



## Limerick City and County Council

### Planning Department

#### Section 5 Application

#### **DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name:

RICHARD & NOEL O'CARROLL

Applicant's Address:

CARRICKITTLE,

KILTEELY,

Co. LIMERICK V94 W7D0

Telephone No.

[REDACTED]

Name of Agent (if any):

[REDACTED]

Address:

[REDACTED]

Telephone No.

N

A

Address for Correspondence:

[REDACTED]

Location of Proposed development (Please include EIRCODE):  [DOES NOT HAVE AN EIRCODE]

FARMHOUSE ON FOLIO 7819 at

CARRICKITTLE, KILTEELY, Co. LIMERICK.

NEAREST EIRCODE is V94 W7D0

Description of Proposed development:

Refurbishment of derelict farmhouse including addition of a rear single storey extension under 40sqm in floor area (permitted development) to form a habitable single storey 2 bedroom house.

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

## SECTION 5.

Is this a Protected Structure or within the curtilage of a Protected Structure.

NO

Applicant's interest in site: OWNER

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

DRWG 1: SITE PLAN / LOCATION PLAN

DRWG 2: SITE LOCATION PLAN

DRWG 3: EXISTING FRONT & REAR ELEVATIONS

DRWG 4: EXISTING FLOOR PLAN - FARMHOUSE WITH FLOOR AREA.

DRWG 5: EXISTING SIDE ELEVATIONS

DRWG 6: PROPOSED FLOOR PLAN INCLUDING EXTENSION.

DRWG 7: PROPOSED FRONT & REAR ELEVATIONS. DRWG 8: PROPOSED SIDE ELEVATION

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

Neelio Carell. (OWNER)

PAID RECEIPT NUMBER For €80 FEE Is:

25193299

**NOTES:** Application must be accompanied by:

(a) Fee of €80 PAID - RECEIPT No: 25193299

(b) Site location map ✓

(c) Site layout plan ✓

(d) Dimensioned plans and elevations of the structure and any existing structures. ✓

(e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building. ✓ i.e. EXISTING FLOOR PLAN

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Application to be forwarded to:

**Planning Department,  
Limerick City & County Council,  
Dooradoyle,  
Limerick,  
V94 XF67**

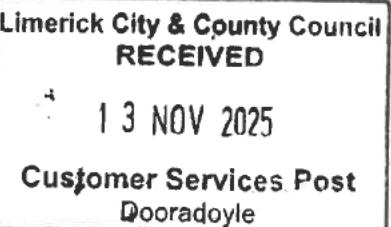
**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

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Limerick City & County,  
Planning Department,  
Section 5 Application,  
Dooradoyle,  
Limerick V94 XF67



Richard & Noel O Carroll,  
Carrickittle,  
Kilteely,  
Co. Limerick, V94 W7D0



Dear Sirs,

**Re: Section 5 Application for Derelict Farmhouse at Carrickittle, Kilteely , Co. Limerick**

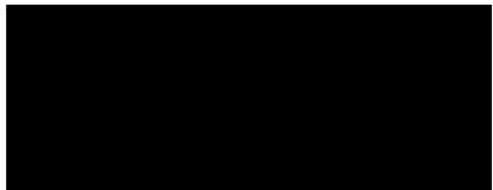
Enclosed please find

A photograph of the derelict farmhouse for which a Section 5 Application is now being made together with – *(only building on site)*

1. Site Plan,
2. Site Layout/Location Plan
3. Existing Front & Rear Elevations
4. Existing Floorplan (Includes floor area for existing farm building)
5. Existing Side Elevation
6. Proposed floorplan
7. Proposed Front & Rear Elevations.
8. Proposed Side Elevation.

Please note that the Planning Fee of €80 has been paid. Paid Receipt Number is 25193299.

