

Comhairle Contae Chorcaí Cork County Council

Declan & Maura O' Donovan,
Clancoolmore,
Bandon,
Co. Cork.
P72 FR62.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



26th March 2024

REF: D/214/24
LOCATION: Clancoolmore, Bandon, Co. Cork, P72 FR62.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir & Madam,

On the basis of the information submitted by you on 1st March 2024 the Planning Authority, having considered the question whether or not the construction of a domestic garage to the rear of the dwelling at **Clancoolmore, Bandon, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Reason for Decision

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

- The particulars received by the Planning Authority on 1st March 2024,
- The planning history of the site,
- Sections 3(1) and 4 of the Planning and Development Act, 2000, (as amended),
- Schedule 2, Part 1, Classes 1 & 3 of the Planning and Development Regulations 2001, (as amended), and
- Article 9 of the Planning and Development Regulations, 2001, (as amended)

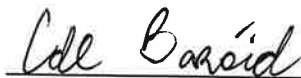
And Whereas Cork County Council has concluded that –

The construction of a domestic garage to the rear of the dwelling at Clancoolmore, Bandon, Co. Cork **is development and is exempted development.**

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



**CATHAL DE BARÓID,
ADMINISTRATIVE OFFICER,
PLANNING DEPARTMENT.**

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

Planning Ref D/214/24
Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Site Location: Clancoolmore , Bandon, Co. Cork

Proposed Development: Is the existing detached domestic garage structure to the rear of the existing dwelling is exempted development .

Proposal /Context

The applicant is seeking a determination by the planning authority as to whether or not the construction of a detached domestic garage to the rear of a dwelling is exempted development under the Planning and Development Regulations (2001, as amended).

Planning History

104/77 Single private dwelling Granted subject to 2 no. conditions

Legislative Context

According to **Section 3(1) of the Planning and Development Act (2000 as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Of particular relevance to this application is **Schedule 2 Part 1 of the Planning and Development Regulations (2001 – 2013). Class 1 and Class 3**

Class 1 of said Schedule considers the extension of a house, by the construction or erection of an extension to the rear of the house to be exempted development subject to a number of conditions and limitations

Class 3 of said Schedule relates to 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 subject to the following conditions /Limitations .

Conditions /Limitations

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.

Article 9 of said Regulations lists a series of restrictions on exemptions area noted

Assessment

Having reviewed the plans submitted, the garage is behind the rear building line of the dwelling onsite. The garage is a mono pitched roof structure with an overall height of 2.7m . It has a FFL of 77.96 which is below the level of the dwelling. The floor area of the garage is 19.2m² as per the drawings submitted. The garage has a render finish on the north , south and western elevation while the eastern elevation (front) has a stone finish around the garage door which matches the stone finish on the front elevation of the dwelling which was permitted under 107/77). The applicant has submitted photographs of the structure, and it is used for domestic purposes.

Having regard to the parameter of Class 3, the provision of a garage would only be exempted development where the Class 3 limits are met. Having regard to the details submitted the garage is considered exempted development.

Conclusion

Having considered the information received and the provisions of both the Planning and Development Act 2000 as amended, and the Planning and Development Regulations 2001 as amended along with the planning history for the site the works proposed at Clancoolmore , Bandon constitutes” development” but is considered exempted development having regard to **Conditions and Limitations of Class 3 development in Schedule 2 Part 1 of the Planning and Development Regulations (2001 as amended).**

John Redmond

Area Planner

26/03/2024

Declan & Maura O'Donovan
Clancoolmore,
Bandon
Co. Cork
P72 FR62

29/02/2024

The Planning Department,
Cork County Council,
County Hall,
Carrigrohane Road
Cork

Re: Application for a section 5 Declaration of Exemption for existing Garage.

Dear Sir/Madam,

Please find enclosed application or a section 5 Declaration of exception for an existing garage that was built in approx. 1980. Enclosed in this application are following:

- 4 copies of the application form
- 1 Copy of the contact details
- 4 copies of the 6" O.S. Maps
- 4 copies of the 2" O.S. Maps
- 4 copies of the site layout plan
- 4 copies of Scaled Floor plan
- 4 Copies of Elevation drawings
- 4 copies of photographs of the existing garage.
- €80 application fee in cash.

