

# Comhairle Cathrach Chorcaí Cork City Council

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

Eugene O'Neill,  
Ballysheehy,  
Clogheen,  
Co.Cork.

13<sup>th</sup> May 2021

**RE: R647/21 – Section 5 Declaration**  
**Property: Ballysheehy, Clogheen, Co. Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to inform you and -

In considering this referral the Planning Authority had regard particularly to –

- (a) sections 2, 3 and 4 of the Planning and Development Act 2000 as amended.
- (b) articles 6 and 6 of the Planning and Development Regulations 2001 as amended.
- (c) class 9 and of Part 3 of Schedule 2 to the Planning and Development Regulations 2001
- (d) information submitted by the S5 applicant

The Planning Authority has concluded that –

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000
- (b) the construction of the shed on these lands as per the information submitted to the Planning Authority comes within the scope of Class 9 of Part 3 of Schedule 2 to the Planning and Development Regulations and complies the conditions and limitations attached to that Class

The Planning Authority has decided that therefore that the construction of a shed at Ballysheehy, Clogheen, Co. Cork **is development and is exempted development.**

Yours faithfully,

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



**We are Cork.**

**Second planning report - R647/21 S5 of farm building at Ballysheehy, Clogheen.**

Response is on foot of FI request dated 28/04/2021.

**FURTHER INFORMATION**

Further information is requested by the Planning Authority on the following:

1. It is unclear if the proposed structure will be used exclusively for the purpose of agriculture or forestry. Please clarify the exact intended use of the proposed shed and all the products and materials to be stored therein and the quantities of the same.
2. Is the shed part of an agricultural holding. Please clarify and indicate on the relevant maps.
3. Is the applicant actively farming the lands? Please clarify the type of agricultural entity and what the fields are used for. What is the purpose of agriculture carried out on the landholding?
4. The applicant shall confirm that the works shall be used for the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
5. Will the shed be connected to the landholding? Is the occupier of the shed and the person farming the lands the same person.
6. The dwelling to the east is less than 100 metres from the proposed shed. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure), save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. Please clarify.
7. Please confirm that no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

The applicant asserts that the shed will be used for agricultural purposes. A landholding map has been submitted and he states that the land is used for tillage. It is stated that the shed will be used for storage of hay/ dry goods. He is the owner of the nearby dwelling. The shed will be painted dark green.

I am satisfied that sufficient information has been submitted to demonstrate the items above and it is recommended that a declaration issue.

**CONCLUSION & RECOMMENDATION**

In considering this referral the Planning Authority had regard particularly to –  
(a) sections 2, 3 and 4 of the Planning and Development Act 2000 as amended.

- (b) articles 6 and 6 of the Planning and Development Regulations 2001 as amended.
- (c) class 9 and of Part 3 of Schedule 2 to the Planning and Development Regulations 2001
- (d) information submitted by the S5 applicant

The Planning Authority has concluded that –

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000
- (b) the construction of the shed on these lands as per the information submitted to the Planning Authority comes within the scope of Class 9 of Part 3 of Schedule 2 to the Planning and Development Regulations and complies the conditions and limitations attached to that Class

The Planning Authority has decided that therefore that the construction of a shed at Ballysheehy, Clogheen, Co. Cork is **development and is exempted development.**

Michelle Delaney

Executive Planner

12/05/2021

**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**

BALLYSHEEHY  
CLOGHEN  
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.*

We ~~are~~ looking to build a Farm Shed on the Farm. → under CLASS 9 exemption.

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

23-03-2021

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?

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?

5. Was there previous relevant planning application/s on this site?   
 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	<u>293 sqm</u>
(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 type="checkbox"/> If yes, please provide floor areas. (sq m) <u>/</u>
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) <u>/</u>	Proposed/existing use (please circle) <u>/</u>

**8. LEGAL INTEREST**

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 in question		
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: *Raymond O'Brien*

Date: 11/3/21

## CONTACT DETAILS

**10. Applicant:**

<b>Name(s)</b>	EUGENE O'BRIEN
<b>Address</b>	BALLYSHERRY HOUSE CLOGHERN CORK [REDACTED] [REDACTED]

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

<b>Name(s):</b>	/	
<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.**

- 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.

**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 1:25,000 scale map of the area. The map should be clearly marked with the site in question.

Further 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, Annesley Street, Cork.





