

# Comhairle Contae Chorcaí Cork County Council

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Bóthar Chorcaí, An Sciobairín,  
Co. Chorcaí P81 AT28.  
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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)



Siobhan O'Donoghue  
& Stephen O'Brien,  
Billy Bob's,  
Ardmanagh,  
Schull,  
Co. Cork P81 N225.

7<sup>th</sup> March, 2023.

Our Ref: D/5/23.

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 8th February, 2023, the Planning Authority declares that the proposal for the restoration and alterations to a derelict dwellinghouse located at Ardmanagh, Schull, Co. Cork is development which is *not exempt development* and the proposed change of use is outside the scope of Article 10 and Schedule 2, Article 6, Part 1, Class 1 of the Planning and 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. WCP11273, in respect of €80.00, is issued herewith.*

Yours faithfully,

  
**KEVIN O'REGAN.**  
**SENIOR EXECUTIVE OFFICER.**

REG. No.  
PLANNING (WEST) DEPT  
09 MAR 2023  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK



We are Cork.



Recycled

## Planner's Section 5 Report

Declaration on Exempted Development Under Section 5 of the Planning & Development Act 2000 as amended for the restoration and alterations to a derelict dwellinghouse located at Ardmanagh, Schull, West Cork.

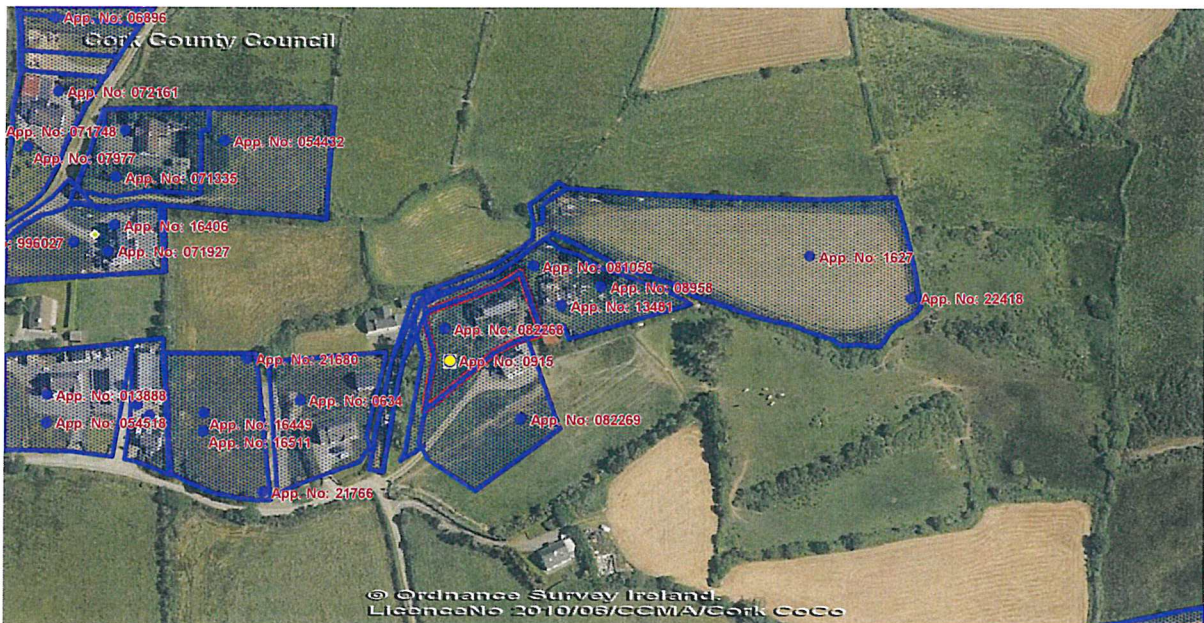
Application Ref. No. D/5/23

Received on: 08/02/2023

Decision Due date: 07/03/2023

Applicant: Siobhan O'Donaghue & Stephen O'Brien.

### Site Location Maps



### Development Description

The subject site is located in a rural scenic area to the north west of Schull town.

There is an existing derelict farmhouse on site.

The applicants live in the existing dwellinghouse on site.

It is proposed to restore a ruinous farmhouse and connect same to the existing septic tank serving the applicants main house located to the south of the site.

