

# Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,  
Bóthar Chorcaí, An Sciobairín,  
Co. Chorcaí P81 AT28.  
Fón: (028) 40340 • Faics (028) 21660  
Suíomh Greasain: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork P81 AT28.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Delia & Jaap Van Hemmen,  
Milleenawillin,  
Skibbereen,  
Co. Cork.

14<sup>th</sup> July, 2023.

Our Ref: D/25/23

RE/ Declaration request on exempted development under Section 5  
of the Planning & Development Act, 2000 (as amended).

Dear Sir/Madam,

On the basis of the information and plans submitted by you on 13th June, 2023, the Planning Authority declares that the construction of garden building at Milleenawillin, Skibbereen, Co. Cork is development and is *not exempted development* having regard to Class 3 (conditions and limitation No. 2) outlined in Schedule 2, Article 6, Part 1 of the Planning and Development Regulations, 2001 (as amended).

The total aggregate floor area of structures erected on the site exceeds 25 sq.m. and would not comply with Condition No. 2 of Class 3 of the Planning & Development Regulations, 2001 (as amended).

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.

Receipt No. WCP11727, in respect of €80.00 fee, is issued herewith.

Yours faithfully,

  
KEVIN O'REGAN  
SENIOR EXECUTIVE OFFICER

REG. No.  
PLANNING (WEST) DEPT  
18 JUL 2023  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, CO. CORK



## Anne Lordan

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**From:** Tim Twomey  
**Sent:** Thursday 13 July 2023 12:53  
**To:** Anne Lordan  
**Subject:** RE: D-25-23 Section 5 declaration class 3 garage

Hi Anne,

I agree with the Area Planner's recommendation.

Proposal constitutes 'development' which is not 'exempted development' having regard to Class 3 (conditions and limitation No 2) outlined in Schedule 2, Article 6, Part 1 of the Planning and Development Regulation 2001 (as amended).

Regards,  
Tim

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**From:** Anne Lordan <Anne.Lordan@CorkCoCo.ie>  
**Sent:** Wednesday 12 July 2023 09:38  
**To:** Tim Twomey <Tim.Twomey@CorkCoCo.ie>  
**Subject:** FW: D-25-23 Section 5 declaration class 3 garage

Hi Tim,

Attached report from Mr. Sean Taylor, Area Planner, for your recommendation and sign-off.

Regards,

Anne.

**Anne Lordan** | Oifigeach Foirne Cúnta | Pleanáil agus Foirbairt  
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí |  
P81 AT28 | Éire  
T +353-(0)28 – 40340 | Ext. 7121  
[Anne.Lordan@corkcoco.ie](mailto:Anne.Lordan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
**Tairseach na gcustaiméirí:** [www.yourcouncil.ie](http://www.yourcouncil.ie)

**Anne Lordan** | Assistant Staff Officer | Planning and Development  
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T +353-(0)28 – 40340 | Ext. 7121  
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**Customer Portal:** [www.yourcouncil.ie](http://www.yourcouncil.ie)

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**From:** Sean Taylor <Sean.Taylor@CorkCoCo.ie>  
**Sent:** Wednesday 12 July 2023 09:29  
**To:** Anne Lordan <Anne.Lordan@CorkCoCo.ie>  
**Subject:** D-25-23 Section 5 declaration class 3 garage

Hi Anne,  
Section 5 for you.

D/25/23

12/07/2023.

This is a section 5 declaration for the erection of a building for recreational purposes to the rear of an existing dwelling.

CLASS 3. (Planning and development regulations 2001)

Description of development	Conditions and limitations
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	<ol style="list-style-type: none"><li>1. No such structure shall be constructed, erected or placed forward of the front wall of the house.</li><li>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 25sqm.</li><li>3. The constructed, erected or placed 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 side of the house to less than 25sqm.</li><li>4. The external finish 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.</li><li>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 meters or, in any other case 3 m.</li><li>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or house, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</li></ol>

Assessment

I examined the site on the 11/07/2023 – a number of other structures including a garage, timber shed, and green house have been erected on the site.

