



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: DEIRDRE AND JAMES VAUGHAN

Applicant's Address: DROMALTA
CAPPAMORE
CO. LIMERICK

Telephone No. [REDACTED]

Name of Agent (if any): DOM O' RIORDAN ARCHITECTS

Address: 26 Ascot Terrace
O' Connell Ave
Limerick

Telephone No. 086 319 6717.

Address for Correspondence:

DROMALTA
CAPPAMORE
CO LIMERICK.



Location of Proposed development (Please include **EIRCODE**):

DROMALTA

CAPPAMORE

CO LIMERICK V94 K D S K

Description of Proposed development:

GARAGE

Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed:

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES ☒ NO

Applicant's interest in site: OWNER

List of plans, drawings, etc. submitted with this application:

PHOTOS OF GARAGE

SITE MAP

DRAWINGS OF GARAGE

SITE LOCATION MAP

Have any previous extensions/structures been erected at this location YES ☒ NO

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent) Deirdre Vaughan

James Vaughan

Dromalta

Cappamore

Co. Limerick

25th September 2025

Dear Sir / Madam,

Please find attached the relevant documents required to obtain a section 5 exemption.

We built our detached garage in 2019 within the relevant dimensions for it to be exempt from planning. We are currently selling our house and would appreciate if we could get the exemption as soon as is possible please.

I am attaching a copy of the Section 5 application from, pictures of the garage, drawings and copy of the site map of our house with the location of the garage.

If you need any additional information regarding this application please don't hesitate to contact me at [REDACTED]

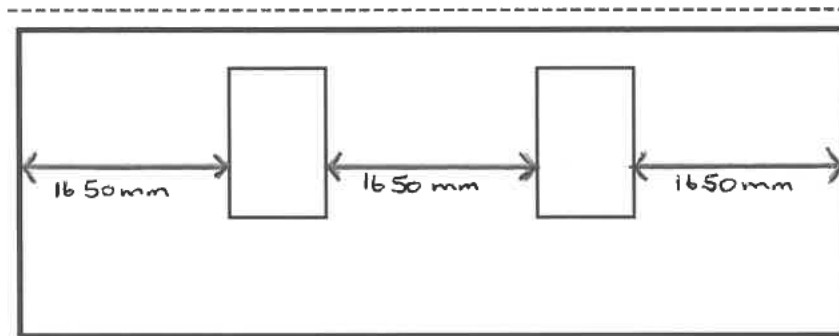
Thank you so much for any assistance regarding this application.

Kind regards

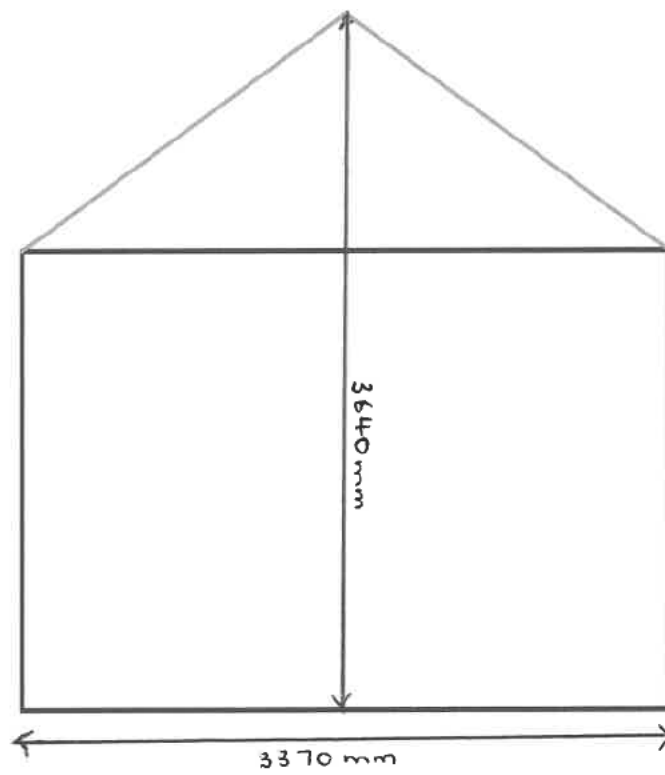
Deirdre and James Vaughan.