### Relevant Zonings

In terms of planning designations, the site is located outside the defined development boundary for Schull Town.

The site is located in the Green Belt of Schull town, on land that is specifically zoned GB 1-2 under the current County Development Plan 2022.

The landscape character is defined as *Rugged Ridge Penninsula* as designated under the Draft Landscape Strategy.

The site is located within a High Value Landscape area.

The site is not visible from a scenic route.

The site is not shown to be prone to flooding.

There are no Recorded Monuments on or near the site.

This application does not require a mandatory EIAR.

#### AA

The site is located within the screening zone of the Roaringwater Bay and Islands SAC.

Having regard to the scale and nature of this proposal and as no ecological or hydrological connection exists between the proposed site and SAC, the Planning Authority is satisfied that no AA screening report is required in this case.

#### Summary of Site Inspection

I visited the subject site on 03/03/2023 and can confirm that the said structure is now a ruin. The applicants were at home when I visited this site. They confirmed that the building was collapsing so they acted for health and safety reasons and removed the roof and 2 external walls.

Below are the site inspection photographs of the existing structure to undergo restoration.



### Relevant Legislation

Article 10, Schedule 2 and Article 6, part 1, Class 1 Planning & Development Regulations 2000 as amended.

- Changes of use. 10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
- (a) involve the carrying out of any works other than works which are exempted development,
  - (b) contravene a condition attached to a permission under the Act,
  - (c) be inconsistent with any use specified or included in such a permission, or
  - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

PART 1

*Exempted Development — General*

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b> The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension</p>

Assessment and Conclusion

The applicants are seeking a Declaration of Exemption to restore a derelict farmhouse and connect it to an existing septic tank serving the main dwellinghouse on site.

According to the drawings submitted it indicates that the existing building is substantially intact comprising of 4 external walls and a roof.

However after visiting this site, it was confirmed that the existing structure is no longer substantially intact and does not correspond with the drawings submitted.

It is relevant to note that according to the planning history records for this site, planning permission was granted under ref. no. 09/15 to demolish the existing outbuilding and construct a new dwelling on site.

It appears that the former use of this structure has been abandoned therefore this proposal is not exempt development because a material change of use of the lands is proposed from agricultural to residential.

It is therefore considered that this proposal is development which is not exempt development and the proposed change of use is outside the scope of Article 10 and Schedule 2, Article 6, part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

*Olivia Field*

.....  
Olivia Field  
Assistant Planner  
06/03/2023



## 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 type="checkbox"/>

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
08 FEB 2023  
CORK COUNTY COUNCIL  
NORTON HOUSE, SMITHFIELD, CORK, IR.

### FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

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)

SIORIHAN O'DONOGHUE & STEPHEN O'BRIEN

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

BILLY BOB'S, ARDMANAGH, SCHULL  
PS1N225

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

WE WANT TO RESTORE THE ORIGINAL HOUSE  
ON THE SITE WE OWN AT PS1N225.  
THE HOUSE HAS BEEN DERELICT SINCE THE  
NEWER HOUSE WAS BUILT (C) 60 YEARS AGO  
& WHERE WE NOW LIVE IN.  
WE HAVE PLANS DRAFTED THAT WOULD  
KEEP THE SIZE & FOOTPRINT OF THE  
ORIGINAL HOUSE. THE REPURBISHED  
HOUSE WOULD SHARE A SEPTIC TANK WITH  
THE MAIN HOUSE.

**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):	95 sq meters
(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  Proposed use	  <u>HOUSE</u>  <u>HOUSE</u>
(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:		
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):		

**6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

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

**7. APPROPRIATE ASSESSMENT:**


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

**8. DATA PROTECTION DECLARATION:**

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

***Processing of your Declaration of Exemption application by the Planning Authority***

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

Signed (By Applicant Only)	
Date	07.01.2023

**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.

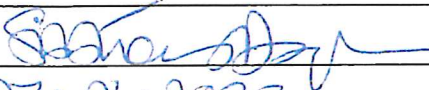
Special Categories of data / Sensitive Personal data include:

- 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 <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	07.01.2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: [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	07.01.23