The total aggregate floor area of structures would therefore exceed 25sqm and would not comply with condition no 2 of Class 3 of the Planning and Development Regulations 2001 (as amended).

Recommendation

The proposal as presented does not comply with the conditions and limitation of Class 3 part 2 of the Planning and Development Regulations and the proposed development would therefore require assessment under a planning application.

Sean Taylor  
Executive Planner  
12/07/2023



Structures already constructed within the curtilage of the dwelling house.





# **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:**     CASH

<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"/>

REG. No. \_\_\_\_\_  
 PLANNING (WEST) DEPT  
 13 JUN 2023  
**CORK COUNTY COUNCIL**  
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

## **FOR OFFICE USE ONLY**

<b>Receipt No.</b>	
<b>Cash/Cheque/ Credit Card</b>	
<b>Date</b>	
<b>Declaration Ref. No.</b>	

**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 <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](mailto:dpo@corkcoco.ie) 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)

DELIA & JAAP VAN HEMMEN

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

MILLEENAWILLIN

SKIBBEREEN

CO. CORK

P81 R859

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

THIS IS A GARDEN BUILDING FOR RECREATION

NOT FOR HABITATION

LESS THAN 25 m<sup>2</sup>

SECLUDED AMONG MATURE TREES

NOT OVERLOOKING ANY OTHER PROPERTY

NO SIMILAR CONSTRUCTION ON THE PROPERTY

REG. No. \_\_\_\_\_  
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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<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	24 m <sup>2</sup>
(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):	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, please provide floor areas (m <sup>2</sup> ) 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:	N/A
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	
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	

REG. NO. \_\_\_\_\_  
 PLANNING (WEST) DEPT  
 13 JUN 2023  
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 NORTON HOUSE, SKIBBEREEN, CORK P81 AT28

**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. _____ N/A
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



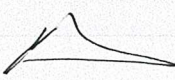

**ADVISORY NOTES:**

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	10/06/2023

REG. No. \_\_\_\_\_  
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 13 JUN 2023  
 CORK COUNTY COUNCIL  
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28



