

# Comhairle Contae Chorcaí Cork County Council

John Hickey,  
C/O Kieran O'Connor,  
Clogheen House,  
Mourneabbey,  
Mallow,  
Co. Cork.

10<sup>th</sup> July, 2024

REF: D/243/24  
LOCATION: Mitchell's House, Main Street, Doneraile, 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 21<sup>st</sup> June, 2024 the Planning Authority, having considered whether the change of use of the ground floor retail unit to residential accommodation at **Mitchell's House, Main Street, Doneraile, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **exempted development**.

**Reason for Decision**

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

- Section 3(1) of the Planning and Development Act 2000 (as amended)
- The Planning and Development (Amendment) (No. 2) Regulations 2018 – S.I. No. 30 of 2018
- Planning and Development Act (Exempted Development) Regulations 2022 (S.I. No. 75 of 2022)
- Article 9(1) of the Planning and Development Regulations 2001 (as amended)
- Article 10(6) of the Planning and Development Regulations, 2001, as amended
- Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- The plans and particulars received by the Planning Authority on 21<sup>st</sup> June, 2024.

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

The change of use of the ground floor vacant retail unit to residential accommodation constitutes "development" as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Planning and Development Act (Exempted Development)

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



Regulations 2022 (S.I. No. 75 of 2022) and it complies with the relevant Conditions and Limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a)(iii) and (viiB).

On this basis it is considered that the proposed development at **Mitchell's House, Main Street, Doneraile, Co. Cork** constitutes **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,



\_\_\_\_\_  
**PIO TREACY,  
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.corkccco.ie/privacy-statement-cork-county-council>*

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** D/243/24

**Description:** Whether the change of use of the ground floor from a retail shop to residential accommodation is or is not development and is or is not exempted development.

**Applicant:** John Hickey

**Location:** Mitchells house, Main Street, Doneraile, Co.Cork

**Date:** 8<sup>th</sup> July 2024

### SUMMARY OF RECOMMENDATION

It is concluded that the change of use of the ground floor vacant retail unit to residential accommodation constitutes ‘development’ as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) and it complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (viiB).

On this basis it is considered that the proposed development **is development and is exempted development.**

### PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

### SITE LOCATION

The subject site comprises a three-storey property namely Mitchell House which fronts onto Main Street and the R-581-58. There are a mix of residential and commercial properties along both sides of this street. The site is within the development boundary of Doneraile and is partly situated within Doneraile Court Architectural Conservation Area. The applicant notes that no structural changes are proposed to facilitate the change of use.

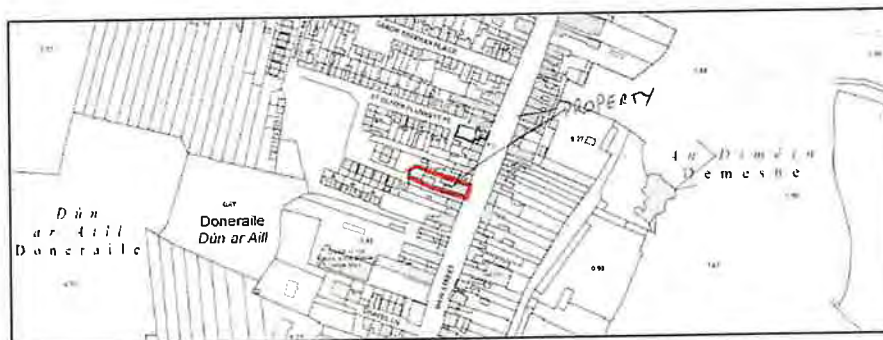


Figure 1: Site Location within Doneraile village. Source: Site Location Map, as submitted.

## **SUBJECT DEVELOPMENT**

The subject development relates to the change of use of the ground floor of a property in Doneraile village from retail use to residential accommodation. The entire property will be used as a single residential unit and not sub-divided into individual apartments. The property was vacant from February 2013 – April 2015. The upper floors have always been in residential use with the ground floor in retail use with ancillary storage areas at the rear. No structural changes or external changes are proposed.

## **PLANNING HISTORY**

There is no planning history on record for the subject site.

### **Planning and Development Act, 2000**

**Section 3(1)** of the Act states the following in respect of 'development': "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."

**Section 2(1)** of the Act states the following in respect of 'works': "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

**Section 4 (1)(h)** states:

*"development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"*

**The Planning and Development (Amendment) (No.2) Regulations 2018 - S.I. No. 30 of 2018** - which came into operation on 8<sup>th</sup> of February 2018, provided for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, including vacant areas above ground floor premises, to residential use.

The regulations are primarily aimed at facilitating the productive re-use of qualifying vacant commercial buildings as homes, while also facilitating urban renewal and the bringing on stream of increased housing supply. The 2018 regulations were introduced under the previous Government's Action Plan on Housing and Homelessness – Rebuilding Ireland.

The current Government's new Housing Plan for Ireland - Housing for All committed to reviewing and extending the 2018 regulations to the end of 2025. Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) As indicated, the Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) extends to 31 December 2025 the exemption given by SI 30 of 2018 and satisfies the commitment given by action 20.3 of Housing for All.

