



Comhairle Cathrach  
& Contae Luimnigh

Limerick City  
& County Council

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

<b>File Reference number</b>	EC.224-25
<b>Applicant</b>	Colum Breen
<b>Location</b>	Bruff, Co. Limerick

**1.0 Description of Site and Surroundings:**

The application site is an existing derelict 1.5 storey dwelling situated in Bruff, Co. Limerick. The application site is accessed from the R516 and located circa 1km north west of the village.

**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:

- Construct a rear extension, incorporating a store & front porch to existing dwelling.

It is noted that external insulation and repositioning of a window is also proposed as shown on submitted drawings. Therefore, I consider that the following description of works is more appropriate.

- Construct a rear extension, incorporating a store & front porch to existing dwelling.
- Provision of external insulation and repositioning of a window

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site layout plan
- Plans
- Elevations
- Sections

**3.0 Planning History:**

Pl. Ref 2561077 – New Application – Planning permission sought by Colum Breen for the relocation of an existing vehicular entrance including construction of entrance walls, piers, gateway and associated site works – Decision due: 21<sup>st</sup> December 2025

### **3.1 Enforcement History**

None

### **4.0 Relevant An Bord Pleanála referrals**

N/A

### **5.0 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).

#### **5.1 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 rear extension, incorporating a store & front porch to existing dwelling constitutes ‘works’ and ‘development’.

#### **5.2 Is the proposal exempted development?**

The proposed development will be assessed under Class 1, Class 3 and Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

*Is the development within the curtilage of a house?*

Yes, the extension is to the rear of the house and within the curtilage.

#### **Class 1**

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered Exempted Development, subject to the following Conditions and Limitations:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

The house has not been extended previously and the proposed single storey extension will measure 39.98sqm.

*(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*

N/A. The proposal is not terraced or semi-detached.

*(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

The house is detached and no above ground extension is proposed. The proposal is considered acceptable.

*2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The house has not been extended previously.

*(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

N/A no works proposed above ground floor.

*(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

N/A no works proposed above ground floor.

*3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

N/A no works proposed above ground floor.

*4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

Rear wall does not include a gable. The height of extension would not exceed the height of the rear wall of the house.

*(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

N/A

*(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

The height would not exceed height of eaves or parapet or height of highest part of the roof of the dwelling.

*5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

It is stated that more than 25sqm of private open space would remain as the overall site area is 0.422ha.

*6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

The windows proposed at ground floor level is not less than 1 metre from any boundary it faces.

*(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*

N/A no above ground floor extension

*(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*

N/A

*7. The roof of any extension shall not be used as a balcony or roof garden.*

The submitted plans do not show a balcony or roof garden.

### **Class 3**

*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*

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

The proposed structure shall be erected to the rear of the house.

*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 total area of such structures will not exceed 25 square metres.

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 private open space shall not be reduced to less than 25 square metres.

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 features of the proposed store shall conform with those of the house.

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 structure measures 3.9 metres and considered acceptable.

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 structure is to be used as a store and not for human habitation.

### **Class 7**

*The construction or erection of a porch outside any external door of a house.*

1. *Any such structure shall be situated not less than 2 metres from any road.*

The proposed structure is not situated less than 2 metres from any road.

2. *The floor area of any such structure shall not exceed 2 square metres.*

The front porch measures 1.01sqm and complies

3. *The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

The proposed porch has a tiled roof and measures 3.136. The proposal complies.

### **4(1)(h) of the Planning and Development Act 2000 (as amended)**

Exempted development – ‘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’

The proposed drawings show proposed external insulation as part of the development. The application site is not a protected structure or located within an ACA. The inclusion of external wrap would not materially affect the external appearance of the character of the structure as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Furthermore, the applicant proposes the reposition the front elevation shower window. The proposed amendments to the fenestration as proposed in the drawings submitted will not materially affect the external appearance of the structure and is considered acceptable.

The proposed is considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 as amended.

## **6.0 Article 9 Restrictions**

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

## **7.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

## **8.0 Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **9.0 Recommendation/Conclusion**

The proposed development detailed on the application and plans submitted comprising the construction of a rear extension, incorporating a store & front porch to existing dwelling as well as the provision of external insulation and repositioning of a window, is considered to be within the scope of Class 1, Class 3 and Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and 4(1)(h) of the Planning and Development Act 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (e) 4(1)(h) of the Planning and Development Act 2000 (as amended)
- (f) The plans & particulars submitted with the application received on 28<sup>th</sup> of October 2025.

It is therefore considered that the said works are development and exempted development under Class 1, Class 3 and Class 7 of the Planning and Development Regulations 2001 (as amended) and 4(1)(h) of the Planning and Development Act 2000 (as amended).

