

An
Bord
Pleanála

AN BORD PLEANALA
LDG- 009745-18
ABP- _____
05 NOV 2018 LC.
Fee: € 220 Type: cead
Time: 13.44 By: hand

Planning Appeal Check List

(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the

name of the appellant
(not care of agent)

Eamonn Murray

address of the
appellant
(not care of agent)

Furbo Hill
Spiddal
Co. Galway
H91 P7VF

3. If an agent is involved, state the

name of the agent

N/A

address of the agent

N/A

4. State the Subject Matter of the Appeal*

Brief description of the development

See (Item 1) enclosed copy re ED 18/49

Location of the development

See (Item 2) Enclosed sitemap.
Allphreachain
Furbo
Spiddal
Co. Galway
H91 NVY7

AN BORD PLEANÁLA

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Name of planning authority

Galway County Council

Planning authority register reference number

Jj/sb/ED18/49

* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Enclose / Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "[Guide to Fees Payable](#)" under heading of Making an Appeal on Home Page of this website for current fees.
8. Ensure that the appeal is received by the Board in the **correct manner and in time**.

Eamonn Murray
 Furbo Hill
 Spiddal
 Co. Galway
 H91 P7VF

AN BORD PLEANÁLA	
05 NOV 2018	
LTR DATED _____	FROM _____
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5th November, 2018

**I wish to appeal the decision regarding my application for:
 Declaration of Exempted Development section 5
 Of the planning and development act 2000
 -ED18/49- (See item 1)**

Location (See Item 2) The Chalet, Furbo Hill, Spiddal. H91NVY7

Whether the ~~construct~~ refurbishment of timber dwelling house and associated infrastructure; and entrance is or is not development?

Grounds for appeal:

In so far as I can ascertain, from brief discussions with the planning office and a freedom of information request I had filed, there have been five points of judgement by the planning/enforcement department which it appears have informed the entire process, and ultimately led to the rejection of my application, and subsequent Notice to Demolish. For these reasons I feel compelled to appeal their decision and vigorously defend my own position in relation to this family residence.

In chronological order:

Point 1: The original complaint of ‘...little timber hut was replaced with a timber house...’ was false: and should not have been taken as unquestionably true.

- This comment is logged as anonymous, and there has not been an official complaint.
- There has been no complaint in the five years since the building was completed.
- The comment is heresay and as such should have been substantiated before being acted upon as true.
- The warden admits in the original message to knowing nothing about my property. I enclose an old photo (Item 3) of what the dwelling looked like: it was never a timber ‘hut’ - it was a Timber Chalet.

Point 2. The investigating planning official presented a photo (Items 4) showing a gate, hanging in an entrance and judged that it was abandoned. Because to him it 'appears abandoned', (Item 5).

- This opinion is entirely mistaken: the gate was never abandoned and has been in constant use since at least 1960.

Point 3. The same official, as in 2 above, observed another photo (See item 6) and because he can see 'foliage' he judged there was no Chalet.... and all subsequent official references (2 applications for exemption) say it was 'missing'.

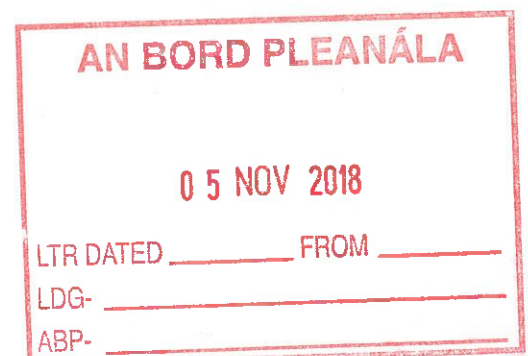
- This has been very damaging to my case: all that can be verified from the image offered is 'foliage'!
- The official had recourse to use the Google street view app to arrive at this conclusion. However, had the official used Google for all it can offer, he could have 'reversed' down the road, and viewed the site from the front, and clearly seen the Chalet through the trees. (See item 7).
- It is clear this evidence was key to all decision making at the planning office, and yet, I was never told about it, until I applied for FOI and saw it presented strongly as evidence, information I was unaware of, but could have cleared up easily had it been disclosed.

Point 4. This error leads on from the unquestioned acceptance of the other errors: my building's entitlements, under Section 4 of the planning act 2000, have been dismissed.

- I will show how in more detail later, but for now it is important to note that: The original Chalet and associated works was planning exempt by virtue of having been built in 1960; it has never been 'missing'; it is now a beautifully refurbished version of the original, on the same footprint; of the same size; serving the same use: - a 39sqm dwelling house.
- Initial consultation made directly with the planning office had made it clear that a refurbishment of the existing structure would not in any case require planning permission.

Point 5. All attempts on my part to 'engage' with the planning/ exemption office have been deeply frustrating.

- I offer that I have not been treated in accordance with the planning authorities own charter of practice.
- I have not been invited to present any further information despite evidence that questions I had not replied to, had been raised.
- I have been refused meetings with the enforcement section on the grounds that they would serve no purpose.
- I have been left to feel undermined and intimidated by the entire process up to and including the Notice to Demolish, which for a private individual who has acted as I have from the outset, was particularly harrowing.



A history of 'The Chalet' Furbo Hill, Spiddal, Co. Galway.

I wish to start by presenting a Chronological history of The Chalet.

In 1960/1961 my father Jerome Murray (now deceased) bought a Timber Chalet, which had been erected on the banks of the Moy near Ballina, Co. Mayo; he de-mounted it; transported it; and re-erected it at this site in Furbo.