BALLYSHEEHY

Existing double farm gates entrance from Old Blamey Road

Existing farm access track

**Proposed location of Farm Shed**  
**Site Coordinates:**  
**Easting: 51.907695**  
**Northing: -8.538736**

Mackey's Cross

BM 105.16

105.07

108.91

109.34

110.52 CR

112.37

113.97

Well

BM 113.70

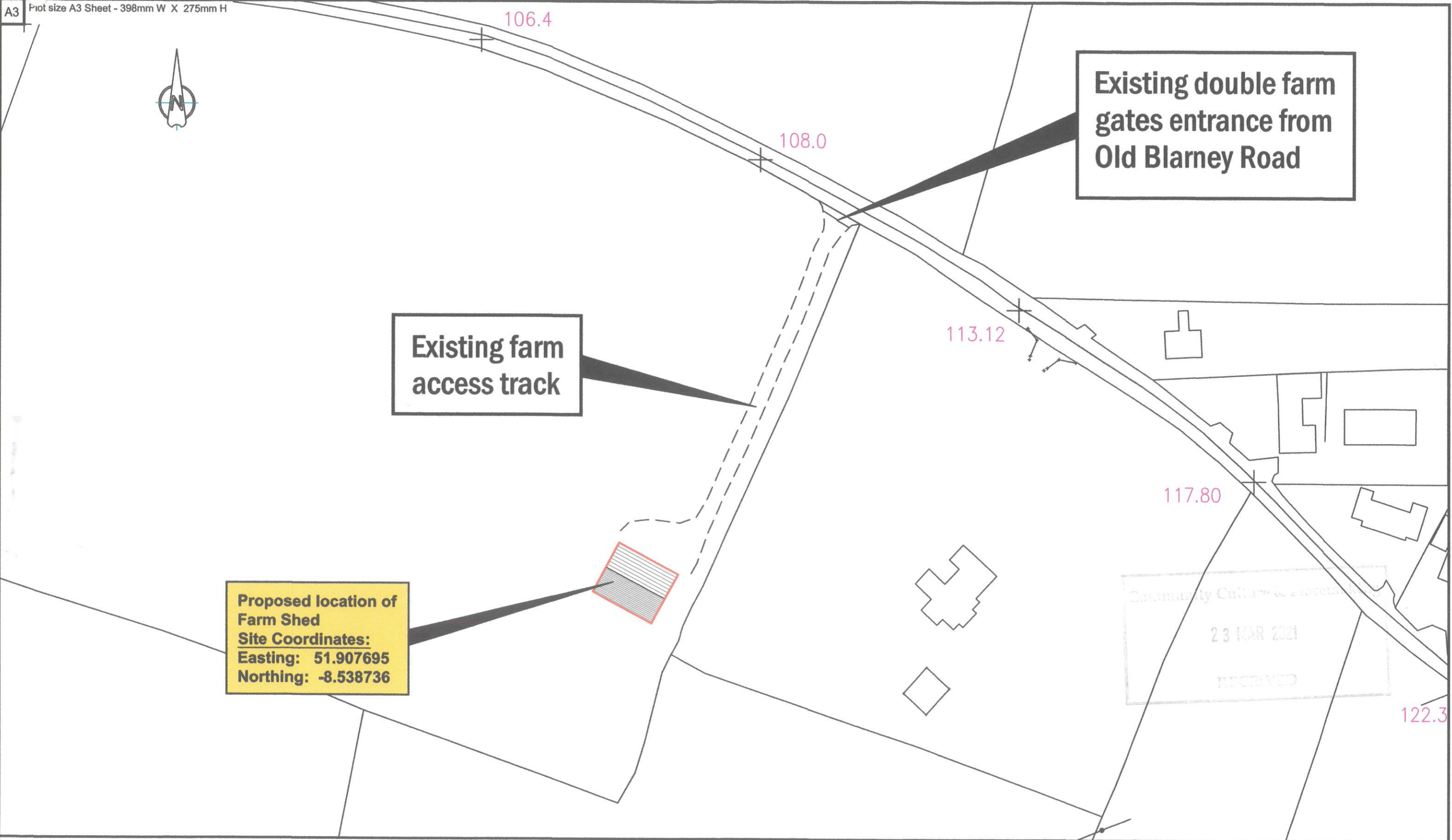
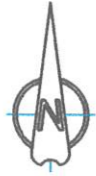
118.63

BM 121.68

Car Park



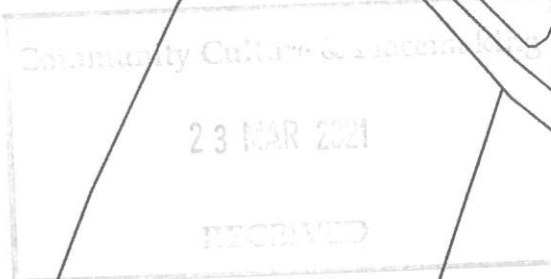
**ORDNANCE SURVEY MAP NO. 1 SHOWING SITE LOCATION**



**Existing double farm gates entrance from Old Blarney Road**

**Existing farm access track**

**Proposed location of Farm Shed**  
**Site Coordinates:**  
**Easting: 51.907695**  
**Northing: -8.538736**



**ORDNANCE SURVEY MAP NO. 2 SHOWING SITE LOCATION**  
 Scale: 1/1000 at A3 size



**Issue for Section 5 Application**  
**REV S01 (Date: 10-03-2021)**

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 5 DECLARATION APPLICATION	POL	10-03-2021