If you require any other information to aid in the above application, please feel free to contact me, thanks.

Regards,

Declan & Maura O'Donovan





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PL2000 2354
Cash/Cheque/ Credit Card	CASH
Date	1/3/24
Declaration Ref. No.	D/214/24

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	19.2m ²
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use Proposed use	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	N/A	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Planning Department 01 MAR 2024 Carrigrohane Community Council Carrigrohane, Co. Kerry </div>
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	N/A	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	<i>Declan O'Donovan</i>
Date	<i>29/02/2021</i>

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	<i>Declan O'Donovan</i>
Date	<i>29/02/2021</i>

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.


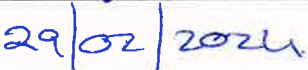
ADVISORY NOTES:

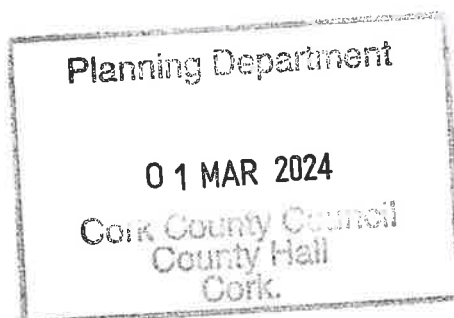
The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
 The application should be sent to the following address:
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	
Date	



RECORD PLACE MAP



Description
 Digital Landscape Model (DLM)
 Publisher / Source:
 Ordnance Survey Ireland (OSI)
 Data Source / Reference:
 PRIME2
 File Format:
 Autodesk AutoCAD (DWG_R2013)
 File Name:
 v_50381782_1.dwg
 Clip Extent / Area of Interest (AOI):
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 Projection / Spatial Reference:
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 Centre Point Coordinates:
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 Reference Index:
 Map Series / Map Sheets
 1:2,500 | 6807-C
 Data Extraction Date:
 Date= 07-Feb-2024
 Source Data Release:
 DCMLS Release V1.172.117
 Product Version:
 Version= 1.4
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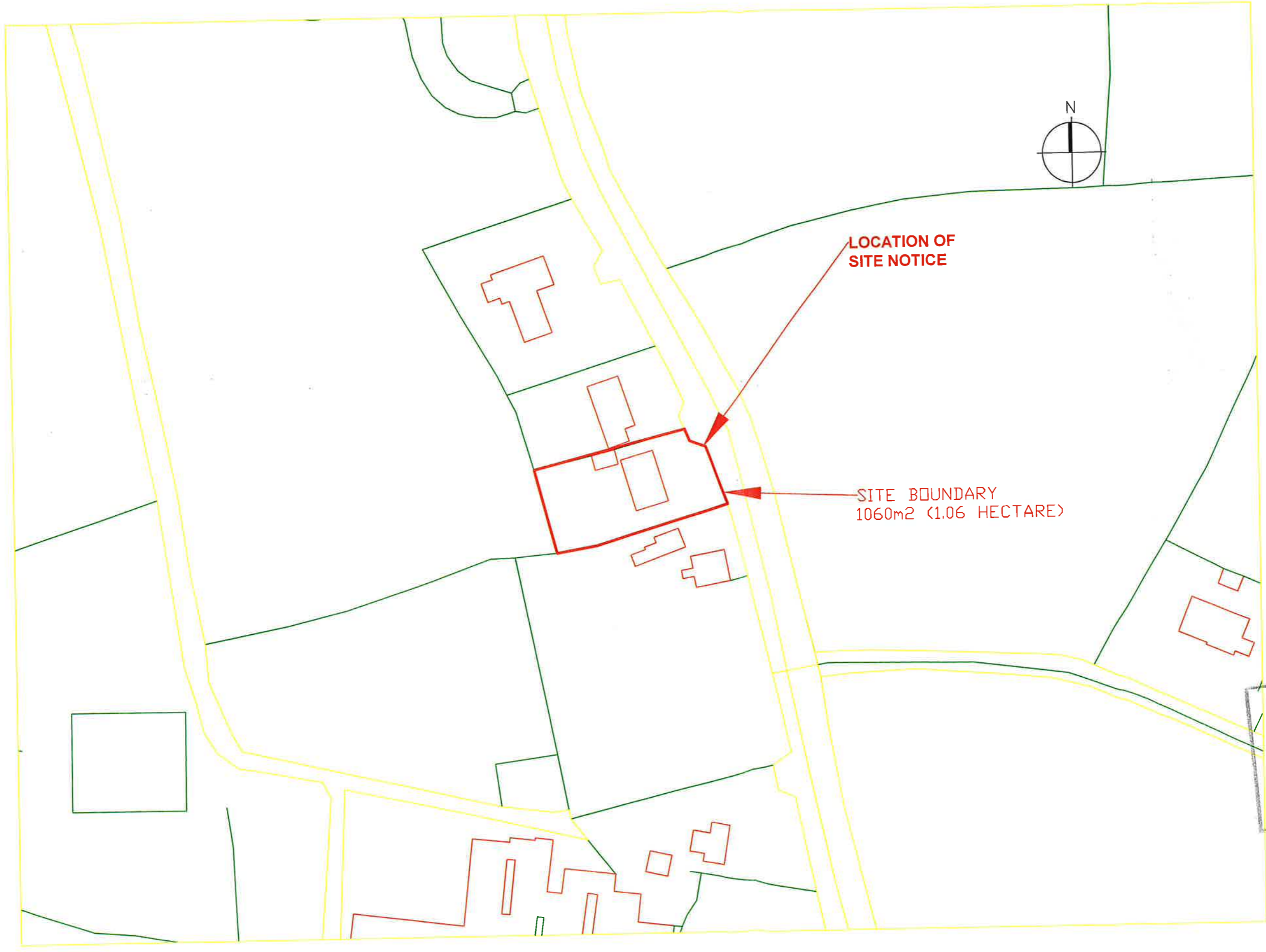
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 Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.
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 Arna thionsú agus arna thóisiú ag Súrthéireacht Ordánais Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire
 Sárlonn atáirgeadh neamhúdarthaí cóipeacht Shúrthéireacht Ordánais Éireann agus Riailtas na hÉireann
 Gach cead ar cosnadh. Ní ceadmáth aon chuid den fhóilséachán seo a chóipeáil, a atháirgeadh nó a fhanúil in aon form ná ar aon bhealach gan cead / scribhinn riamh ré a únláir an chóipeáil.
 Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar chead ail.
 Ní thaispeánann léarscáil de chuid Ordnáis Súrthéireacht ná hÉireann teorann phoiblí de mháin de mian nár n-áiríocht fíorúil na hÉireann.