In order to avail of the exemptions being provided for, the structure, or part of the structure, which is the subject of the change of use must have been vacant for at least 2 years immediately prior to the commencement of the relevant works, with such works being required to be completed by 31 December 2025.

In addition to the classes of use that qualified under the 2018 change of use exempted development provisions – i.e. Classes 1, 2, 3 and 6 – as outlined in Part 4 of Schedule 2 of the Principal Regulations, the new regulations extend the provisions to a new Class 12 - Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018. The conditions and limitations that applied to the 2018 exempted development provisions, as outlined in previous Circular Letter PL 01/2018, will continue to apply under these regulations which include:

- Related works shall primarily affect the interior of the building, with limited external works being permitted which are in keeping with the building and neighbouring buildings, including the provision of on-street access to upper floors, and alterations to existing ground floor shop fronts in respect of window and architectural details.
- Works to the ground floor of any structure shall not conflict with an objective in a development plan for the structure to remain in retail use, with the exception, as mentioned above, of works solely for the provision of on-street access to upper floors.
- No more than 9 individual residential units can be provided in a building.
- Minimum standards shall apply to residential units being developed such as minimum requirements in relation to overall floor areas, storage space requirements and the need for adequate natural light in living rooms and bedrooms (see the “Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities”).
- Works to a protected structure shall not be permitted unless a section 57 declaration has been issued by a planning authority to indicate the works will not affect the character or elements of the structure which has been identified for protection.
- Works for the provision of on-site wastewater treatment and disposal systems i.e. septic tanks, shall not be permitted under the exemption.
- Works shall not be permitted in a number of limited areas, such as areas of special planning control, areas to which special amenity area orders relate and within certain proximity distances of establishments to which the major accident regulations apply.
- Care should be taken to ensure compliance with relevant legislative requirements in relation to the assessment of potential impacts on bats, their roosts and nesting birds arising from any proposed works in relevant buildings. A number of other general restrictions as set out in Article 9 of the Principal Regulations are identified as applying to this exemption.
- In addition, development must not contravene a condition attached to a permission issued under the Act, including any condition specifying the permitted use of the building concerned.

**Planning and Development Regulations 2001 (as amended)**

**Part 4 of Schedule 2 -Exempted development – Classes of Use**

CLASS 1- Use as a shop.

CLASS 2 - Use for the provision of—

- (a) financial services,
  - (b) professional services (other than health or medical services),
  - (c) any other services (including use as a betting office),
- where the services are provided principally to visiting members of the public.

CLASS 3- Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 6 - Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12 - Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

### **ASSESSMENT**

The question which arises in this case is whether the change of use of a ground floor former vacant retail unit to residential accommodation is or is not development and is or is not exempted development.

#### **Is or is not development?**

Section 3(1) of the Act states the following in respect of 'development': "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."

The change of use of a former vacant retail unit to residential accommodation use (single unit) would be considered a material change in the use of the structure and land and therefore **constitute 'development'**, as defined in Section 3 of the Planning and Development Act 2000, as amended.

#### **Is or is not exempted development?**

As previously indicated, the Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) extends to 31 December 2025 the exemption given by SI 30 of 2018 and satisfies the commitment given by action 20.3 of Housing for All.

In order to avail of the exemptions being provided for, the structure, or part of the structure, which is the subject of the change of use must have been vacant for at least 2 years immediately prior to the commencement of the relevant works. The application form documents specify that the subject building has been vacant for more than 2 years prior to the change of use.

In addition, a copy of an email from Susan O'Leary of Cork County Council dated 24<sup>th</sup> April 2024 states that she inspected the property in both April and October of 2018 and that renovation works on the ground floor had commenced at some stage between April and October 2018 – after the exemption had come into effect on the 8<sup>th</sup> February 2018.

The subject COU relates to internal changes only and as such will not affect the external appearance of the building / have a negative impact on the ACA. The entire property is proposed as a single residential unit and not as apartments and the following floor areas and storage areas within each floor level have been specified by the applicant:

- |                  |   |
|------------------|---|
| a. Ground floor: | Total Area, 138.5m <sup>2</sup> , Storage Area 25m <sup>2</sup> . |
| b. First Floor:  | Total Area, 77.25m <sup>2</sup> , Storage Area, 9m <sup>2</sup>   |
| c. Second Floor: | Total Area, 77.25m <sup>2</sup> , Storage Area, 1.5m <sup>2</sup> |

It can thus be concluded that the proposal complies with all minimum requirements in relation to overall floor areas, storage space requirement. It is also stated that all habitable rooms within the property have adequate natural light and ventilation. This is also apparent from the accompanying floor plans and elevations and as such the proposal is considered to be in compliance with the "Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities".

In addition to the classes of use that qualified under the 2018 change of use exempted development provisions – i.e. Classes 1, 2, 3 and 6 – as outlined in Part 4 of Schedule 2 of the Principal Regulations, the new regulations extend the provisions to a new Class 12 - Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018. The conditions and limitations that applied to the 2018 exempted development provisions, as outlined in previous Circular Letter PL 01/2018, continue to apply.