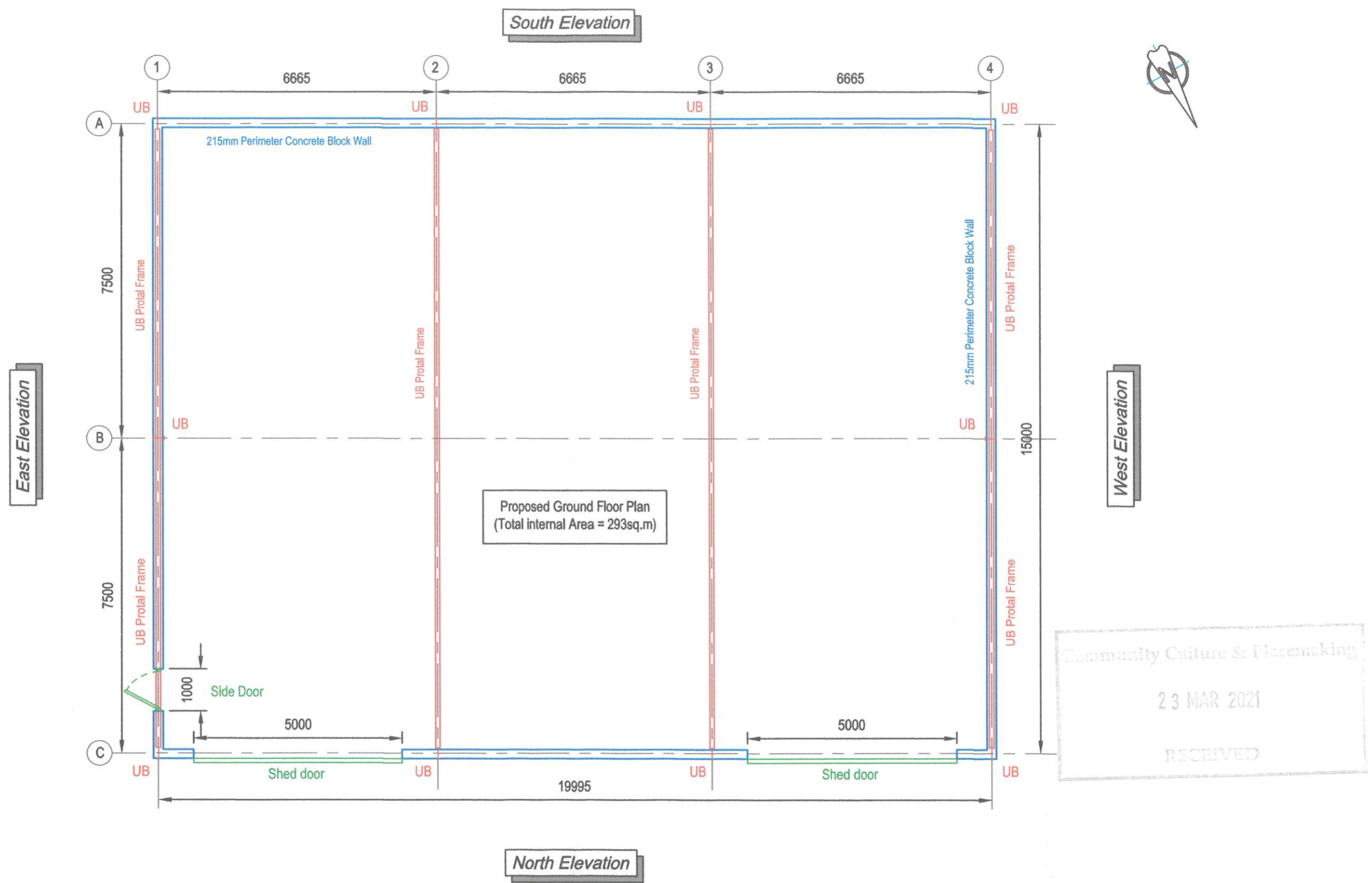
**Paul O' Leary**  
**Consulting**  
**Engineer**

Client: Eugene O' Brien

Job: Proposed Farm Shed at Ballysheehy, Clogheen, Co. Cork

Drawing title: Ordnance Survey Map No. 2 Showing Site Location

Stage: ISSUE FOR SECTION 5
Scale: 1/1000 @ A3
Drawn: P O' LEARY
Date: 06-03-2021
Drawing No: 03
Rev: S01



**PROPOSED FARM SHED FLOOR PLAN**  
Scale: 1/100 at A3 size

1m SCALE 1:100

Issue for Section 5 Application  
REV S01 (Date: 10-03-2021)

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 5 DECLARATION APPLICATION	POL	10-03-2021