Should you have any queries please contact Noel O Carroll on

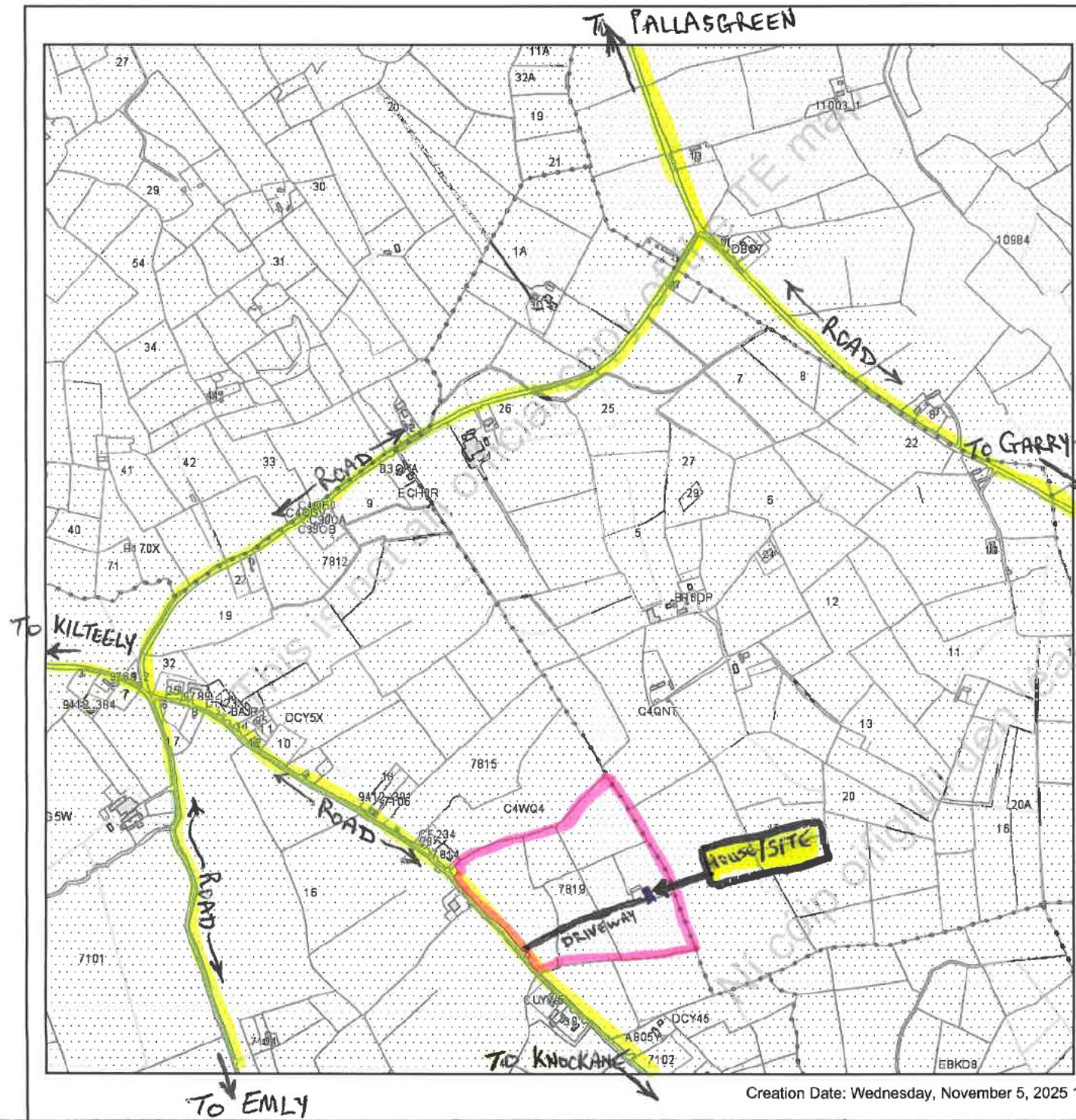


Thanks for your assistances in this matter.

