

Brian Sheehan,  
C/O Bernard Fitzpatrick,  
PABIA Consulting Ltd.,  
Unit 1G North Valley Business Centre,  
Mallow Road,  
Cork  
T23 KH74

6<sup>th</sup> May, 2025

REF: D/245/25  
LOCATION: 3 Bramble Close, Castlelake, Carrigtwohill, Co. Cork T45 FK11

**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 15<sup>th</sup> April, 2025 the Planning Authority, having considered whether the existing single storey stand alone home office building with an internal area of 24.16m<sup>2</sup> in the rear garden of dwelling at **3 Bramble Close, Castlelake, Carrigtwohill, Co. Cork T45 FK11** is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

**Reason for Decision**

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

- the details submitted to the Planning Authority on the 15<sup>th</sup> April, 2025
- Sections 3(1) and 4 of the Planning and Development Act (2000, as amended)
- Schedule 2, Part 1, Class 1 and 3 of the Planning and Development Regulations (2001, as amended)
- Article 9 of the Planning and Development Regulations (2001, as amended)

**And Whereas the Planning Authority** hereby concludes that

The existing single storey stand alone home office building with an internal area or 24.16m<sup>2</sup> in the rear garden of dwelling at **3 Bramble Close, Castlelake, Carrigtwohill, Co. Cork T45 FK11** is development and is **not 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) as the total area of Class 3 structures within the curtilage of the dwelling exceeds 25m<sup>2</sup> (home office 24.16m<sup>2</sup> and garden shed 14m<sup>2</sup>).

**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,



---

**PIO TREACY,  
A/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/245/25**

### **Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000**

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<b>Site Location:</b>	No 3. Bramble Close, Castlelake, Carrigtwohill, Co. Cork T45FK11
<b>Proposed Development:</b>	Is the existing single storey standalone home office building with an internal area of 24.16m <sup>2</sup> to the rear of the existing dwelling is exempted development .

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#### **Proposal /Context**

The applicant is seeking a determination by the planning authority as to whether or not the construction of a single storey standalone home office building with an internal area of 24.16m<sup>2</sup> to the rear of a dwelling is exempted development under the Planning and Development Regulations (2001, as amended).

#### **Planning History**

**05/862** Alterations to 25 no. dwellings permitted under 00/7674 to include extension to rear of dwellings Granted . The extensions are to the rear and comprise a dining room at GFL and a store overhead. Granted subject to 2no. conditions tying permission back to parent permission.

**00/7674** Permission granted to Gable Holdings Ltd for construction of a scheme of houses. Granted by An Bord Pleanala under PL 04.131129 subject to 23 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 home office is behind the rear building line of the dwelling onsite. The home office is a mono pitched structure with an overall height of 2.89m sloping to 2.7m to the rear. The home office has timber shiplap panelling on the walls and a fiberglass roof. The floor area of the home office is 24.16m<sup>2</sup> as per the drawings submitted. Having reviewed the site plan submitted with the Section 5, there is an existing shed to the west of the home office which is circa 14m<sup>2</sup>. A site inspection was conducted on 25<sup>th</sup> April and this shed is in-situ and was visible from the driveway as no one was home.

Having regard to the conditions and limitations of Class 3 of Schedule 2 Part 1 of the Planning and Development Regulations (2001 – 2013) in particular condition No 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’, therefore the provision of a home office with a floor area of 24.16m<sup>2</sup> in the rear garden of No 3 Bramble Close is not considered exempted development as the the total area of Class 3 structures within the curtilage of the dwelling exceeds 25m<sup>2</sup>.