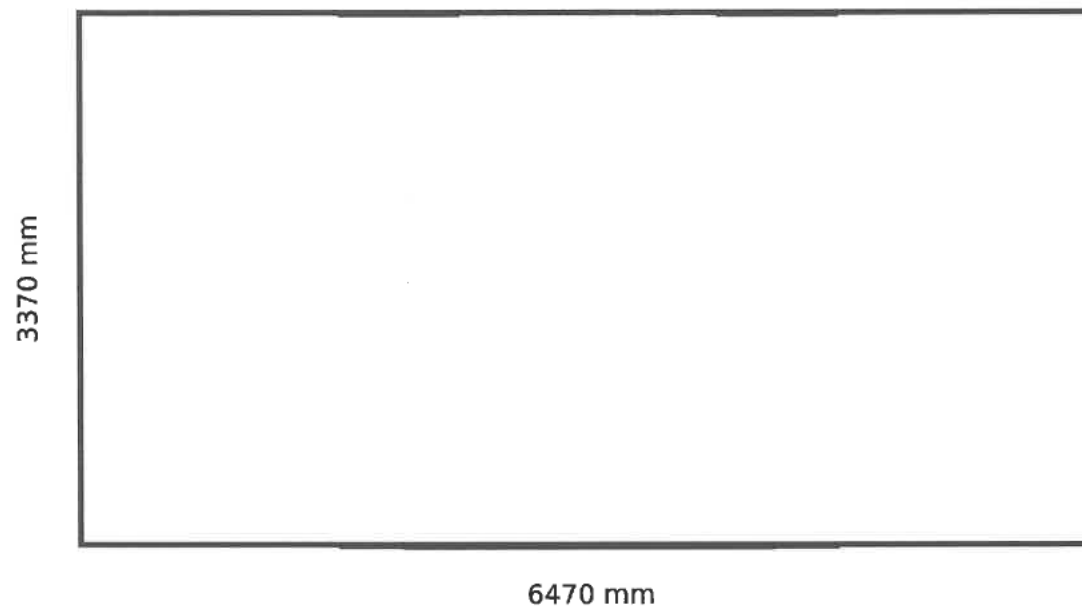
Long Side Elevation — Windows 760 × 1160 mm at 1650 mm from each end, sill 930 mm