Yours Sincerely,

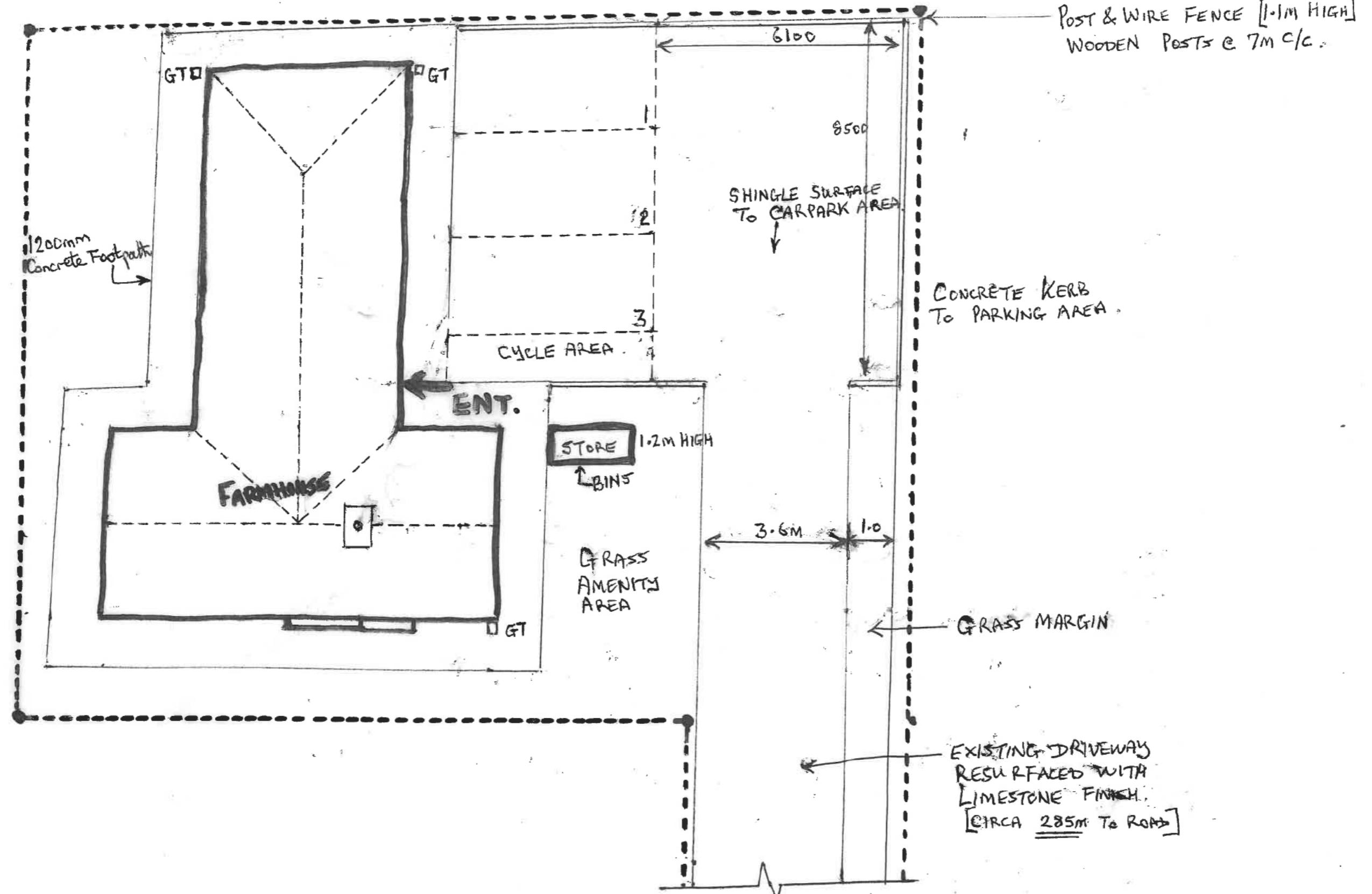


