



# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Fraser Heaslip  
11 Ryecroft  
Maryborough Woods  
Douglas  
Cork

26<sup>th</sup> May 2021

**RE: R656/21 – Section 5 Declaration**  
**Property: 11 Ryecroft, Maryborough Woods, Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to advise and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the construction of a lean-to shed to the side of the dwelling at 11 Ryecroft, Maryborough Woods, Cork **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

Yours faithfully,

**Kerry Bergin**  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



**We are Cork.**

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Is the construction of a lean-to shed to the side of the dwelling development and, if so, is it exempted development?</i>
Location	11 Ryecroft, Maryborough Woods, Cork
Applicant	Fraser Heaslip (owner)
Date	26/05/2021
Recommendation	<b>Is development and is exempted development</b>

This report is to be read in conjunction with previous planning report, dated 29/04/2021, which requested further information.

## **1. FURTHER INFORMATION ASSESSMENT**

Further Information was requested on 29/04/2021. A response to same was received on 17/05/2021. There were 2 (two) No. items of further information requested.

- 1) The applicant is requested to submit a fully dimensioned site layout drawing clearly showing private amenity area to rear of existing dwelling and to include any other sheds or structures, if any, existing on the subject site. Full dimensions of any other sheds/structures on site should also be indicated thereupon.***

The applicant has submitted a revised site plan in response to the item above. Full details of the private amenity area have been shown on the revised site plan. The applicant has confirmed in a letter dated 6th May 2021 that there are no other sheds or outbuildings located on the subject site. From reviewing the drawings it would appear that over 60m<sup>2</sup> of private open space would remain to the rear of the dwelling following construction of the proposed structure. This response is considered acceptable.

- 2) The applicant is requested to confirm that the shed will 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 existing house.***

The applicant has confirmed in a letter dated 6<sup>th</sup> May 2021 that the proposed shed will 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 existing house. This response is considered acceptable.

## **2. ADDITIONAL ENVIRONMENTAL ASSESSMENT**

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

*Section 4(4),*

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

*Section 4(4A)*

*Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—*

*(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*

*(b) as respects which an environmental impact assessment or an appropriate assessment is required,*

*to be exempted development.*

*Section 177U(9)*

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

**Screening for Environmental Impact Assessment**

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the response to the further information relating to the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required.**

**Screening for Appropriate Assessment**

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the response to the further information relating to the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required.**

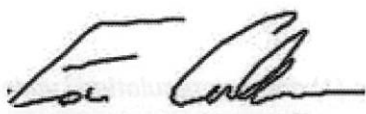
**3. RECOMMENDATION**

In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the construction of a lean-to shed to the side of the dwelling at 11 Ryecroft, Maryborough Woods, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT.**



Eoin Cullinane  
Assistant Planner  
24/05/2021

Fraser Heaslip  
11 Ryecroft  
Maryborough Woods  
Douglas  
Cork  
T12W4CC

Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council

6th May 2021

Ref: R656/21 Section 5 Declaration  
11 Ryecroft, Maryborough Woods, Douglas, Cork

Dear Kerry

Further to your letter of the 29th April, copy enclosed:

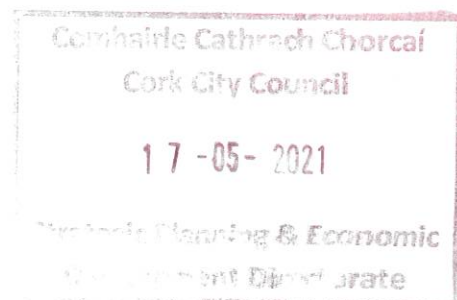
1 – please find attached fully dimensioned site layout drawing showing private amenity area (rear garden, patio & footpaths) to rear of existing dwelling. There are no other sheds or structures on the site.