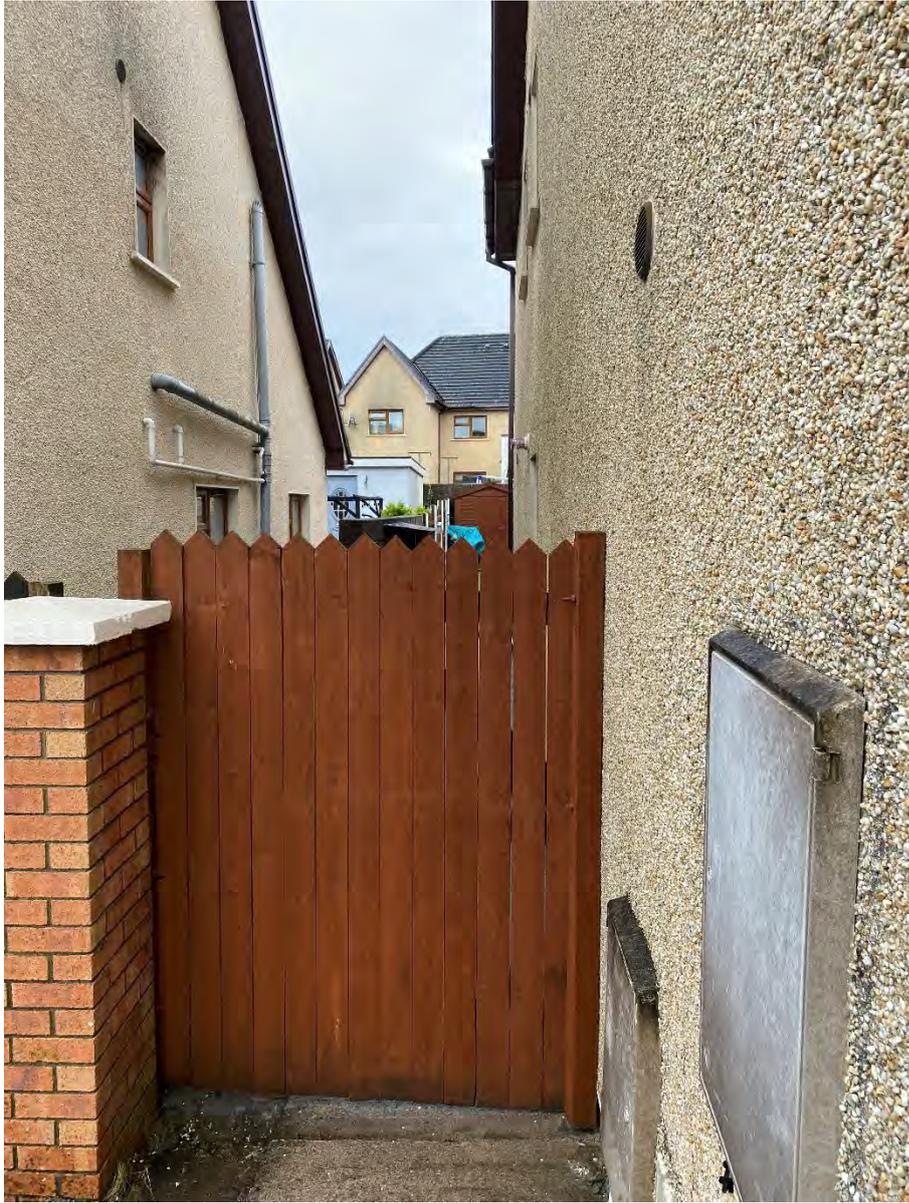
## Conclusion

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, the works at No 3 Bramble Close constitutes” development” but **are not 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) as the the total area of Class 3 structures within the curtilage of the dwelling exceeds 25m<sup>2</sup> (home office 24.16m<sup>2</sup> and garden shed 14m<sup>2</sup>).

John Redmond

Area Planner

6<sup>th</sup> May 2025



14m2 shed

Section 5 Declaration of Exemption [07.04.2025]

Planning Department,  
Cork County Council,  
Floor 2, County Hall,  
Carrigrohane Road,  
Cork,  
T12 R2NC  
Attn: The Senior Staff Officer



Date: 07.04.2025

Ref: Section 5 Declaration of Exemption Application  
for 3 Bramble Close, Castlelake, Carrigtwohill, Co. Cork, T45 FK11

Dear Sir or Madam,

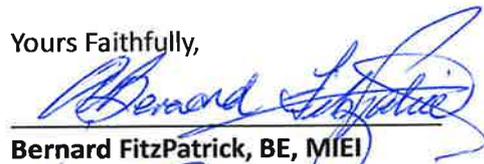
On behalf of our client Brian Sheehan, we wish to apply for a Section 5 Declaration of Exemption Certificate for an existing single-storey standalone home office building (internal area 24.16sq.m) at 3 Bramble Close, Castlelake, Carrigtwohill, Co. Cork, T45 FK11.