# Site Location Map



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 492150,532467

**PUBLISHED:**  
08/01/2023

**ORDER NO.:**  
50310363\_1

**MAP SERIES:**  
6 Inch Raster

**MAP SHEETS:**  
CK139

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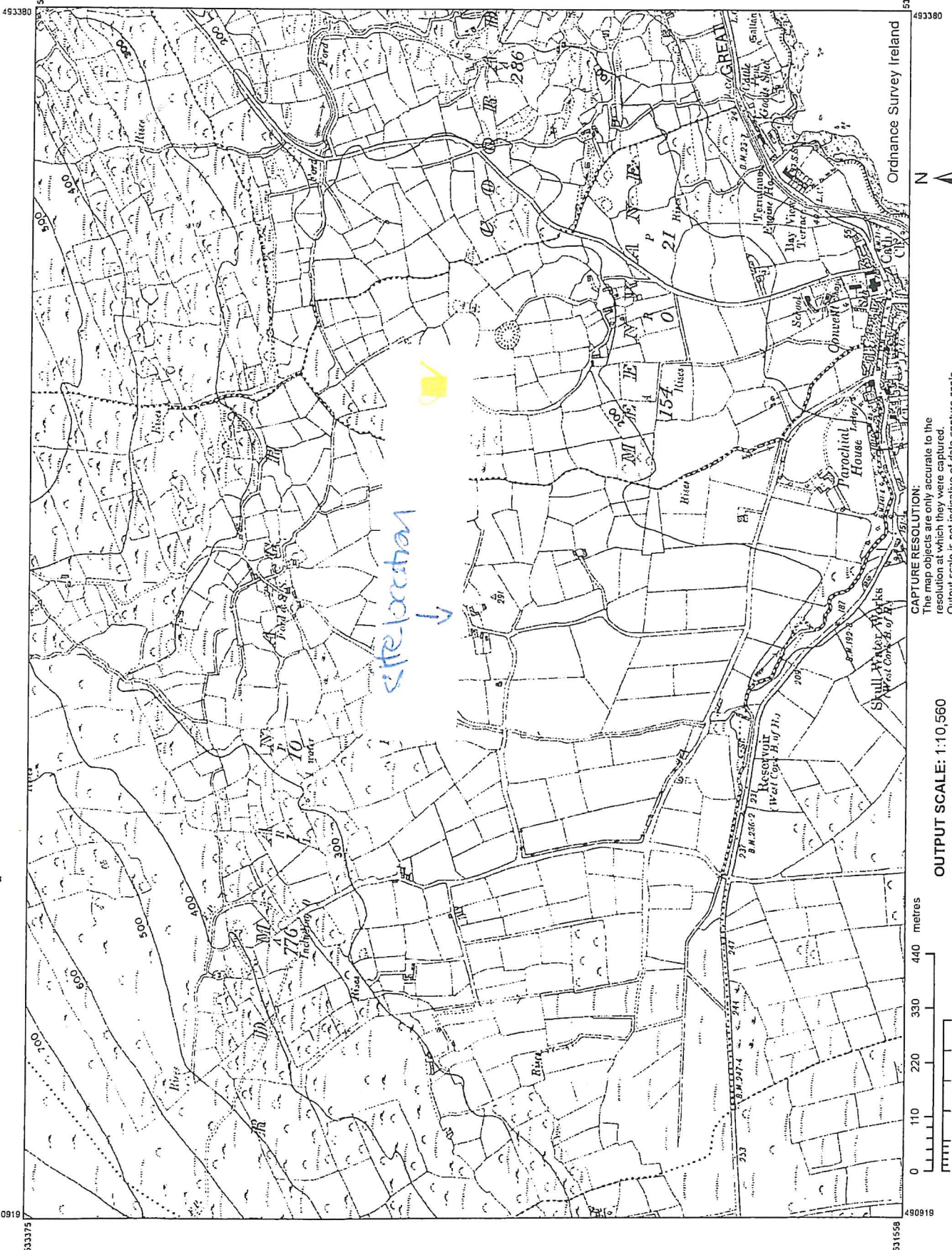
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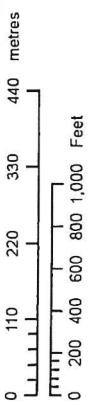
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**OUTPUT SCALE: 1:10,560**