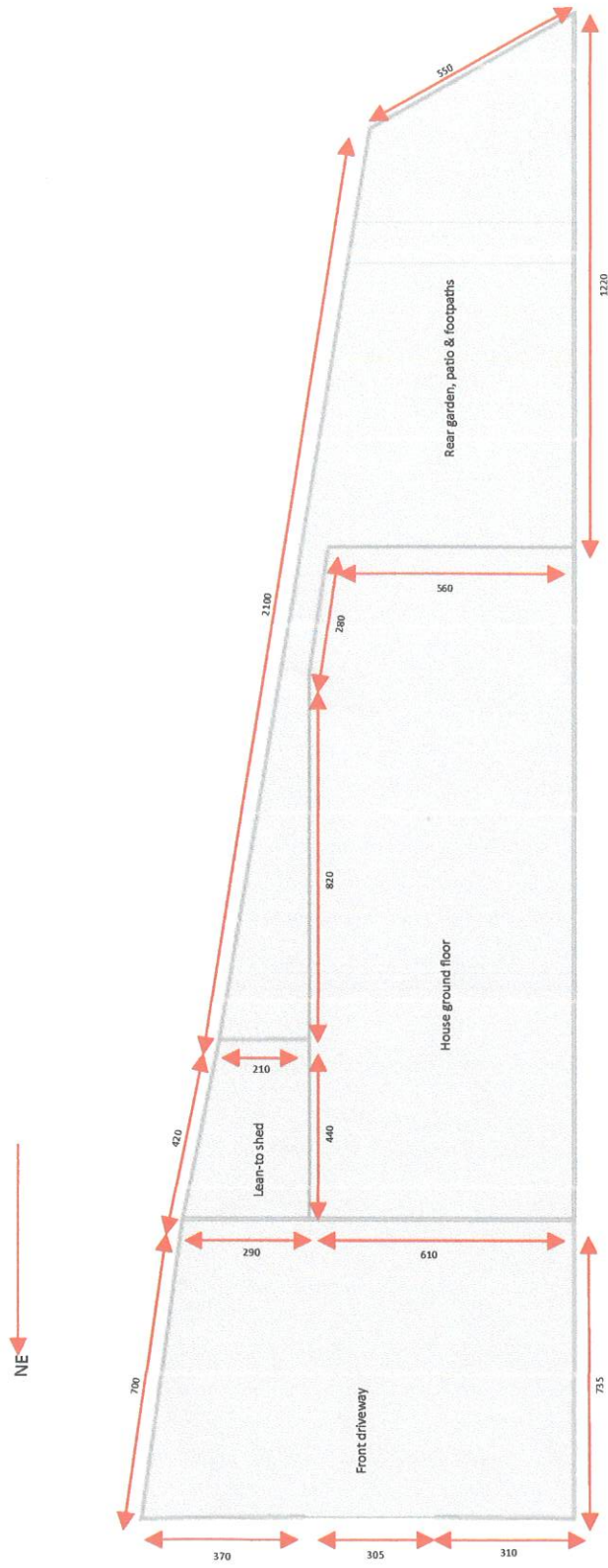
2 – I can confirm that the lean to shed is not and will not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the existing house. House visits or emailed images can be arranged at any time to confirm current usage is exactly as above.

Best regards



Fraser Heaslip  
fraser.heaslip@gmail.com  
0857117675





All measurements in cm



# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Fraser Heaslip  
11 Ryecroft  
Maryborough Woods  
Douglas  
T12W4CC

29<sup>th</sup> April 2021

**RE: R656/21 - Section 5 Declaration**  
**Property: 11 Ryecroft, Maryborough Woods, Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, it is recommended that the following further information be sought:

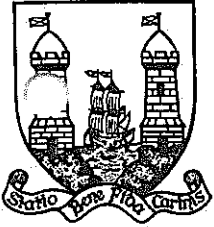
1. The applicant is requested to submit a fully dimensioned site layout drawing clearly showing private amenity area to rear of existing dwelling and to include any other sheds or structures, if any, existing on the subject site. Full dimensions of any other sheds/structures on site should also be indicated thereupon.
2. The applicant is requested to confirm that the shed will 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 existing house.

Yours faithfully,

Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
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29<sup>th</sup> April 2021

**RE: R656/21 – Section 5 Declaration**  
**Property: 11 Ryecroft, Maryborough Woods, Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, it is recommended that the following further information be sought:

1. The applicant is requested to submit a fully dimensioned site layout drawing clearly showing private amenity area to rear of existing dwelling and to include any other sheds or structures, if any, existing on the subject site. Full dimensions of any other sheds/structures on site should also be indicated thereupon.
2. The applicant is requested to confirm that the shed will 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 existing house.