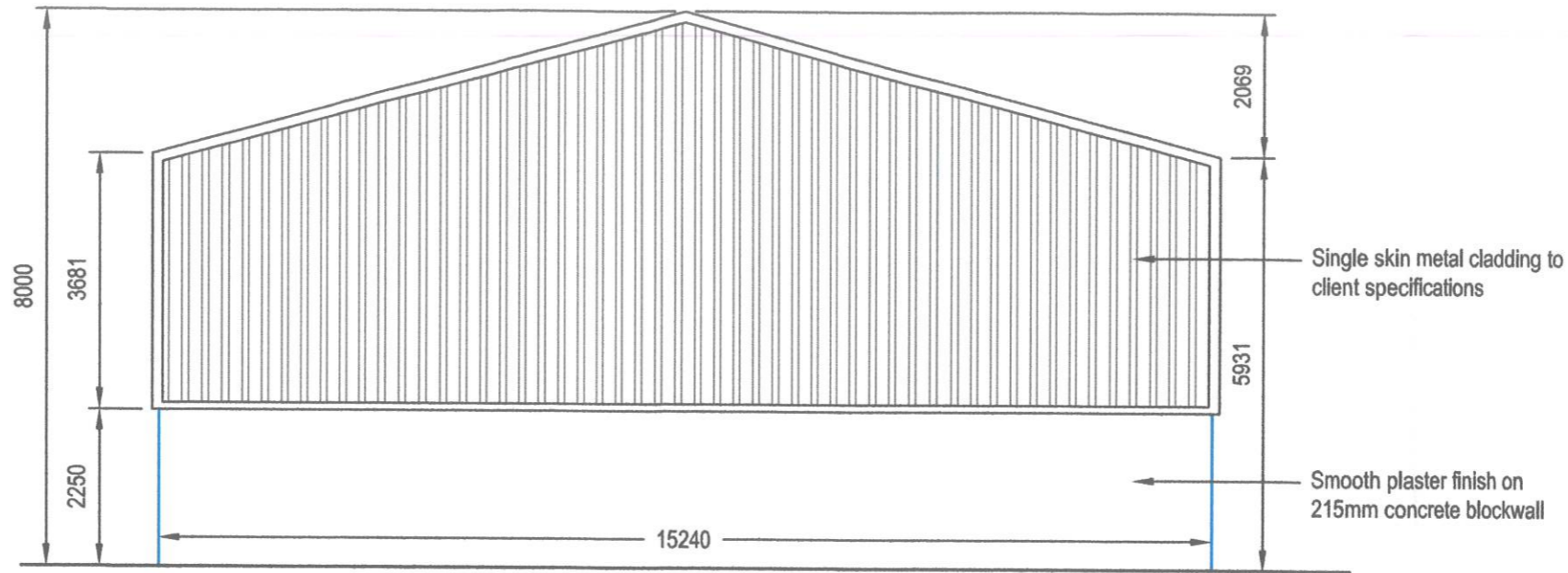
**Paul O' Leary**  
Consulting  
Engineer

Client: Eugene O' Brien

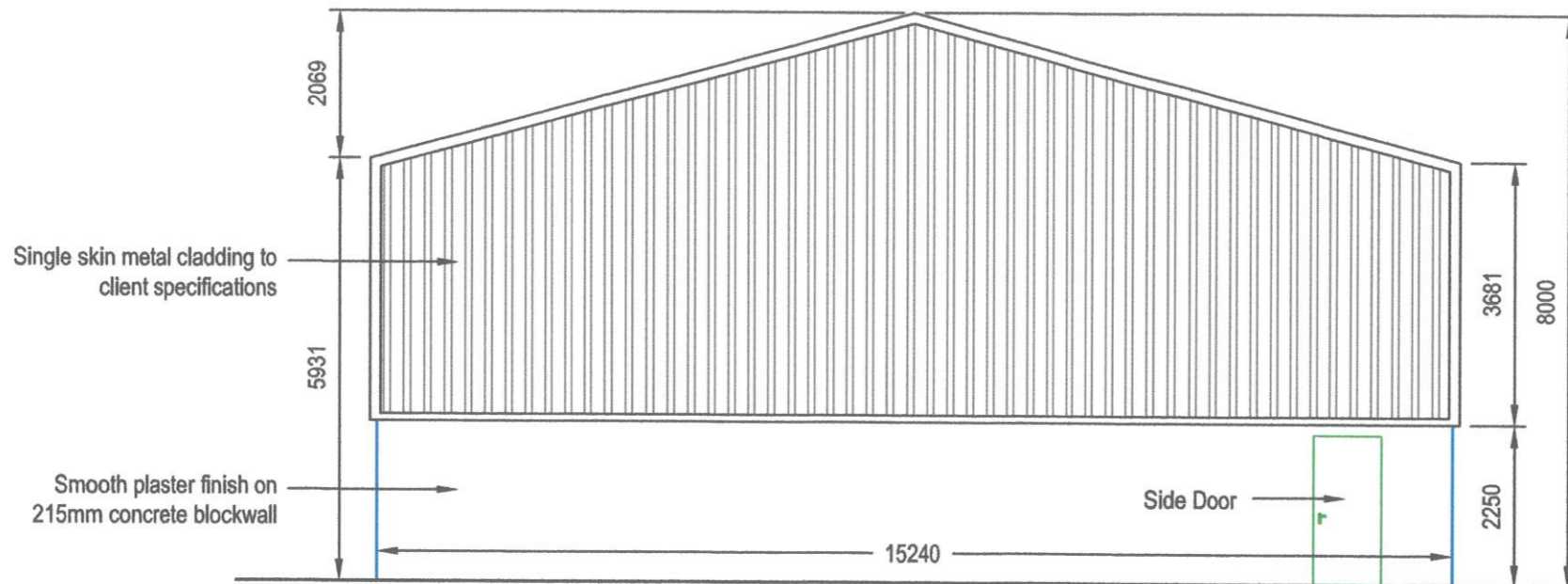
Job: Proposed Farm Shed at Ballysheehy, Clogheen, Co. Cork