Planning Department
 01 MAR 2024
 Cork County Council
 County Hall
 Cork

SECTION 5 DECLARATION REQUEST AT CLANCOOLMORE, BANDON, CO. CORK
 Client:
 Declan & Maura O'Donovan, Clancoolmore, Bandon, Co. Cork
 Drawing Title:
 RECORD PLACE MAP
 Scale: 1:10,560 Dwg. No: 20-JOD-01 Rev: 1 Date: 21/02/2024

Scale:- 1:10,560

RURAL PLACE MAP



Description:
 Digital Landscape Model (DLM)
 Publisher / Source:
 Ordnance Survey Ireland (OSi)
 Data Source / Reference:
 PRIME2
 File Format:
 Autodesk AutoCAD (DWG_R2013)
 File Name:
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Clip Extent / Area of Interest (AOI):
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Reference Index:
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Date Extraction Date:
 Date= 07-Feb-2024

Source Data Release:
 DCMLS Release V1.172.117

Product Version:
 Version= 1.4

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Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

© Suirbhéireacht Ordnáis Éireann, 2024
 Anna thionsú agus ana fhóilsú ag Suirbhéireacht Ordnáis Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.

Séaraíonn atáirgeadh neamhdartha cóipeacht Suirbhéireacht Ordnáis Éireann agus Riailtas na hÉireann.

Gach cead ar cosnamh. Ní ceadmhach son chuid den fhóilseachán seo a chóipeáil, a atáirgeadh nó a tharchur in aon fhorm ná ar aon bhealach gan cead i scríbhinn roimh ré ó úinéirí an chóipeáir.

Ní hionann bóthar, bealach nó cosán a bheith ar an léarscál seo agus fianaise ar chead sli.