The ground floor of the subject building to which this section 5 declaration relates was formerly in retail use (Class 1) and was vacant for more than 2 years as such qualifies under the 2018 change of use exempted development provisions.

In relation to restrictions on exemptions by virtue of Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended) I note the following:

Article 9 (1) (a) provides that certain development to which Article 6 relates (i.e. exempted development) shall not be exempted in various circumstances. Article 9(1) states that: 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:

(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.

Due to the minor nature of the works (only internal works) required for the change of use proposed it is considered that there would be not be a requirement for an appropriate assessment because it would not be likely to have a significant effect on the integrity of a European site.

## CONCLUSION

Having regard to:

- the particulars received by the Planning Authority on 21<sup>st</sup> of June 2024
- Section 3(1) of the Planning and Development Act, 2000,
- The Planning and Development (Amendment) (No.2) Regulations 2018 - S.I. No. 30 of 2018
- Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022)
- Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- Article 10(6) of the Planning and Development Regulations, 2001, as amended,
- Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

It is concluded that the change of use of the ground floor vacant retail unit to residential accommodation constitutes 'development' as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) and it complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (viiB).

On this basis it is considered that the proposed development is **development and is exempted development.**

*Janet Payne*

**Janet Payne**  
**Executive Planner**  
**9<sup>th</sup> July 2024**

---

The report of the Area Planner is noted and endorsed.

I concur with the conclusion above that the subject development is **development** and is **exempted development**.

*Louise Ahern*

**Louise Ahern**  
**A/Senior Executive Planner**  
**10/07/2024**

*Louise Ahern*  
*Administrative Officer*  
*10/7/2024*



**KIERAN O'CONNOR BEng(Hons) HND MIEI**  
**Consulting Engineer/Project Manager**  
Clogheen House, MourneAbbey, Mallow, Co. Cork.

087/8126698

[oconnorkieran6@gmail.com](mailto:oconnorkieran6@gmail.com)

Planning Department,  
Cork County Council,  
County Hall,  
Cork.

Thursday, 20 June 2024

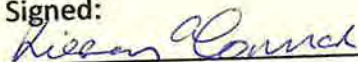
Ref:

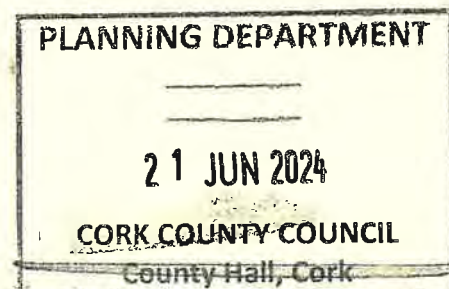
**RE: John Hickey: Mitchell's House, Main Street, Doneraile, Co. Cork**

A Chara,

Please find enclosed a Section 5 Declaration of Exemption application for the above named applicant. This is a follow up to a previous application earlier this year where erroneous information was sent in by the applicant unknown to me at the time. The renovation work on the upper floors began in 2015, but the renovation/conversion of the ground floor retail unit did not commence until late 2018. An email from Susan O'Leary of Cork Co Co confirming this has been included. Also included is a copy of some further information requested for the initial application regarding floor area's, storage area's and ventilation provision.

Signed:

  
Kieran O'Connor BEng(Hons) HND MIEI





## **CORK COUNTY COUNCIL APPLICATION 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:**
- €80 Application Fee:**

(Please tick ✓)

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

Planning Department
21 JUN 2024
Cork County Council County Hall Cork.

### **FOR OFFICE USE ONLY**

Receipt No.	PLG 00 44709
Cash/Cheque/ Credit Card	CAED
Date	21/6/24
Declaration Ref. No.	D/243/24

**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 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 (Innischarra) for a Waste Licence Permit purposes)
  - 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)**

JOHN HICKEY

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

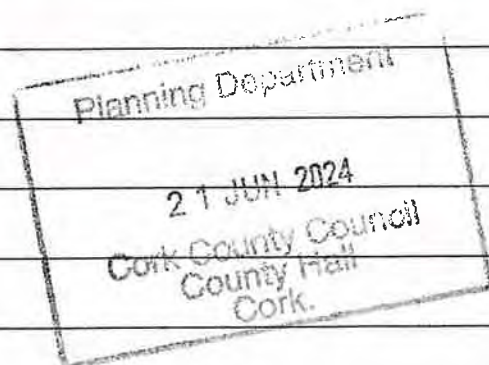
MITCHELLS HOUSE, MAIN STREET, DONERAILE, CO. CORK

**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

THE CHANGE OF USE OF THE GROUND FLOOR RETAIL UNIT TO RESIDENTIAL ACCOMODATION



**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):	80 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 checked="" type="checkbox"/> 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:  Existing/previous use  RETAIL	Proposed use  RESIDENTIAL
(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"/> Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Planning Department
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):	21 JUN 2024 Cork County Council County Hall Cork.