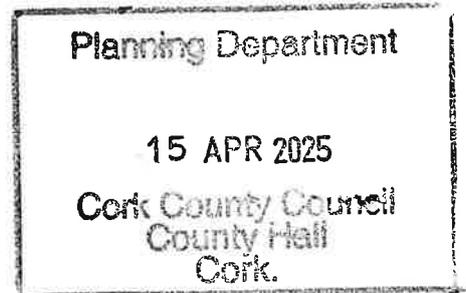
Enclosed please find the following:

- €80 Fee
- 4no. copies of Application form
- 1no. copy of Contact Details
- 4no. copies EC-08-60-01 OS Map, scale 1:10560 @ A3
- 4no. copies EC-08-60-02 OS Map, scale 1:2500 @ A3
- 4no. copies EC-08-60-03 Existing Site Layout Plan, scale 1:250 @ A3
- 4no. copies EC-08-60-04 Existing Home Office – Plans & Section, scale 1:50 @ A3
- 4no. copies EC-08-60-05 Existing Home Office – Elevations, scale 1:50 @ A3

We trust that the enclosed application is in order and look forward to receiving the certificate in due course.

Yours Faithfully,

  
Bernard FitzPatrick, BE, MIEI





## **CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION**

### **APPLICANT CHECKLIST**

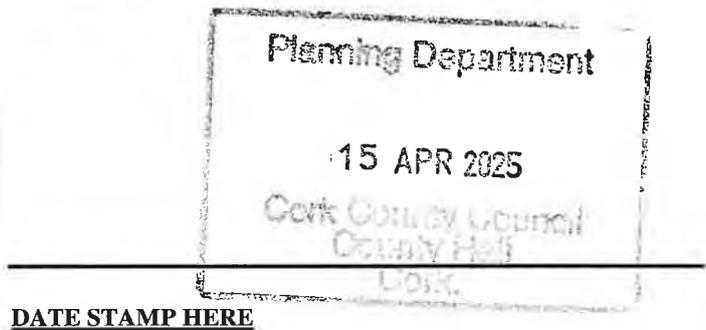
(Please tick ✓)

- 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:**

✓
✓
✓
✓
✓
✓
✓

### **FOR OFFICE USE ONLY**

Receipt No.	PLG 0648078
Cash/Cheque/ Credit Card	CARD
Date	15/4/25
Declaration Ref. No.	D/245/25



**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)**

Brian Sheehan

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

3 Bramble Close,  
Castlelake,  
Carrigtwohill,  
Co. Cork  
T45 FK11

**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

Is the existing single-storey standalone home office building (internal area 24.16sq.m) in the rear garden of house, development and if so, is it exempted development?

Planning Department  
15 APR 2025  
Cork County Council  
County Hall  
Cork.

**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):	24.16
(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 checked="" type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) and previous planning reference(s) where applicable: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use N/A	Proposed use N/A
(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): N/A

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

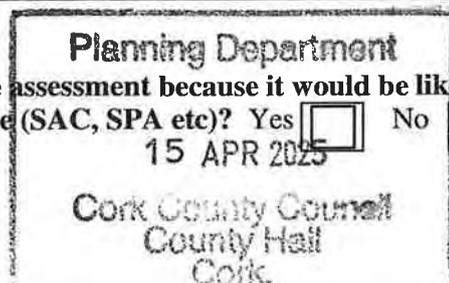
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	N/A	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	N/A	

**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. <u>N/A</u>
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)	Ryan Sheehan
Date	8-04-25

**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	
Date	

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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.**