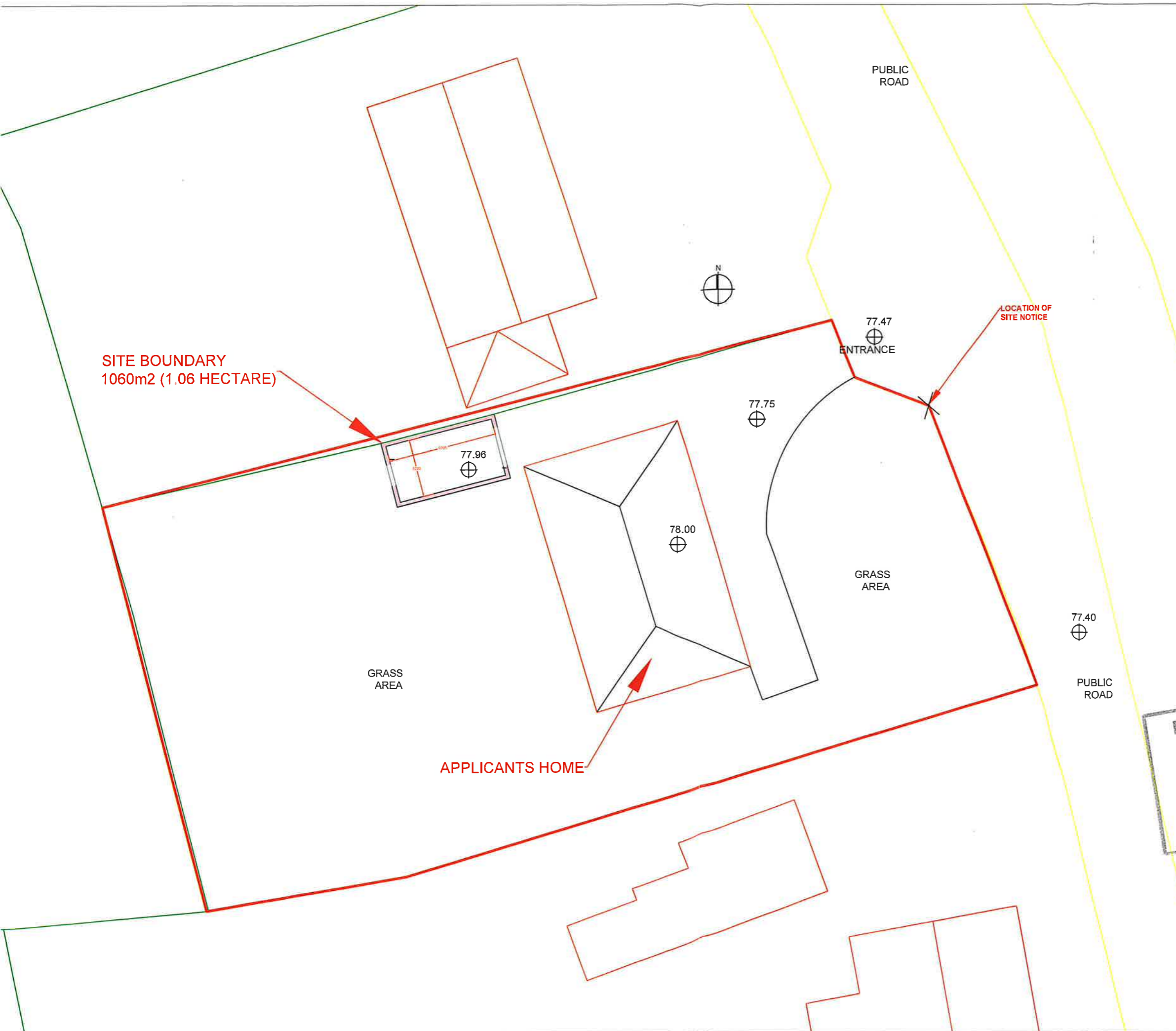
Ní thaispeánann léarscál de chuid Ordnáis Suirbhéireacht na hÉireann teorainn phriontí gléasthúil de mionn riail, ná umearachtaí de ghriúbaí físiúla.

Planning Department
 01 MAR 2024
 Cork County Council
 County Hall
 Cork.