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Ordnance Survey Ireland

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# Planning Pack Map



National Mapping Agency

**Ard Meana  
Ardmanagh**  
5.05

**CENTRE COORDINATES:**  
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**PUBLISHED:** 08/01/2023  
**ORDER NO.:** 50310363\_1  
**MAP SERIES:** 1:5,000 67/67  
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 1:5,000 67/68  
 1:2,500 67/68-C

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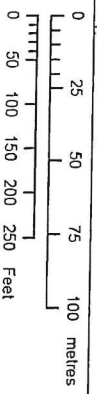
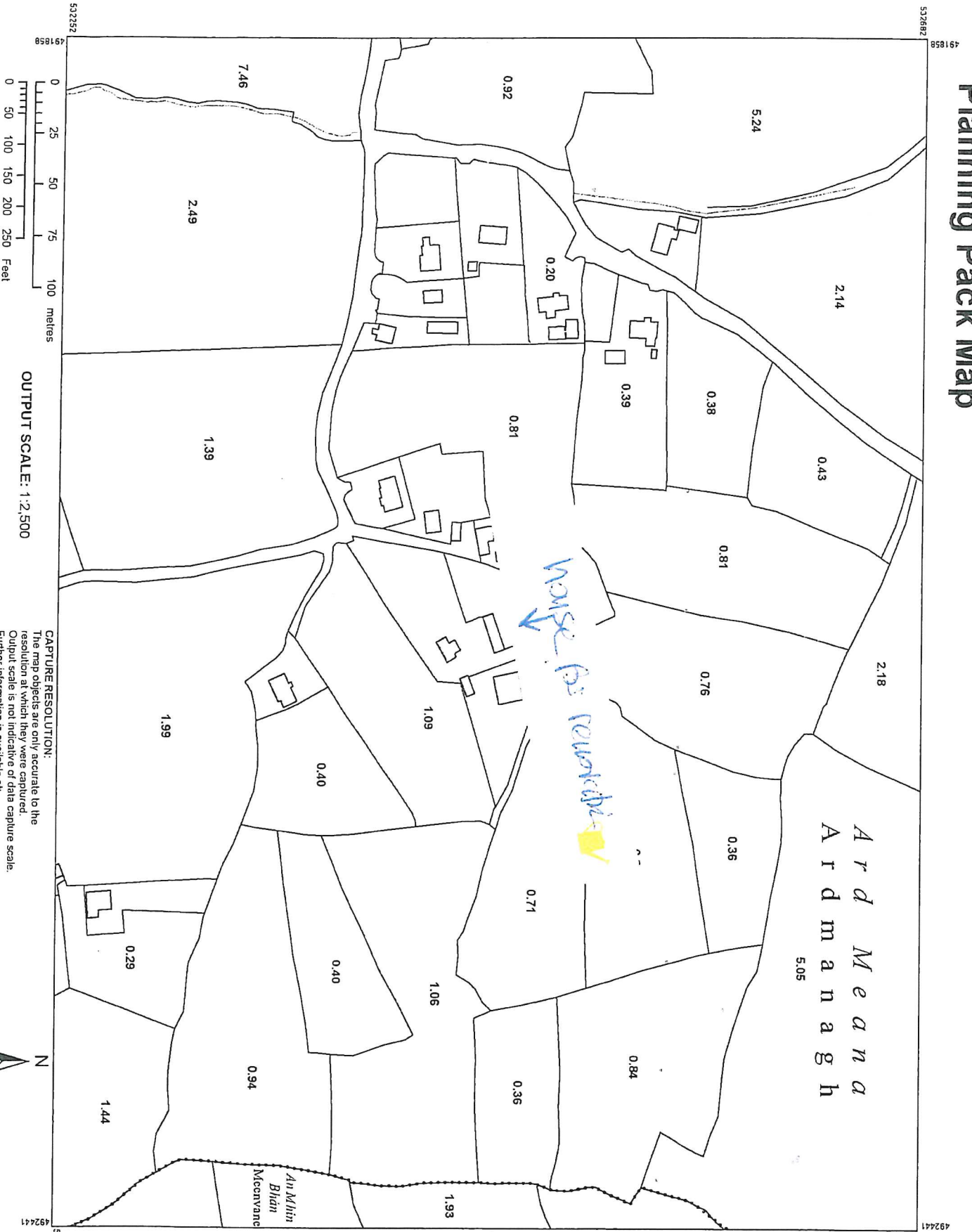