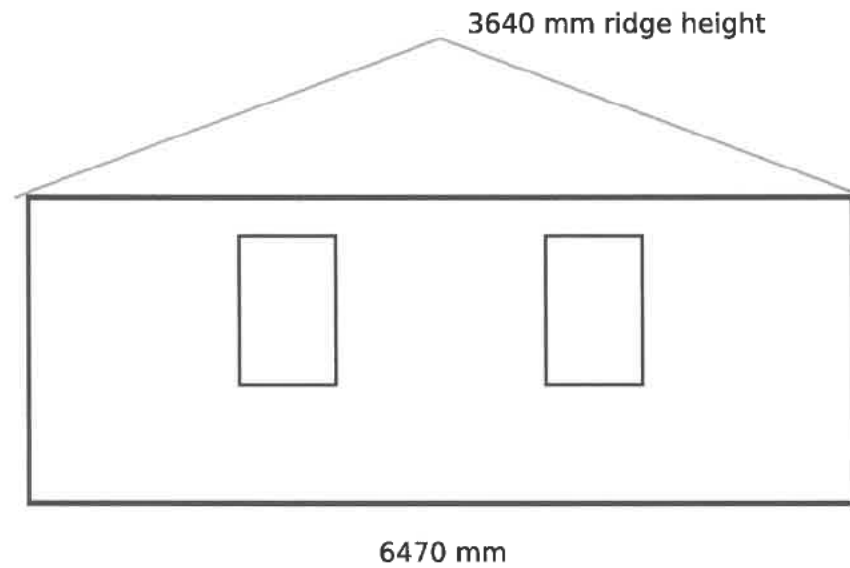
Rear Elevation — Gable



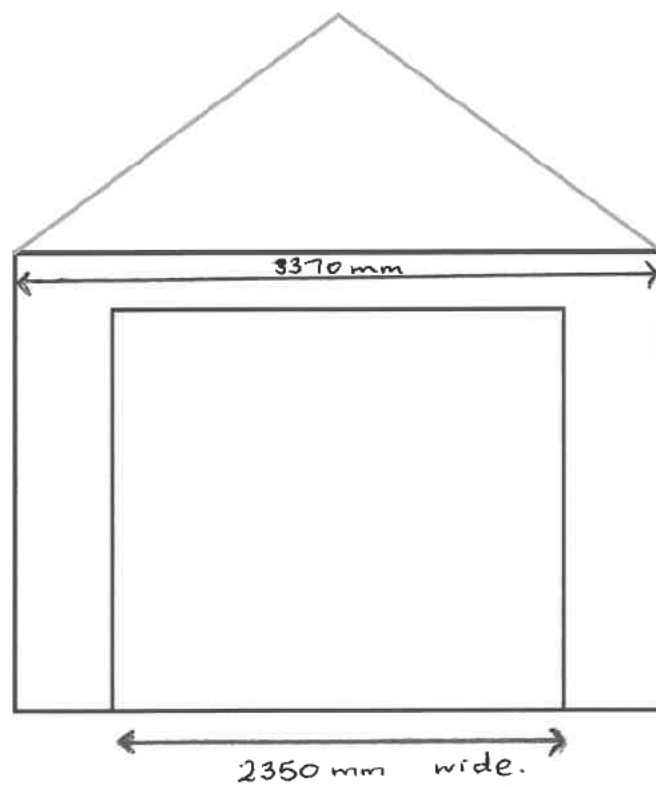
Garage Floor Plan — Internal 6470 × 3370 mm



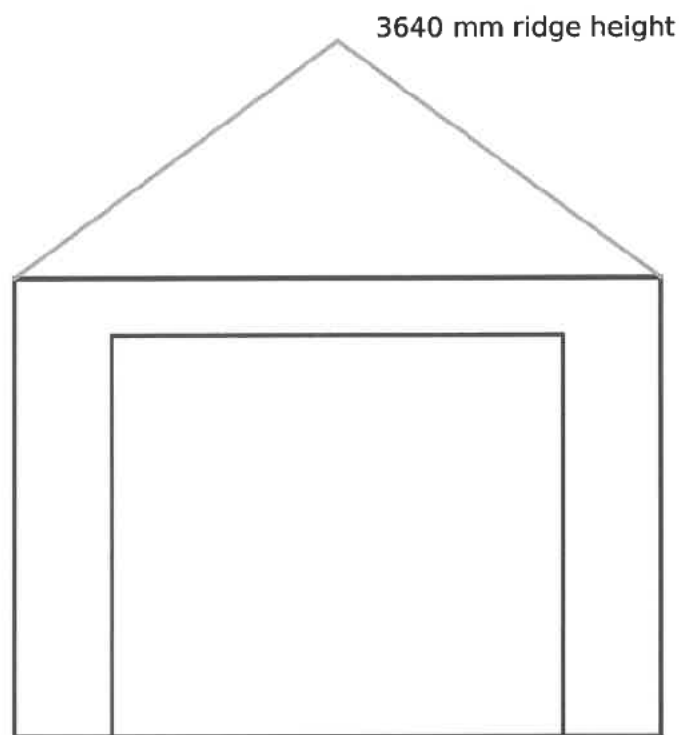
Long Side Elevation — Windows 760 × 1160 mm, sill 930 mm



Front Elevation — Gable with Roller Door



Front Elevation — Ridge Height 3640 mm





Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 10 m





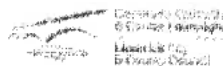






9/25/25 3:58 PM

Receipt details



LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

25/09/2025 15:56:37

Receipt No.: LA25/25191720

Customer Address:

Deirdre Vaughan

Dromalta

Cappamore

V94 KD5K

Code	Ref	Amount	VA
	EXEMPTION		
PL041	CERTIFICATE	80,00 EUR	0,00 EU
	S		

Paid with: Credit / Debit Card

Subtotal: 80,00 EUR

Tax (VAT): 0,00 EUR

Total: 80,00 EUR

Tendered: 80,00 EUR

From: CASH OFFICE HQ

VAT Reg No: 3267368TH

Please retain this receipt for your records

Please do not reply to this email



Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

File Reference number	EC-201-25
Applicant	<u>Deirdre and James Vaughan</u>
Location	<u>Dromalta, Cappamore, V94KD5K</u>

1.0 Description of Site and Surroundings:

Eircode included is an existing dwelling in the rural locality of Dromalta, Cappamore. The site is accessed L11371.



2.0 Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Construction of a garage.

This Section 5 declaration includes the following:

- Application form
- Land registry map
- Drawings & photographs of the garage
- Site location map

3.0 Planning History:

07796 – Permission granted to Niamh O'Connor & Tom Cross for the construction of a dwelling house, entrance and wastewater treatment system and ancillary site development works (Ref No. of outline permission 01/496)

01496 – Permisson granted to P.J. Mills for the construction of dwelling, entrance and wastewater treatment system.

991620 – Outline permission refused for the erection of two detached bungalows, entrances & septic tanks.