# Site Location Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 514091, 540321

**PUBLISHED:** 10/06/2023  
**ORDER NO.:** 50339571\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** CK132 CK133

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

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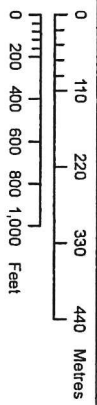
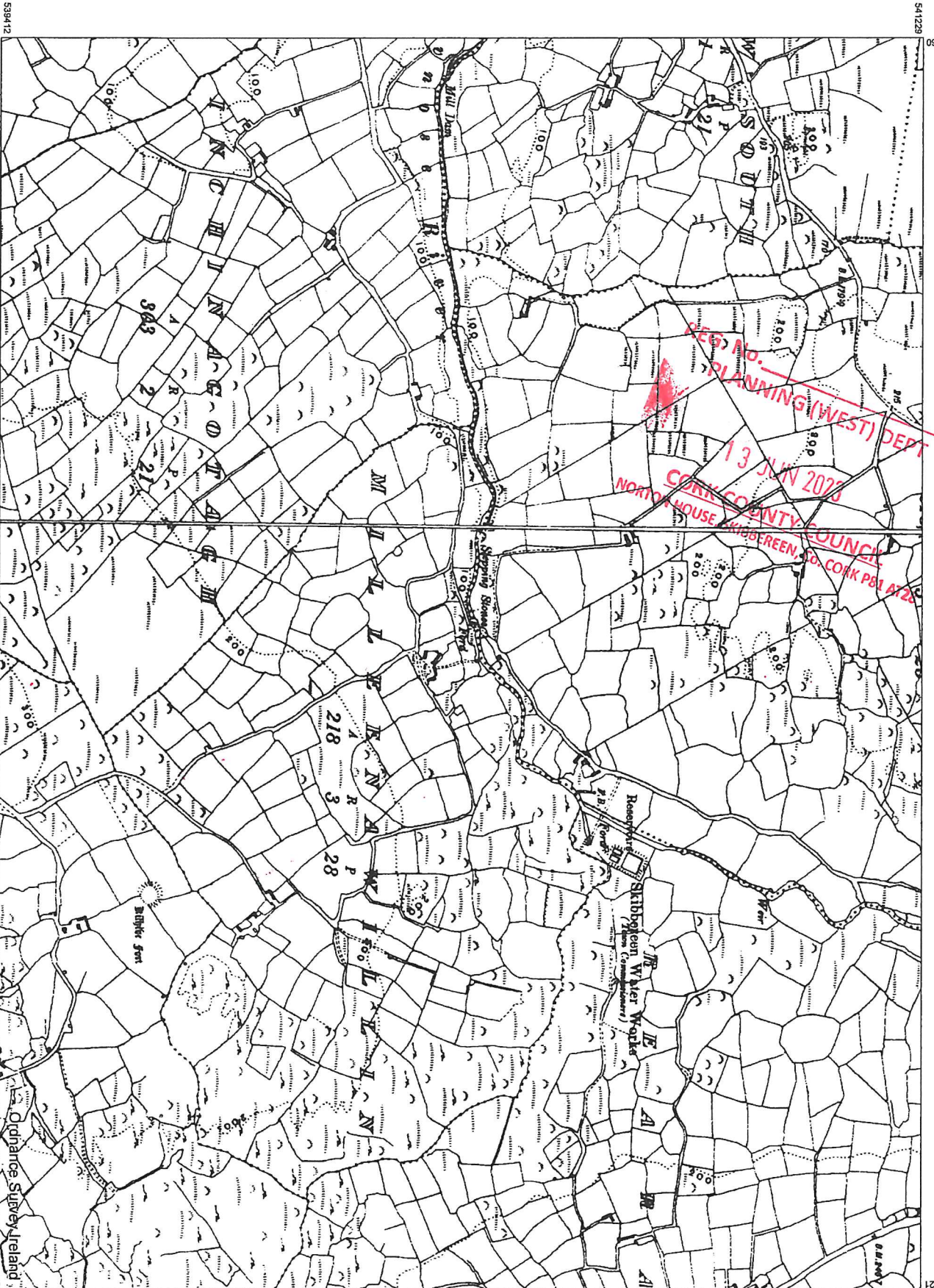
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**OUTPUT SCALE: 1:10,560**

**CAPTURE RESOLUTION:**  
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**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'