**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 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

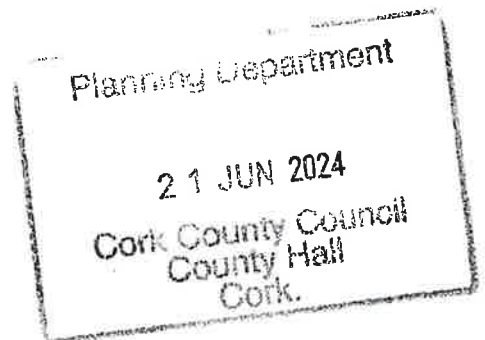
Signed (By Applicant Only)	<i>J. Hickey</i>
Date	20-06-24

**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>J. Hickey</i>
Date	20-06-24

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	21-07-2024



**KIERAN O'CONNOR BEng(Hons) HND MIEI**  
**Consulting Engineer/Project Manager**  
Clogheen House, MourneAbbey, Mallow, Co. Cork.

087/8126698

[oconnorkieran6@gmail.com](mailto:oconnorkieran6@gmail.com)

Tracy O'Callaghan,  
Planning Department,  
Cork County Council,  
County Hall,  
Cork.

Wednesday, 20 March 2024

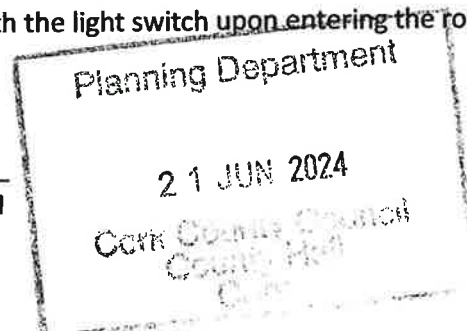
Ref: D/206/24

**RE: John Hickey: Mitchell House, Main Street, Doneraile, Co. Cork**

Dear Tracy,

1. I have been informed by John Hickey's solicitor that the property was vacant from February 2013 until April 2015 when Mr Hickey purchased the property. Linda Kelleher from Matthew Nagle Solicitors in Mallow can provide affidavits to this effect.
2. The structure was used as a typical main street commercial property with residential accommodation above a ground floor shop. The structure of the ground floor has not been altered and consists of a large ground floor unit with storage at the rear. There is a staircase leading to the upper floors via an internal stairwell. The enclosed photos show the ground floor previous commercial unit.
3. The entire property is proposed as one residential unit and is not sub-divided into individual apartments. The schedule of areas is as follows:
  - a. Ground floor: Total Area, 138.5m<sup>2</sup>, Storage Area 25m<sup>2</sup>.
  - b. First Floor: Total Area, 77.25m<sup>2</sup>, Storage Area, 9m<sup>2</sup>
  - c. Second Floor: Total Area, 77.25m<sup>2</sup>, Storage Area, 1.5m<sup>2</sup>
4. All habitable rooms in the property have natural ventilation from a window/door except for the internal en-suite on the second floor. This room is ventilated mechanically which is operated with the light switch upon entering the room.

  
Kieran O'Connor BEng(Hons) HND MIEI



**Tracy, email from Susan O'Leary as discussed.**

1 message

Kieran O'Connor <oconnorkieran6@gmail.com>  
To: Tracy O'Callaghan <Tracy.O'Callaghan@corkcoco.ie>

24 April 2024 at 11:04

From: Susan O'Leary [mailto:[Susan.O'Leary@CorkCoCo.ie](mailto:Susan.O'Leary@CorkCoCo.ie)]  
Sent: 17 April 2024 12:13  
To: Linda Kelleher <[linda.kelleher@naglesolicitors.ie](mailto:linda.kelleher@naglesolicitors.ie)>  
Subject: Mitchel House (formerly Doneraile Stores), Main Street, Doneraile

Hi Linda,

I wish to advise that I first inspected the above property in Doneraile with John Hickey on 13th March 2018.

At that time, work had commenced to renovate the upper floors which were all in domestic use. The ground floor was vacant and had not been used commercially for a number of years. Mr Hickey had put it on the market for commercial lease but there was no interest in it. At that stage, Mr Hickey was considering selling the property.

I met with Mr Hickey again at Mitchel House on 24th October 2018. Work had commenced on converting the ground floor into a domestic residence. Mr Hickey had sold his home in the countryside and have moved into Mitchel House as his primary residence. We agreed that rate was not payable as the property was no longer in commercial use or potential commercial use. I agreed to inspect again once the conversion works had been completed.

My final inspection of the property was on 25th October 2023 with Mr Hickey. I observed the property to be a fully domestic residence and accordingly I recommended that it be converted to a domestic property and removed from Cork County Council's Rate Book.

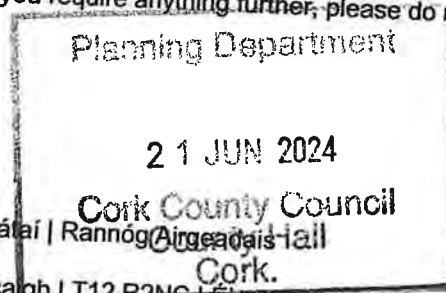
My recommendation was approved and Mitchel House was removed from the Commercial Rate Book at the end of 2023.

I trust this is the information you require but should you require anything further, please do not hesitate to contact me.

Kind regards,

Susan O'Leary | Oifigeach Foime | Oifig Bailithe Rátaí | Rannóg Airgeadais - Bail  
Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire  
Cork County Council  
Cork.