At the same time, he constructed a septic tank and percolation area (stone filled trenches) to service the water treatment needs. (The same system as is used today- septic tank and percolation are both in the same place as originally located.)

The Entrance to this site was already in existence I believe pre-1960: however, I am positive that the same one has been used, constantly, ever since 1960.

From 1961 until approximately a year before I carried out the works on it in 2013, it was in constant use as a domestic dwelling house. (A one room studio apartment with separate bathroom- and it is the same today.)

In 2013 as a result of some storm damage, now causing rapid deterioration of the building, I decided to do works on the building.

To that end, employing the services of an agent, I contacted the planning office in early 2013 with a view to perhaps extending it (upwards & outwards). During this pre-planning meeting, which I wasn't available to attend, my agent got the impression that the planner was not looking favourably on any extension plans (she had raised questions about the size of the site; and whether there was a housing need- at the time. I felt that even at that time the need to preserve the existing house was being confused with the desire to build a new dwelling, which now in retrospect seems to be the nub of the issue ever since.

Following that rather ambiguous meeting with the planning office I decided to enter into further discussions with my solicitor and a local County Councillor. On what I took to be solid advice, I made two further phone calls to the planning office which confirmed that I was legally entitled to refurbish without planning permission. Based on this information, I made the decision to abandon plans for extending the existing dwelling and to focus specifically upon refurbishment of the house before it was irreparably damaged.

I employed the services of Flaherty and Goaley Contractors Limited.

I did so because in 1993, after I had been living on a permanent basis in the Chalet in question since 1987 (6 years), I managed to build a semi-passive house (Scandinavian homes) and these were the contractors who put that together (Also a de-mountable building).

They had also agreed to allow me to work alongside them (I like to do this to save money & for the enjoyment it gives me, and I had done the same, with them, on my own home in 1993).

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These contractors are highly specialised professionals at working with timber frame houses. Their knowledge in working to construct fully passive dwellings was a significant part of my reasoning as I had decided that the refurbishment would include the augmentation of the insulation and living quality of the house to the highest standards possible given the constraints of the existing structure.

It was also necessary to have qualified carpenters / contractors because the refurbishment had to take place in a piece-meal fashion: (I was not 're-placing' the building with an off the shelf Chalet). All works were to be carried out onsite; all work necessary to remove rotted or mouldy wood would have to be carried out; and yet the building would have to maintain its original outlines (roof pitch, walls etc.).

I approached it from this perspective because, from my discussion with the planning office re refurbishment guidelines, and general common sense, I assumed that whatever I currently have with this building, I must be entitled to by law, and if any works I carry out do not alter that (size & shape & footprint) there should be no problem.

Subsequently I have struggled to arrive at agreed terms of reference with the planning office as to what constitutes a refurbishment in their judgement. They have consistently referred to the house as a new build, a stance that is in direct contradiction of the available facts.

I do offer for consideration the following information which I have sourced recently which does seem to support my position as I read it. (Exempted devl. Sect 4- I will return to this later.)

The result is: I have refurbished the building, to its original size and shape, on the original foot-print, it is still constructed from wood & glass- but to a very high standard of insulation and comfort, including a completely sealed (draft-proof) building and the installation of a motor-controlled ventilation system. It is similar to the construction methods used in my own home and employs best practice throughout as allowed.

Ironically now that the country has an identified housing crisis my home is currently filling a desperate need, as requested at the initial pre-planning meeting.

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A history with the planning department.

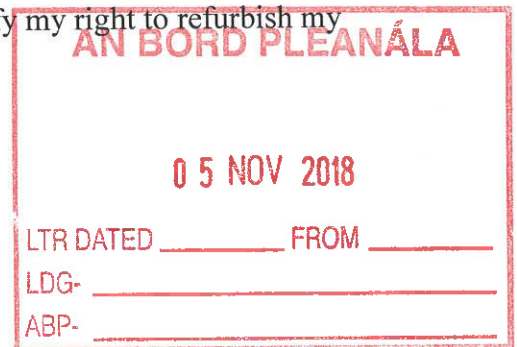
My mother tells me that she remembers my father having to go to the planning office and, by hand, drawing an outline of the works done. And haphazard as it sounds, that was acceptable in 1960.

2005 I had a pre-planning meeting with Mr Enda Quinn (now in Cork) during which he was in broad agreement that I could extend upwards and to a maximum size of 600sq. ft per floor. (1200sq. ft)

In 2005 I had agreed with the Roads department to donate land so that they could widen the junction. (See items 8 & 9). Funding issues stopped all plans, but as recently as this year I had a phone discussion with the local road's engineer who verified that they will do the work, when funds allow.

In 2013 My agent visited the planning office to discuss similar development to that which was discussed in 2005. This time the planner was not in favour of development and was asking questions about housing need; and seemed unhappy about the small site size. As the building needed care and maintenance immediately, to save my building, I opted to carry out a refurbishment and shelved plans for extending the building.

In 2013 I contacted the planning office twice by phone to verify my right to refurbish my building without the need to seek planning permission.



A history of this case:

I have at all times been mindful of not wasting the time of The Planning Office and An Bord Planeala

Jan 2017:

I received the warning letter from the enforcement office, out of the blue.
I replied immediately, explaining my position and the actions taken in relation to the house.
My explanation was not accepted.
And yet I was not invited to present any further information.

April 2017:

I submitted my first application for exemption.
I was never asked for further information.

June 2018:

I received the rejection of my application 15 months later.
I had assumed, having been open and honest about each stage of the refurbishment that my explanation had been taken at face value and accepted. This 15 month delay in responding to my application caught me off guard. I was on holidays in Austria for part of it, and I had started an email correspondence with the person who rejected my application. I felt I might get somewhere with him, in terms of understanding the thinking behind the rejection.
I did not apply to An Bord Pleanala at this time because I didn't know what else I could say: significantly, I didn't know about the mistaken conclusion regarding the 'missing' Chalet (That only came when I requested my file under FOI) ; and I hadn't studied the section 4 part of the planning act at that time either.)

I was awaiting his latest reply when...

August 2018:

I received the Notice to demolish my Chalet.
I asked for a meeting: but I was refused.

Sept 2018:

I made another application for Exemption and included arguments relating to Section 4.
Again, I was never asked for further information.

Oct 2018:

I received the second rejection. I noted that it was an exact copy of the first rejection letter. I saw no reasons why the section 4 was dismissed. I wrote an email asking for the reasons, even mentioning that their clarity is required and might save An Bord Pleanála having to adjudicate. I was told I would get no further information.

I wrote an email on the 11th of September to the director of services and she still hasn't responded.



I believe it cannot be stated often enough:

1. The Chalet building, septic tank, percolation area, and entrance were all Planning Exempt and have been in constant use since 1960.
 2. Nothing has been done which 'materially affects' the appearance, and it is, and always has been used as, a 39sqm domestic dwelling.
 3. The house does give the appearance of a new build because the quality of the refurbishment was of the highest standards. Such standards could be easily applied to a stone building brought up to modern standards, cleaned, re-pointed etc, but seem to be frustratingly mutable when applied to timber construction.
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Reasons and Arguments 1.

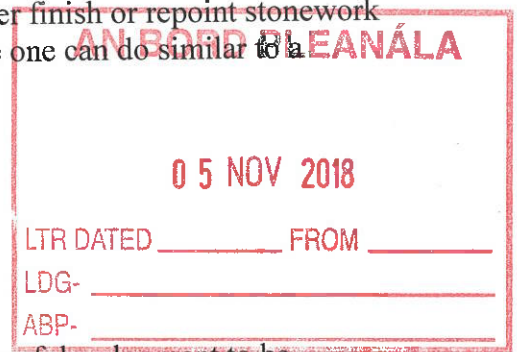
Exempted development. (Planning Act 2000)

4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

- a) All works were carried out piece by piece onsite by me and Messrs Flaherty & Goaley Contractors Ltd.
- b) The works were carried out onsite because I was intent on retaining the outline of the original at all times. (Buying a Chalet off the ‘shelf’ would have been a much cheaper and easier option but would have meant altering the external appearance.)
- c) I did not ‘materially affect the external appearance’ -and this probably explains why there was never any written complaint put into the planning office. It is now a full five years since I carried out the refurbishment and no one has written in to complain about the works done.
- d) It should be noted that, while I do not have full details yet of the exact nature of the original complaint which led to this investigation, I do know that it was a ‘remark’ made by someone(?) to a community warden. It may have been frivolous or vexatious.
- e) ‘...the Character of the structure...’ is intact. It is still on the same footprint; it is still the same size; it is still the same cubic capacity; the pitch of the roof was maintained; and the structure where needed employs 100% eco-friendly wood, sourced from sustainable forest programs. This was intentional on my part because logic would always suggest I have a right to refurbish my property; and it should be noted that this was also confirmed with the planning office, by phone, before I started the works.
- f) The absence of formal guidelines meant that considerable effort had to be made on my part to establish best and lasting practice construction methods. It is a fact of best building practice that when maintaining wooden structures, every effort must be made to eradicate all rot (wet and dry) all moulds, all weakened timbers... and the use of chemicals to ‘treat’ such defective timbers is ‘Not Best Practice’ as those chemicals or gases could seep into the living space; therefore, replacing timbers is best practice.
- g) It is note worthy that the planning department have made no guidelines as to how timber structures with timber cladding must be maintained. Therefore one can but assume to carry out works in line with best practice. With no national reference I looked to the Scandinavian tradition of restoration for guidance. There, external timbers are constantly replaced to preserve the integrity of the internal walls they protect and such buildings stand today that are centuries old because of this practise.
- h) The fact that the Chalet ‘looks New’ should not surprise, nor be used as an argument by, the planning office. The original wooden cladding had weathered the Irish climate for 53 years and needed to be replaced. Also I wanted to make the Chalet look well whilst improving the structure and giving

it longevity. And if one is allowed to alter a plaster finish or repoint stonework on a traditional restoration, it is logical to assume one can do similar to a timber-clad structure.



Reasons and Arguments 2.

Exempted development. (Planning Act 2000)

4- (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

- a) The finished project is the same size as the original Chalet; it is the same height; it is the same cubic capacity.
- b) The construction and finish of the house employs identical material to those that were already in place. Only the quality of the original build was upgraded.
- c) It does not change it's 'effect' in any way: it is still on the same footprint; it still does not overlook any other property; it is no higher, longer or shorter than it ever was; it still uses a septic tank and percolation system and though maintained, the percolation area is still in the same place and the septic tank is also still in the same place. (Though I wish to state, that it is now a much-more eco-friendly building and the maintenance carried out to the percolation area will have improved the water treatment.)
- d) The refurbishment was carried out in such a way as to make a healthy, eco-friendly dwelling. This includes adding vapour barriers, a ventilation system, triple glazing and significant insulation. These are the kinds of things that the government now offers grants for, to individuals who might re-invigorate uninhabited dwellings under the retrofit schemes made available under the SEAI grant system.
- e) The works carried out in no way alter the development: it was and is a dwelling house of 39.4m²

Reasons and Arguments 3

There has been an entrance onto the R336 at least since the Chalet was built in 1960, and the same entrance has been in use every year since- and therefore it has inherent rights.

