



An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01V902.

AN BORD PLEANÁLA	
LDG-	031968-20
ABP-	308543-20
27 OCT 2020	
Fee: €	110
Type:	Card.
Time:	1514
By:	Hand

27<sup>th</sup> October 2020

**Re: Referral under Section 5(4) of the Planning and Development Act 2000, as amended  
Fingal County Council Ref. FS5W/18/20**

Dear Sir/Madam,

Fingal County Council wishes to refer an application for a declaration of exempted development to An Bord Pleanála in accordance with Section 5(4) of the Planning and Development Act 2000, as amended.

The application was made to Fingal County Council on 29<sup>th</sup> September 2020. The description of the development is stated in the application form as a "large wooden structure to the rear of 79 Castlefield Woods, Clonsilla". The development site has been subject to investigation by the Enforcement Section of Fingal County Council and in light of this, the Council would like to obtain the view of An Bord Pleanála in relation to the application.

In respect of the enforcement investigation, Fingal County Council issued an enforcement notice regarding a structure to the rear of 79 Castlefield Woods on the basis that a "large unauthorised structure has been constructed in the rear garden without the benefit of planning permission". The notice required the owner to:

1. Cease the use of the large unauthorised structure in the rear garden for habitable use.
2. Remove the large unauthorised structure from the rear garden.

Works were carried out to construct a link from this structure to the dwelling house on the site. Following inspection of the premises, the structure was considered to accord with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and consequently the enforcement notice was withdrawn.

The application as received by the Council is enclosed with this letter. Please do not hesitate to contact me if you require any further information or clarification.



Yours sincerely,

~~Feargal M. Sweeney~~  
Philip Long  
Senior Executive Officer



# MOLLOY MURPHY SOLICITORS

Triona Molloy LLB

Exchange House  
Castleknock Village  
Castleknock  
Dublin 15  
Tel: 01 803 0433  
DX: 140006 Castleknock  
Email: info@molloymurphy.ie

Development Management Section  
Planning & Strategic  
Infrastructure Department  
Fingal County Council  
County Hall  
Swords  
Co. Dublin  
**By Registered Post**



**Date:**  
28 September 2020

**Our Ref:**  
TM

**Your Ref:**

**Re: Our Clients: Iain and Judith Cameron  
Application for Section 5 Declaration**

Dear Sirs,

We refer to the above and now enclose the following:

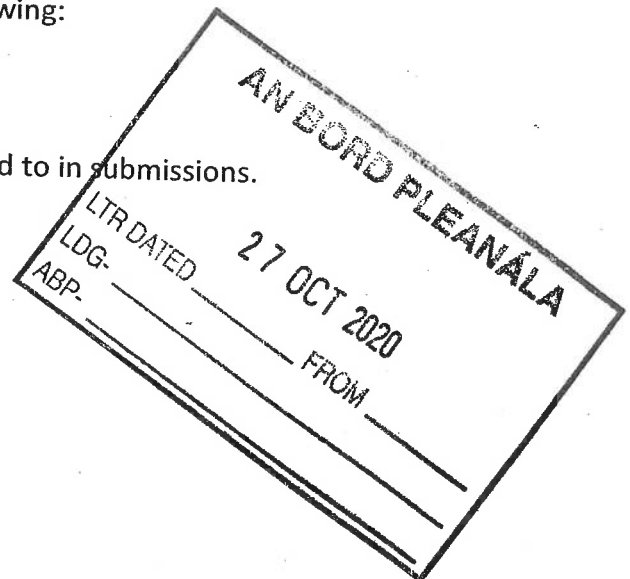
1. Application form duly completed.
2. Fee in the sum of €80.
3. Submissions with correspondence referred to in submissions.

We look forward to hearing from you.

Yours faithfully

  
Molloy Murphy Solicitors

Encl.







**Application Form for Declaration Under  
Section 5 of the Planning & Development Act 2000**  
Declaration on Development and Exempted Development

1. Applicants' Name: Iain and Judith Cameron
2. Location of Proposed Development: Rear of  
79 Castlefield Woods, Clonsilla, D15
3. Agents' Name: MOLLOY MURPHY SOLICITORS
4. Correspondence Address: EXCHANGE HOUSE  
CASTLEKNOCK, VILLAGE, DUBLIN 15
5. Description of Proposed Development: Large wooden structure to the rear of  
79 Castlefield Woods, Clonsilla
6. Is the Proposed Development Situated in a Special Amenity Area? N/A
7. Is this a Protected Structure, Proposed Protected Structure or within the Curtilage of a Protected Structure? N/A

The details contained on page 3 will not appear on the Councils' Website





8. If yes to 6 above, has a Declaration Under Section 57 (works affecting character of a Protected Structure(s) or Proposed Protected Structure(s)) of the Planning & Development Act 2000 (as amended) been Requested or issued for the property by the Planning Authority?

N/A

9. Documents Submitted with this Application are as Follows: 1- SUBMISSIONS DRAFTED & PREPARED BY COUNSEL, 2. APPLICATION FORM, 3. €80 FEE 4. COPY CORRESPONDENCE REFERRED TO IN SUBMISSIONS

(See confidential Details, Page 3)

**Please Note:**

Documents to submit include:

- Completed application form
- 4 copies of site location map with site clearly outlined in red
- 4 copies of site plan/block plan/site layout plan, drawn to a scale of not less than 1:500
- 4 copies of drawing of proposed development, preferably drawn to a scale of not less than 1: 200 and any other particulars required to describe the works to which the development relates.
- Fee of €80

*Applications shall be assessed on the basis of the drawings and plans submitted. Drawings/ Plans which are not clearly legible shall result in the referral of the application back to the applicant and may result in the delay of the processing of the application.*

**Send Application to:**

Development Management Section  
Planning & Strategic  
Infrastructure Department  
Fingal County Council  
County Hall  
Swords  
Co. Dublin  
K67 X8Y2

**For Dublin 15 Area Send to:**

Development Management Section  
Planning & Strategic  
Infrastructure Department  
Fingal County Council  
Grove Road  
Blanchardstown  
Dublin 15  
D15 W638





**CONFIDENTIAL DETAILS**

**- Not for Publication -**

10. Is the Applicant the owner and occupier of these lands at above location?

Yes  No

If 'No' to 10 above, please supply Name and Address of Owner.

\_\_\_\_\_  
\_\_\_\_\_

Applicants' Address: \_\_\_\_\_  
(if different from no. 2 above, page 1)

AS PAGE 1 - AGENTS ADDRESS FOR CORRESPONDENCE

Applicants' Details:

Tel: 01-8030433 Fax: N/A E-mail: info@mollymurphy.ie

Agents' Details:

Tel: 01-8030433 Fax: \_\_\_\_\_ E-mail: info@mollymurphy.ie

Signed: Judith Cameron Date: 23/09/2020  
Judith Cameron

The use of personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Acts 1988 – 2003 and may result in action from the Data Protection commissioner against the Sender, including prosecution.

\* The details contained on this page will not appear on the Councils' Website





**Foirm Iarratais maidir le Dearbhú faoi  
Alt 5 den Acht um Pleanáil & Forbairt 2000**  
*Dearbhú maidir le Forbairt agus Forbairt Dhíolmhaithe*

1. Ainm an Iarratasóra:

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2. Suíomh na Forbartha atá Beartaithe:

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3. Ainm an Ghníomhaire:

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4. Seoladh i gcomhair Comhfhreagrais:

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5. Tuairisc na Forbartha atá Beartaithe:

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6. An bhfuil an Fhorbairt atá beartaithe suite i Limistéar Taitneamhachta Speisialta?

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\* Ní bheidh na sonraí atá ar leathanach 6 le feiceáil ar shuíomh gréasáin na Comhairle



7. An Déanmhas Cosanta nó Déanmhas Cosanta Beartaithe atá i gceist leis an bhforbairt seo nó an bhfuil an fhorbairt suite laistigh de Chúirtealáiste Déanmhais Chosanta?

\_\_\_\_\_

8. Más é 'Tá' an freagra ar cheist 6 thuas, an ndearna an tÚdarás Pleanála Dearbhú faoi Alt 57 (oibreacha a dhéanann difear do shainghné Déanmhais Chosanta (Déanmhas Cosanta nó Déanmhais Chosanta Beartaithe (Déanmhas Cosanta Beartaithe)) den Acht um Pleanáil & Forbairt 2000 (arna leasú) a iarraidh nó a eisiúint i leith na maoiné?

\_\_\_\_\_

9. Is iad seo a leanas na Doiciméid a thíolactar in éineacht leis an Iarratas seo: \_\_\_\_\_

\_\_\_\_\_

4 chóip de líníocht an fhorbairt bheartaithe, arna dtarraingt ar scála nach lú ná 1: 200 más féidir agus aon sonraí eile is gá chun cur síos a dhéanamh ar na hoibreacha lena mbaineann an fhorbairt

(Féach na Mionsonraí rúnda, Leathanach 6)

**Tabhair an méid seo a leanas do d'aire le do thoil:**

I measc na ndoiciméad atá le tíolacadh, áirítear an méid seo a leanas:

- An fhoirm iarratais chomhlánaithe
- 4 chóip den léarscáil de shuíomh an láithreán, agus an láithreán imlínithe go soiléir i ndath dearg
- 4 chóip de phlean láithreáin/bhlocphlean/phlean leagan amach an láithreáin, arna dtarraingt de réir scála nach lú ná 1:500
- 4 chóip de líníocht an fhorbairt bheartaithe, arna dtarraingt ar scála nach lú ná 1: 200 más féidir agus aon sonraí eile is gá chun cur síos a dhéanamh ar na hoibreacha lena mbaineann an fhorbairt
- Táille €80

*Déanfar iarratais a mheas ar bhonn na líníochtaí agus na bpleananna a thíolactar. I gcás líníochtaí/pleananna nach bhfuil inléite go soiléir, cuirfear an t-iarratas ar ais chuig an iarratasóir agus d'fhéadfadh go gcuirfear moill le próiseáil an iarratais dá bharr sin.*

**Cuir an tIarratas chuig:**

An Rannóg Bainistíochta Forbartha  
An Roinn um Pleanáil &  
Infrastructúr Straitéiseach  
Comhairle Contae Fhine Gall  
Halla an Chontae  
Sord  
Co Bhaile Átha Cliath  
K67 X8Y2

**Do Cheantar Bhaile Átha Cliath 15 chuig:**

An Rannóg Bainistíochta Forbartha  
An Roinn um Pleanáil &  
Infrastructúr Straitéiseach  
Comhairle Contae Fhine Gall  
Bóthar an Gharráin  
Baile Bhlainséir  
Baile Átha Cliath 15  
D15 W638







## MIONSONRAÍ RÚNDA

### *-Ní fhoilseofar na mionsonraí seo*

10. An Iarratasóra úinéir agus áititheoir na dtailte seo ag an suíomh thuas?

Is mé  Ní mé

Más é 'Ní mé' an freagra ar cheist 10 thuas, tabhair Ainm agus Seoladh an Úinéara, le do thoil.

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Seoladh an Iarratasóra: \_\_\_\_\_  
(murab ionann agus uimh. 2 thuas ar leathanach 1)

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Mionsonraí faoin Iarratasóir:

Teil: \_\_\_\_\_ Facs: \_\_\_\_\_ Ríomhphost: \_\_\_\_\_

Mionsonraí faoin nGníomhaire:

Teil: \_\_\_\_\_ Facs: \_\_\_\_\_ Ríomhphost: \_\_\_\_\_

Síniú: \_\_\_\_\_ Dáta: \_\_\_\_\_

D'fhéadfadh sé go mbeadh sé neamhdhleathach, faoi na hAchtanna um Chosaint Sonraí 1988 – 2003, mionsonraí pearsanta faoi iarratasóirí pleanála a úsáid, lena n-áirítear úsáid chun críocha margáíochta, agus d'fhéadfadh sé gurb é a leanfaidh as úsáid na mionsonraí sin ná beart de chuid an Choimisinéara Cosanta Sonraí i gcoinne an Seoltóra, lena n-áirítear ionchúiseamh a thionscnamh.

\* Ní bheidh na sonraí atá ar an leathanach seo le feiceáil ar shuíomh gréasáin na Comhairle





Molloy Murphy Solicitors  
Exchange House  
Castleknock Village  
Dublin 15

Date: 22 October, 2020

**PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**

Register Reference: FS5W/18/20

Area: Blanchardstown Mulhuddart

Development: Large wooden structure to the rear of 79 Castlefield Woods, Clonsilla

Location: Rear of, 79, Castlefield Woods, Clonsilla, Dublin 15

Applicant: Ian & Judith Corcoran

Application Type: Dec Under Section 5

Date Received: 29-Sep-2020

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Dear Sir/Madam,

I wish to acknowledge receipt of your application for a Declaration under Section 5(1) of the Planning and Development Act 2000, which was received by this Department on 29-Sep-2020.

This matter is presently being examined and I will be in touch with you within the prescribed period.

Yours faithfully,

Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / County Hall, Swords, Fingal, Co. Dublin \K67 X8Y2  
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724  
e: [planning@fingal.ie](mailto:planning@fingal.ie) [www.fingal.ie](http://www.fingal.ie)

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15 D15 W638  
Blanchardstown Office t: (01) 870 8434 e: [blanch.planning@fingal.ie](mailto:blanch.planning@fingal.ie)



APPLICATION NO. F85W/18/20

PART 1 OF 2



**Submissions to Fingal County Council on behalf of Iain and Judith Cameron**

**Section 5 reference: construction of wooden structure and associated works at  
79 Castlefield Woods, Clonsilla, Dublin 15.**

**Introduction**

1. This reference concerns the erection of a large wooden structure to the rear of No. 79 Castlefield Woods, Clonsilla, Dublin 15.
2. The Applicants are owners of the property at No. 78 Castlefield Woods, which adjoins No. 79.
3. The Applicants' case is that the works comprise development and the development is not exempt development. The Applicants rely on five grounds.
4. The planning history of the site is found in file Enf 18/42B. In light of that history, the Applicants would invite the Planning Authority to refer this matter to An Bord Pleanála.

**Ground 1: the development is not exempt in light of Article 9(1)(viii) of the Planning Regulations 2001**

5. In summary, the Applicants argue here that, in light of the fact that an Enforcement Notice issued in October 2018 requiring cessation of user and removal of the structure, works to the structure performed *after* October 2018 cannot be relied upon to seek exempted development status, as those works were performed to a structure which, in law and in fact, was unauthorised. The works done after October included an attempt to link the structure to the main house and these works are relied upon by the owners to claim exempted development status. However, in light to the clear provisions of Article 9(1)(viii) of the Planning Regulations, this is impermissible.
6. Article 9(1)(viii) states that development shall not be exempt if it consists of or comprises "*the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*"
7. Construction at the development commenced during Summer 2017 and without the benefit of planning permission.





