



Halla na Cathrach  
Corcaigh  
T12 T997

City Hall  
Cork  
T12 T997

Teresa Owens  
17 Calderwood Circle  
Donnybrook  
Douglas  
Cork

09/02/18

**RE: Section 5 Declaration "Martinville" Commons Road, Blackpool, Cork**

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above address.

Having regard to:

- The details, plans and particulars received by the Planning Authority on 08/01/18.
- The provisions of the Planning and Development Regulations 200 as amended

It is considered that the subject development is **Exempt** from the requirement to obtain planning permission.

Yours Faithfully,

**Paul Hartnett**  
Assistant Staff Officer  
Strategic Planning & Economic  
Development  
Cork City Council

**File Ref. :** R 465/18

**Applicant(s) :** Teresa Owens

**Location:** 'Martinville', Commons Road, Blackpool, Cork

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**Context**

Under Section 5 of the Planning and Development Act 2000, 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 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.

**Development**

Boiler House to rear.

**Site Location and Description**

The property in question is a detached, single storey dwelling known as 'Martinville', located on Commons Road, Blackpool.

**Planning History**

No recent planning history evident.

**Relevant Legislation**

**Planning and Development Act, 2000**

**Section 3 (1)** of the Act defines "*Development*" as, '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** of the Act refers to '*Exempted Development*' and **Subsection (1)** sets out categories of development that shall be exempted development for the purposes of this Act. In addition to specified exemptions in the Act, **Subsection (2)** of the Act provides that the Minister may by regulations provide for any class of development being exempted development. The Planning and Development Regulations, 2001 apply.

**Planning and Development Regulations, 2001**

**Article 6** of Part 2 of the Regulations provides that subject to **Article 9 (1) (a)**, development specified in Column 1 of **Part 1 of the Second Schedule** shall be exempted development for the purposes of the Act subject to the conditions and limitations specified in Column 2. **Class 2** is described in **Column 1** as follows:

Class 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Conditions and Limitations

The capacity of an oil storage tank shall not exceed 3,500 litres

**Assessment.**

The development is considered to fall within the definition of exempted development as defined by Class 2 of the Second Schedule (Part 1) of the 2001 Regulations (as amended), and is considered to meet the conditions/limitations of Class 2.

**Recommendation**

Having regard to

- the details, plans and particulars received by the Planning Authority on 8/01/2018.
- the provisions of the Planning and Development Regulations 2001 (as amended).

it is considered that the subject development is **Exempt** from the requirement to obtain planning permission.



**Lucy Teehan**  
**SEP**  
**8/02/2018**

R464/18

Strategic Planning & Economic Development Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924564/4321  
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**

'MARTINVILLE' COMMONS ROAD, CORK

**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.*

THE PROVISION AS PART OF A CENTRAL  
HEATING SYSTEM OF A ~~HOUSE~~,  
OF BOILER HOUSE

(DOMESTIC)  
PHOTOGRAPH ATTACHED

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

SEE PHOTOGRAPHS  
ATTACHED  
BUILT LATE 70'S  
EARLY 1980'S

Height 2.32M  
 front 1.78M  
 sides 2.2M  
 AREA 4 SQ.M.

**3. 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	4 sq metre
(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)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
_____	_____
_____	_____
_____	_____

**4. APPLICANT/ CONTACT DETAILS**

Name of applicant (principal, not agent):	TERESA OWENS		
Applicants Address	17 CALDERWOOD CIRCLE DUNNYBROOK DOUGLAS CORK		
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:	[REDACTED]	
	Fax:	[REDACTED]	
	E-mail address:	[REDACTED]	
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>	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>

**5. LEGAL INTEREST**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	DAUGHTER OF OWNER	
If you are not the legal owner, please state the name and address of the owner if available	ALICE HEALY ST. LUKES HOME BLACKROCK CORK.	

6.1 / We confirm that the information contained in the application is true and accurate:

Signature: Telesa Owens

Date: 2/1/2018







**The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoinne**



Official Property Registration Map



This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.







For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.pra.ie](http://www.pra.ie).

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(centre-line of parcel(s) edged)

-  Freehold
-  Leasehold
-  Subleasehold
-  'S' Register

(see Section 8(1)(1) of Registration of Title Act, 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

- Burdens** (may not all be represented on map)
-  Right of Way / Wayleave
  -  Turbary
  -  Pipeline
  -  Well
  -  Pump
  -  Septic Tank
  -  Soak Pit
- A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



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