3.1 Enforcement History

N/A

4.0 Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

4.1 Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘**structure**’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘**development**’ as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposed development on site, comprising the construction of a garage, constitutes ‘works’ and ‘development’.

4.2 Is the proposal exempted development?

Section 4(1)(j) of the Planning and Development Act, 2000 (as amended)

The following shall be exempted developments for the purposes of this Act—

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such

From the submitted photographs it is clear that the purpose of the garage at this location is used for storage purposes of household items, garden equipment and general storage purposes. I therefore consider that the purpose of the structure is incidental to the enjoyment of the house and can be considered exempt under the provisions of Section 4(1)(j) of the Planning and Development Act, 2000 (as amended).

The application has been assessed under
Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended):

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.

Limitations/Conditions

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The garage development is not constructed forward of the front wall of the dwelling.

2. 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.

The garage is 21.8sqm according to the submitted drawings, there are no other ancillary structures within the site.

3. 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.

The site benefits from a large private rear garden, the garage does not reduce the amount of space to less than 25sqm.

4. 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.

The external finishes of the garage is in keeping with the existing dwelling and conforms in terms of materiality and design.

5. 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.

The height of the garage is 3.64m at its highest point

6. 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.

The garage is used for storage purposes ancillary to the enjoyment of the dwelling – the submitted photographs illustrate that the general storage purposes and household items.



4.3 Article 9 Restrictions

Article 9 of the Planning and Development Regulations 2001 (as amended) outlines restrictions on exempted development.

I do not consider that any of the restrictions under Article 9 apply to this development.

5.0 Conclusion/Recommendation

The said works are development and are exempted development under Section 2,3 and 4 of the Planning and Development Act 2000 (as amended) and under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended).

Assistant Planner	Cathal McMullan	Date: 17/10/2025
Signature:		
Senior Executive Planner	Grainne O'Keeffe	Date:20/10/2025
Signature:		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-201-25
(b) Brief description of the project or plan:	Construction of a garage
(c) Brief description of site characteristics:	Existing dwelling in a rural locality
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC	Approx. 1.3km	None	N
004165	Slievefelim to Silvermines Mountains SPA	Approx. 5.6km	None	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g. <ul style="list-style-type: none"> - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water 	None. Works are minimal and will involve temporary construction works; therefore, no

<ul style="list-style-type: none"> - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	likely significant impact on the conservation objectives of the above named site.
In-combination/Other	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

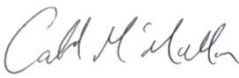

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

STEP 4: Screening Determination Statement
<p>The assessment of significance of effects:</p> <p>Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p>
<p>On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.




Conclusion: An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Cathal McMullan  _____ 17/10/2025	
Signature and Date of the Decision Maker:	 _____ 20/10/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-201-25	
Development Summary:	Garage development	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5. Part 1. of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/>	Yes. specify class: [insert here] _	EIA is mandatory No Screening required
<input checked="" type="checkbox"/>	No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/>	No. the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/>	Yes the project is listed in Schedule 5. Part 2 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
<input type="checkbox"/>	Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/>	Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/>	No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	Cathal McMullan
--	-----------------

	  17/10/2025
Signature and Date of the Decision Maker:	 20/10/2025



Cornhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Deirdre and James Vaughan,
Dromalta,
Cappamore,
Co. Limerick.
V94KD5K**

EC/201/25

22 October 2025

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

**(for) Senior Planner,
Development Management**

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customer services@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/1173

File Ref No. EC/201/25

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **A construction of a garage at Dromalta, Cappamore, Co. Limerick.**

ORDER: Whereas by Director General's Order No. DG/2024/141 dated 07th October 2025, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keeffe, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

ds Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Cathal McMullan, Assistant Planner dated 17/10/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Deirdre and James Vaughan, Dromalta, Cappamore, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

22/10/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1173 dated 22/10/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Dail
Tuar an Dail, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/201/25

Name and Address of Applicant: Deirdre and James Vaughan, Dromalta, Cappamore, Co. Limerick

Agent: DOM O’Riordan Architects, 26 Ascot Terrace, O’Connell Ave, Limerick

Whether the construction of a garage at Dromalta, Cappamore, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 25th of September 2025.

AND WHEREAS the Planning Authority has concluded that the construction of a garage at Dromalta, Cappamore, Co. Limerick **DOES** come within the scope of exempted development under Section 2,3 and 4 of the Planning and Development Act 2000 (as amended) and under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempt Development**.

Signed on behalf of the said Council *Cedric Keogh*

Date: 22.10.2025

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.