T +353-(0)21 - 428 5665 | M +353-(0)85 - 805 3065

[susan.oleary@corkcoco.ie](mailto:susan.oleary@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)





19

26

39

1

Planning Department  
21 JUN 2024  
CORCORAN HALL  
COUNTY COUNCIL  
CORK.

Street

Kieran O'Connor, BEng MIEI,  
Clogheen House, Mallow, Co. Cork.

Tel: 087/8126698

Client

John Hickey  
Doneraile, Co. Cork.

Project  
Exemption

Title  
Site Layout

Scale  
1:500

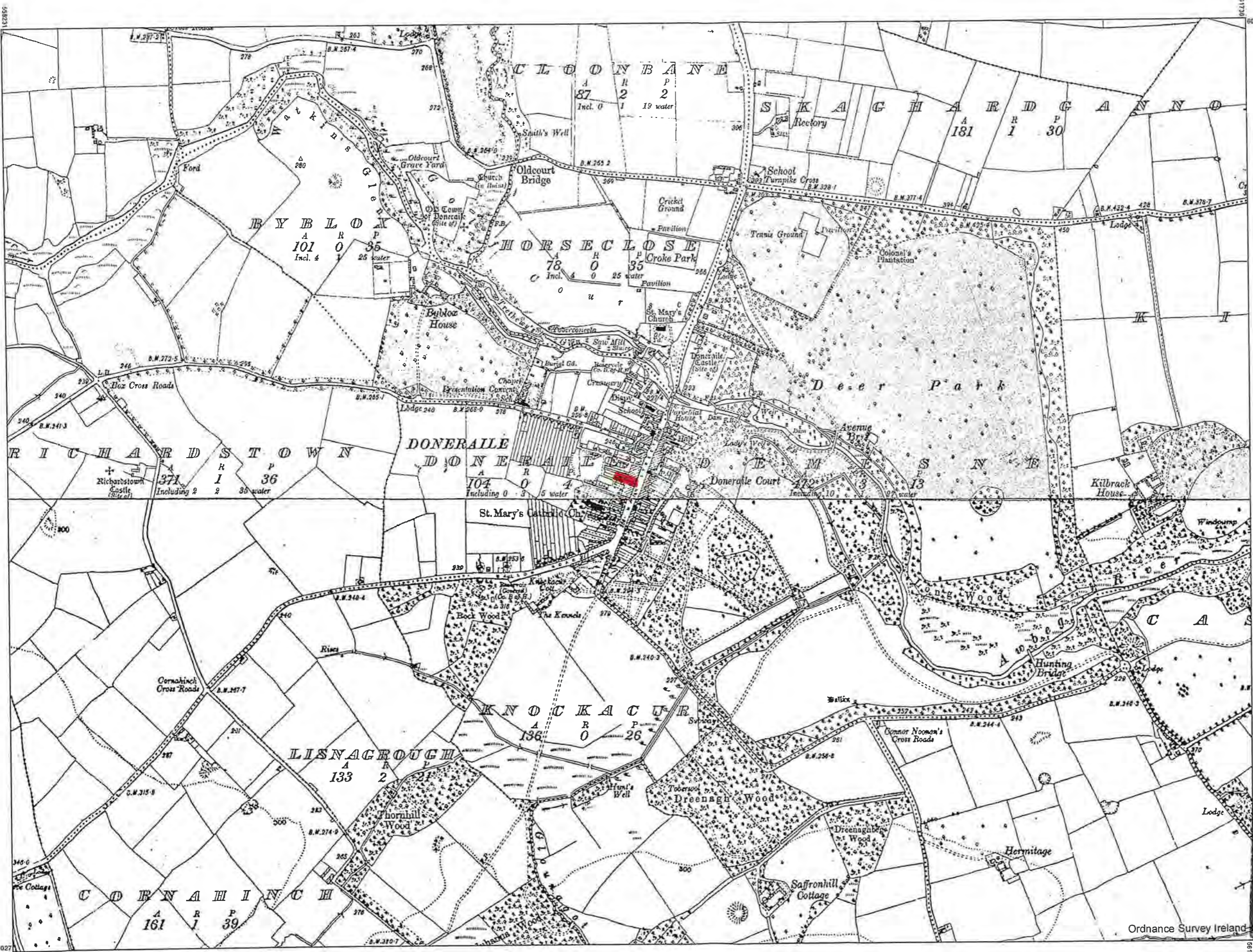
Date  
Feb 2024

Drawing No  
02-24-JH-3

# Site Location Map



# Tailte Éireann



**CENTRE COORDINATES:**  
ITM 559984,607326

**PUBLISHED:**  
22/11/2023

**ORDER NO.:**  
50369670\_1

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster

**MAP SHEETS:**  
CK017  
CK025

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

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

Any unauthorised reproduction  
infringes Tailte Éireann copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

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

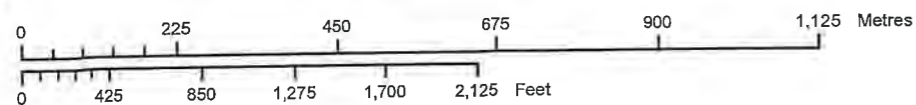
Topographic maps produced by the  
National Mapping Division of Tailte  
Éireann never show legal property  
boundaries, nor do they show  
ownership of physical features.