<b>Executive Planner</b>	Ella O'Brien	<b>Date:</b>
<b>Signature:</b>		09/12/2025
<b>Senior Executive Planner</b>	Jennifer Collins	
<b>Signature</b>		09/12/2025

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC.224.25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the construction a rear extension, incorporating a store & front porch to existing dwelling is or is not exempted development.
(c) Brief description of site characteristics:	Existing 1.5 storey dwelling situated in a rural area 1km outside of Bruff village
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
001430 – Glen Bog SAC	<a href="#">Glen Bog SAC   National Parks &amp; Wildlife Service</a>	3.5km	None	N
000439	<a href="#">Tory Hill SAC   National Parks &amp; Wildlife Service</a>	10.6km	None	N
002165- Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Approx 16.8m	None	N
004077-River Shannon and River Fergus Estuaries SPA	<a href="https://www.npws.ie/protected-sites/sac/004077">https://www.npws.ie/protected-sites/sac/004077</a>	Approx. 20.1km	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:

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> <ul style="list-style-type: none"> <li>- Vegetation clearance</li> <li>- Demolition</li> <li>- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>- Dust, noise, vibration</li> <li>- Lighting disturbance</li> <li>- Impact on groundwater/dewatering</li> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>	None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>- Direct emission to air and water</li> <li>- Surface water runoff containing contaminant or sediment</li> <li>- Lighting disturbance</li> <li>- Noise/vibration</li> <li>- Changes to water/groundwater due to drainage or abstraction</li> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g collision risk)</li> <li>- Potential for accidents or incidents</li> </ul>	None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.
<b>In-combination/Other</b>	N/A

<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>- Reduction or fragmentation of habitat area</li> <li>- Disturbance to QI species</li> <li>- Habitat or species fragmentation</li> <li>- Reduction or fragmentation in species density</li> <li>- Changes in key indicators of conservation status value (water or air quality etc)</li> <li>- Changes to areas of sensitivity or threats to QI</li> <li>- Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.

(c) (Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No

**STEP 4: Screening Determination Statement**

**The assessment of significance of effects:**

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

On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:

- 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 <b>is no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 <hr/> Ella O'Brien, Executive Planner 11/11/2025	

<b>Signature and Date of the Decision Maker:</b>	 _____ Jennifer Collins, A/Senior Executive Planner 09/12/2025
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## **Appendix 2: EIA Screening**

<b>Establishing if the proposal is a 'sub-threshold development':</b>		
Planning Register Reference:	EC.224.25	
Development Summary:	A section 5 application requesting a declaration on whether the construction a rear extension, incorporating a store & front porch to existing dwelling is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> X No. Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes. specify class: [insert here] _		<b>EIA is mandatory</b>
		No Screening required
<input checked="" type="checkbox"/> X	No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> X	No. the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/>	Yes the project is listed in Schedule 5. Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	<b>EIA is mandatory</b>
<input type="checkbox"/>	Yes the project is of a type listed <b>but is sub-threshold</b> : [insert here] _	No Screening required
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/>	Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/>	No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

<b>Signature and Date of Recommending Officer:</b>	 <hr/> Ella O'Brien, Executive Planner 11/11/2025
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Jennifer Collins, A/Senior Executive Planner 09/12/2025

**Appendix 3: Site visit 10/11/2025**





10 November 2025 09:54



10 November 2025 09:54



10 November 2025 09:55



Comhairle Cathrach  
& Contae Luimnígh  
Limerick City  
& County Council

Pleanáil, agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnígh  
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:

**Colum Breen,  
c/o Seamus McElligott,  
Lombardstown,  
Caherconlish,  
Co. Limerick.**

**EC/224/25**

**10 December 2025**

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**Re: Declaration under Section 5**

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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

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061 - 556 000



## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/224/25**

**Name and Address of Applicant:** Colum Breen, Ballintaw, Athlacca, Kilmallock, Co. Limerick.

**Agent:** Seamus McElligott, Lombardstown, Caherconlish, Co. Limerick.

**Whether** the rear extension, provision of external insulation & repositioning of a window at Bruff, 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 28<sup>th</sup> of October 2025.

**AND WHEREAS** the Planning Authority has concluded that the rear extension, provision of external insulation & repositioning of a window at Bruff, Co. Limerick **DOES** come within the scope of exempted development under Class 1, Class 3 and Class 7 of the Planning and Development Regulations 2001 (as amended) and 4(1)(h) of the Planning and Development Act 2000 (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

Date: 10/12/2025

**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.

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**No. AOO/DC/2025/1383**

**File Ref No. EC/224/25**

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

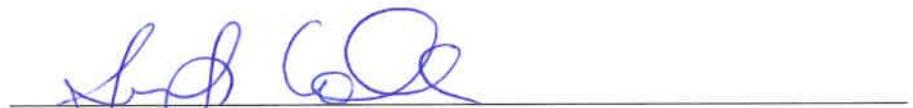
**RE:** **A rear extension, provision of external insulation & repositioning of a window at Bruff at Bruff, Co. Limerick.**

**ORDER:** Whereas by Director General's Order No. DG/2025/131 dated 15<sup>th</sup> September 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 Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Ella O'Brien, Executive Planner dated 09/12/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Colum Breen, c/o Seamus McElligott, Lombardstown, Caherconlish, Co. Limerick to state that the works as described above is

**Development and is Exempt Development.**

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

10/12/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1383 dated 10/12/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING