

# Marie Dineen

Geraldine Villas, Lower Aghada, County Cork P25 VX76 – 086 606 4130

14<sup>th</sup> of May 2019

The Secretary  
An Bord Pleanála  
64 Marlborough St,  
Rotunda,  
Dublin,  
D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	015982-19 P3
ABP-	
16 MAY 2019	
Fee: €	220.00 Type: Appeal
Time: 9.00	By: Post

Re: Cork County Council Ref: D/226/19 – Declaration of Exempted Development under Section 5 of the Planning and development Act 2000

Ref: Home owners Francis and Felicity Philpott - their lands situate at Geraldine Villas, Lower Aghada, County Cork - Section 5 Referral – Planning Question: Is the diminution of the curtilage of dwellinghouse premises for the purposes of gifting a garden to a family member for the purposes of building a dwellinghouse thereon development or is it exempted development?

Referring Planning File Ref: CCC PA PL REF No: 18/5042

Dear Sir or Madam,


This is a Planning Appeal against the decision of Cork County Council's decision in the matter of Cork County Council Ref: D/226/19 – Declaration of Exempted Development under Section 5 of the Planning and development Act 2000.

It is my view, after researching the subject matter, that An Bord Pleanála does not allow the building of new houses in people's back gardens resulting in the diminution of the curtilage of extant dwellinghouse premises for the purposes of gifting a greater portion of a domestic garden to a family member for the purposes of building a dwellinghouse thereon.

I attach the requisite fee of €220.00.

I shall look forward to hearing from you in the fullness of time

Yours Faithfully

  
Marie Dineen

# Comhairle Contae Chorcaí Cork County Council

Marie Dineen,  
Geraldine Villas,  
Lower Aghada,  
Co. Cork  
P25 VX76

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charráig Ruacháin,  
Carráigh T12 R2NC,  
Fón: (021) 4276891 • Faisc: (021) 4276321  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Sainmh. G: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel: (021) 4276891 • Fax: (021) 4276321  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



24<sup>th</sup> April, 2019

REF: D/226/19  
LOCATION: Lands at Geraldine Villas, Lower Aghada, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000**

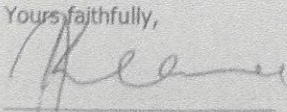
Dear Madam,

On the basis of the information and plans submitted by you on the 25<sup>th</sup> March, 2019 the Planning Authority having considered the question posed, "whether the diminution of the curtilage of dwellinghouse premises for the purposes of gifting a garden to a family member for the purposes of building a dwellinghouse thereon development or is it exempted development" has declared that it does **not constitute development** as set out under Section 3 of the Planning and Development Act 2000.

Furthermore it is noted by the Planning Authority that a valid planning permission was granted on the subject garden area for construction of a dwelling under Planning Reference Number 18/5042.

*This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.*

**Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.**

Yours faithfully,  
  
JAMES KEANE,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.

**AN BORD PLEANÁLA**  
**16 MAY 2019**  
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

*In order to process your query, it may be necessary for Cork County Council to collect Personal Information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement> [Cork County Council]*

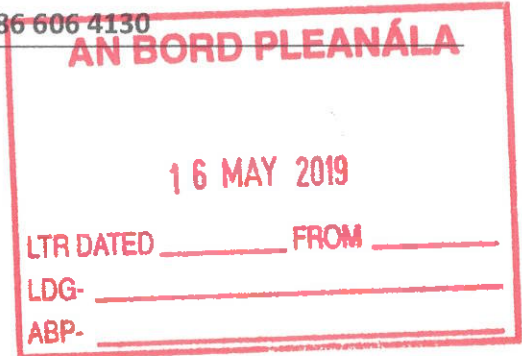


# Marie Dineen

Geraldine Villas, Lower Aghada, County Cork P25 VX76 – 086 606 4130

22<sup>nd</sup> of March 2019

The Secretary  
Cork County Council Planning Authority  
County Hall  
Carrigrohane Road  
Cork



Ref: Francis and Felicity Philpott - their lands situate at Geraldine Villas, Lower Aghada, County Cork.

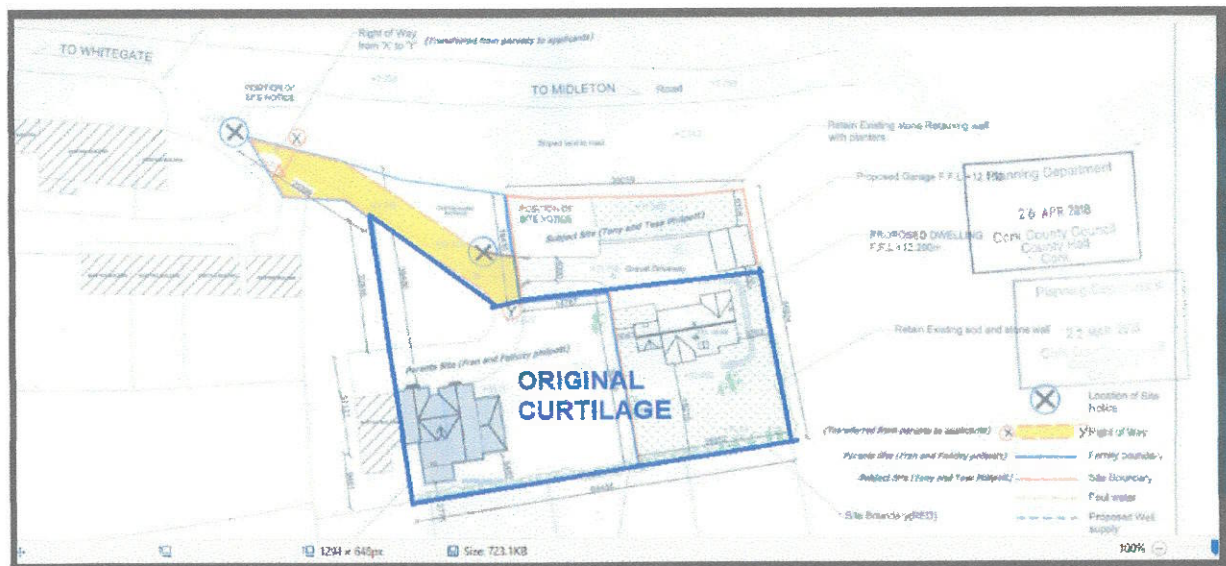
Re: Section 5 Referral – Planning Question: Is the diminution of the curtilage of dwellinghouse premises for the purposes of gifting a garden to a family member for the purposes of building a dwellinghouse thereon development or is it exempted development?

Referring Planning File Ref: CCC PA PL REF No: **18/5042**

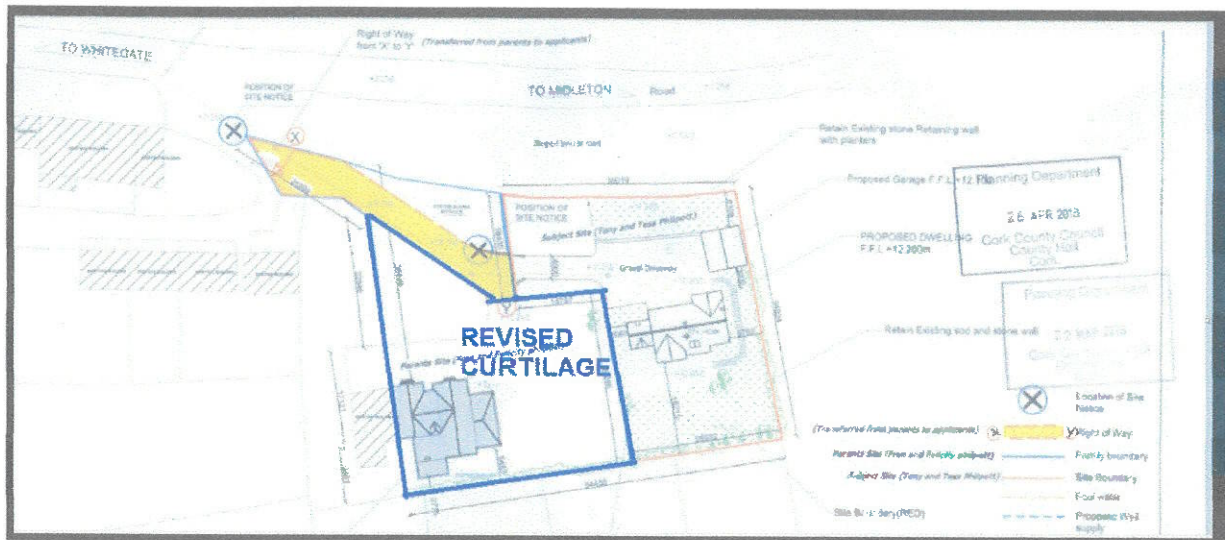
Dear Sir or Madam,

This is a SECTION 5 Referral with respect to planning status of the diminution of the curtilage of dwellinghouse premises for the purposes of gifting a garden to a family member for the purposes of constructing a dwellinghouse thereon.

Attached here at EXHIBIT 1 you will find a copy of a site map of the original curtilage of a dwellinghouse in the ownership of Francis and Felicity Philpott of Geraldine Villas, Aghada Lower, County Cork.



Attached here at EXHIBIT 2 you will find a copy of a site map of the REVISED CURTILAGE of a dwellinghouse in the ownership of Francis and Felicity Philpott of Geraldine Villas, Aghada Lower, County Cork.



For the purposes of this Section 5 referral I shall ask the following question:

Is the diminution of the curtilage of dwellinghouse premises for the purposes of gifting a garden to a family member for the purposes of building a dwellinghouse thereon development or is it exempted development?

I enclose the requisite fee of €80.00

I shall await hearing from you within the next FOUR weeks.

I trust that this Section 5 Referral is in order and I shall await acknowledgment of this Section 5 referral in early course.

Yours sincerely,

Marie Dineen