8. A Planning Enforcement Complaint Form was submitted on behalf of one of the Applicants to the Planning Authority on 21<sup>st</sup> February 2018.<sup>1</sup> The Planning Authority issued a warning letter on 5<sup>th</sup> March 2018 to the owners.<sup>2</sup>
9. On 9<sup>th</sup> April 2018 a letter or email was sent by the owners to the Planning Authority stating *inter alia*: “I am writing to you in response to a letter I received from yourselves a short time back with reference to a large wooden structure in my garden. Of this you are correct.... The structure is below 9 foot tall and is only 40 square meters in size.”<sup>3</sup> The letter proceeded to claim that the development did not require planning permission and in fact invited the Planning Authority to visit and inspect the development.
10. The property was inspected on 20<sup>th</sup> July 2018. The inspector found that the development when measured internally “was 34.7 sq m approximately.” It also found that it is occupied by a family member and children. It states that: “The home owner was of the view that [ ] could apply for retention permission for the class 1 structure as an independent living area.”<sup>4</sup>
11. The inspector noted that he informed the owners that an application for retention would likely be unsuccessful. The inspector also advised that “forming the necessary link to the main dwelling may involve moving the structure within the rear garden.” The report notes that no enforcement action was recommended at that time. However, it is stated in manuscript “As discussed with Gene Griffin – Enforcement Notice should be issued as current structure is unauthorised.” These handwritten comments are dated 4<sup>th</sup> October 2018.
12. On or about 11<sup>th</sup> October 2018, by Order of the Chief Executive of Fingal County Council, the development was deemed unauthorised development and a decision to issue an Enforcement Notice was taken.<sup>5</sup>
13. On foot of this, an Enforcement Notice issued in or around 15<sup>th</sup> October 2018. The Enforcement Notice required *inter alia* that the owner:<sup>6</sup>

“Cease the use of the large unauthorised structure in the rear garden for habitable use.  
Remove the large unauthorised structure from the rear garden.”
14. By email dated 19<sup>th</sup> October 2018, Gene Griffin emailed the Applicants to inform that “A Planning Enforcement Notice issued earlier this week directing that the

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<sup>1</sup> Page 1.

<sup>2</sup> Page 12.

<sup>3</sup> Page 15.

<sup>4</sup> Unnumbered pages following page 18.

<sup>5</sup> Pages 27 and 30.

<sup>6</sup> Page 31 A.



*unauthorised structure cease to be used as for (sic) habitation purposes and to remove the unauthorised structure.*"<sup>7</sup>

15. Central to the Applicants' case is the submission that the structure, from 11<sup>th</sup> October 2018, was undeniably unauthorised owing to the Order of the Chief Executive and the Enforcement Notice which followed on 15<sup>th</sup> October 2018.
16. The owners neither challenged nor appealed the enforcement order, nor did they seek retention permission (as they appear to have been advised that an application for retention would be unsuccessful per the Inspector's report dated 20<sup>th</sup> July 2018) but rather embarked on further unauthorised and unapproved development.
17. During the period 19<sup>th</sup> October 2018 and 5<sup>th</sup> December 2018 (the date of the next known inspection) the owners, rather than comply with the clear and unambiguous terms of the Enforcement Notice, continued to further develop the structure. In particular an attempt was made to link the original house to the structure in question. In that regard, the Applicants exhibit two photos which demonstrates roughly the position of the development in October 2018 (or thereabouts)<sup>8</sup> and 5<sup>th</sup> December 2018<sup>9</sup>. As can be seen, a plastic, Perspex or similar type material is used to attempt to cover the area between the original house and the structure in question. These very works are relied upon by the Planning Authority to establish exempt development status, despite being performed while the structure was unauthorised by dint of the extant Order and Notice of October 2018.
18. This is clear from the report of the Inspector following a further inspection carried out on 5<sup>th</sup> December 2018, where he notes "*The Class 1 structure in the rear garden of this dwelling has now been internally linked to the main dwelling by a corridor and this satisfies the outstanding condition and limitation attached to exemption class 1.*"<sup>10</sup>
19. The Enforcement Notice was withdrawn in or around 16<sup>th</sup> January 2019 by Order of the Chief Executive<sup>11</sup> on the express basis that "*as the Enforcement Notice has now been complied with I recommend that the Enforcement Notice dated 15<sup>th</sup> October 2018 be withdrawn.*" Again, it is notable that the terms of the Enforcement Notice was the cessation of use and removal of the structure, not the carrying out of additional works.
20. It is clear from the above that the works undertaken to link the structure to the main house, occurring during October to December 2018 while the structure was an unauthorised development are central to the Planning Authority's view that the structure qualifies as Class 1 exempted development.

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<sup>7</sup> Page 35.

<sup>8</sup> Page 82.

<sup>9</sup> Page 57.