Drawing title: Proposed Farm Shed Floor Plan

Stage: ISSUE FOR SECTION 5
Scale: 1/100 @ A3
Drawn: P O' LEARY
Date: 06-03-2021
Drawing No: 04
Rev: S01



**Proposed West Elevation**  
Scale: 1/100 at A3 size



**Proposed East Elevation**  
Scale: 1/100 at A3 size

Community Culture & Placemaking  
23 MAR 2021  
RECEIVED

**PROPOSED EAST & WEST SHED ELEVATIONS**  
Scale: 1/100 at A3 size



Issue for Section 5 Application  
REV S01 (Date: 10-03-2021)

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 5 DECLARATION APPLICATION	POL	10-03-2021

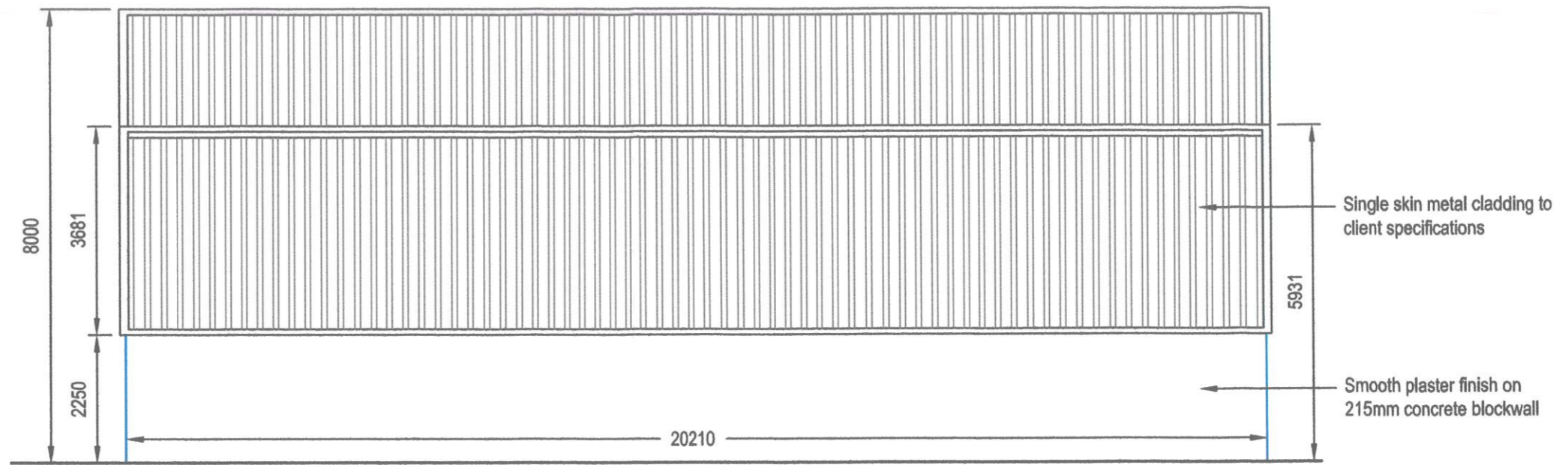
**Paul O' Leary**  
Consulting  
Engineer