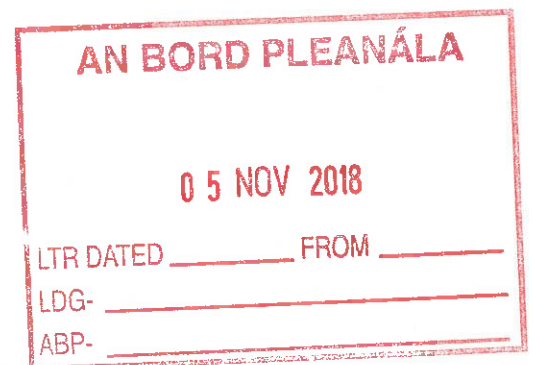
{Note the original claim was that I had 'Created an entrance'. I don't know if I still have to defend that accusation as the Planners seem to have moved the goalposts and are now referring to 'widened' entrance. I shall defend both accusations here}

- a) The entrance can be viewed online on OSI maps 1995; 2000 and 2005.
- b) I was sent a photo showing my gate hanging in the entrance. The official who sent it went on to conclude that ‘...it appears abandoned...’ It wasn’t, and I have struggled since to prove a negative in relation to this. The gateway has always been in use.
- c) Furthermore, my mother can confirm the existence and constant use of the ‘entrance’ since the day the Chalet was built in 1960.
- d) I have entered that site through that entrance regularly every year of my life.
- e) With regard to the look of the gate: the original RHS pillar is still in place. The LHS pillar fell apart some years ago and I made a decision to not replace it based on two factors: firstly, the existing pillar had been a hazard for people trying to see traffic approaching from the Galway direction (when driving their cars off the adjacent laneway). And secondly, the roads authority has in the past and as recently as last Spring, suggested taking away that corner and have supported an intention to exit my site onto the laneway instead: they still hold that aspiration and I am still willing to donate my land for that purpose.
- f) Regarding the ‘look’ of the entrance I happen to like the ‘hedge-row’ appearance in situ at present. It is a solid ecological statement and places the chalet firmly within its rural setting.
- g) It is both untrue to say that:
 - The entrance was abandoned and
 - That the entrance was created and unauthorised.

Re: ‘Widened’ entrance

If I now have to defend ‘widened’ entrance then it is statute-barred as the photo does show it having been widened as far back as 2010. (And it happened earlier.)

It should be noted that I was not ‘willfully’ widening the gate: the stand alone pillar had deteriorated over the years; and, as already mentioned, the roads department have expressed an active interest in taking away this corner and any temporary replacement pillar seemed ‘wasteful’; and if it were replaced, like for like, it would act as a visual hazard for the much increased traffic coming down the lane onto the R336.



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Further considerations (Reasons and Arguments):**1. From: A Guide to Planning Enforcement in Ireland 2012**

The Minister can prescribe certain classes of development as exempt (e.g., the **extension of any house subject to certain conditions such as it being less than 40 sq. m**), but does not have the power to exempt specific developments (e.g. the Minister cannot rule that an extension to a particular house qualifies for an exemption).

- The finished chalet is under 40m². This is the size of the original building that was restored. While not of itself an extension I just wished to note that it is smaller than extensions allowed on homes nationally without the need for any permission.

2. From: A Guide to Planning Enforcement in Ireland 2012

Planning legislation provides that certain types of development are exempted from planning control. Development is exempt from the planning code mainly in cases where:

...there would be only a limited impact on the surrounding environment,

- I am not aware, nor has the planning department made me aware of any impact on the environment: limited or otherwise.

3. Maintenance carried out to the septic tank and percolation area are in line with what 'Irish Water' have asked for in mission statements for better ground water management. And in any case are covered by 'maintenance and care' for which planning permission is not required. See (item 10) Cert. of Registration with Water board 2012.

4. If indeed I disassembled, repaired, made good and reassembled what is and always was a demountable building, ...would I need planning permission? This is essentially what was done. And in the same vein, do houses which have been damaged by fire require planning permission for restoration work? If this house was damaged by fire is it not the case that the refurbishment would be exempted development?

I carried out all works in line with best practice for refurbishing a timber Chalet; and I haven't broken any Planning guidelines with regard to how to do this type of refurbishment: I know of no guidelines published, regarding how to refurbish timber structures.

Some Further considerations:

5. Regarding the ESB connection to the property: The ESB do not allow connections to remain 'live' on 'missing' buildings. It is a matter of record that the ESB supply has never been dis-connected from the Chalet.

6. All house taxes that have ever been due have been paid consistently and on time. When my mother gifted the property to us in 2007 it was valued at €180'000 and stamp duty paid on that amount.

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7. I have found it entirely frustrating to formulate appropriate responses to the opinions given because of the lack of information and my own unfamiliarity with the planning process. I feel that at every stage of the process, the opinions I am now aware of could have been countered with factual responses. I had faith that the customer charter, which I had read, would guarantee me appropriate access to this information and a manner to proceed. I always engaged speedily with all correspondence and yet

- I was not made aware of the photograph purporting to show evidence of 'missing' Chalet. I believe I have proven conclusively that this was a gross error of judgement.
- I was refused a chance to meet and discuss the situation.
- I was refused an explanation of why my arguments regarding section 4 were dismissed.