SECTION 5 DECLARATION REQUEST AT CLANCOOLMORE, BANDON, CO. CORK			
Client: Declan & Maura O'Donovan, Clancoolmore, Bandon, Co. Cork			
Drawing Title: RURAL PLACE MAP			
Scale: 1:2,500	Dwg. No: 20-JOD-02	Rev: 1	Date: 21/02/2024

Notes:

All dimensions and levels are in millimeters unless otherwise noted.



Planning Department
01 MAR 2024
Cork County Council

SECTION 5 DECLARATION REQUEST AT CLANCOOLMORE, BANDON, CO. CORK

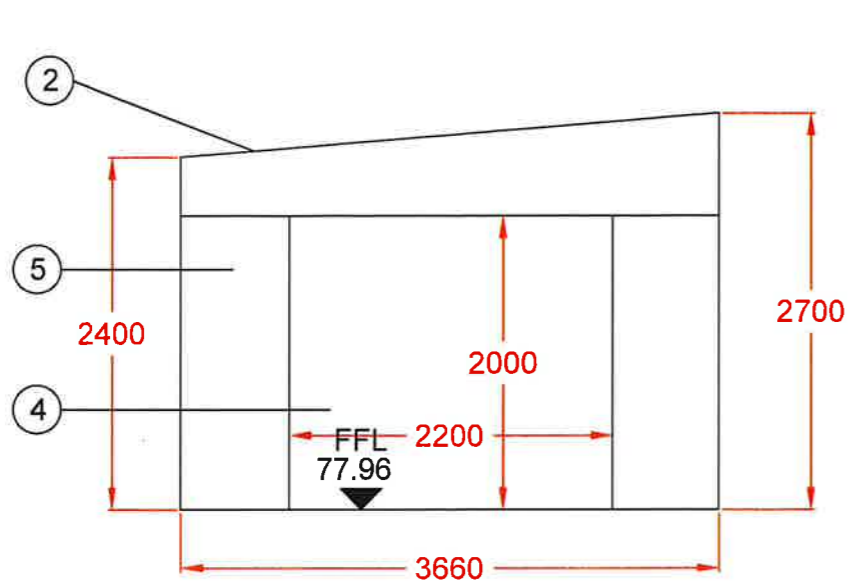
Client:
Declan & Maura O'Donovan, Clancoolmore,
Bandon, Co. Cork

Drawing Title: Site Plan

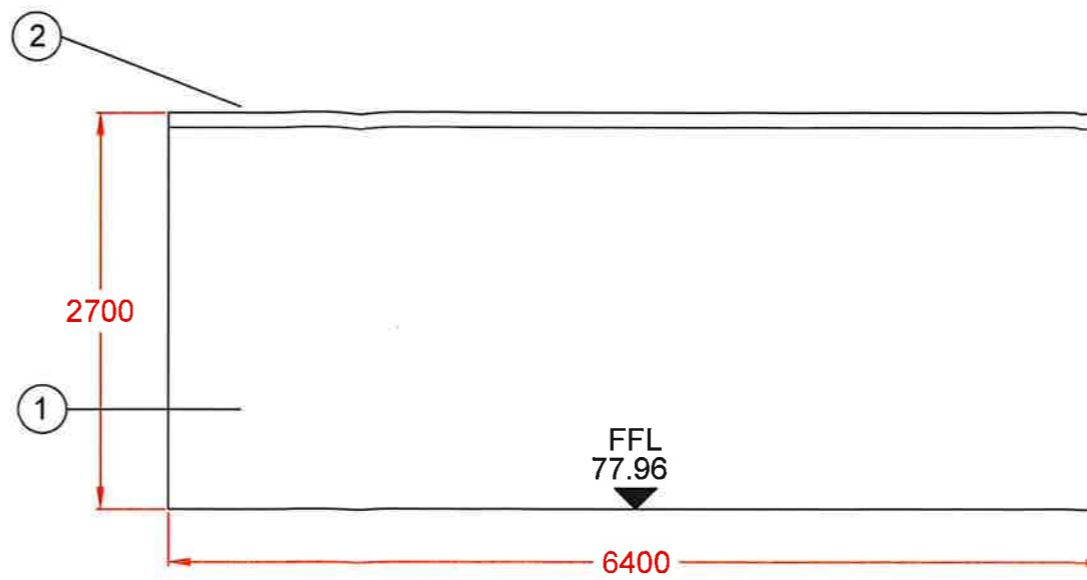
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1:200	20-JOD-03	1	21/02/2024

Notes:

All dimensions and levels are in millimeters unless otherwise noted.