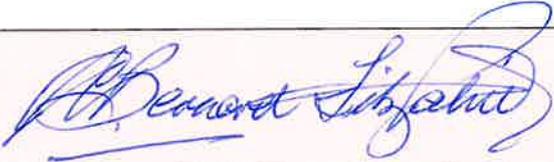
**ADVISORY NOTES:**

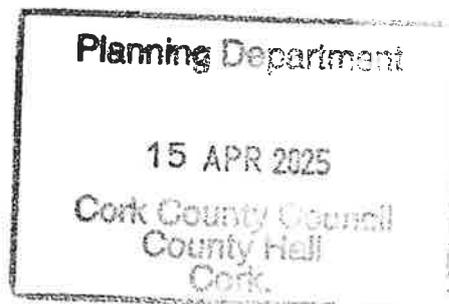
The application must be accompanied by the required fee of €80  
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
 Sufficient information should be 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	09.04.2025





CYAL50375241  
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**PABIA Consulting Ltd**  
 Tel: 021 242 8890  
 Email: info@pabia.ie  
 Web Site: www.pabia.ie  
 Unit 1G, North Valley Business Centre,  
 Mallow Road, Cork, T23 KH74  
 Engineering Consultancy - Planning & Design  
 Structural & Civil Design  
 Project Management - Surveys  
 Dangerous Substances Act Consultancy

Description:  
 =====  
 Historic 6" Latest Edition

Data Source / Reference:  
 =====  
 CK064  
 Revision Date =  
 Survey Date = 31-Dec-1931  
 Levelled Date = 31-Dec-1935

CK065  
 Revision Date =  
 Survey Date = 31-Dec-1931  
 Levelled Date = 31-Dec-1936

CK075  
 Revision Date =  
 Survey Date = 31-Dec-1929  
 Levelled Date = 31-Dec-1935

CK076  
 Revision Date =  
 Survey Date =  
 Levelled Date = 31-Dec-1933

Clip Extent / Area of Interest (AOI):  
 =====  
 LLX,LLY= 577552.35,570871.96  
 LRX,LRY= 584562.35,570871.96  
 ULX,ULY= 577552.35,576065.96  
 URX,URY= 584562.35,576065.96

Projection / Spatial Reference:  
 =====  
 IREN95\_Irish\_Transverse\_Mercator

Centre Point Coordinates:  
 =====  
 X,Y = 581057.35,573468.96

Data Extraction Date:  
 =====  
 Date= 11-Mar-2025

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Planning Department  
 15 APR 2025  
 Cork County Council  
 County Hall  
 CorN

CYAL60376241  
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Tel: 021 242 8890  
Email: info@pabia.ie  
Web Site: www.pabia.ie

Unit 1G, North Valley Business Centre,  
Mallow Road, Cork, T23 KH74

Engineering Consultancy - Planning & Design  
Structural & Civil Design  
Project Management - Surveys  
Dangerous Substances Act Consultancy

**Description:**

=====  
Digital Landscape Model (DLM)

**Clip Extent / Area of Interest (AOI):**

=====  
LLX,LLY= 580642.35,573161.46  
LRX,LRY= 581472.35,573161.46  
ULX,ULY= 580642.35,573776.46  
URX,URY= 581472.35,573776.46

**Projection / Spatial Reference:**

=====  
Projection=  
IRENET95\_Irish\_Transverse\_Mercator

**Centre Point Coordinates:**

=====  
X,Y= 581057.35,573468.96

**Reference Index:**

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Map Series | Map Sheets  
1:2,500 | 6341-C

**Data Extraction Date:**

=====  
Date= 11-Mar-2025

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Planning Department  
  
15 APR 2025  
Cork County Council  
County Hall  
Cork.

Client :	Brian Sheehan
Scale :	1:2500 @ A3      Date : 18.03.2025
Project :	3 Bramble Close, Castlelake, Carrigwohill, Co. Cork T45 FK11
Description :	OS Map
Drawing Number :	EC-08-60-02



— LAND TO WHICH THE SECTION 5 DECLARATION OF EXEMPTION APPLICATION RELATES