8. I believe if this matter had been engaged with in a 'customer charter' guided manner, I would not be here trying to understand Planning law, and my 'rights', in order to explain my position to people who know those laws and could perhaps help me to find the solution that would have satisfied their enquiries.

9. I genuinely believe that this matter could have been resolved in the simplest of manners some considerable time ago if I had been questioned for information or made more aware of how the process was being conducted. I am deeply concerned now to find that a decision was arrived at which I believe is wrong, because of the breakdown in what I assumed was going to be an exchange of information with proper regard to my own position as a private individual.

10. My motivation with regard to this site and dwelling has always been in line with my attitude in general: to leave the planet better than I found it. I endeavour to reduce my 'footprint' as much as possible. In this regard I have a legacy of practise that supports my beliefs. And surely the best indicator of honesty in this situation is to examine relevant past actions. To that end I built an eco-friendly Scandinavian home for myself in 1993 and still live there today; I own and drive an all-electric car Nissan Leaf ; I have maintained the (native) tree cover at my home in an attempt to aid the carbon balance of my own environment. Perhaps 85% of my acre site is still covered by native woodland. I have a demonstrable regard for the environment I live in and the legacy I leave

There is nothing in my restoration that in any way suggests an approach that was intended to deceive

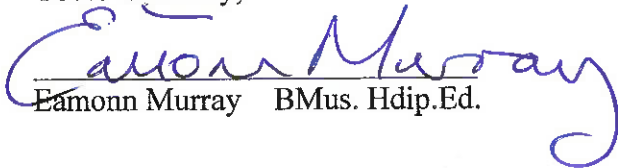
The house is part of my own personal history having lived there for so many years. What stands now is a thoroughly modernised building which will I hope stand for generations as a testament to an ecological approach to restoration. There is nothing in the footprint, height, appearance or impact of the restoration that in any way altered the original, except that it now exceeds current building standards in almost all measurable ways, and has become a pleasurable, if very small, home to live in.

Finally, bearing in mind that it is now five years since all works have been completed and there has been no official complaint lodged, I would like to draw your attention to the copy of a letter which a neighbour has written. I hope this also reflects the general opinion of people in the area.

(See Item 11)

If you require further information please contact me,

Yours faithfully,


Eamonn Murray BMus. Hdip.Ed.

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Comhairle Chontae,
Prospect Hill, Galway,
H91 H6KX

Áras an Chontae,
Prospect Hill, Galway,
H91 H6KX.

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& Seirbhísí Ginearálta
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(091) 509 099
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Clár na dFoghlóirí
Register of Electors
(091) 509 310
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(091) 509 505
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Pobal & Fiontar
Community & Enterprise
(091) 509 521
community@galwaycoco.ie

Pleanáil
Planning
(091) 509 308
planning@galwaycoco.ie

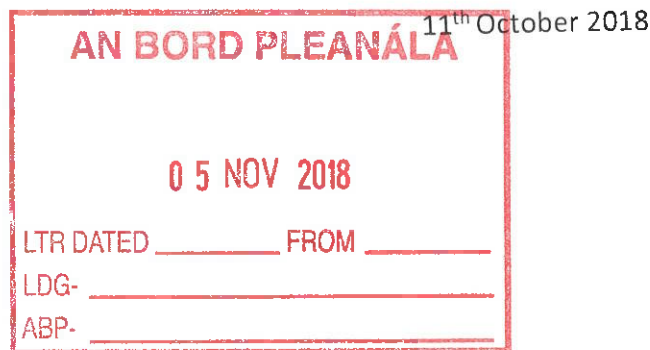
Leabharlann
Library
(091) 562 471
info@galwaylibrary.ie



Comhairle Chontae na Gaillimhe
Galway County Council

jj/sb/ED 18/49

Mr. Eamonn Murray,
The Chalet,
Furbo Hill,
Spiddal,
Co Galway



RE: Declaration of Exempted Development under section 5 of the Planning & Development Act 2000 – ED18/49- Location The Chalet, Furbo Hill, Spiddal

Decision – NOT EXEMPT

A Chara,

I refer to the above application which was received by this office on the 17th September 2018.

The Planning Authority, in considering this Section 5 application, had regard particularly to

- The definition of "works" set out in Section 2 of the Planning and Development Act 2000 (as amended).
- The definition of "unauthorised works" set out in Section 2 of the Planning and Development Act 2000 (as amended).
- The definition of "development" set out in Section 3 of said Planning and Development Act.
- The definition of "unauthorised development" set out in Section 2 of said Planning and Development Act.
- Article 6(1) of said Planning and Development Regulations.
- Article 9(1) of said Planning and Development Regulations.
- Documents submitted from the referrer in this Section 5 application.

AN BORD PLEANÁLA

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T40M 2

T40M 3

AN BORD PLEANÁLA

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LDG- _____

ABP- _____



Google Streetview Imagery dated February 2010 showing entrance was not in use on a regular basis



Feb 2017



Comhairle Chontae na Gaillimhe
Galway County Council

AN BORD PLEANÁLA

05 NOV 2018

LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Eamonn Murray
The Chalet
Furbo Hill
Furbo
Co. Galway

22nd February 2017

Ref: EN16/236 – Unauthorised construction of a timber dwellinghouse and associated infrastructure; Unauthorised creation of an entrance onto the public road

A Chara

I refer to your correspondence received on 18th ultimo in relation to the above, the content of which is noted.