# Planning Pack Map

red line is outline of VAN HEMMEN property ie location of development



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 514091,540321

**PUBLISHED:** 10/06/2023

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

**ORDER NO.:** 50339571\_1

**MAP SHEETS:** 67/14

**COMPILED AND PUBLISHED BY:**

National Mapping Division of Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
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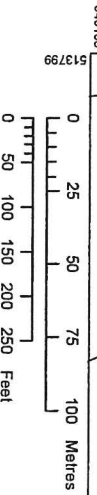
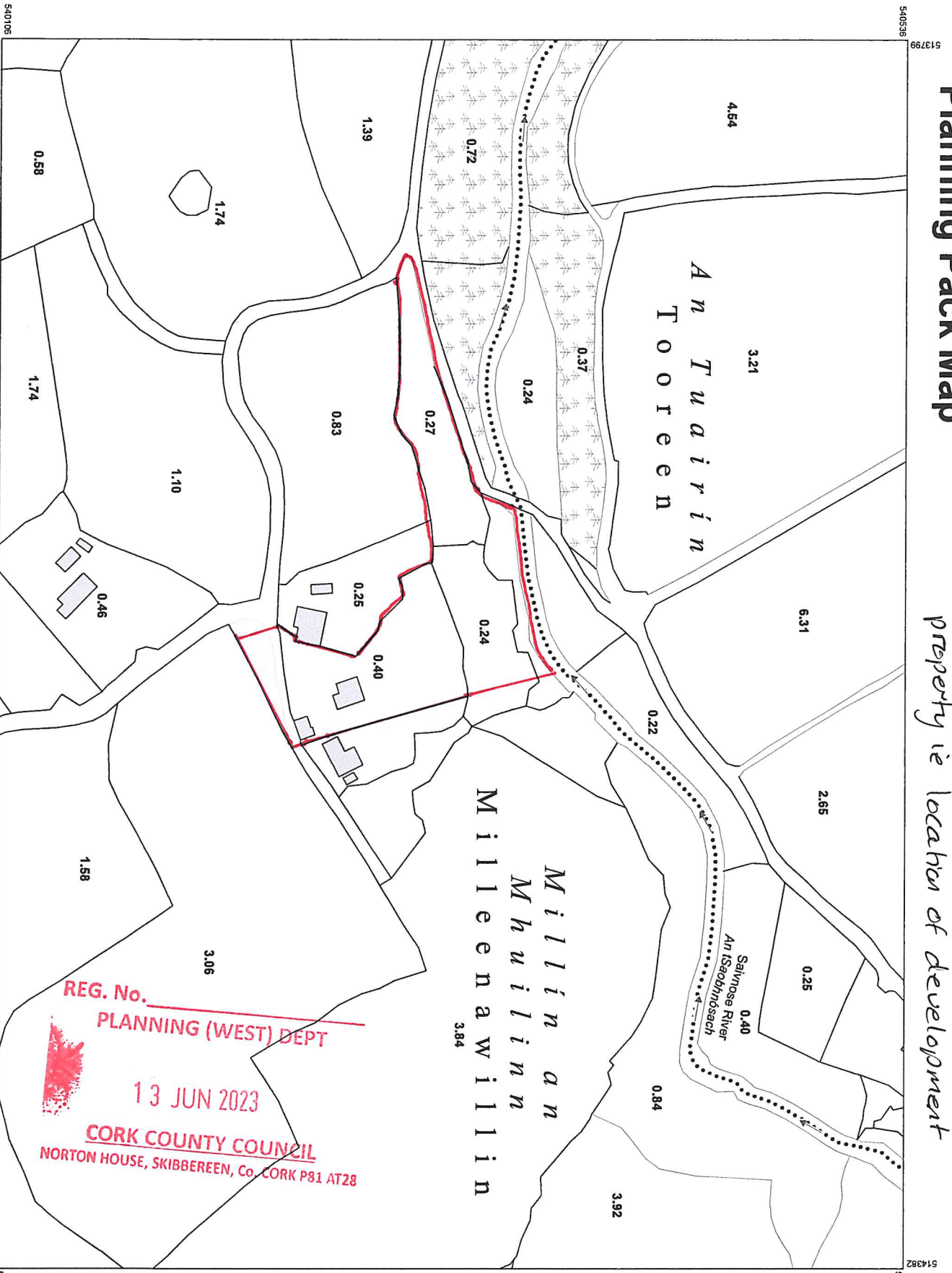
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540106