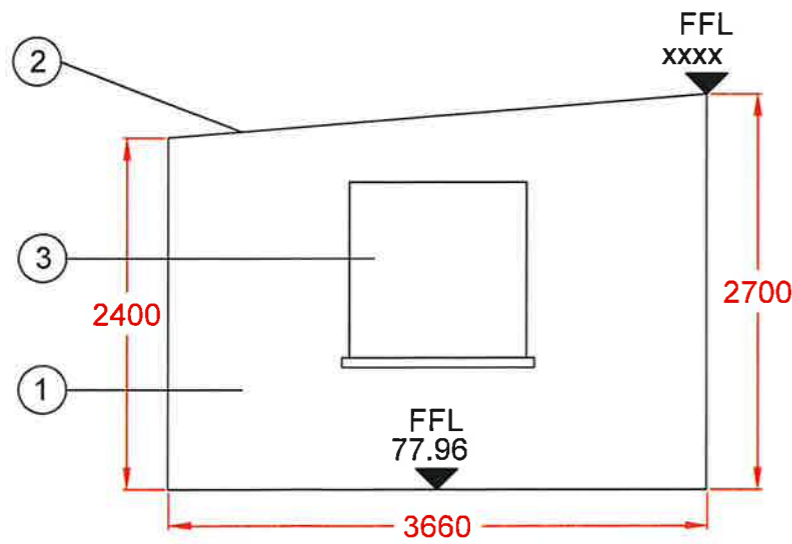


East Elevation

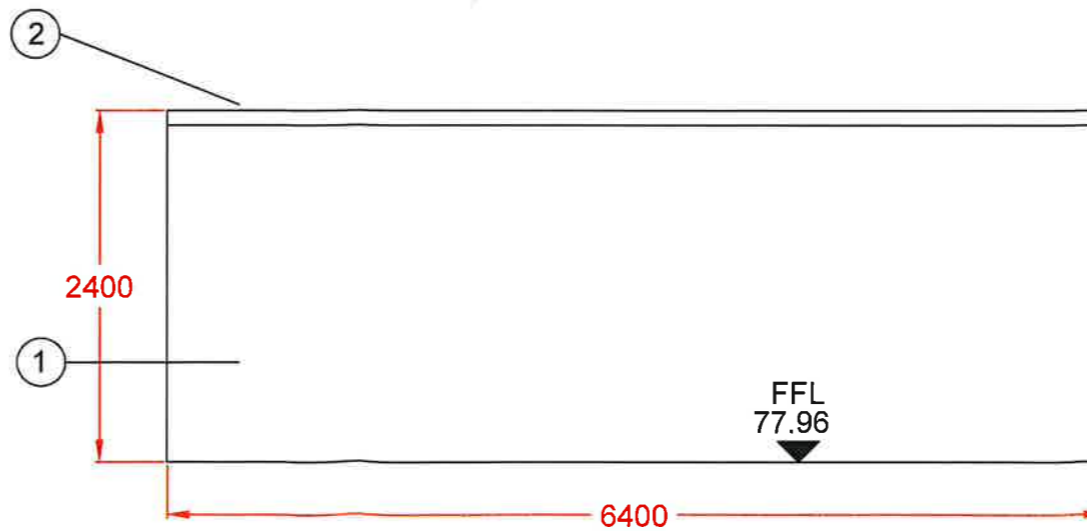


North Elevation

- LEGEND:
- 1. Render finish
 - 2. Flat Roof
 - 3. PVC Window
 - 4. Roller Door
 - 5. Stone Finish



West Elevation



South Elevation

Planning Department
01 MAR 2024
Cork County Council
County Hall
Cork.