<sup>10</sup> See unnumbered

<sup>11</sup> Page 46.



21. The Applicants received a letter from the Planning Authority dated 12<sup>th</sup> February 2019 stating *inter alia* "A recent inspection of 79 Castlefield Woods, Clonsilla revealed that the structure in the rear garden complies with all conditions and limitations attached to exemption Class 1 of the Planning and Development Regulations 2001. Accordingly, there is no further enforcement action open to the Council in relation to this matter."<sup>12</sup>
22. On foot of further queries raised by the Applicants a further inspection was carried out by Gene Griffin and Harry McLaughlin on or about 9<sup>th</sup> May 2019. A memo provided to the Applicants under Freedom of Information states in relation to that inspection that: "Harry took internal measurements within the structure and them external measurements including the remaining garden space." Those measurements are not documented but rather the memo indicates that "Harry advised me that he would calculate the measurements taken on site and review the various aspects of the file and report on same in due course."<sup>13</sup>
23. On or about 12<sup>th</sup> September 2019 the Planning Authority wrote to the Applicants reiterating the content of its letter of 12<sup>th</sup> February 2019.
24. As noted above, Article 9(1)(viii) states that development shall not be exempt if it consists of or comprises "*the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*"
25. Plainly, after the Order of the Chief Executive and Enforcement Notice, each issuing in October 2018, the development was factually and in law unauthorised and unlawful. In the absence of retention permission (which was never applied for) further development to the unauthorised structure (including works to join the structure to the original house) was flagrantly irregular and unauthorised and cannot now be relied upon in light of the clear provisions of Article 9(1)(viii).
26. These works clearly comprised an "alteration" to an unauthorised structure. Accordingly, the development cannot in law comprise exempted development arising from and by virtue of Article 9(1)(viii).
27. It is wholly and utterly impermissible to carry on development at a site deemed to be unauthorised for the purposes of attaining exempt status. That is clear from Article 9(1)(viii).

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<sup>12</sup> Page 49.

<sup>13</sup> Page 75.



28. While clearly enforcement did not proceed any further, this does *not* render authorised a development which is, in law, unauthorised.<sup>14</sup>
29. (For the avoidance of doubt, the Applicants accept that it *would* have been permissible for the owners to carry out any works *required* by the terms of the Enforcement Notice, however, the Enforcement Notice called for cessation of user and removal.)
30. Accordingly the works done between October 2018 and December 2018 were to an unauthorised development and cannot be relied upon to obtain exempt status as this is plainly contrary to Article 9(1)(viii).
31. The position of the Council as articulated by letter/email February 2019 that the development is exempt is plainly unsustainable.
32. The provisions of Article 9(1)(viii) are very clear. The Applicants rely on a number of cases for the proposition that development to an authorised development cannot constitute exempt development. The Applicants rely on *Harrington v An Bord Pleanála* [2010] IEHC 428 where the Court stated: "*I accept the submission of the respondents in this regard that its approach is in line with Article 9 (i) (viii) of the Planning and Development Regulations 2001 that unauthorized developments, even if immune, should not be extended and facilitated by the planning code.*"
33. The Applicant's also rely on *Fynes v An Bord Pleanála* [2005] IEHC 213 various work were carried out to two chalets on the applicant's land, including the erection of an extension to the rear of one chalet. The Board found that although the extensions to the rear were within Class 1 exempted development, they were not, in fact, exempted development as they comprised extensions to an unauthorised structure. (In that case, the chalet itself was unauthorised owing to its unauthorised use). The Court upheld the Board's approach and stated:
- "Therefore the Board in examining whether the extension of the chalets was exempted development had to establish whether the chalets were authorised structures and the authorised use of the chalets. The report of the Board's Inspector having considered that the extension was exempt under Class 1 of the Second Schedule, proceeded to consider the use of the chalets in order to establish if the Applicant could claim the benefit of the exemption. In the context of the Regulations this was an assessment that was both logical and in accordance with their provisions."*

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<sup>14</sup> See Board decision reference RL2383 whereby the extension to an unauthorised structure was found to not comprise exempt development, notwithstanding the fact that the Planning Authority did not take enforcement proceedings.