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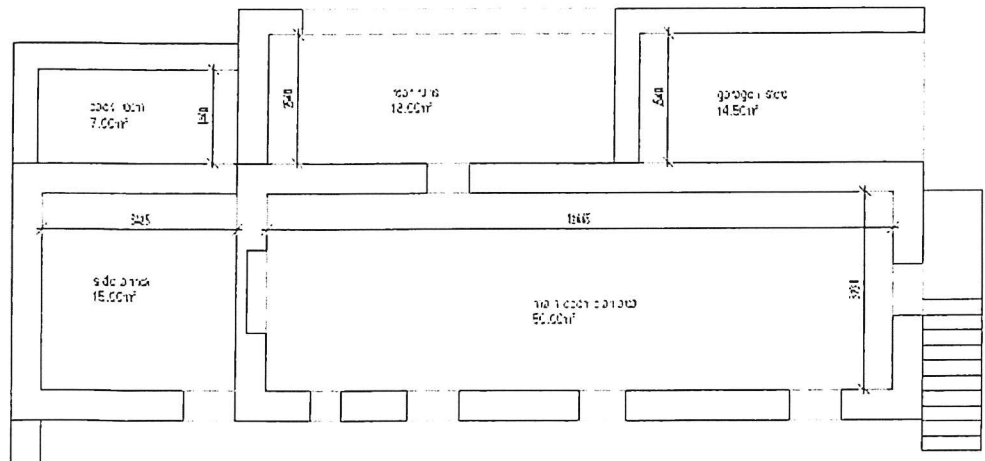
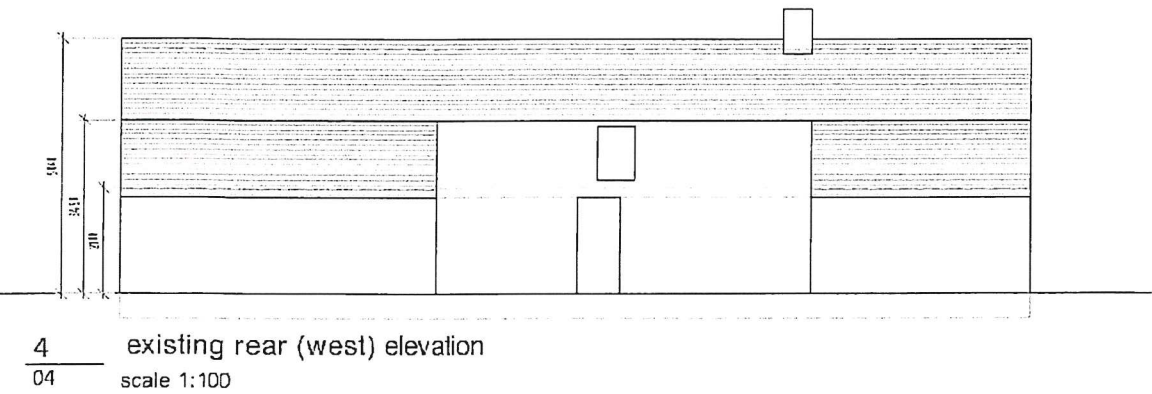
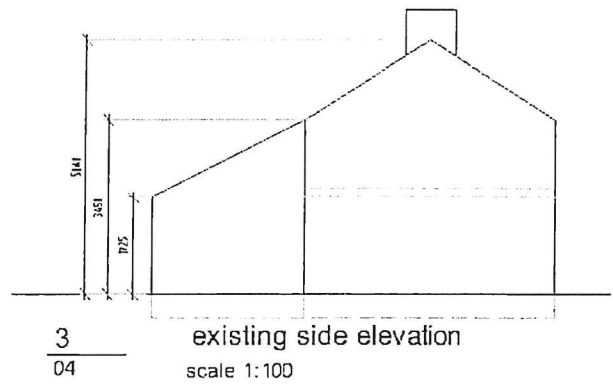
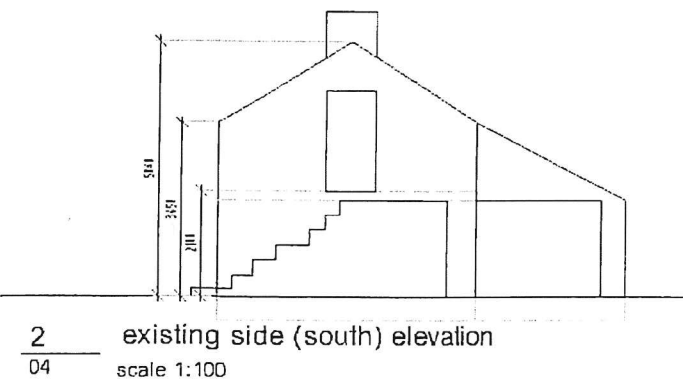
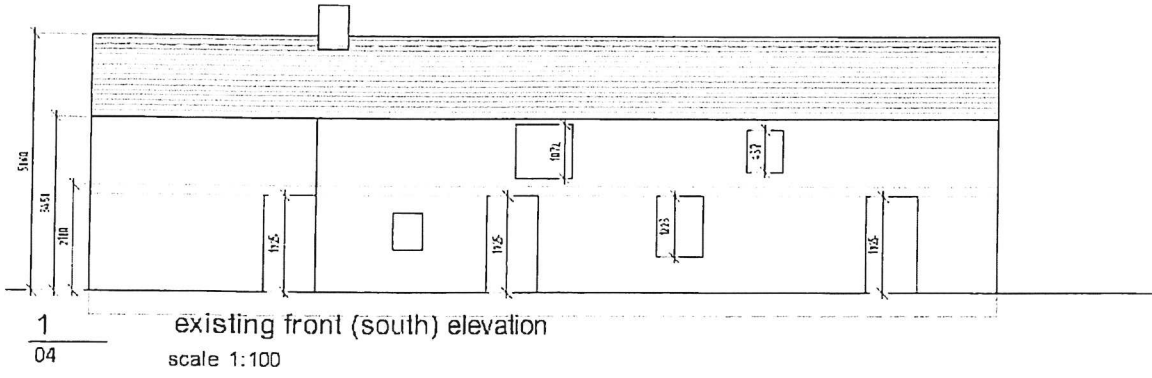