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514382

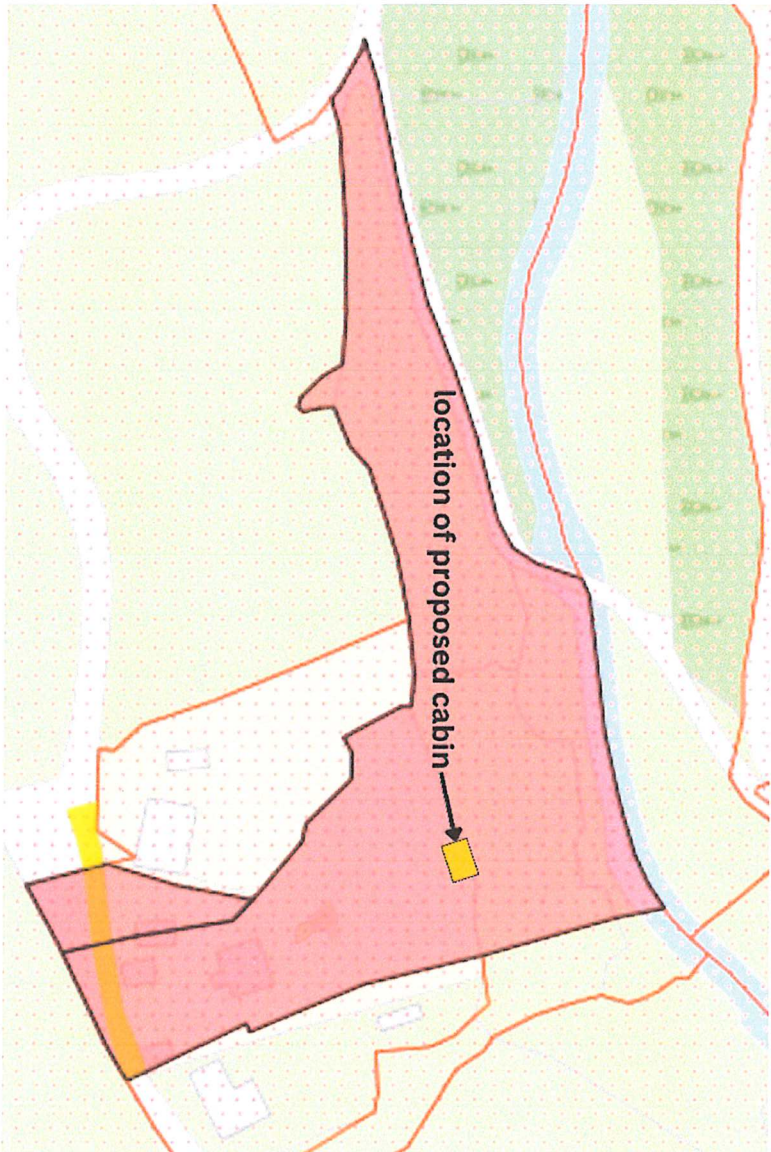
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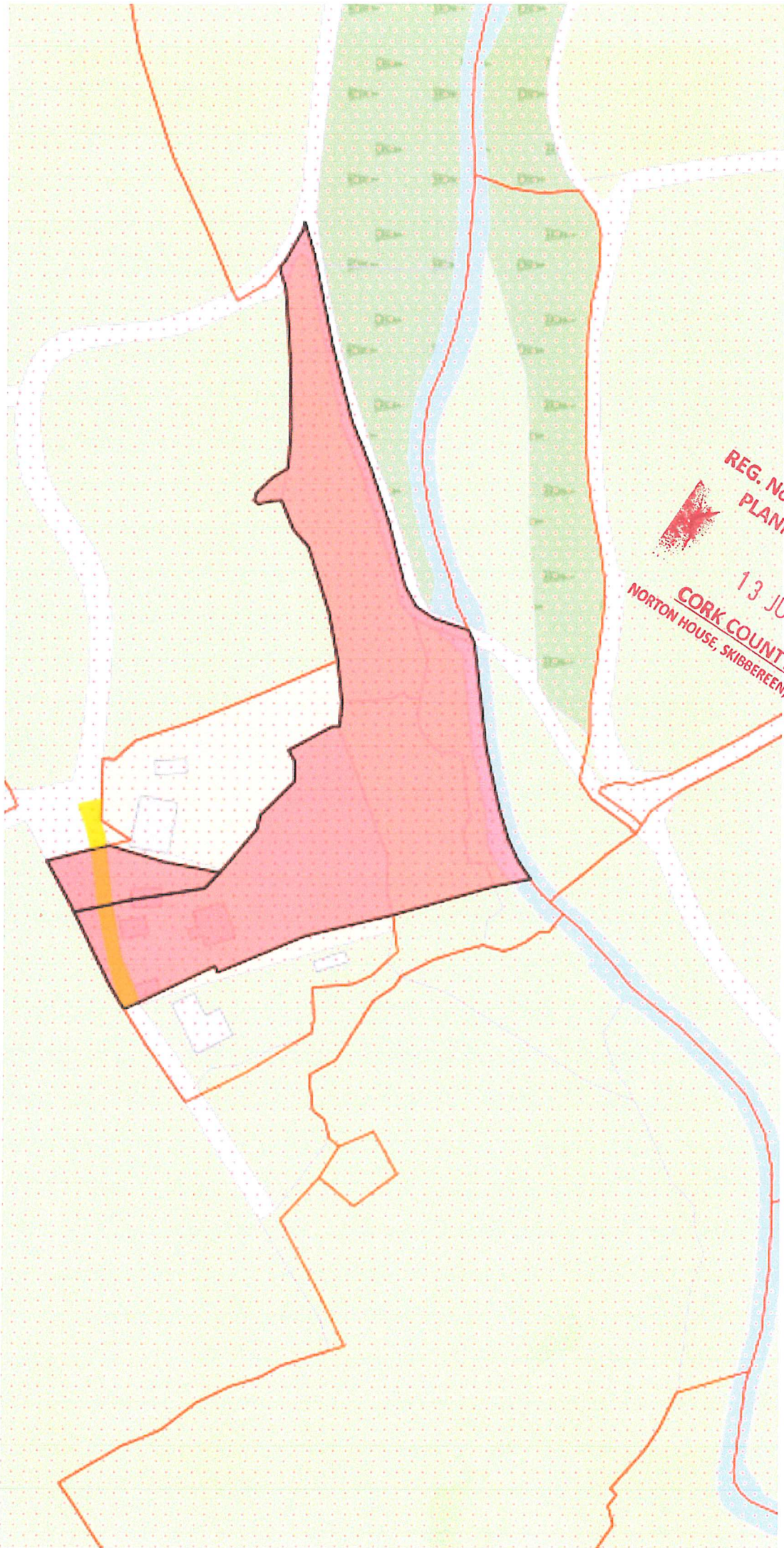
SITE LAYOUT PLAN