Yours faithfully,

Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



**We are Cork.**

**PLANNER'S REPORT**  
**Ref. R 656/21**

Cork City Council  
Development Management  
Community, Culture &  
Placemaking Directorate

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Is the construction of a lean-to shed to the side of the dwelling development and, if so, is it exempted development?</i>
Location	11 Ryecroft, Maryborough Woods, Cork
Applicant	Fraser Heaslip (owner)
Date	29/04/2021
Recommendation	<b>Further Information Required</b>

**INTERPRETATION**

In this report 'the Act' means the Planning and Development Act, 2000 as amended and 'the Regulations' means the Planning and Development Regulations, 2001 as amended, unless otherwise indicated.

**1. REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION**

Section 5(1) of the Planning and Development Act 2000 as amended states,

*5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this 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.*

The requirements for making a section 5 declaration are set out in the Act.

**2. THE QUESTION BEFORE THE PLANNING AUTHORITY**

The question to the planning authority is not framed using the phrasing of section 5. The applicant states in the request, "a previous Section 5 query was made in 2017 to Cork County Council with regard to a lean-to/shed structure being placed at the site of an existing property, my new home.

*Instead of a cheap low quality garden shed and wooden fence to the side of the house, I had asked if a high quality lean-to/shed with a wooden facade would be acceptable. As per attached documents Cork Co Co declined my application based on a wooden facade, but stated that a finish to match that of the rest of the front of the dwelling, i.e. brick, would be acceptable as exempted development.*

*I have now completed these works exactly as per the guidance given by Cork Co Co with a matching external finish to the main dwelling, and now wish to gain official confirmation that the development is exempted development, is acceptable, is completed as directed, is approved and no further action is required?"*

In my opinion the intention of the request is clear, and that it is entirely reasonable to consider the question before the planning authority as being:



*Is the construction of a lean-to shed to the side of the dwelling development and, if so, is it exempted development?*

### **3. SITE DESCRIPTION**

The subject property is a two-storey, semi-detached dwelling in the Existing Built-Up zoning area. The area is predominantly residential in nature.

### **4. DESCRIPTION OF THE DEVELOPMENT**

The proposed development is for a single storey, lean-to shed of approximately 7.8m<sup>2</sup> to the side of the existing property.

### **5. RELEVANT PLANNING HISTORY**

D/217/17: Section 5 request relating to whether a lean-to shed with a wooden finish is exempted development.

- *Cork County Council deemed the proposed structure development and not exempt, however it was stated in the correspondence to the applicant that if the proposed structure had an external finish to match the existing dwelling then it may be considered to be exempted development.*

### **6. LEGISLATIVE PROVISIONS**

#### **6.1 Planning and Development Act, 2000 as amended**

##### **Section 2(1)**

*“exempted development” has the meaning specified in section 4.*

*“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
  - (i) the interior of the structure,*
  - (ii) the land lying within the curtilage of the structure,*
  - (iii) any other structures lying within that curtilage and their interiors, and*
  - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

##### **Section 3(1)**

*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 4(1)(h)**

*4.(1) The following shall be exempted developments for the purposes of this Act—*

*...*

*(h) 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;*

**Section 4(2)**

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

**Section 4(3)**

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

- (a) any of the developments specified in subsection (1), or*
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

**Section 5(1)**

See section 1 of this report.

**6.2 Planning and Development Regulations 2001 to 2018 as amended**

**Article 5(2)**

*In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.*

**Article 6(1)**

*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

**Article 9**

Article 9 sets out restrictions on exemptions specified under article 6.

**(Article 6) Schedule 2, Part 1, Class 1**

Classes 1-8 relate to development within the curtilage of a house and Class 3 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.”*

**Schedule 2, Part 1, Class 3**

*Exempted Development – General*

<p style="text-align: center;"><i>Column 1</i> <i>Description of Development</i></p>	<p style="text-align: center;"><i>Column 2</i> <i>Conditions and Limitations</i></p>
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 3</b> <i>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.</i></p>	<ol style="list-style-type: none"> <li>1. <i>No such structure shall be constructed, erected or placed forward of the front wall of a house.</i></li> <li>2. <i>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.</i></li> <li>3. <i>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.</i></li> <li>4. <i>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.</i></li> <li>5. <i>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.</i></li> <li>6. <i>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.</i></li> </ol>

**7. ASSESSMENT**

**7.1 Development**

The first issue for consideration is whether or not the matter at hand is ‘development’, which is defined in the Act as comprising two chief components: ‘works’ and / or ‘any material change in the use of any structures or other land’.