The Planning Authority are satisfied, on the basis of its investigations and the information that you have supplied in your response letter, that the development as described above, is unauthorized for the following reasons:

1. While the original timber chalet was statute-barred from enforcement proceedings due to it being in-situ in excess of 7 years, a new chalet has now been put in place which requires planning permission
2. While it is acknowledged that there was an entrance at this location prior to 2010 this entrance appears to have been abandoned (from an analysis of Google Streetview imagery in February 2010).
3. Planning permission is required for the construction of a percolation area

Please respond with your proposals to address the unauthorized development as outlined above **within 21 days** of receipt of this correspondence, or else the Planning Authority will have no option but to escalate enforcement proceedings without any further recourse to you.

Is mise, le meas,

Enda Thompson
Enda Thompson
Enforcement Officer
Planning Enforcement



Photos showing chalet in Dec 2016 and Google Imagery below dated Feb 2010 showing no chalet in place

08.12.2019



Item 6.

AN BORD PLEANÁLA

05 NOV 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Item 6.



AN BORD PLEANÁLA

0 5 NOV 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

*Item 7.
8.*

Post Office Box No. 27,

Áras an Chontae,

Peel Hill,

Galway.

Mo Thag:

Do Thag.



Bosca Poist Uimhir 27,

Áras an Chontae,

Cnoc na Radharc,

Gaillimh.

Telephone: (091) 509000

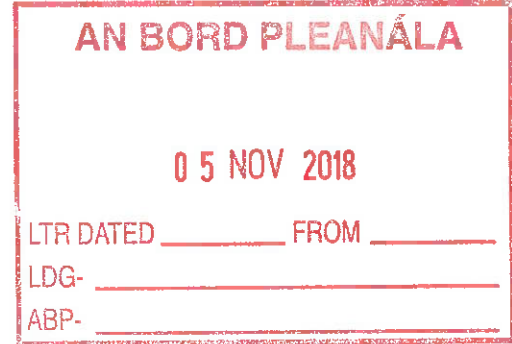
Fax: (091) 509010

E-Mail: @galwaycoco.ie

Web: www.gaillimh.ie

www.galway.ie

COMHAIRLE CHONTAE NA GAILLIMHE
GALWAY COUNTY COUNCIL



Mr. Eamon Murray,
Furbo Hill,
Ballynahown,
Furbo,
Co. Galway.

Date: 20th May 2005.

Re: Land Acquisition for purpose of widening road.
(See attached map)

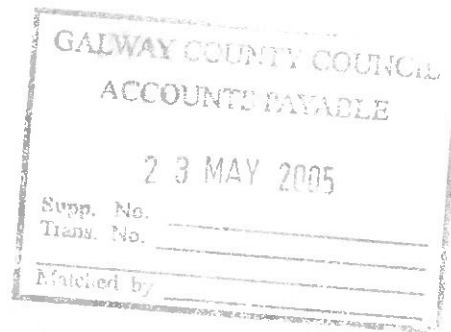
A Chara,

Please find attached a land acquisition map detailing the land required to widen the road R336 for safety purposes.

If you have any queries regarding the attached map please contact the undersigned below in Oughterard Area Office on (091) 552353

Mise le meas


Derek Pender
Oughterard Area Engineer.



Iasachtaí/Deontais Tithíochta
(091) 509 301

Housing Loans/Grants

Iarratais Tithíochta

(091) 509 300

Housing Applications

Comhshaoil

(091) 509 302

Environment

Acmhainní Daonna

(091) 509 303

Personnel

Mótarcháin

(091) 509 099

Motor Taxation

Ceadúnais Tiomána

(091) 509 305

Driving Licences

Seirbhísí Uisce

(091) 509 306

Water Services

Pobal & Fiontar

(091) 509 066

Community & Ent.

Pleanáil

(091) 509 308

Planning

Innealtóireacht

(091) 509 309

Engineering

Clár na dTogthóirí

(091) 509 310

Register of Electors

Deontais Ard Oideachais

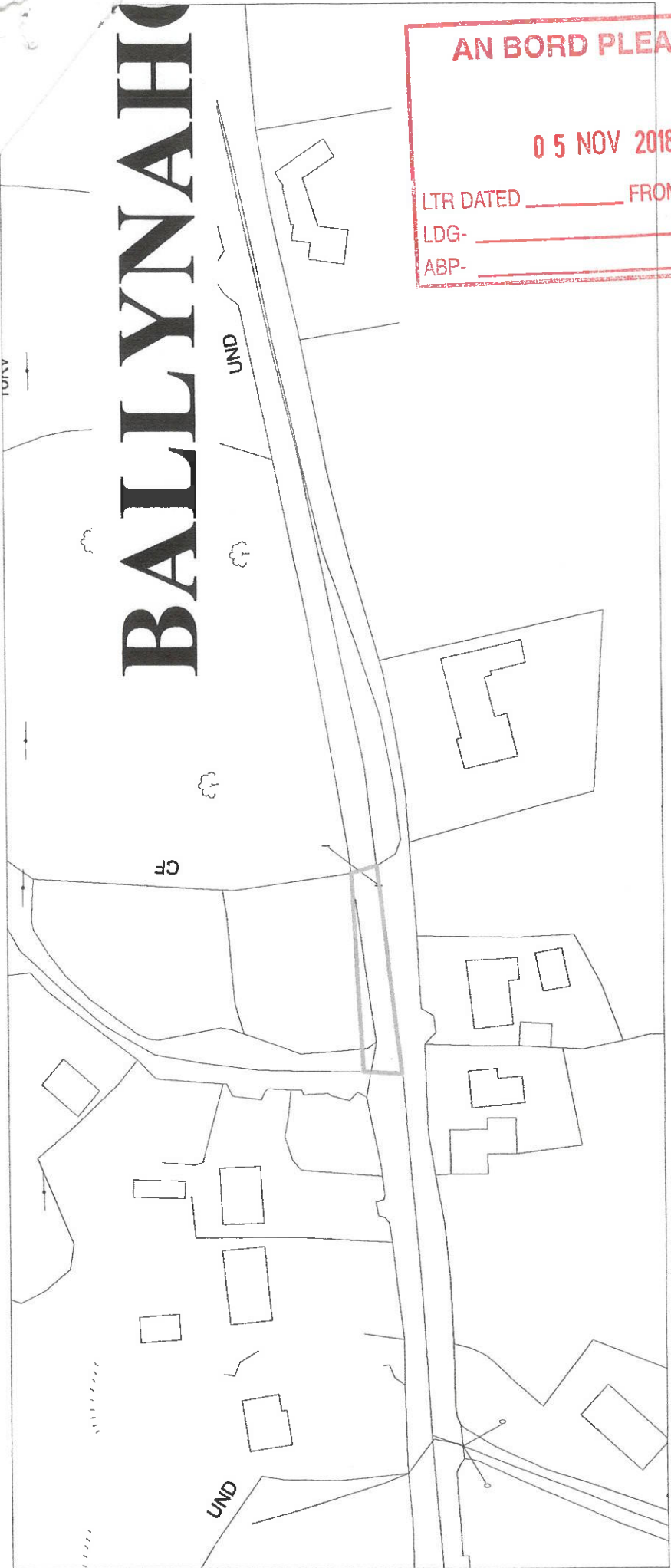
(091) 509 310

Higher Ed. Grants

Item 8.



BALLYNAHOWN



AN BORD PLEANÁLA
0 5 NOV 2018
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

GALWAY COUNTY COUNCIL

MAP SHOWING LAND TO BE ACQUIRED FROM: Eamon Murray
ADDRESS: Furbo Hill, Galway.
LAND TO BE ACQUIRED SHOWN COLOURED RED.
TOWNLAND: Ballynahown AREA: 0.074 acres [Site Area Remaining: 0.24 acres]
EXTRACT GALWAY O.S.S.: 3467a/1022 SCALE: 1:1250
DRAWN BY: NOC DATE: 20/05/2005

Item 9.

Item 9.



CERTIFICATE OF REGISTRATION **AN BORD PLEANÁLA**

76318 / B

Eamonn Murray
Furbo Hill
Spiddal
Co. Galway

05 NOV 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Reference ID: 411-KMJNM8

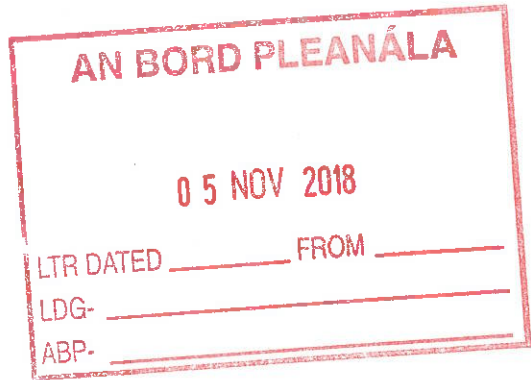
Registration number: MKV7QR8FY7	
Date of registration: 17/09/2012	Date of expiration: 17/09/2017
Registered to: Eamonn Murray	
Registered address: The Chalet, Furbo Hill, Spiddal, Co. Galway	
Water services authority: Galway County Council	
MPRN: 10010763926	

Issued under Section 70B of the Water Services (Amendment) Act 2012.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- You must renew the registration of your domestic wastewater treatment system on or before the date on which the certificate of registration is due to expire.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.



10 Barr na gCurragh,
Furbo,

Co. Galway.

2nd November 2018.

RE: Eamon Murray, Furbo Hill, Spiddal, Co. Galway, H91 P7VF.
ED 18/49 - The Chalet, Furbo Hill, Spiddal, Co. Galway H91 NV47

To whom it may concern.

A Chara,

Further to the above I wish to state the following:

- (a) I have known Eamon Murray for in excess of 30 years,
- (b) I have lived at 10 Barr na gCurragh since 1996 - my property is within walking distance of Furbo Hill,
- (c) I have known of the existence of the above Chalet for many years and the fact that it has been lived in.
- (d) The on-line aerial photos and maps show the position, size etc of the chalet. It is in the same position now as it always has been,
- (e) I have known of the existence of the current entrance to the chalet for many years - to say it was created recently is untrue. The entrance can also be viewed from the OSI on-line aerial photos. It is the only entrance to this plot of land.

Mise, le mees,

Colm Ó'Kearney, B.E., LL.B., B.L., C.Eng., M.I.E.I.
Chartered Engineer / Barrister-at-law.