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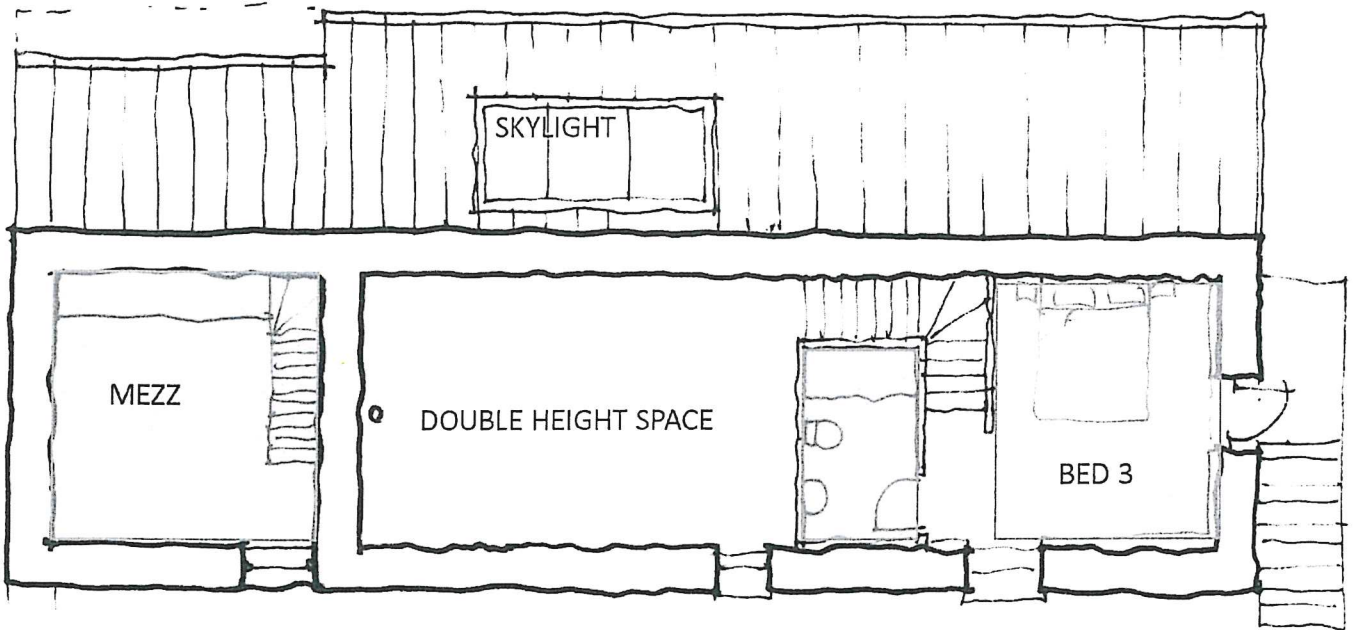
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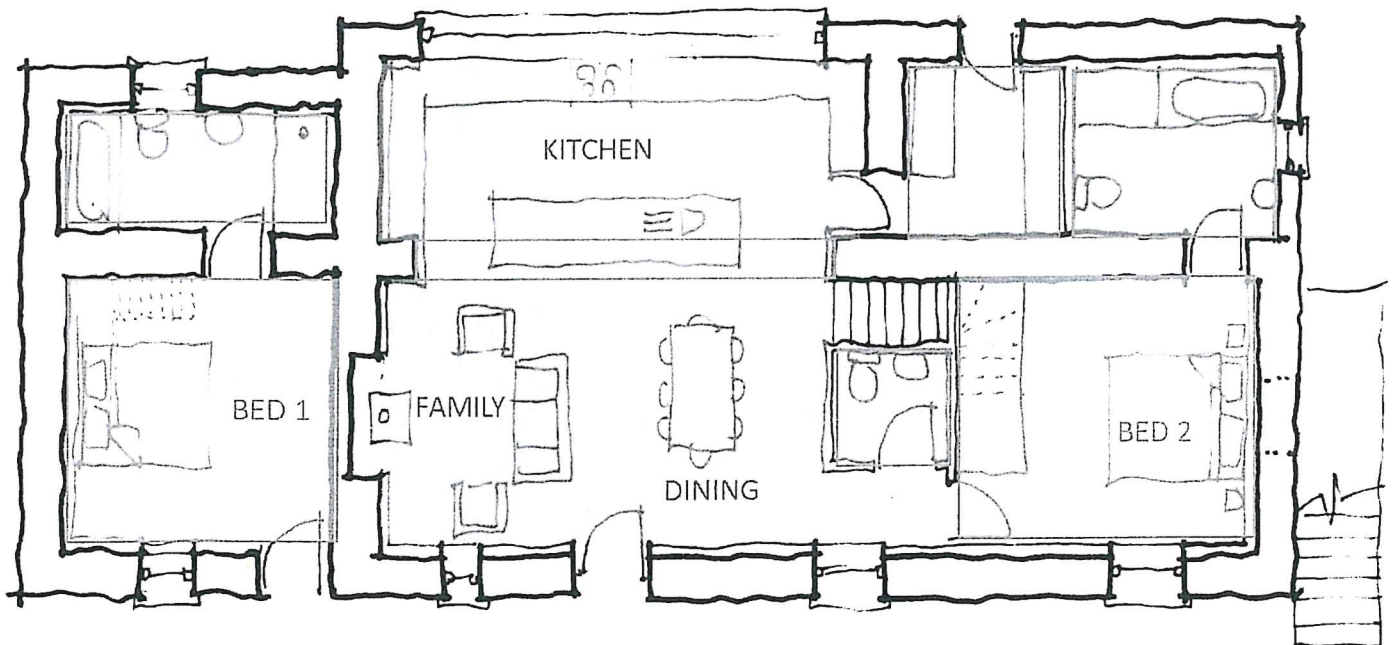




# OPTION 1 – PARTIAL FIRST FLOOR



Proposed First Floor Plan  
Not to scale



South terrace

Proposed Ground Floor Plan  
Not to scale