Client: Eugene O' Brien

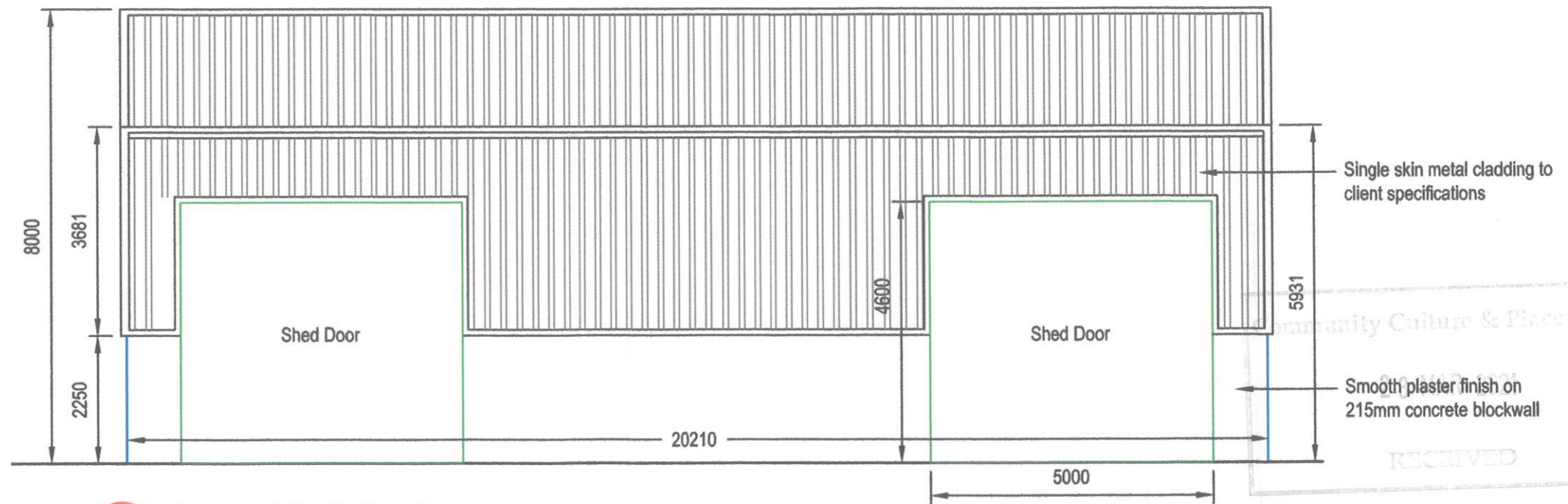
Job: Proposed Farm Shed at Ballysheehy, Clogheen, Co. Cork

Drawing title: Proposed East & West Shed Elevations

Stage:	ISSUE FOR SECTION 5
Scale:	1/100 @ A3
Drawn:	P O' LEARY
Date:	06-03-2021
Drawing No:	05
Rev:	S01

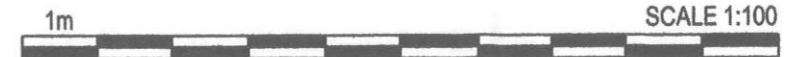


**Proposed South Elevation**  
Scale: 1/100 at A3 size



**Proposed North Elevation**  
Scale: 1/100 at A3 size

**PROPOSED NORTH & SOUTH SHED ELEVATIONS**  
Scale: 1/100 at A3 size



Issue for Section 5 Application  
REV A01 (Date: 10-03-2021)

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 5 DECLARATION APPLICATION	POL	10-03-2021

**Paul O' Leary**  
Consulting  
Engineer

Client: Eugene O' Brien

Job: Proposed Farm Shed at Ballysheehy, Clogheen,  
Co. Cork

Drawing title: Proposed North & South Shed Elevations

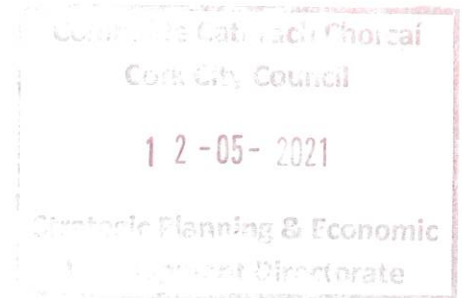
Stage: ISSUE FOR SECTION 5
Scale: 1/100 @ A3
Drawn: P O' LEARY
Date: 06-03-2021
Drawing No: 06
Rev: S01



# Comhairle Cathrach Chorcaí Cork City Council

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

Eugene O' Brien  
Ballysheedy House  
Clogheen  
Co. Cork



28<sup>th</sup> April 2021

**RE: R647/21– Section 5 Declaration**  
**Property: Clogheen, Ballysheedy, Co. Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information

Further information is requested by the Planning Authority on the following:

1. It is unclear if the proposed structure will be used exclusively for the purpose of agriculture or forestry. Please clarify the exact intended use of the proposed shed and all the products and materials to be stored therein and the quantities of the same.
2. Is the shed part of an agricultural holding. Please clarify and indicate on the relevant maps.
3. Is the applicant actively farming the lands? Please clarify the type of agricultural entity and what the fields are used for. What is the purpose of agriculture carried out on the landholding?
4. The applicant shall confirm that the works shall be used for the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
5. Will the shed be connected to the landholding? Is the occupier of the shed and the person farming the lands the same person.
6. The dwelling to the east is less than 100 metres from the proposed shed. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure), save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. Please clarify.



7. Please confirm that no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Yours faithfully,



---

Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council

9/5/21

DEAR SIR/MADAM

I hope you are well, please see attached answers.

① the proposed structure will be used exclusively for the purpose of agriculture.

- It will be used for storage of Hay / Dry goods.