Item 11

CENTRE OF SITE
OSI X,Y REF. NOS.
517957,722943

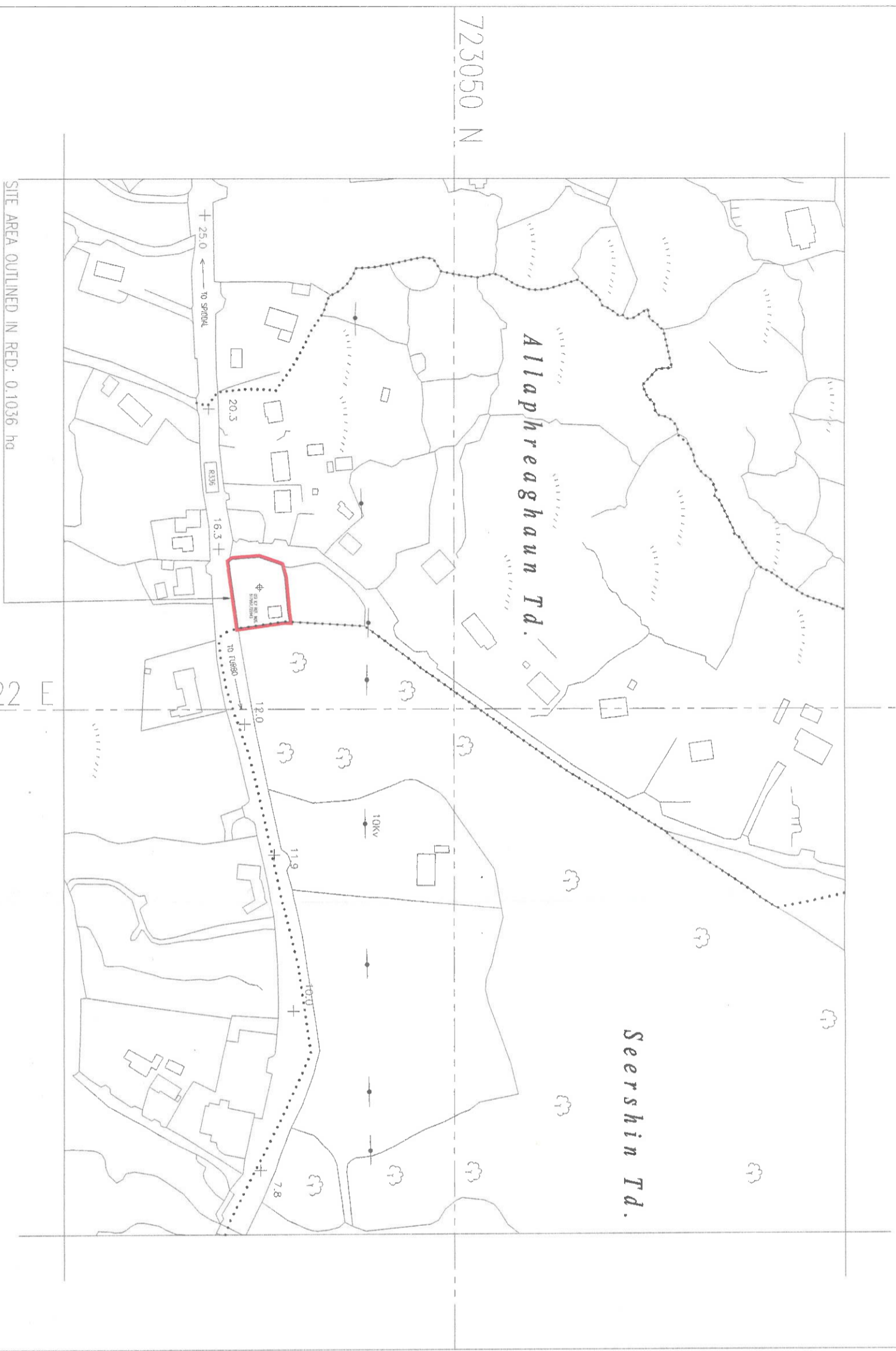
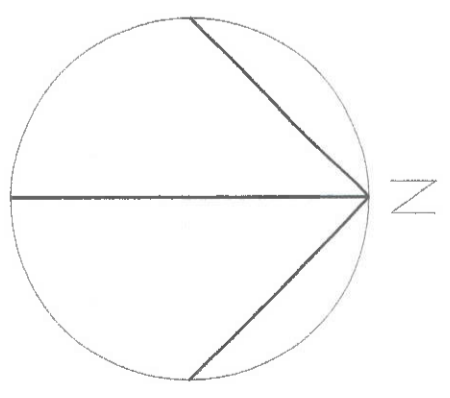
AN BORD PLEANÁLA

05 NOV 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



APPLICATION FOR DECLARATION OF EXEMPTED DEVELOPMENT
SCALE 1:2500
103

O.S. LICENCE No. AR 0074318

Item 2.

TAL
building & design
consultants

13 Garsdan Court
Fr. Griffin Road
Galway

tel: 091-466655
fax: 091-466646
e-mail: info@tal.ie

project title
**TIMBER-FRAMED HOUSE & ASSOC. SITE WORKS
AT ALLPHREAGHAN Td., FURBO, H91NWV7**

client
**EMMONN MURRAY, AIL NA PHRÉAGHAIN, NA
FORBACHA, CO. NA GALILIMHE H91 AN2C**

drawing title
**SITE LOCATION MAP - SITE OUTLINED IN RED
OS MAP No. 3405-D
GALWAY COUNTY COUNCIL ID REF: EN16/236**

issued for
EXEMPTED DEVELOPMENT

drawn by
KJH

scale
1:2500

date
2018_09-04

chkd. by
EIM

job no.
721

drg. no.
103

rev.

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