‘Works’ is defined in section 3(1) of the Act as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’. In relation to the lean-to shed to the side of the existing dwelling, it is clear that a shed constructed to the side of a dwelling house comprises ‘works’. As the proposal comprises ‘works’, it is clearly therefore ‘development’ within the meaning of the Act.

## **CONCLUSION Is development**

### **7.2 Exempted development**

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines ‘exempted development’ as having ‘the meaning specified in section 4’ of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

I consider that the proposal comes within **subsection (2) of section 4**, i.e. the Regulations, and not subsection (1).

#### **Section 4(1)**

I do not consider that the proposal comes within the scope of section 4(1) of the Act.

#### **Section 4(2)**

It is therefore necessary to consider whether the proposed lean-to shed comes under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word ‘or’ in section 4(3).

I consider that article 6 and **Class 3** applies, as the development is for a shed to the side of the house.

Having assessed the proposed development against Class 3 and its conditions and limitations I find as follows:

#### *Condition / Limitation 1*

The structure is constructed to the side of the dwelling.

#### *Condition / Limitation 2*

From reviewing the details submitted it is unclear whether any other shed/outbuildings exist on the subject site. It would be considered important to clarify the extents, if any, of other structures on the subject site and to ensure drawings are submitted to clearly indicate same.

Further information is required to submit a site layout drawing clearly showing any other sheds or structures, if any, existing on the subject site, including full dimensions of same.

#### *Condition / Limitation 3*

From reviewing the details submitted it is unclear whether the development will reduce the amount of private open space enjoyed by the dwelling to below 25m<sup>2</sup>. It would be considered

important to clarify the extents of private amenity area to the rear of the subject site and to ensure drawings are submitted to clearly indicate same.

Further information is required to submit a fully dimensioned site layout drawing clearly showing private amenity area to rear of existing dwelling and to include any other sheds or structures, if any, existing on the subject site.

*Condition / Limitation 4*

The finishes match that of the existing dwelling.

*Condition / Limitation 5*

The height of the structure is indicated as being 2.75m at its highest point and is, therefore, below the maximum height allowed of 3m.

*Condition / Limitation 6*

The applicant should be requested to confirm that the shed will 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 existing house.

***Restrictions on exemption***

I do not consider that any apply in this instance.

**CONCLUSION**  
**Further Information Required**

**8. ENVIRONMENTAL ASSESSMENT**

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

*Section 4(4),*

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

*Section 4(4A)*

*Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—*

*(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*

*(b) as respects which an environmental impact assessment or an appropriate assessment is required,*

*to be exempted development.*

*Section 177U(9)*

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

### 8.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required**.

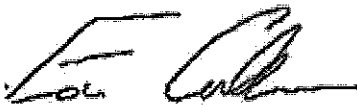
### 8.2 Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

## 9. RECOMMENDATION

It is recommended that the following further information be sought:

1. The applicant is requested to submit a fully dimensioned site layout drawing clearly showing private amenity area to rear of existing dwelling and to include any other sheds or structures, if any, existing on the subject site. Full dimensions of any other sheds/structures on site should also be indicated thereupon.
2. The applicant is requested to confirm that the shed will 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 existing house.



Eoin Cullinane  
Assistant Planner  
29/04/2020

**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924762  
Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

11 Ryecroft, Maryborough Woods, Douglas, Cork T12W4CC

**2. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

*Note: only works listed and described under this section will be assessed under the section 5 declaration.*

A previous Section 5 query was made in 2017 to Cork County Council with regard to a lean-to/shed structure being placed at the side of an existing property, my new home.

Instead of a cheap low quality garden shed and wooden fence to the side of the house, I had asked if a high quality lean-to/shed with a wooden façade would be acceptable. As per attached documents Cork Co Co declined my application based on a wooden façade, but stated that a finish to match that of the rest of the front of the dwelling, ie brick, would be acceptable as exempted development

I have now completed these works exactly as per the guidance given by Cork Co Co, with a matching external finish to the main dwelling, and now wish to gain official confirmation that the development is exempted development, is acceptable, is completed as directed, is approved and no further action is required?