34. The Applicants rely on the High Court decision in *The County Council for the County of Wicklow v Jessup* [2011] IEHC 81 in which the Court, having found that works to a cottage and its effluent system were unauthorised, held that all other site works were unauthorised and non exempt by virtue of Article 9(1)(b).

**Ground 2: the development is not an “extension”**

35. Class 1 exempted development is (with emphasis added):

*“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.”*

36. The present development is, by virtue of its nature, intended use and the lack of any real integration to the main house, not an extension.

37. The development in question is clearly not an extension. It is an entirely separate structure. The owners belatedly attempted to join this unauthorised structure to the original house on foot of advice from the Planning Authority that the structure comprised unauthorised development.

38. The new structure is in fact a separate and independent structure and it is not in the nature of an “extension” or a “conservatory.” Rather, to the best of the Applicants’ knowledge the structure contains two bedrooms, a bathroom and a living area. This is clear from the photographs attached which shows the construction of the structure containing separate rooms and units.<sup>15</sup>

39. The structure is enclosed by four vertical walls each of which are separate to the original house.

40. Further, the materials used in the construction of this structure are completely different to those of the original house.

41. Moreover, there is no real integration between the original house and the new structure such that it can be understood to be an extension in the plain meaning of that term. The materials used in connecting the original house and the structure (ie Perspex) are radically different to the original and the new unit and do not constitute a connection.



42. To enter the structure you must physically leave the original house and walk, albeit under a sheet of Perspex and then enter the cabin. This is not in consonance with the term "extension."
43. Additionally, the Applicants rely on the building regulations which state that:
- "... where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the structure."*
44. The present structure is clearly "rendered structurally discontinuous by vertical joints" and thus is a s separate building rather than an extension.<sup>16</sup>
45. Moreover, the original house and new structure share no common floor space; they are plainly separate structures.
46. It is also clear that the intention behind the construction of this structure was for an independent living area (i.e. an area independent and separate from the original house). This is evidenced from the Inspector's note dated 20<sup>th</sup> July 2018 which states that *"The home owner was of the view that [ ] could apply for retention permission for the class 1 structure as an independent living area."*<sup>17</sup>
47. It is clear that the structure was intended as an independent structure (thereby not an extension) as, by the time of the first inspection on 11<sup>th</sup> July 2018, construction had effectively stopped, or the structure was practically finished (as demonstrated in the attached photos). The clear intention and use of this structure is as a separate and standalone independent living area which is inconsistent with an extension, therefore the Class 1 exemption does not apply.
48. In fact, the connection to the main house was only ever an afterthought and constructed after the structure had already been determined to be unauthorised development in 11<sup>th</sup> October 2018 by Order of the Chief Executive.
49. In substance, the present development is more properly classified as a development to which Class 3 would apply, (which is limited to a floor space of 25 sq.m). The present structure cannot be classified as Class 1 simply by joining with a perspex roof, that which is otherwise within the provisions of Class 3. Were it otherwise, owners could build large cabins (i.e. in excess of 25 sq.m) in their back gardens and attach those

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<sup>16</sup> See <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload%2C30177%2Cen.pdf>

<sup>17</sup> Unnumbered pages following page 18.



cabins using Perspex to the main building for the purpose of frustrating the clear limits found in Class 3 restrictions.

50. It is clear that the Inspector in fact believed that, in order to achieve a connection to the main dwelling, it would have been necessary to move the structure:

*"Forming the necessary link to the main dwelling may involve moving the structure within the rear garden."*<sup>18</sup>

### **Ground 3: The development is greater than 40m<sup>2</sup>**

51. The Applicants' case is that the structure is greater than 40m<sup>2</sup>.

52. The Applicants note that the structure was measured at "34.7 sq m approximately" in July 2018.<sup>19</sup>

53. Since that date, the owners have sought to connect the structure to the original house by *inter alia* covering over the area between the original house and the structure with a Perspex sheet.<sup>20</sup>

54. The Applicants believe that this newly "covered" area is clearly and visibly greater than 5 sq.m and believe that the Planning Authority failed to consider this area or otherwise did not properly measure the structure.

