# Comhairle Contae Chorcaí Cork County Council

Eoin O' Mahony, c/o Martin O' Callaghan, Skevanish, Innishannon, Co. Cork. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 • Faics: (021) 4276321 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall, Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 • Fax (021) 4276321 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



5<sup>th</sup> September 2023

REF:D/273/23LOCATION:Clooncallamore, Timoleague, Co. Cork

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

Dear Sir,

On the basis of the information submitted by you on 14<sup>th</sup> August 2023 the Planning Authority, having considered the question whether or not the construction of a carport type structure to the rear of the existing dwelling at **Clooncallamore, Timoleague, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development**.

#### **Reason for Decision**

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

- Sections 3(1) and 4 of the Planning and Development Act, 2000 (as amended),
- Class 1 and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),
- Article 9 of the Planning and Development Regulations 2001 (as amended),
- The planning history of the site, and
- The particulars received by the Planning Authority on 14<sup>th</sup> August 2023

### And Whereas Cork County Council has concluded that -

The construction of a carport type structure to the rear of the existing dwelling at **Clooncallamore**, **Timoleague**, **Co. Cork** constitutes **development that is not exempted development**. Having regard to the existing permitted and constructed Class 3 development on the site, which exceeds the 25 sq. metre development threshold, the provision of a 48m2 car port is not considered exempted development

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section,

many 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,

Men. 57-

KEVIN O' REGAN, SENIOR EXECUTIVE 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

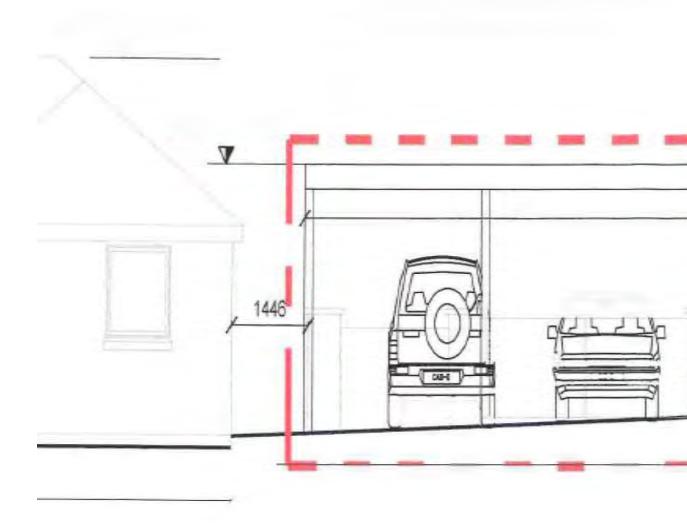
#### Planning Ref D/273/23 Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

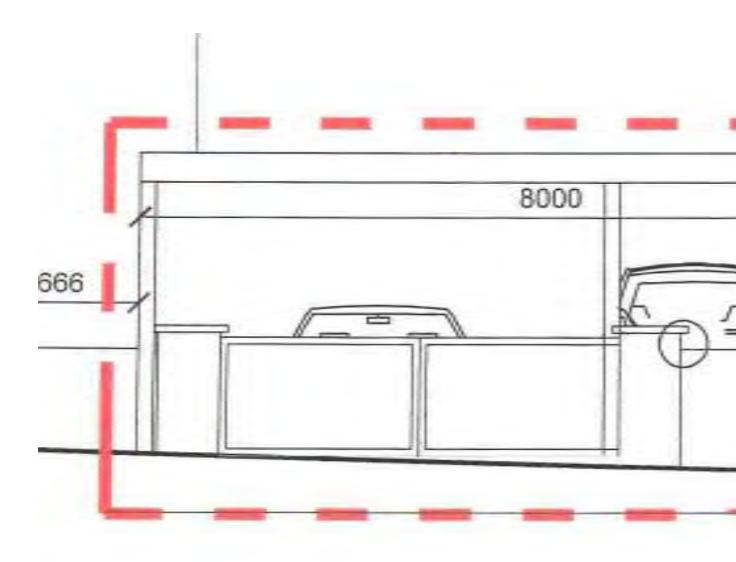
Site Location:	Clooncalla More , Timoleague, Co. Cork	
<b>Proposed Development:</b>	Is the construction of a carport type structure to	
	the rear of the existing dwelling is exempted	
	development.	