② Yes, please see attached map.

③ Yes, Tillage Farming

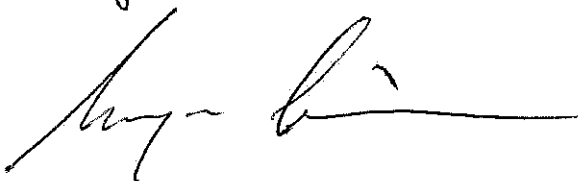
④ Yes, for the purpose of agriculture - excluding the housing of animals or storing of effluent

⑤ Yes & Yes

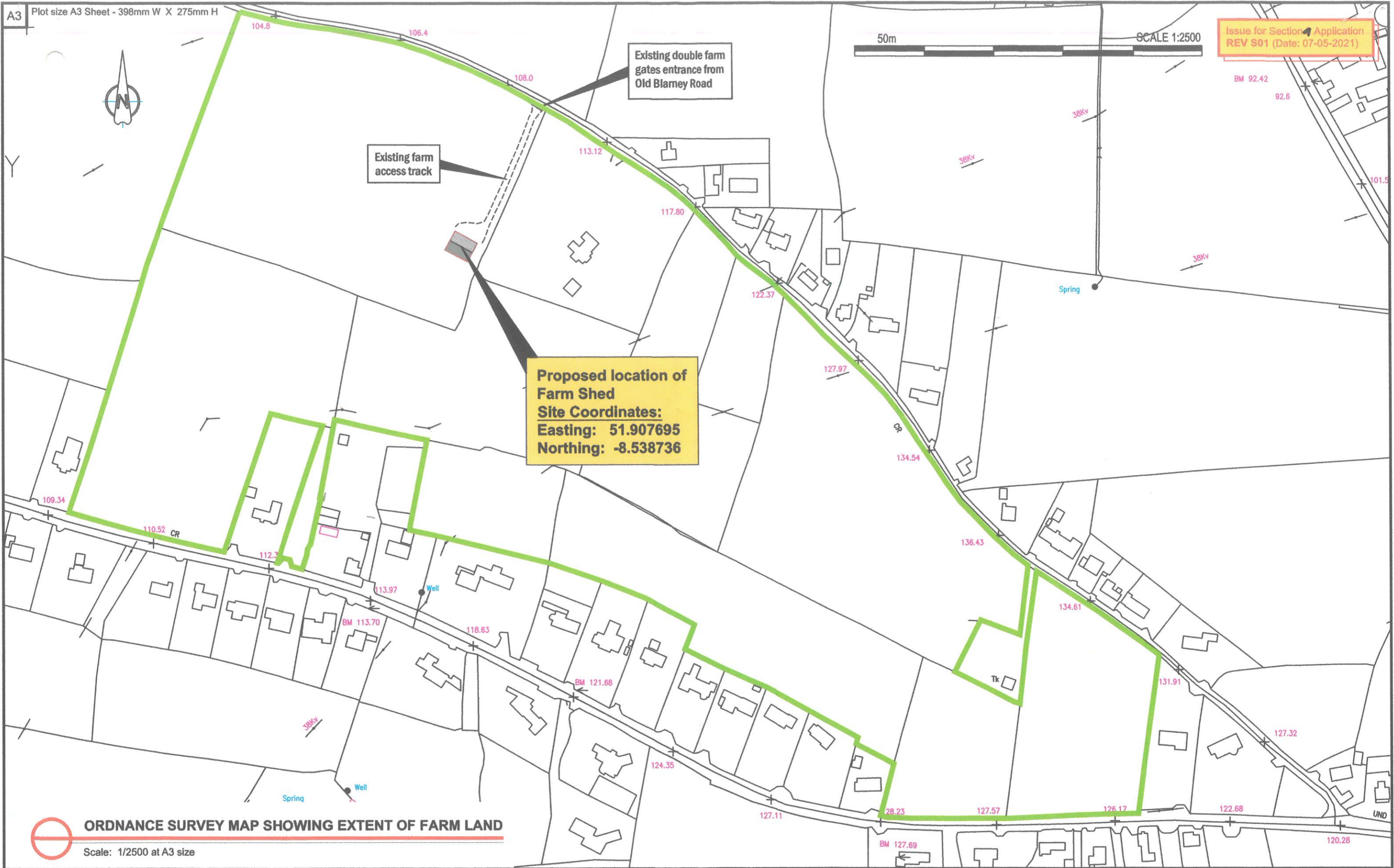
⑥ This is my dwelling

⑦ Yes, the cladding will be painted a dark green.