© National Mapping Division of Tailte  
Éireann, 2023. All rights reserved.

21 JUN 2024

Cork County Council  
County Hall  
Cork.

Ordnance Survey Ireland



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

**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.osi.ie](http://www.osi.ie); search 'Capture Resolution'

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



This map was produced by  
the National Mapping Division  
of Tailte Éireann, formerly  
Ordnance Survey Ireland (OSI)

# Planning Pack Map



# Tailte Éireann



**CENTRE COORDINATES:**  
ITM 559984,607326

**PUBLISHED:** 22/11/2023  
**ORDER NO.:** 50369670\_1

**MAP SERIES:** 1:2,500  
1:2,500  
**MAP SHEETS:** 5747-D  
5748-C

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4  
[www.tailte.ie](http://www.tailte.ie)

Any unauthorised reproduction  
infringes Tailte Éireann copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

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

Topographic maps produced by the  
National Mapping Division of Tailte  
Éireann never show legal property  
boundaries, nor do they show  
ownership of physical features.

© National Mapping Division of Tailte  
Éireann, 2023. All rights reserved.

Department

21 JUN 2024

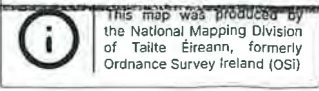
Cork County Council  
County Hall  
Cork.