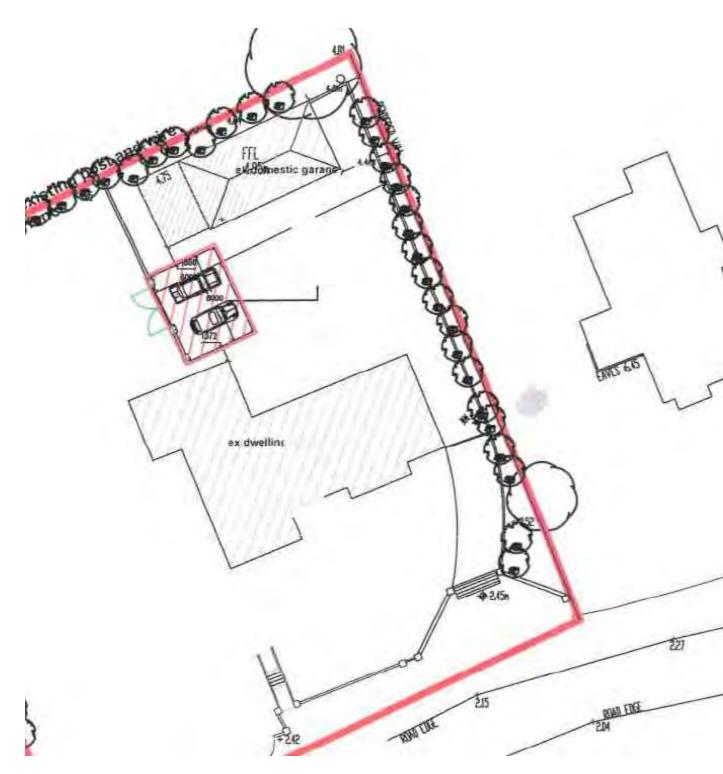
#### **Proposal** /Context

The applicant is seeking a determination by the planning authority as to whether or not the works to an existing dwelling is exempted development under the Planning and Development Regulations (2001, as amended).

The works includes the construction of an 8m high carport with a translucent corrugated roof fixed to galvanised steel structure.







#### **Planning History**

16/5498 Eoin McCarthy Alterations and extension to existing dwellinghouse including (a) single storey extension to side and rear, (b) minor elevational alterations, (c) reconfigured entrance, (d) detached domestic garage, (e) wastewater treatment system and percolation area . Granted

17/7285 Eoin McCarthy Retention and completion of domestic garage (under construction) including plant room previously granted under Planning Reg. No. 16/5498 Refused

19/5155 Eoin McCarthy Retention of existing plant/utility room adjacent to domestic garage as per Planning Ref. No. 16/5498

#### **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 <u>any tent</u>, <u>awning</u>, <u>shade or other object</u>, <u>greenhouse</u>, <u>garage</u>, <u>store</u>, <u>shed or other similar structure</u> subject to the following conditions /Limitaions .

#### **Conditions /Limitations**

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

2. <u>The total area of such structures constructed, erected or placed within the curtilage of a house</u> 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. <u>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.</u>

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 site history, the applicant received planning permission for a garage and a plant/utility measuring 91.7m2 permitted under 16/5498 and 19/5155. Having regard to the parameter of Class 3, the provision of a carport would only be exempted development where the Class 3 limits are met. Given that the permitted and constructed Class 3 development on the site, the provision of a 48m2 car port is not 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 Clooncalla More, Timoleague constitutes" development" but is not considered exempted development having regard to **Conditions and Limitations of Schedule 2 Part 1** of the **Planning and Development Regulations (2001 as amended) Class 3 development.** Having regard to the existing permitted and constructed Class 3 development on the site , the provision of a 48m2 car port is not considered exempted development

John Redmond

Area Planner 05/09/2023 Clooncalla More, Timoleague, Co Cork.

> Planning Department, Cork County Council, Floor 1, County Hall, Co Cork.

14<sup>h</sup> August 2023. Date

#### Proposed Car Port at Clooncalla More Timoleague, Co Cork. Re:

Dear Sir/Madam,

Please find attached documentation regarding my proposed request for a Section 5 Declaration of Exemption for the proposed car port.

In support of same I include

- 4 no copies of completed application form
- 4 no copies of site location maps -
- 4 no copies of site layout \_
- 4 no copies of drawings of proposed car port \_
- €80.00 fee

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I trust the foregoing is to your satisfaction.

Should you require any further clarification of any of the above, please do not hesitate to contact the undersigned.

Yours sincerely,

Egg or Mahy

**Eoin O Mahony** 

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### <u>CORK COUNTY COUNCIL APPLICATION</u> FOR SECTION 5 DECLARATION OF EXEMPTION

#### APPLICANT CHECKLIST

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:
630 Application Fee:

#### FOR OFFICE USE ONLY

Receipt No.	PLS-0041984		
Cash/Cheque/ Credit Card	CAND.		
Date	14/08/2023		
Declaration Ref. No.	D1273/23		

(Please tick  $\sqrt{}$ )

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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 3<sup>rd</sup> 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

<u>http://www.corkcoco.ie/Privacy-Policy</u> 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 <u>dpo@corkcoco.ie</u> or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

#### 1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

EOIN O MAHONY

## 2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

CLOONCALLAMORE, TIMOLEAGUE, CO CORK

#### 3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

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#### 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  $(m^2)$ 

(a) Floor area of existing/proposed structure(s):	48M2
<ul> <li>(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1<sup>st</sup> October, 1964 (including those for which planning permission has been obtained):</li> </ul>	Yes No View No
(c) If a change of use of land and/or building(s) is proposed, please state the following:	
Existing/previous use	Proposed use
<u>N/A</u>	N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V 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	B. Other
Where legal interest is "Other", please state your interest in the land/structure:		
<b>If you are not the legal owner</b> , please state the name of the owner/s (address to be supplied at Question C in Contact Details):		14 AUG 2023 Cork Coulins
PROTECTED STRUCTURE DETAILS /	ARCHITECTURAL	CONSERVATION AREA

Is this a Protec Structure:	Yes	Proposed Pro	No	ure or with	hin the curti	lage of a Prote	ected
If yes, has a Do or issued for th				ing & Dev Yes	velopment A	No	requested
If yes, please s	tate relevant r	eference No.		-			
Is this site loca Development l			l Conservatio	on Area (A	CA), as des	ignated in the	County

#### 7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment becaus	e 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 <a href="http://www.corkcoco.ie/privacy-statement-cork-county-council">http://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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)	Zon D Maher
Date	14/08 2023

### 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 <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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	Ean Olenhen	
Date		14/08/2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: <u>planninginfo@corkcoco.ic</u> or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: <u>westcorkplanninginfo@corkcoco.ic</u> 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.

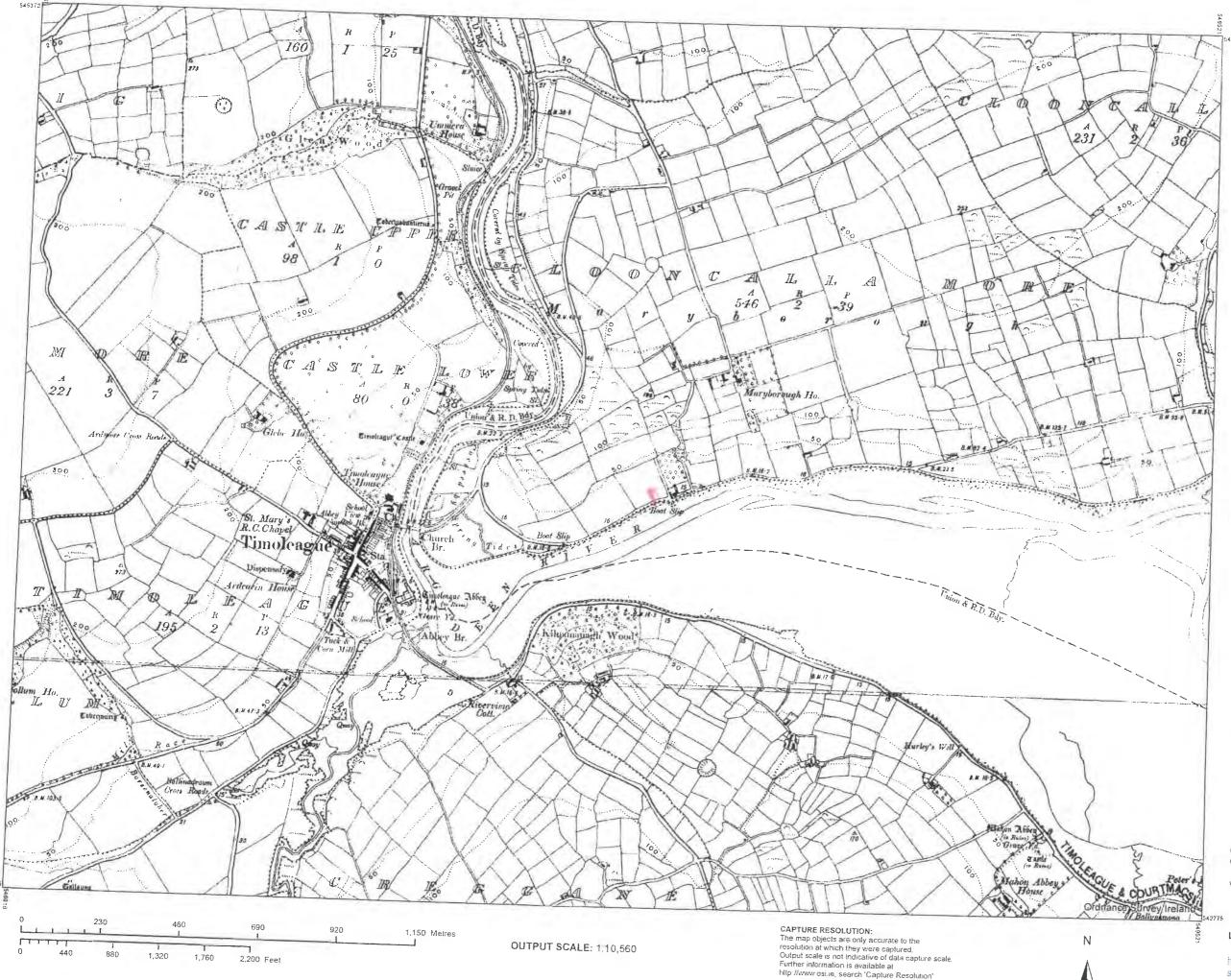
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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 <u>Planning and Development Acts 2000</u>, <u>as amended and the Regulations made thereunder:</u>

Signed (Applicant or Agent as appropriate)	En Maher
Date	14/08/2023

14 AUG 2023 Conclusion, Usancii County Hall Colk.





### National Mapping Agency

CENTRE COORDINATES: ITM 547769,544074

PUBLISHED: 29/04/2019

MAP SERIES:

6 Inch Raster

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ORDER NO.: 50059782\_1

MAP SHEETS: 9900-01 CK123 CK136

COMPILED AND PUBLISHED BY: Ordnance Survey Ireland, Phoenix Park, Dublin 8, Ireland.