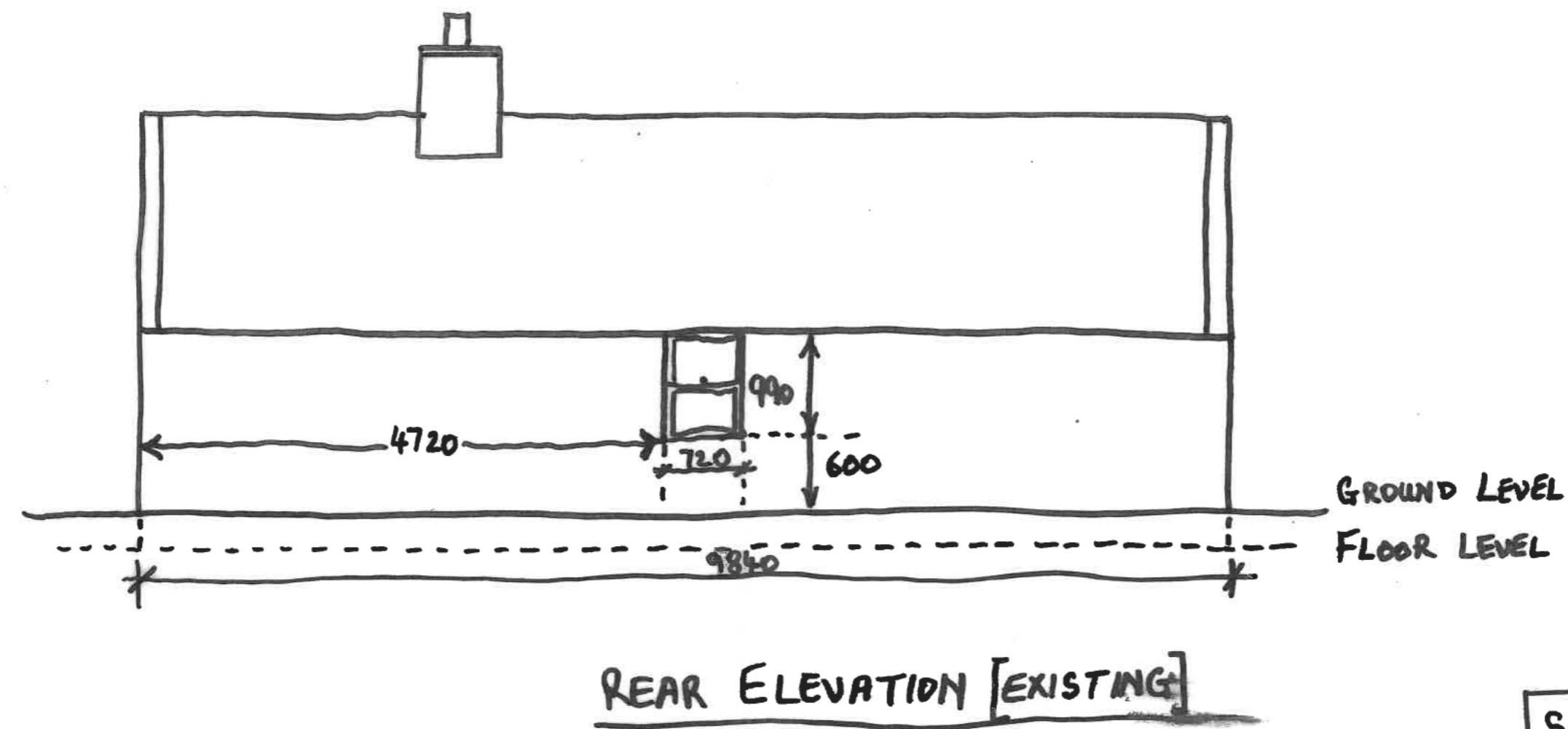
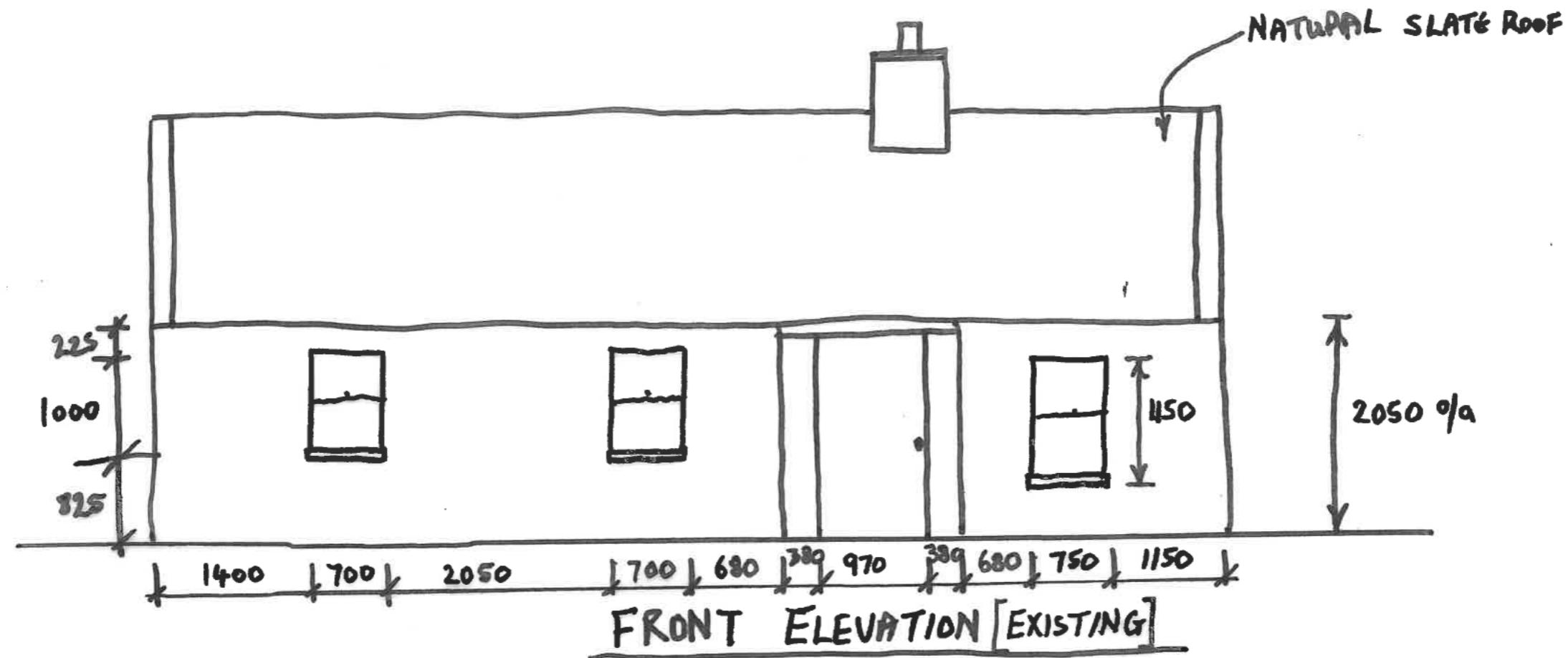
Noel O Carroll