Comhairle Cathrach Chorcaí  
Cork City Council

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**  
(Use additional sheets if required).

Please see attached:

- Original query letter to Cork County Council
- Reply from Cork Co co, including refusal based on wooden façade but a statement that a brick finish would be acceptable under Section 5 rules
- Current pictures of the completed lean-to/shed with a high quality brick finish to the front matching the façade of the property exactly using identical bricks to the original house sourced from the same provider as the original builder.

23 APR 2021

Strategic Planning & Economic  
Development Directorate



3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

No.

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

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? n/a

5. Was there previous relevant planning application/s on this site? n/a

If so please supply details:

### 6. APPLICATION DETAILS

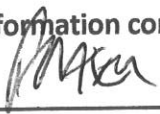
Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	n/a
(b) If a domestic extension, 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)?	n/a
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) n/a	Proposed/existing use (please circle) n/a

### 8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	<b>A. Owner</b> <b>Yes</b>	<b>B. Other</b>
Where legal interest is 'Other', please state your interest in the land/structure in question	n/a	
If you are not the legal owner, please state the name and address of the owner if available		

9. I / We confirm that the information contained in the application is true and accurate:

Signature: 

Date: 22/6/21



## CONTACT DETAILS

### 10. Applicant:

<b>Name(s)</b>	Fraser Heaslip
<b>Address</b>	[REDACTED]

### 11. Person/Agent acting on behalf of the Applicant (if any):

<b>Name(s):</b>	n/a	
<b>Address:</b>	----- ----- -----	
<b>Telephone:</b>		
<b>E-mail address:</b>		
<b>Should all correspondence be sent to the above address?</b> <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

### 12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

#### ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should 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 Development Management Section, Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.**

**CONTACT DETAILS**

10 Applicant

Name(s)	Fasser Hossip
Address	[REDACTED]

11. Person/Agent acting on behalf of the Applicant (if any):

Name(s)	n/a
Address	
Telephone	
E-mail address	
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address.)</small>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**12. ADDITIONAL CONTACT DETAILS**

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80.

The application should 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 land/structure in question.

The application should be sent to the following address:

The Development Management Section, Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Annesa Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration 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 was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration 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.*

**DATA PROTECTION:** The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.

# Original application

Fraser Heaslip  
19 Welwyn Road  
Maryborough Woods  
Douglas  
Cork

Planning Department  
Att John Lawlor  
County Hall  
Carrigrohane Road  
Cork.

17<sup>th</sup> March 2017

Ref: Section 5 declaration application – 11 Ryecroft, Maryborough Woods, Douglas, Cork

Dear John

Thank you for the recent call and the discussion with regard to the above topic. As requested please see details and images overleaf. If you have further questions, please don't hesitate to contact me at any stage via email or phone.

Best regards

Fraser Heaslip  
fraser.heaslip@gmail.com  
0857117675



## Section 5 declaration application

Property address - 11 Ryecroft, Maryborough Woods, Douglas, Cork

Background - Rather than buy a standard "barna" shed and matching fence for the side of my property, I wish to build a shed which will make full use of the side space and look far higher quality.

Question - Can I attach the shed to the side of the house at its upper horizontal edge, in order to weather proof it and negate the need for an additional wall on this side? Is this an exempted development?

### Additional information

- All factors of Point 7 in leaflet PL.5 of the Department of Housing, Planning, Community & Local Government are to be adhered to.
- Instead of a separate shed and side fence & gate, the shed will act as the secure side boundary to the property, but still allow full access to the side path and rear as a separate fence & gate would.
- The shed will be closed to the front with a high quality fence and door/gate to match the existing high quality wooden house front door and window frames, it will remain within the existing boundary wall and will remain open to the rear of the property and the rear garden/patio, leaving 50+ sq/m remaining of open unenclosed space to the side and rear of the property.
- The existing side path will remain in place and allow full access to the side and rear of the property through the front gate/door of the shed.
- The roof of the shed, again will be high quality to match the existing roof tiles, guttering, fascia and soffit of the house.
- Proposed total area of shed is 7 sq metres.
- Following a recent purchase, house is currently undergoing a renovation and construction of a 23 sq metre single storey kitchen/living extension to the rear.
- I am the property owner.