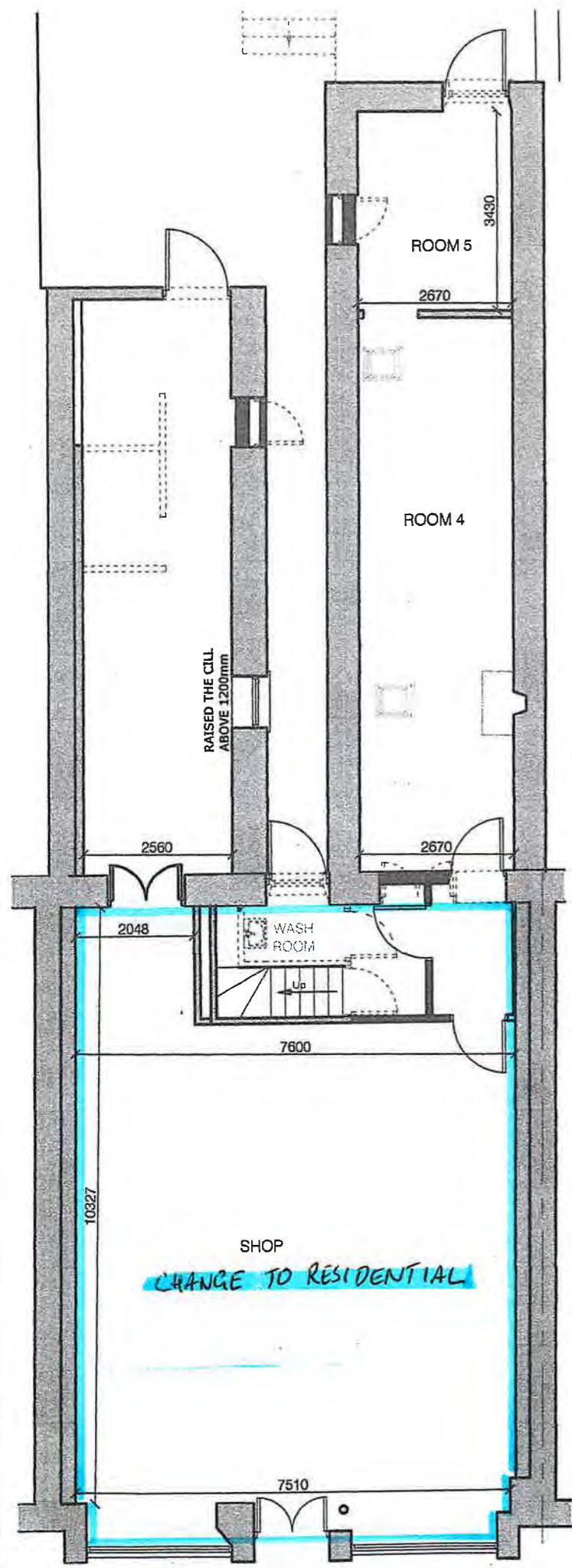


**OUTPUT SCALE:** 1:1,000

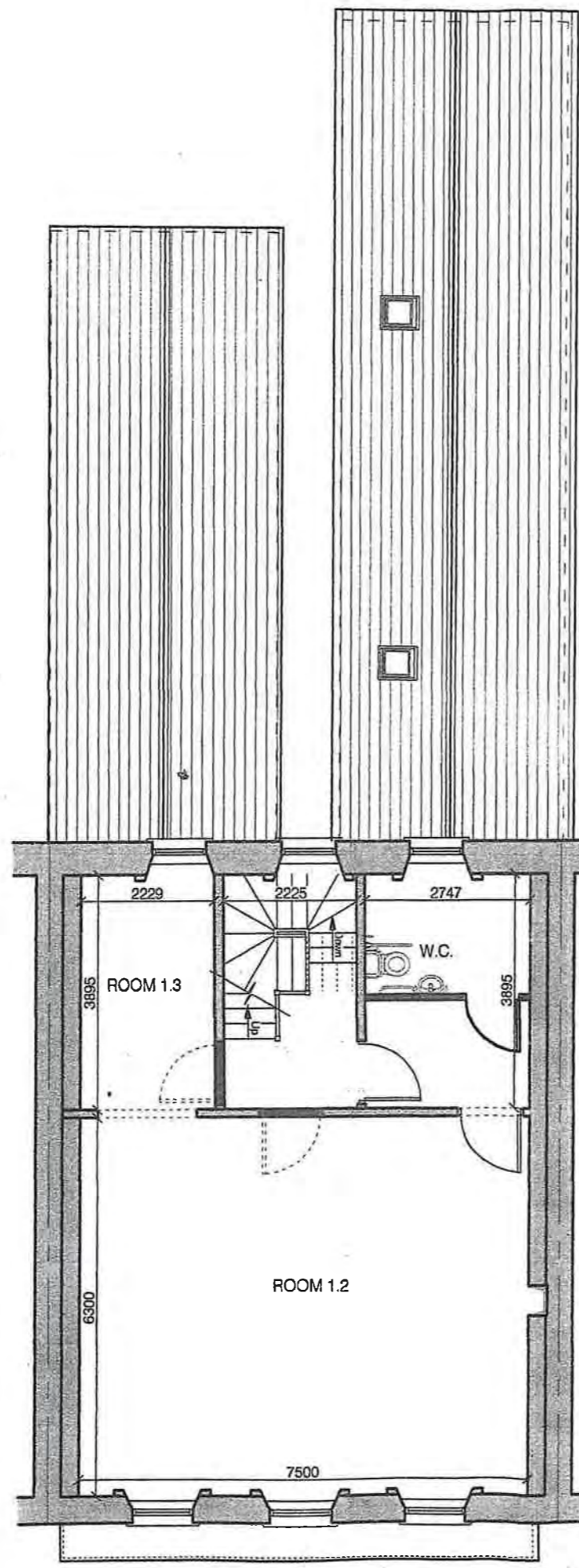
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.osi.ie](http://www.osi.ie), search 'Capture Resolution'