Regards







**ORDNANCE SURVEY MAP SHOWING EXTENT OF FARM LAND**  
Scale: 1/2500 at A3 size

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 4 DECLARATION APPLICATION	POL	07-05-2021

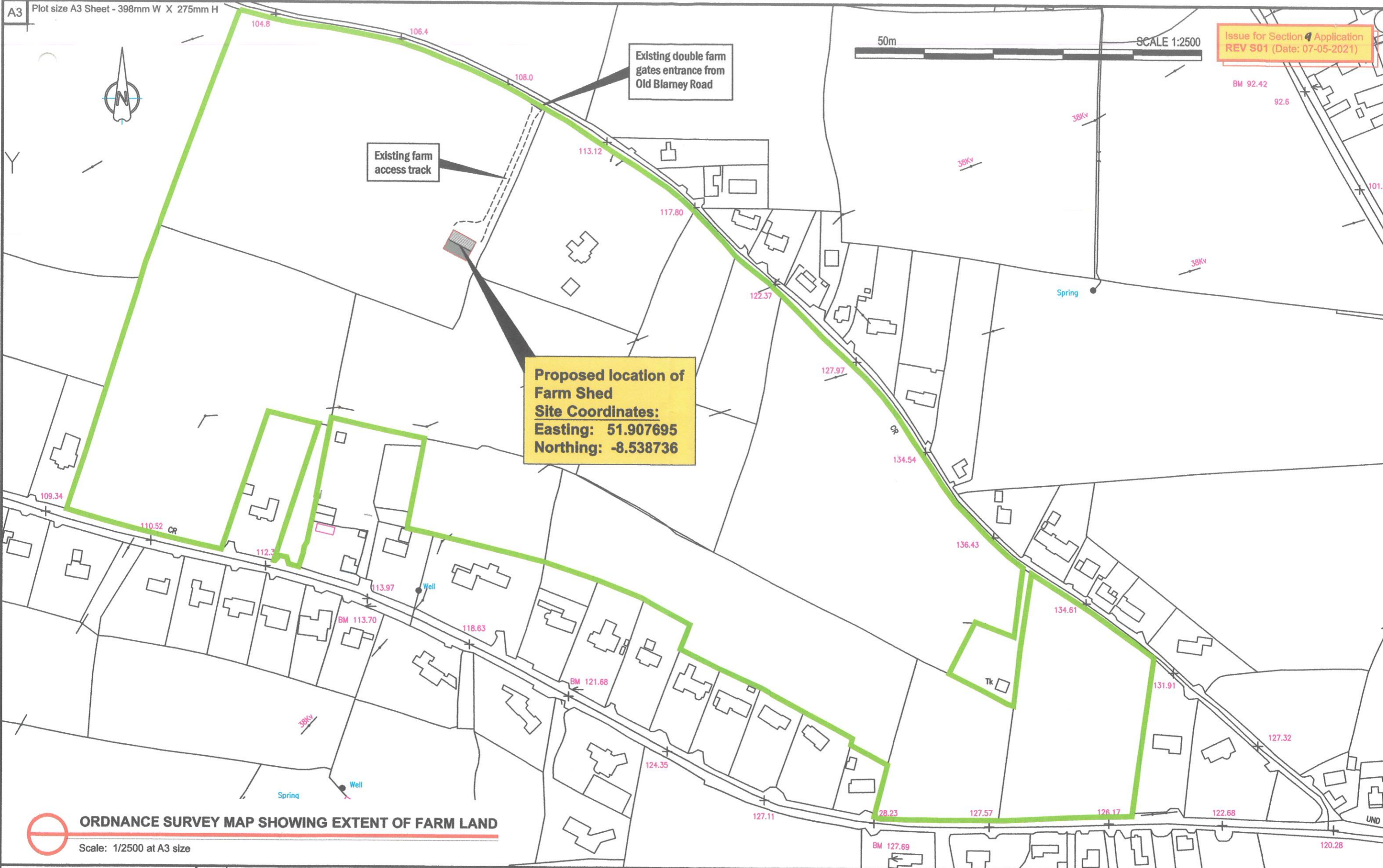
**Paul O' Leary**  
Consulting  
Engineer

Client: Eugene O' Brien

Job: Proposed Farm Shed at Ballysheehy, Clogheen, Co.Cork

Drawing title: Ordnance Survey Map Showing Extent of Farm Land

Stage: ISSUE FOR SECTION 4
Scale: 1/2500 @ A3
Drawn: P O' LEARY
Date: 07-05-2021
Drawing No: 07
Rev: S01



**ORDNANCE SURVEY MAP SHOWING EXTENT OF FARM LAND**  
Scale: 1/2500 at A3 size

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Rev.	Amendments	By.	Date.
S01	ISSUE FOR SECTION 4 DECLARATION APPLICATION	POL	07-05-2021

**Paul O' Leary**  
Consulting  
Engineer

Client: Eugene O' Brien

Job: Proposed Farm Shed at Ballysheehy, Clogheen, Co.Cork

Drawing title: Ordnance Survey Map Showing Extent of Farm Land

Stage: ISSUE FOR SECTION 4
Scale: 1/2500 @ A3
Drawn: P O' LEARY
Date: 07-05-2021
Drawing No: 07
Rev: S01