# Original application

11 Ryecroft, Maryborough Woods

Intention to build shed with high quality fence façade & door/gate at side of house, instead of default option of cheaper "barna" shed and matching fencing.

Seeking confirmation of exemption if top right hand horizontal beam of shed is connected to side of house to allow weather proofing and maximise space.



# Original application

Shed frame  
(drawings not to exact scale)

Independent free-standing wooden frame, attached to house at top horizontal beam only, to prevent water ingress, and to allow easy access to utility meters.

Shed roof does not cross centre point of boundary wall at any stage

Shed remains open to the rear and pathway from door/gate at front continue to allow full access to rear.

Concrete floor with drainage for gutter downpipes

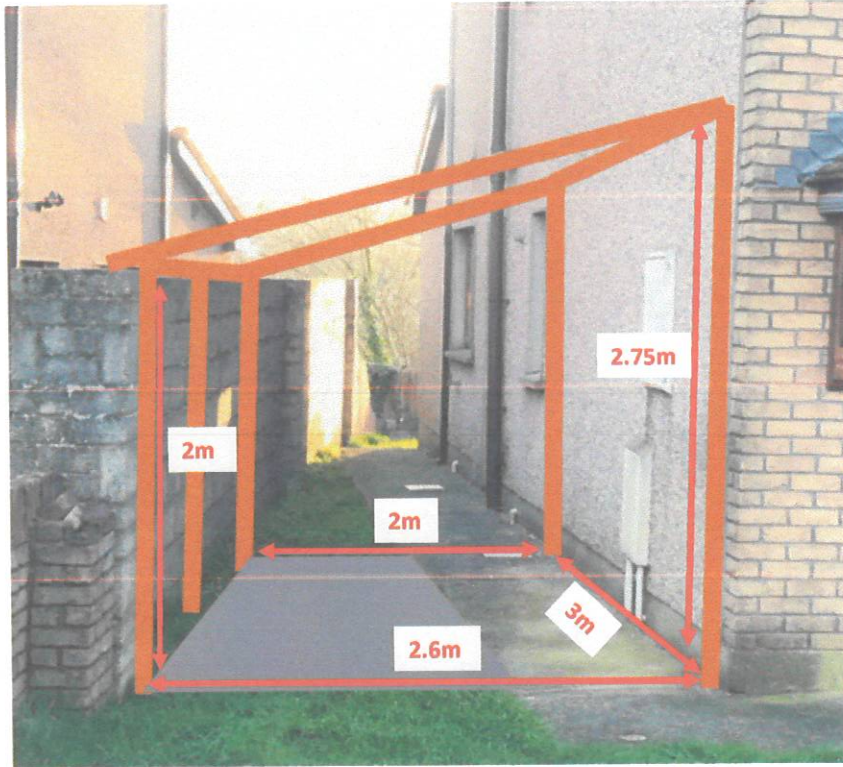


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23 APR 2021  
RECEIVED



# Original application

Shed dimensions  
(drawings not to exact scale)



# Original application

Planned shed façade and door/gate

Shed will have roof tiles, fascia, soffit and guttering to match existing main house