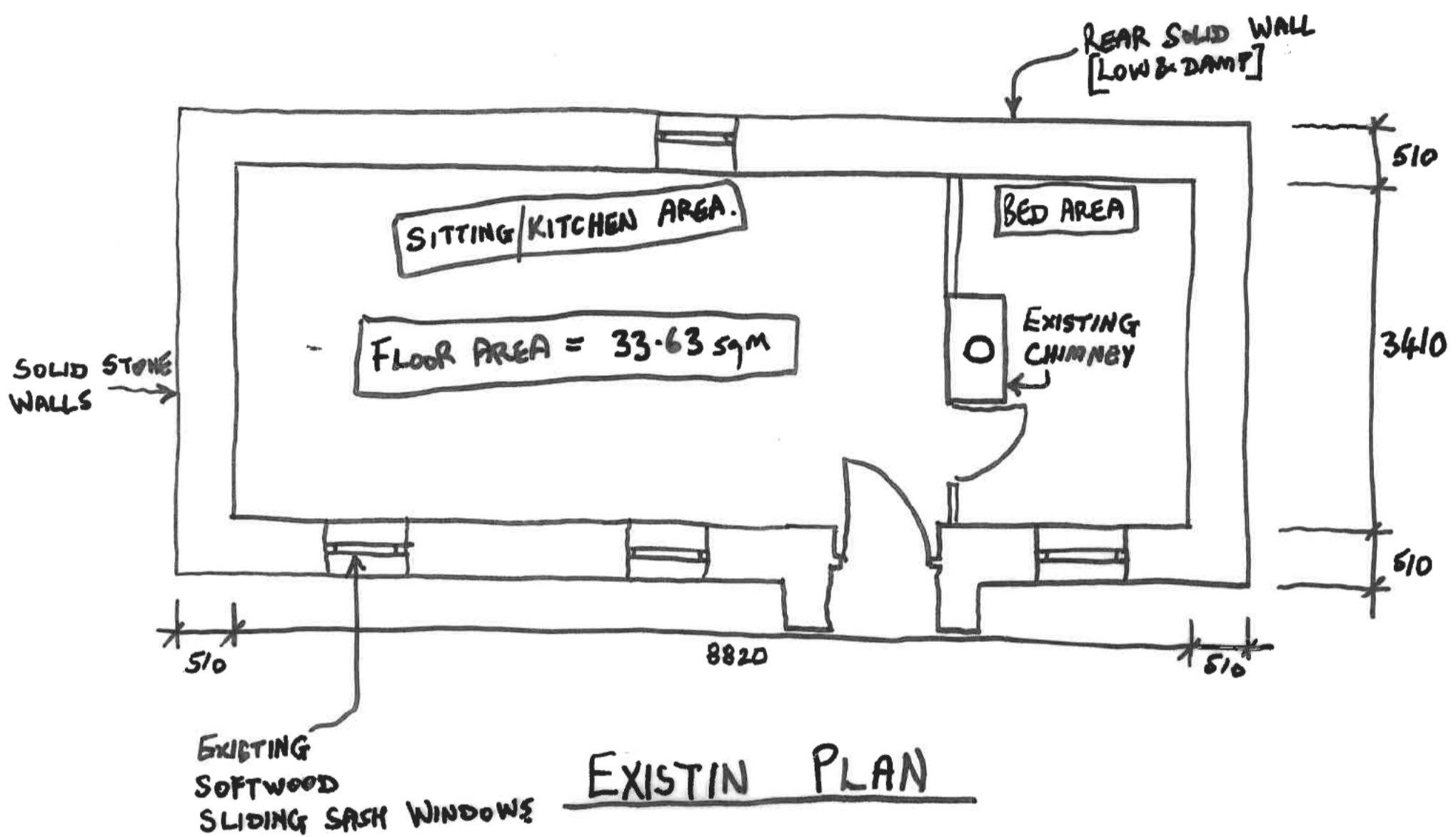


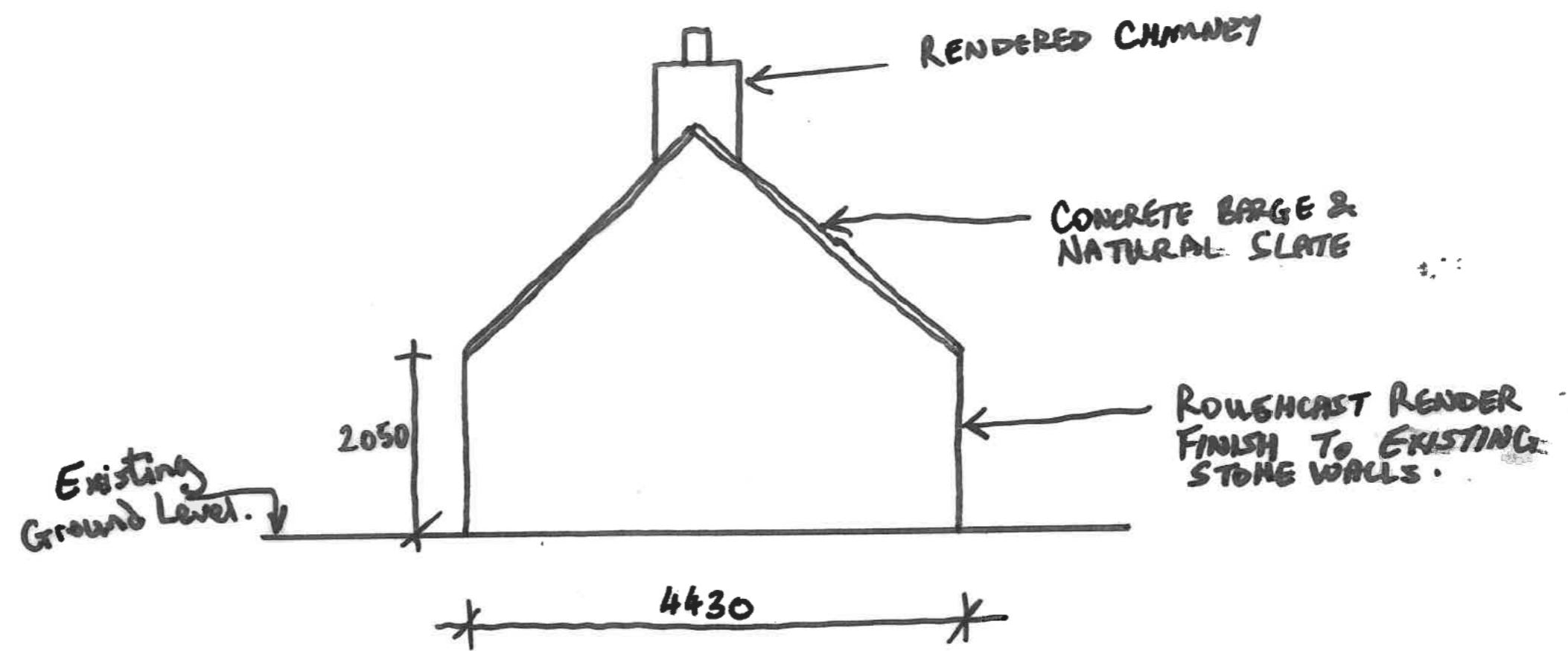
EXISTING FARMHOUSE



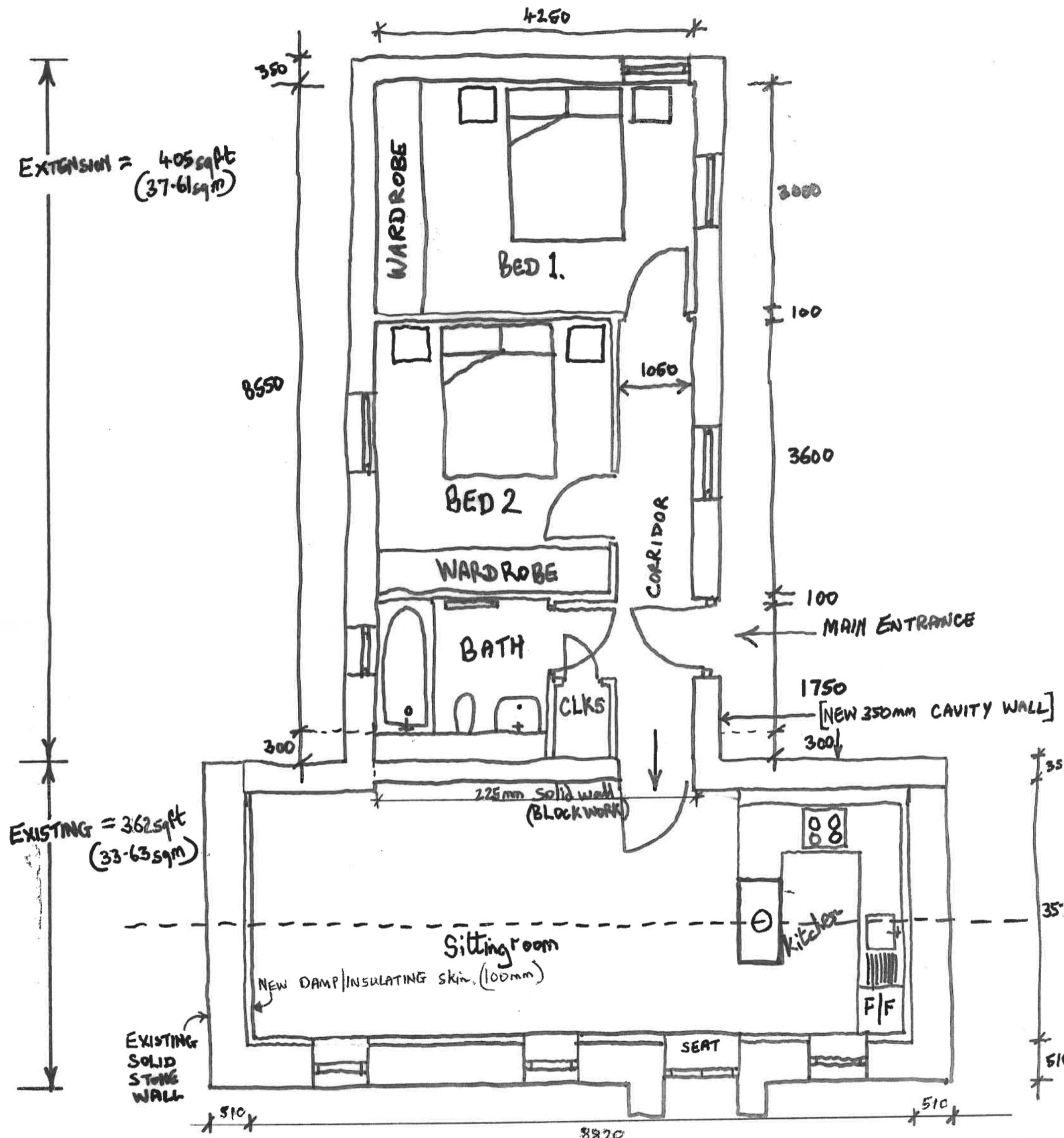


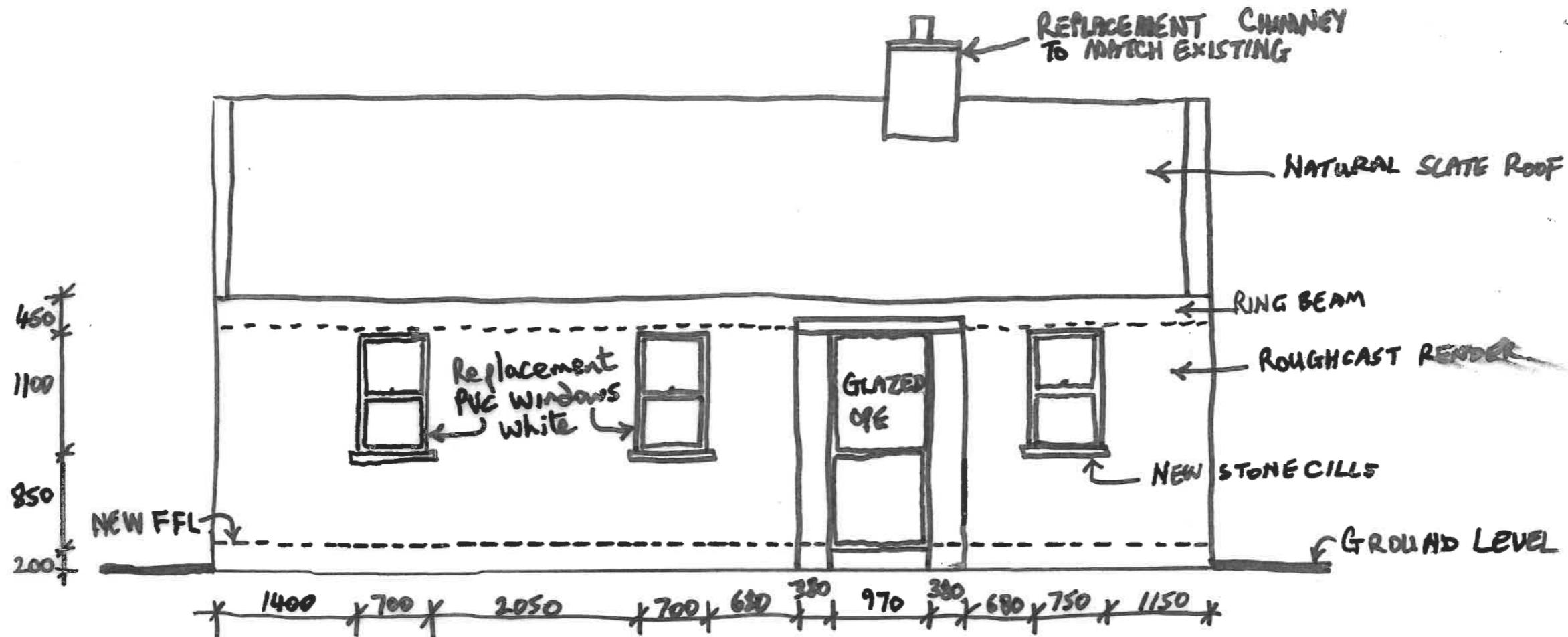
SCALE : 1:50e



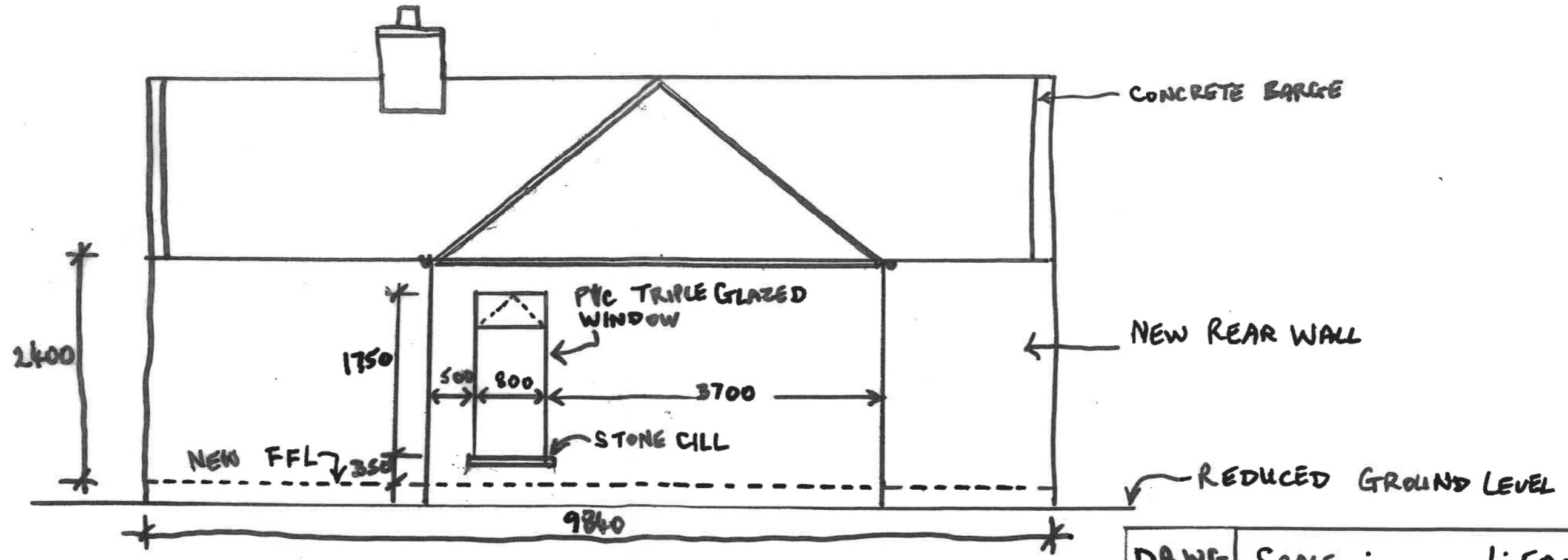


EXISTING SIDE ELEVATIONS (EAST & WEST SIMILAR)



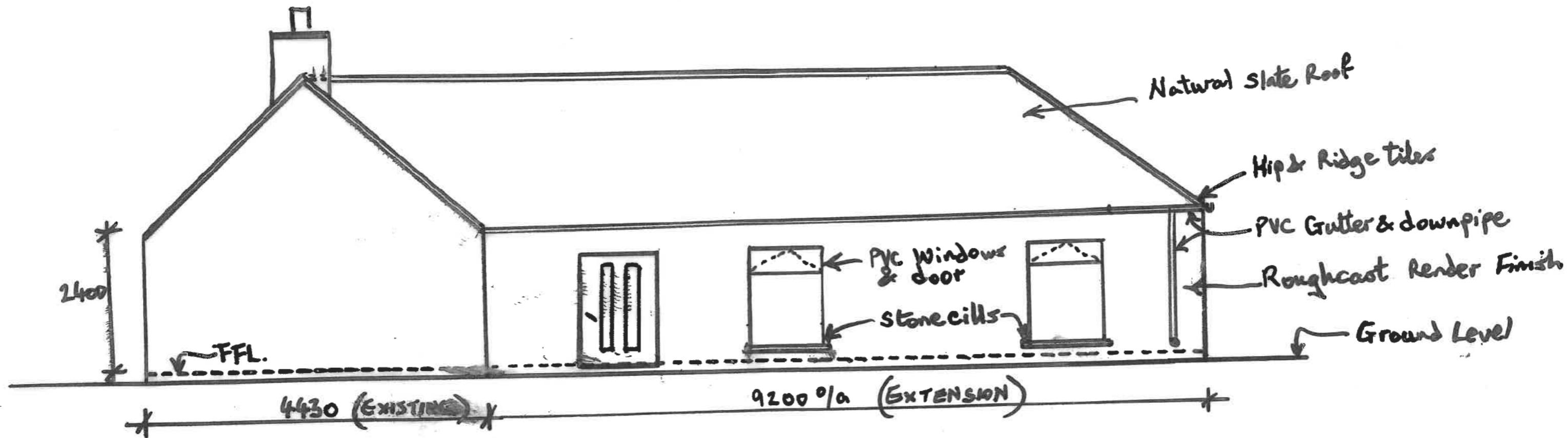


PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

DRAWN	SCALE :	1: 50 @ A3
7	DATE :	Nov 25



PROPOSED SIDE ELEVATION (WEST)  
(INCLUDES EXTENSION)

DRWG.

8.

FARMHOUSE, CARRICKITTLE, KILTEELY, CO. LIMERICK  
PROPOSED SIDE ELEVATION (WEST)

SCALE : 1:50 @ A3

DATE : Nov 25.



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-235-25
<b>Applicant</b>	Richard and Noel O'Carroll
<b>Location</b>	Carrickittle Kilteely Co. Limerick, V94 W7D0

**1.0 Description of Site and Surroundings:**

The application site relates to a single detached dwelling located within the townland of Carrickittle in Kilteely. The subject site is located on the 285m from the road L1156. The site consists of one derelict dwelling with a sitting room/ kitchen area, and one bedroom.

**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:

- The development consists of refurbishment of derelict farmhouse including addition of a rear single storey extension of 37.61 sq.m. to form a 2-bedroom habitable house.
- The development consists also of the refurbishment of the entrance way to the dwelling from the main road, with resurfacing of driveway with limestone finish, a shingle surface finish to the car parking area at the side of the dwelling, grass margins and a concrete footpath surround the perimeter of the dwelling. Inclusion of bin area.
- The replacing of the front door with a window and a seating area at the front elevation.

This Section 5 declaration includes the following:

- Site location & site layout map
- Plans and Elevations

Within the submitted cover letter the applicant has stated that the proposed development falls under class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**3.0 Planning History:**

No relevant planning history.

### **3.1 Enforcement History**

No enforcement on site.