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

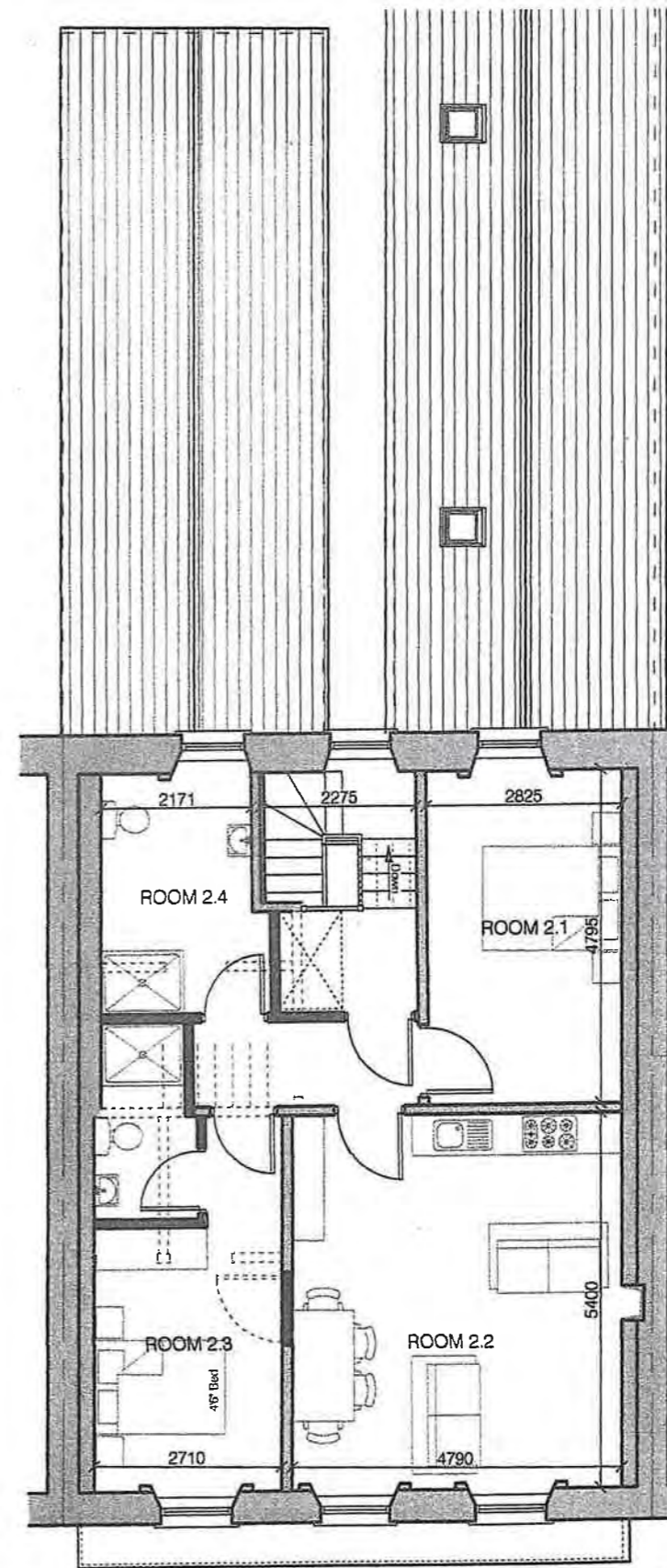




GROUND FLOOR PLAN



FIRST FLOOR PLAN  
SCALE 1:100



SECOND FLOOR PLAN  
SCALE 1:100

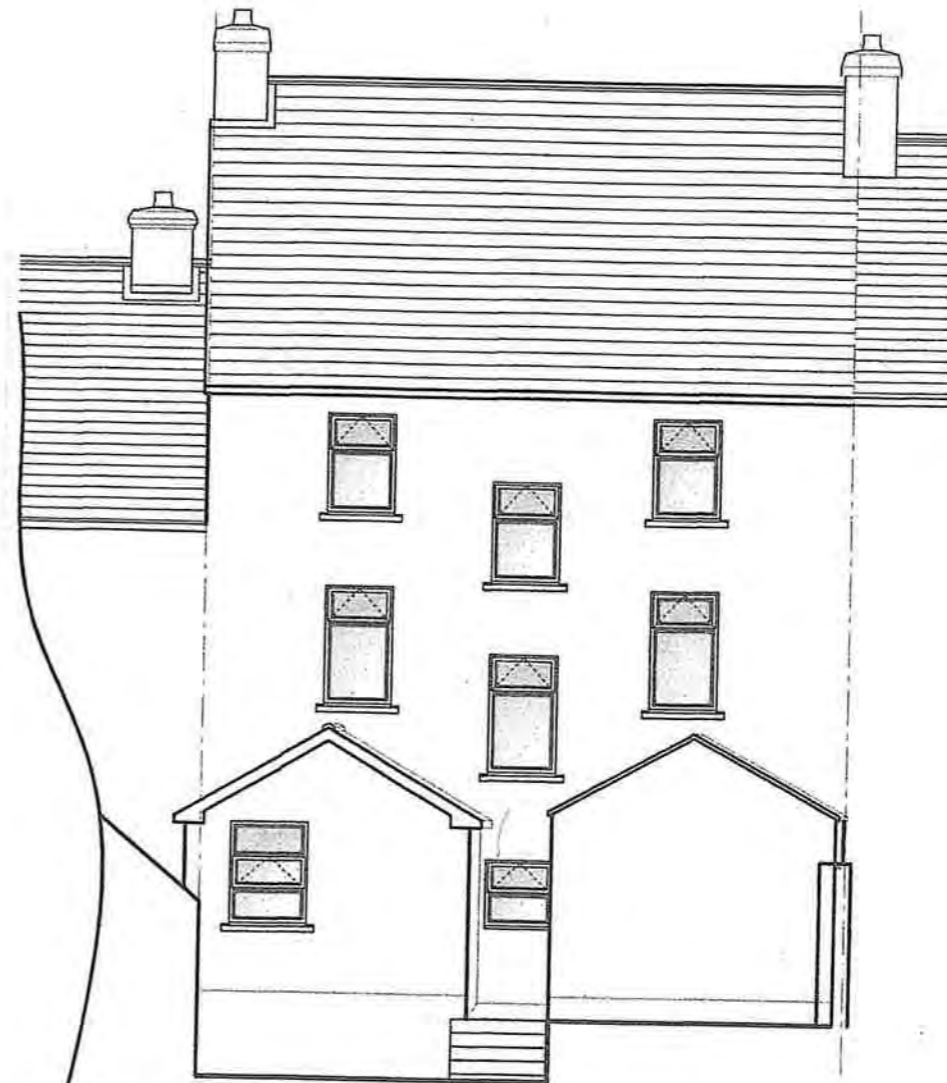


Planning Department  
21 JUN 2024  
Cork County Council  
County Hall  
Cork.

Kieran O'Connor, BEng (Hons) HND MIEI, Clogheen House, Mallow, Co. Cork. oconnorkieran6@gmail.com Tel: 087/8126698		
Client: John Hickey, Doneraile, Co. Cork.		
Project: Exemption	Title: Plans	Drawing No.:
Scale: 1:100	Date: Feb 2024	02-24-JH-1



FRONT ELEVATION (Eastern)  
SCALE 1:100



REAR ELEVATION (Western)  
SCALE 1:100

Planning Department  
21 JUN 2024  
Cork County Council  
County Hall  
Cork.



Kieran O'Connor, BEng (Hons) HND MIEI, Clogheen House, Mallow, Co. Cork. oconnorkieran6@gmail.com Tel: 087/8126698			
Client:		John Hickey, Doneraile, Co. Cork.	
Project:		Elevations/Section	
Scale:	Date:	Drawing No:	
1:100	Feb 2024	02-24-JH-2	