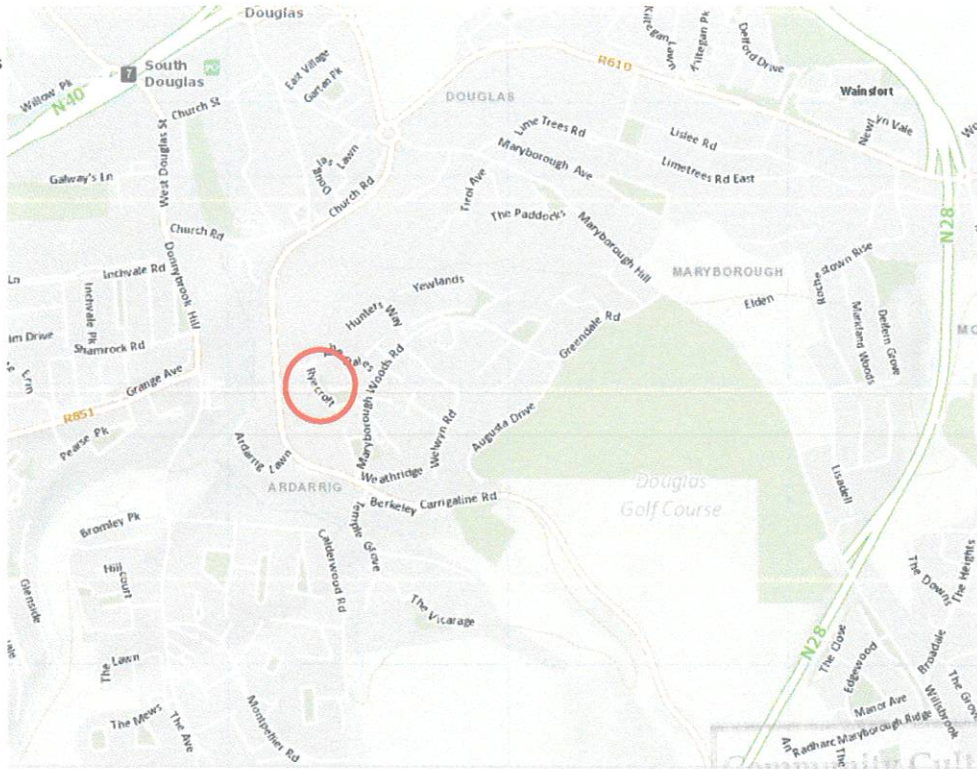
High quality wooden finish



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# Original application

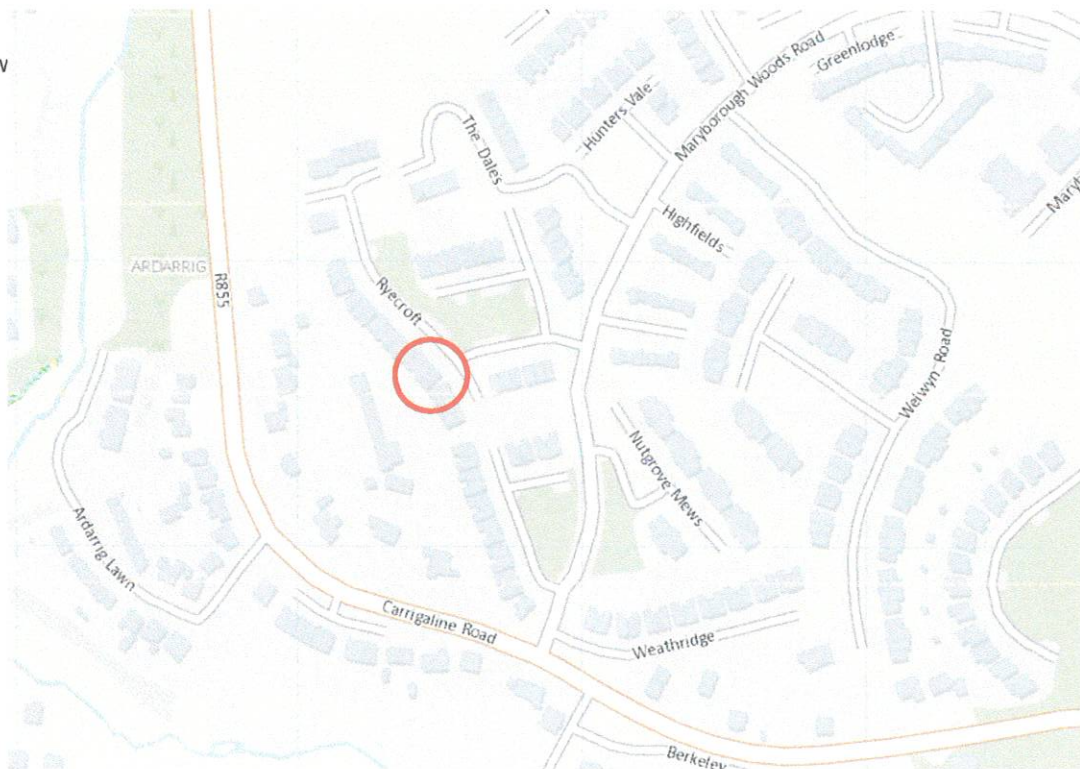
11 Ryecroft,  
Maryborough Woods  
Douglas  
Cork