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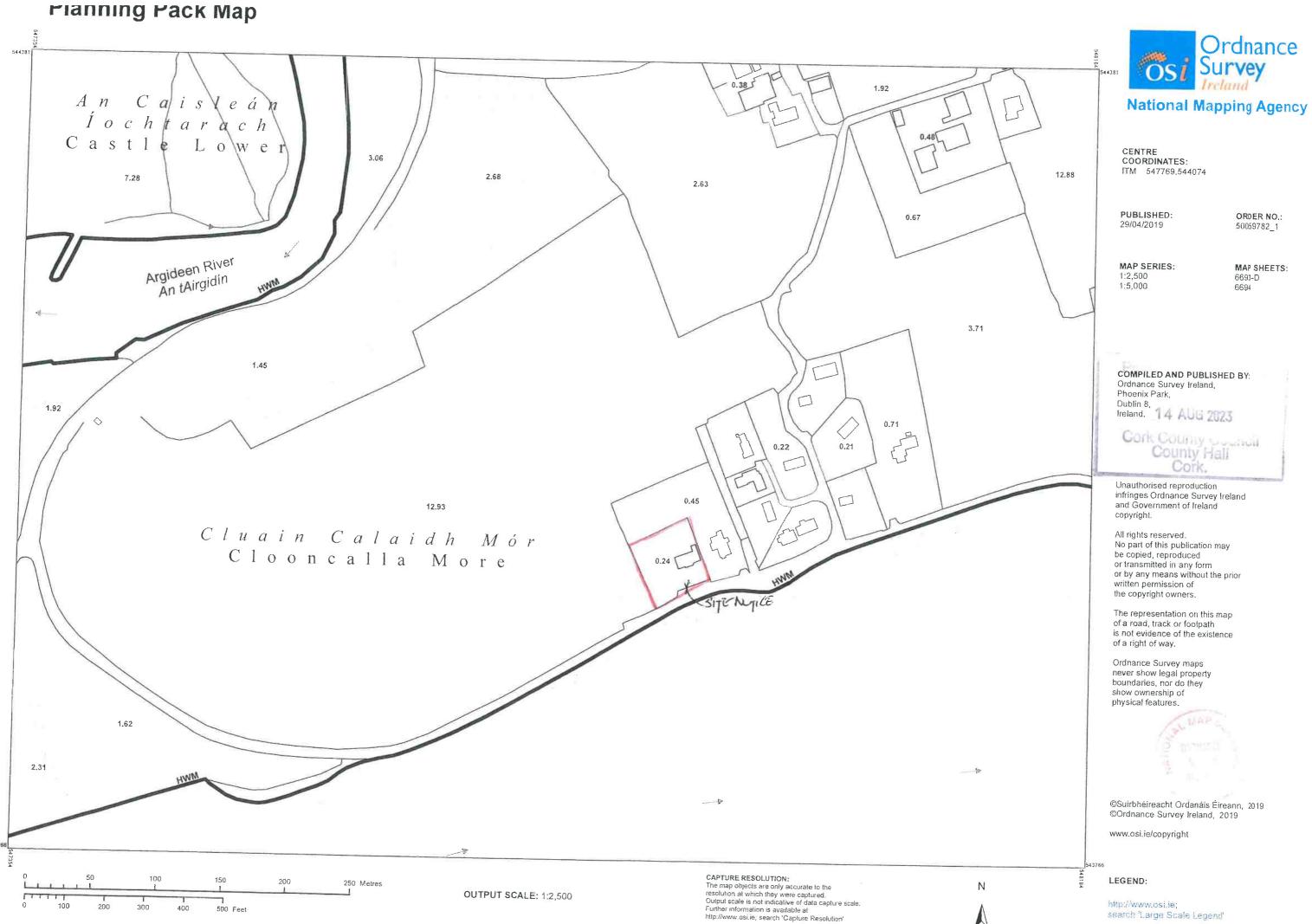
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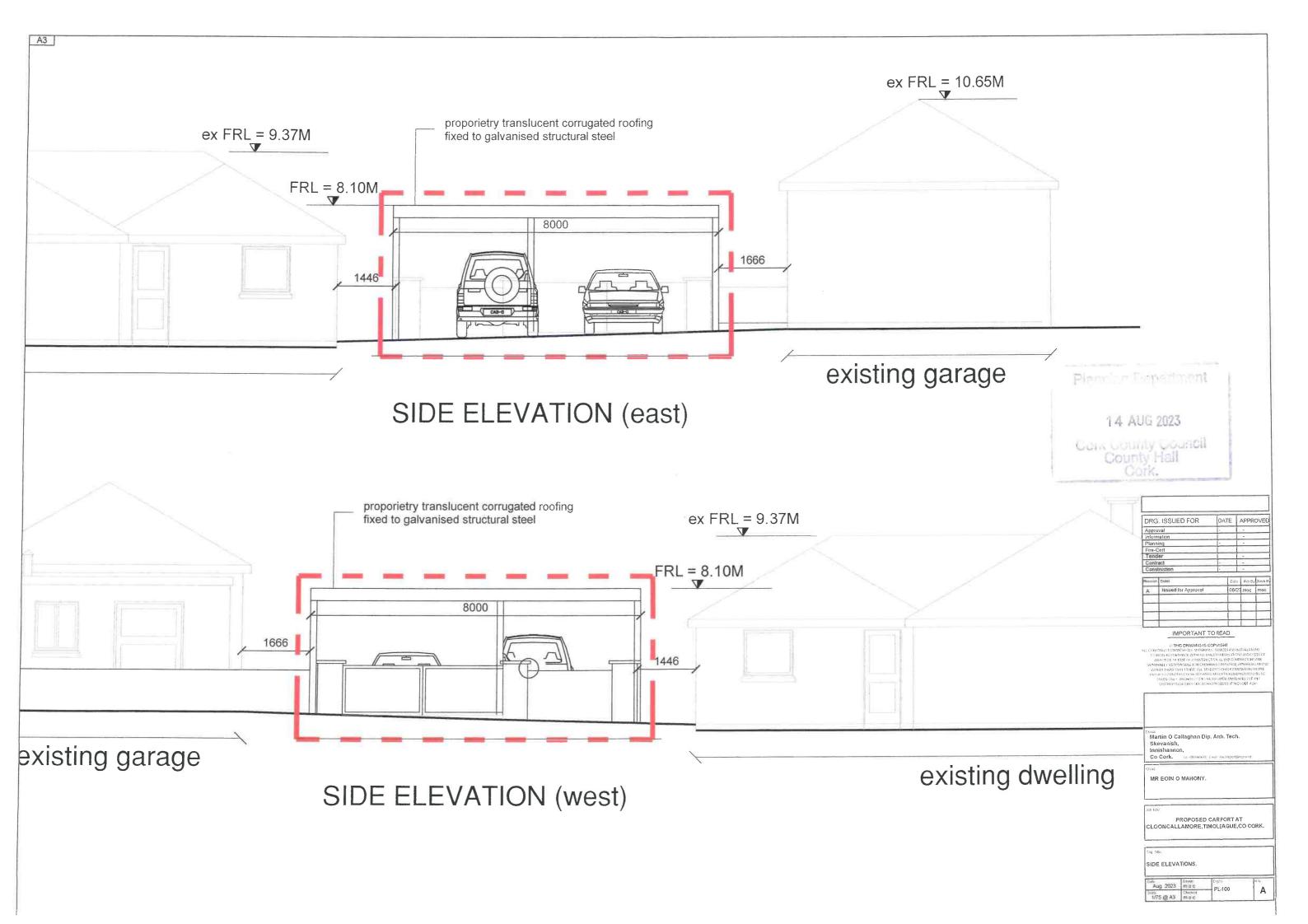
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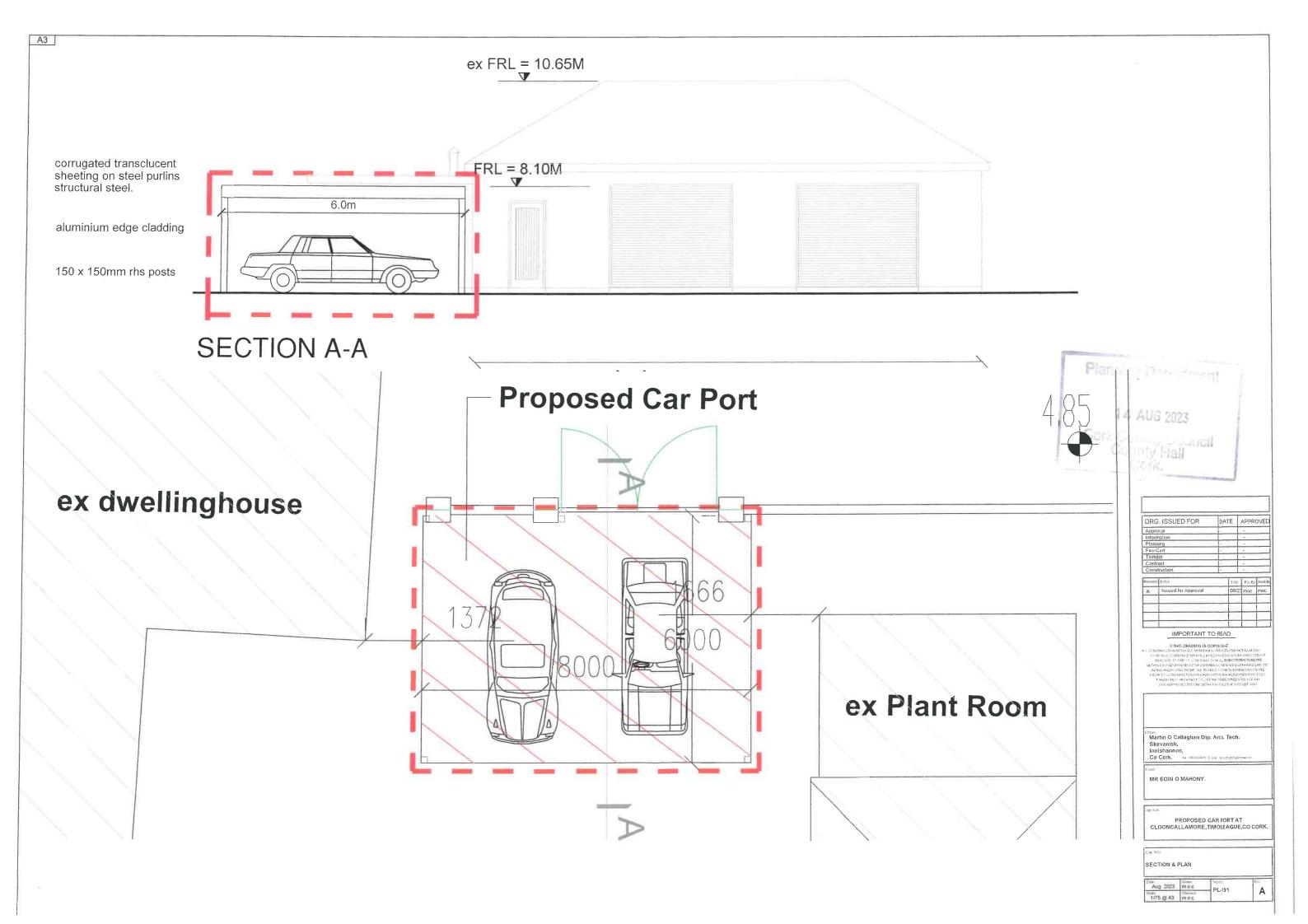