SECTION 5 DECLARATION REQUEST AT CLANCOOLMORE, BANDON, CO. CORK

Client:
Declan & Maura O'Donovan, Clancoolmore,
Bandon, Co. Cork

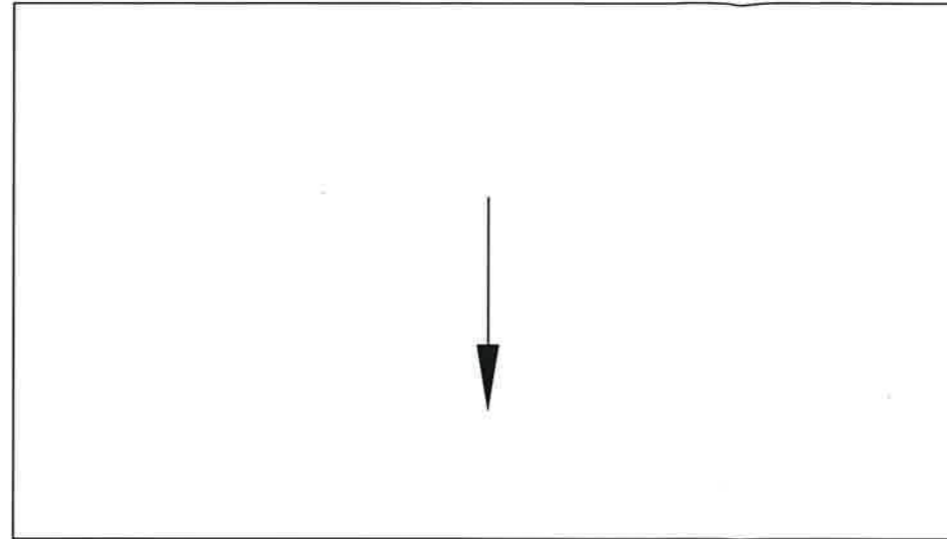
Drawing Title:

Elevations

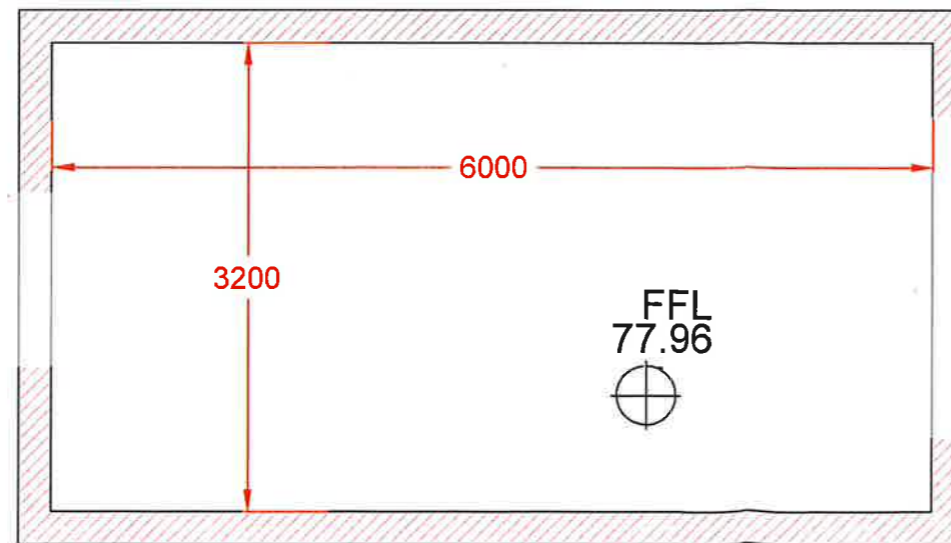
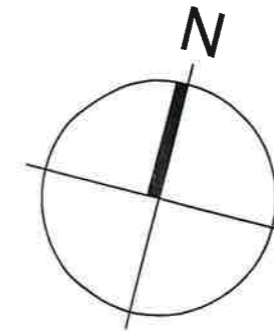
Scale: 1:50	Dwg. No: 20-JOD-05	Rev: 1	Date: 21/02/2024
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Notes:

All dimensions and levels are in millimeters unless otherwise noted.



Roof Plan



Ground Floor Plan



SECTION 5 DECLARATION REQUEST AT
CLANCOOLMORE, BANDON, CO. CORK

Client:
Declan & Maura O'Donovan, Clancoolmore,
Bandon, Co. Cork

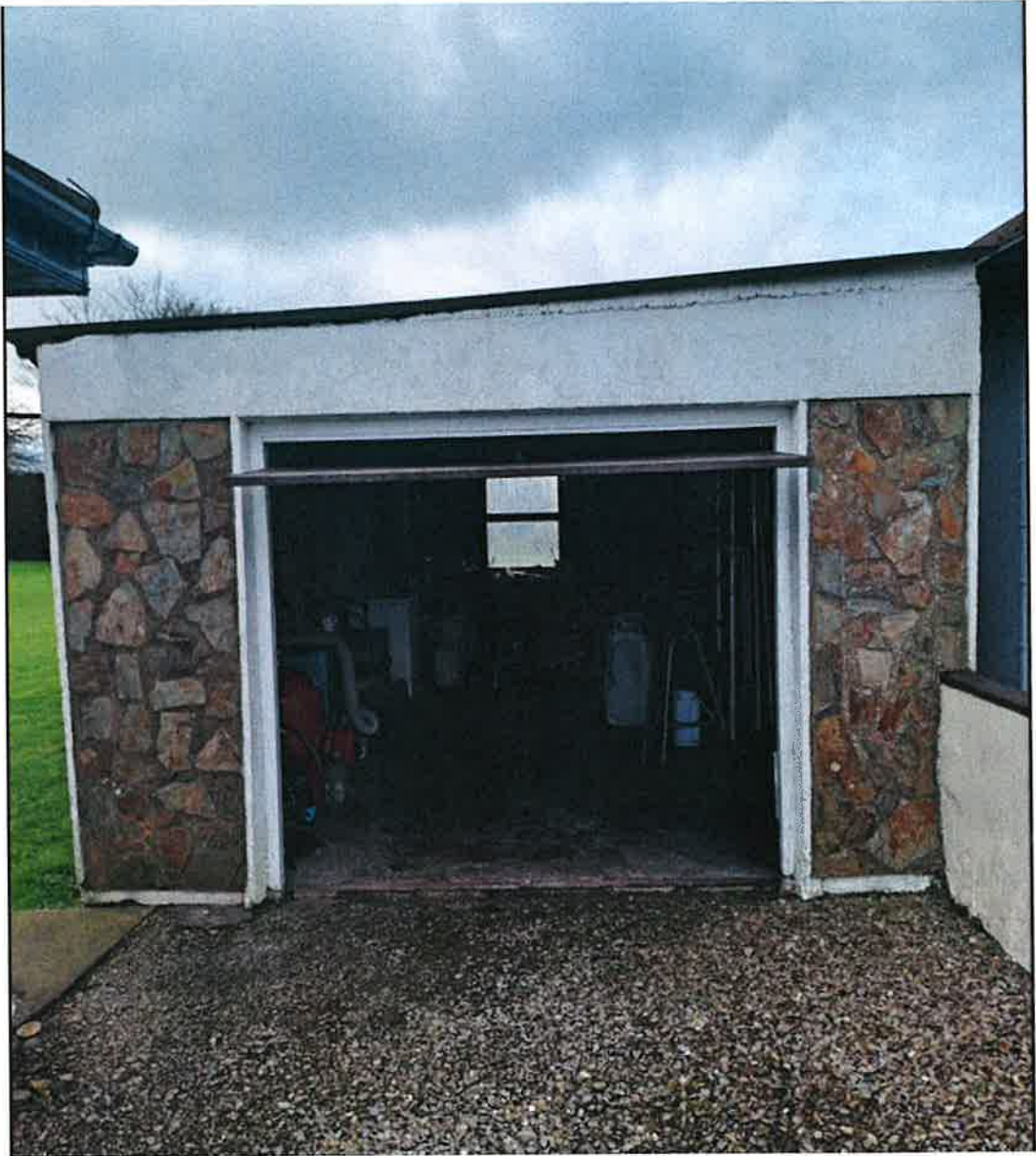
Drawing Title:
Ground & Roof Plan

Scale: 1:50	Dwg. No: 20-JOD-04	Rev: 1	Date: 21/02/2024
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Front Elevation

Planning Department
01 MAR 2024
Cork County Council
County Hall
Cork.



Front Elevation 1

Declan & Maura O'Donovan – Section 5 Declaration request



Side elevation



Rear elevation

Planning Department
01 MAR 2024
Cork County Council
County Hall
Cork.