## **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).

### **5.1 Is the proposal development?**

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

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

‘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.

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

**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 constitutes ‘works’ and ‘development’.

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

The applicant has submitted pictures of the property, and it appears to be in a derelict state. The existing structure is located in a field c.270m from the agricultural entrance (described as a driveway in the submitted maps). Having regard to the level of works and development that would be required to render the existing structure habitable including ancillary works and services would be significant and is considered material.



Above: Google Streetview image (May 2022) of agricultural entrances, existing structure is located forward of the treeline visible in the background in the middle of a field.



Above: Googlemaps image (2025) of existing structure located in the middle of a field.

It would appear that the structure is derelict and so the question is therefore, whether or not, an extension to an existing derelict building is or is not exempted development.

Similar cases relating to extensions and renovations to derelict dwellings have been referred to the board, RL3395, RL.3352 ABP-304512-19. In all three cases, the board concluded that the works would constitute a material change of use for reasons relating to the concepts of 'abandonment of the residential use' and the resumption of a habitable use of each building.

It was the boards opinion that the works would not be exempt from planning permission given the potential planning implications from the change of use.

## **5.0 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).

## **6.0 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.

## **7.0 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.

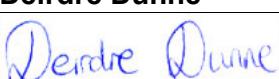
## **8.0 Conclusion/Recommendation**

The extension detailed on the application and plans submitted is considered not to be within the scope of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) The plans & particulars submitted with the application received on 13<sup>th</sup> of November 2025.
- (c) RL3395, RL.3352 ABP-304512-19

It is therefore considered that the said works are development and not exempted development under Section 2 of the Planning and Development Act 2000 (as amended).

<b>Assistant Planner</b>	<b>Deirdre Dunne</b>	<b>Date:</b>
<b>Signature:</b>		<b>08/12/2025</b>
<b>A/Senior Executive Planner</b>	<b>Jennifer Collins</b>	
<b>Signature</b>	 Jennifer Collins, A/Senior Executive Planner	<b>08/12/2025</b>

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-235-25
(b) Brief description of the project or plan:	Rear extension and refurbishment to derelict house.
(c) Brief description of site characteristics:	Existing Rural House
(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/Specia l Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/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. 7.9km	None	N
001430 Glen Bog SAC		Approx. 8.4km	None	N

STEP 3: Assessment of Likely Significant Effects	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
<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. No direct encroachment or hydrological connection.

<b>Operation phase e.g.</b>	None. No direct encroachment or hydrological connection.
- Direct emission to air and water - 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	

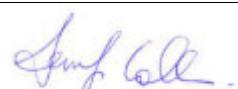
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include:  - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key 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. No direct encroachment or hydrological connection.

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

<b>STEP 4: Screening Determination Statement</b>	
<b>The assessment of significance of effects:</b>  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/> Deirdre Dunne, Assistant Planner, 08/12/25	
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Jennifer Collins, A/Senior Executive Planner 08/12/2025	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-235-25	
Development Summary:	Derelict rural dwelling refurbishment	
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, Part 1, 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, 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"/> 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 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_		<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _		Proceed to <b>Part C</b>
<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>	 Deirdre Dunne, Assistant Planner, 08/12/25
<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, A/Senior Executive Planner 08/12/2025



Comhairle Cathrach  
& Contae Luimních  
Limerick City  
& County Council

Pleanáil, agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimních  
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:

**Richard and Noel O'Carroll,  
Carrickittle,  
Kilteely,  
Co. Limerick.  
V94 W7D0**

**EC/235/25**

**09 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

✉ customerservices@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/2025/1381**

**File Ref No. EC/235/25**

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

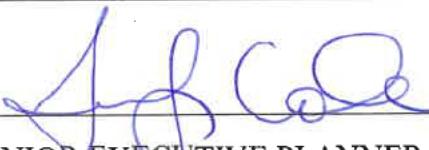
**RE:** A rear single storey extension to form a 2-bedroom habitable house, refurbishment of the entrance way, with resurfacing of driveway with limestone finish, a shingle surface finish to the car parking, grass margins and a concrete footpath surround the perimeter of the dwelling, inclusion of bin area & replacing of the front door with a window and a seating area at the front elevation at Carrickittle, Kilteely, 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 Deirdre Dunne, Assistant Planner dated 08/12/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Richard and Noel O'Carroll, Carrickittle, Kilteely Co. Limerick to state that the works as described above is

**Development and is NOT Exempt Development.**

Signed

  
\_\_\_\_\_  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

9/12/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1381 dated 9/12/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

  
\_\_\_\_\_  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

**DECLARATION NO.**

**EC/235/25**

**Name and Address of Applicant:** Richard and Noel O'Carroll, Carrickittle, Kilteely, Co. Limerick

**Agent:** N/A

**Whether** the rear single storey extension to form a 2-bedroom habitable house, refurbishment of the entrance way, with resurfacing of driveway with limestone finish, a shingle surface finish to the car parking, grass margins and a concrete footpath surround the perimeter of the dwelling, inclusion of bin area & replacing of the front door with a window and a seating area at the front elevation at Carrickittle, Kilteely, 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 13<sup>th</sup> of November 2025.

**AND WHEREAS** the Planning Authority has concluded that the rear single storey extension to form a 2-bedroom habitable house, refurbishment of the entrance way, with resurfacing of driveway with limestone finish, a shingle surface finish to the car parking, grass margins and a concrete footpath surround the perimeter of the dwelling, inclusion of bin area & replacing of the front door with a window and a seating area at the front elevation at Carrickittle, Kilteely, Co. Limerick **DOES NOT** come within the scope of exempted development under class 1 of Part 1 of Schedule 2 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 NOT Exempt Development**.

Signed on behalf of the said Council

Date: 9/12/2025

**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.