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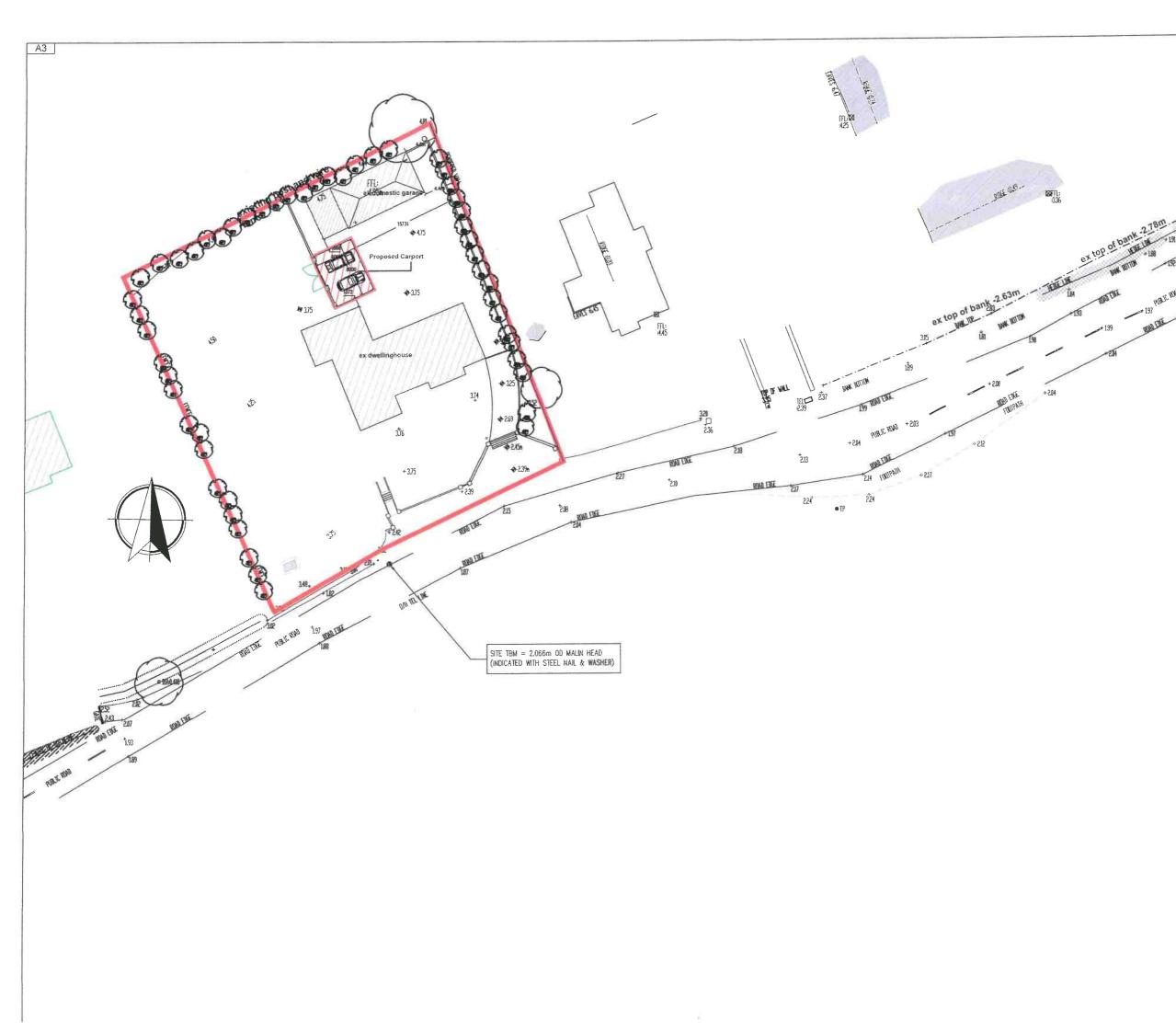
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PROPOSED CARPORT AT CLOONCALLAMORE, TIMOLEAGUE, CO CORK.

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