Community Culture & Placemaking  
23 APR 2021  
RECEIVED

# Original application

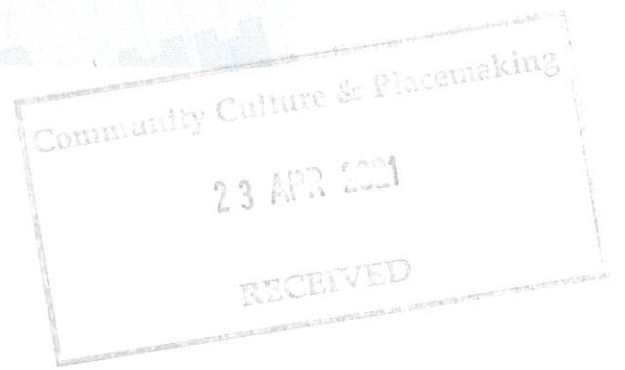
11 Ryecroft,  
Maryborough V  
Douglas  
Cork





# Original application

11 Ryecroft,  
Maryborough Woods  
Douglas  
Cork



# Original application

11 Ryecroft,  
Maryborough Woods  
Douglas  
Cork



# Comhairle Contae Chorcaí Cork County Council

Fraser Heaslip,  
19 Welwyn Road,  
Maryborough Woods,  
Douglas,  
Cork.

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork.  
Tel (021) 4276891 • Fax (021) 4867007  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



6<sup>th</sup> April, 2017

REF: D/217/17  
LOCATION: 11 Ryecroft, Maryborough Woods, Douglas, 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 15<sup>th</sup> March, 2017 the Planning Authority, having considered whether the proposed shed extension to the side of the existing dwelling at **No. 11 Ryecroft, Maryborough Woods, Douglas, Cork** 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

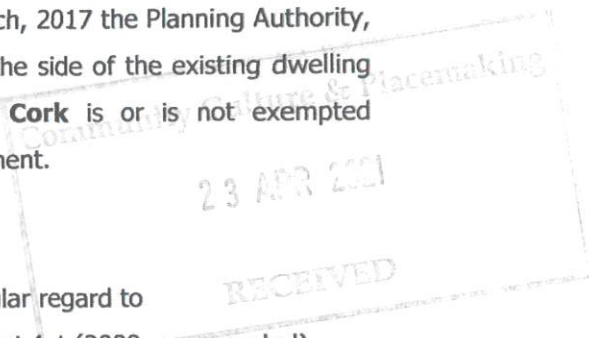
- Sections 2, 3, 4 and 5 of the Planning and Development Act (2000, as amended)
- Schedule 2, Part 1, Class 3 of the Planning and Development Regulations (2001, as amended)
- Article 9 of the Planning and Development Regulations (2001, as amended)

And whereas, the Planning Authority has concluded that the proposed shed extension to the side of the existing dwelling **is development and is not exempted development.**

**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,

**JAMES KEANE,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.**



# Comhairle Contae Chorcaí Cork County Council

Fraser Heaslip,  
19 Welwyn Road,  
Maryborough Woods,  
Douglas,  
Cork.

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork.  
Tel (021) 4276891 • Fax (021) 4867007  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



6<sup>th</sup> April, 2017

REF: D/217/17  
LOCATION: 11 Ryecroft, Maryborough Woods, Douglas, Cork.

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

Dear Sir,

Further to your application requesting a declaration of exemption in accordance with Section 5 of the Planning and Development Act (2000, as amended) for a proposed shed extension to the side of the existing dwelling at No. 11 Ryecroft, Maryborough Woods, Douglas, Cork and the Planning Authority's decision issued 6<sup>th</sup> April, 2017, please be advised of the following.

- Please note that if the external finish of the proposed structure matches that of the existing main dwelling, the proposal could then be classed as exempted development, as per Schedule 2, Part 1, Class 3 of the Planning and Development Regulations (2001, as amended)

Yours sincerely,

JAMES KEANE,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.





# Updated information

Current images of lean-to shed with matching finish to main dwelling.  
Identical bricks as original builders were used sourced from original supplier.



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