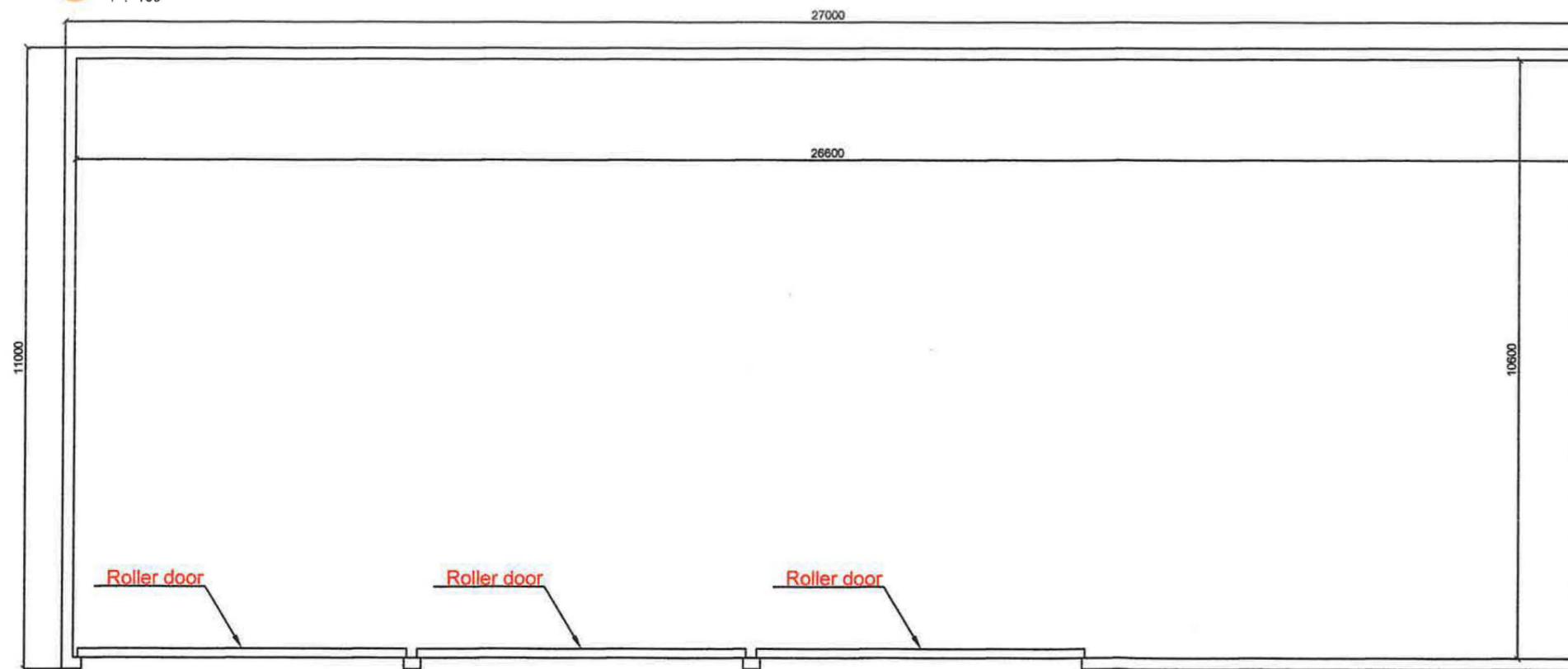
FRONT ELEVATION  
1 : 100



REAR ELEVATION  
1 : 100



SIDE ELEVATIONS  
1 : 100



FLOOR PLAN  
1 : 100

**ENDA COLLERAN & ASSOCIATES, LTD.**  
T/A ENVIRONMENTAL PLANNING CONSULTANTS

Enda Colleran  
MSc(Env Eng), BSc, MIEI  
EPA Approved Site Assessor  
Shanaway Road, Ennis,  
County Clare V95DVY1  
e-mail: [environplanning@gmail.com](mailto:environplanning@gmail.com)  
Tel: 086 602 0453

CLIENT	EVAN MARRINAN, CAHERCALLA, QUIN, COUNTY CLARE					
PROJECT	REQUEST FOR A DECLARATION ON EXEMPTED DEVELOPMENT					
DRAWING	FLOOR PLAN AND ELEVATIONS					

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SCALE	DATE	STAGE	DRAWN	SHEET	JOB NO.	REV.
1:100	12/05/2025	EXEMPT	E. COLLERAN 2		EPC-25002	A



Folio No. CE15854

Existing dwelling house  
 Existing dwelling house  
 Existing dwelling house

Proposed farm shed to be constructed

Existing farm shed to be demolished

SITE LAYOUT PLAN  
 1 : 1000

1:1000

**ENDA COLLERAN & ASSOCIATES, LTD.**  
 T/A ENVIRONMENTAL PLANNING CONSULTANTS

Enda Colleran  
 MSc(Env Eng), BSc, MIEI  
 EPA Approved Site Assessor  
 Shanaway Road, Ennis,  
 County Clare V95DVY1  
 e-mail: environplanning@gmail.com  
 Tel: 086 602 0453

CLIENT: EVAN MARRINAN, CAHERCALLA, QUIN, COUNTY CLARE

PROJECT: REQUEST FOR A DECLARATION ON EXEMPTED DEVELOPMENT

DRAWING: SITE PLAN

SCALE: 1:500    DATE: 12/05/2025    STAGE: EXEMPT    DRAWN: E. COLLERAN    SHEET: 1    JOB NO.: EPC-25002    REV.: A