FOLIO CK4226F

REG. No. \_\_\_\_\_  
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13 JUN 2023  
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NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28





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13 JUN 2023

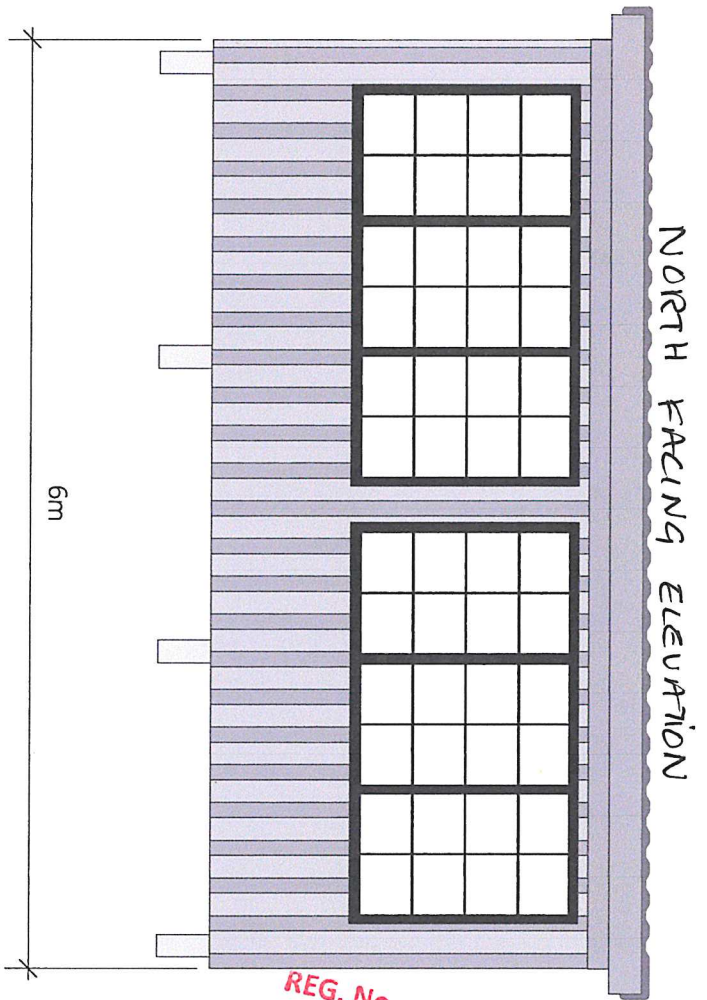
**CORK COUNTY COUNCIL**  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

Folio CR4226F

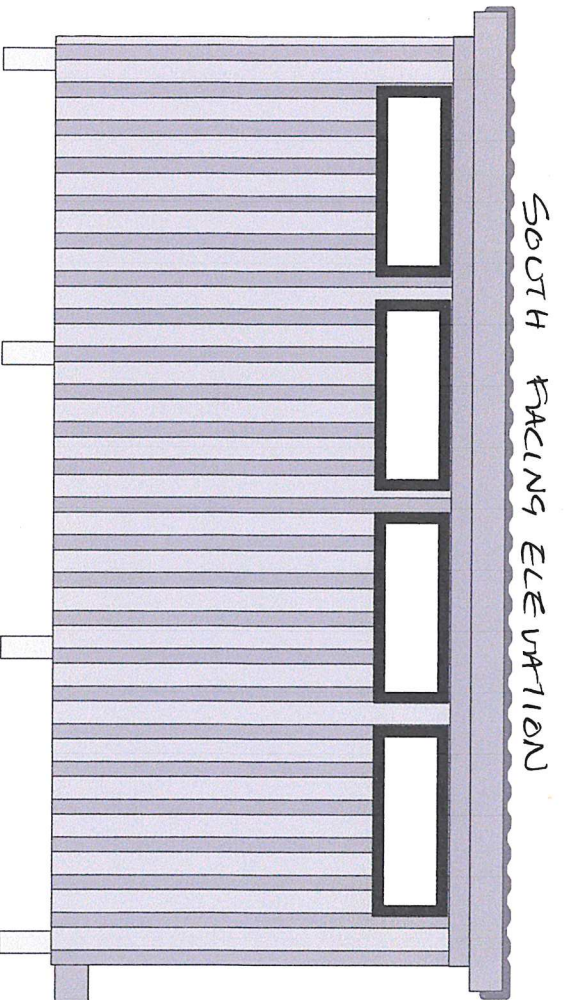
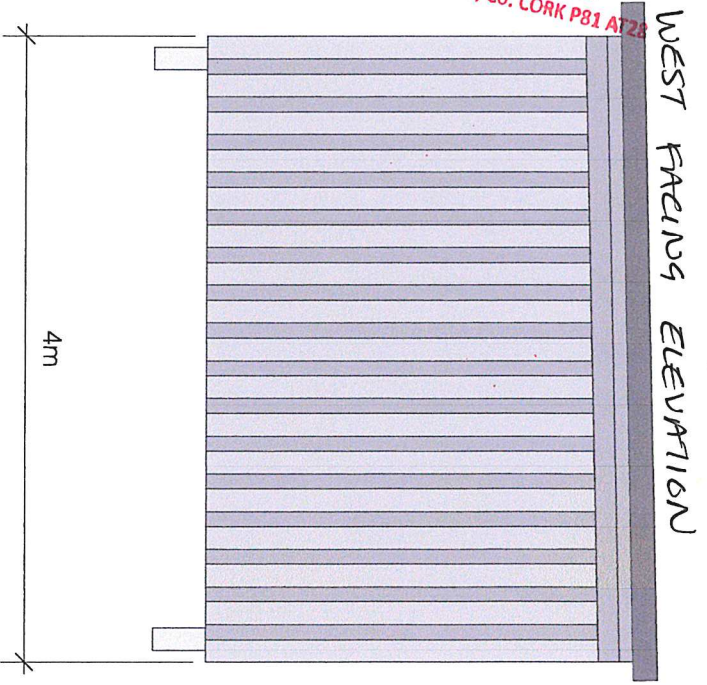


Proposed cabin at Milleenawillin, Bishopsland, Co. Cork for Jaap & Delia Hemmen

31st May 2023



REG. No. \_\_\_\_\_  
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13 JUN 2023  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28



Scale 1:50