55. The entire "extension" is greater than 40 sq.m.

### **Ground 4: there is not 25 sq. m to the rear of the house**

56. Class 1 development is exempt only where:

*"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."*

57. While the Applicants are unable to give the precise measurements, there is clearly not 25 m<sup>2</sup> to the "rear of the house."

58. The Applicants make two alternative submissions.

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<sup>18</sup> Unnumbered pages following page 18.

<sup>19</sup> Unnumbered pages following page 18.

<sup>20</sup> Page 57.



59. Assuming that the development constitutes an extension to the house, the 25m<sup>2</sup> must be found to the rear of the "house" (which presumably refers to the *extended* house). As the development is close to flush against the rear wall of the garden, there is clearly not 25m<sup>2</sup> to the "rear of the house."
60. Alternatively, the reference to 25m<sup>2</sup> to the rear of the house may refer to the *original* house. In those circumstances, the Applicants state that there is not 25m<sup>2</sup> to the rear of the house.
61. The only manner in which 25m<sup>2</sup> can be "found" is if the area to the *side* of the original house is taken into account. The Applicants say that this is invalid as "side" and "rear" must be interpreted disjunctively and are used disjunctively throughout the PDA and Regulations. In fact Class 1 refers to development a "structure attached to the rear or to the side of the house." Clearly side and rear are mutually exclusive terms in the context of the regulations (otherwise there is no need to use the two terms in Class 1).
62. It is also the Applicants' case that, obviously, the free area must exclude the area to which later works were performed whereby an attempt to attach the unauthorised structure to the original house was made. It must also exclude areas in which a shed is placed.

**Ground 5: the velux window on the roof on the opposite side of the Applicant's property is less than 1 meters from the nearest boundary wall.**

63. The restrictions on Class 1 development include:

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

64. The Applicants case is that the window on the roof facing away from the Applicants is less than one meter from the boundary wall.

### **Effect on Applicants**

65. While this application is concerned solely with the question whether the development is exempt, the development is having a considerable impact on the Applicants' property which should be ventilated through the ordinary planning process.
66. The Applicants hear noises from the cabin (which they believe is poorly insulated). The noise levels increase when the velux window on the cabin is open.
67. The cabin overlooks the Applicants' property.





68. The Applicants have noticed pungent odour of raw sewage in their garden and the drains have been pumped out.
69. The cabin infringes the Applicants' right to privacy in that it is possible to look upwards towards and into the Applicants' son's bedroom.
70. The Applicants have fire safety concerns and have been informed that the structure will devalue the Applicants' property.
71. The unauthorised and prolonged nature of the development remains a source of stress and anxiety for the Applicants.
72. The Applicants also note that the owners' representations to the Planning Authority state:  

*"... if necessary I would have no problem applying for said planning permission."*
73. The Applicants' case is that in all the circumstances this is not exempt development.





## Planning Enforcement Fingal County Council

### Complaint Form Regarding Alleged Unauthorised Development

(Please read the notes before completing this form)

1. Address of where the alleged unauthorised development is being carried out:	79 Castlefield Woods, Clonsilla, Dublin 15
2. Full description of the alleged unauthorised development:	A large, unattached wooden house has been built in a back garden without P.P.
3. Date work/use commenced:	Summer 2017
4. Name and Address of Property Owner/Occupier:	79 castlefield woods, Clonsilla, Dublin 15
5. Name and Address of person carrying out alleged unauthorised development:	UNKNOWN
6. Name and Address of Developer:	UNKNOWN
7. Any other relevant information regarding the location, previous use, etc.	The structure is larger than a mobile home and is definitely being lived in.
8. Your name and address (this information will be kept confidential):	Judith Cameron 78 castlefield woods, Clonsilla, Dublin 15
9. Your telephone number:	087 6377020



10. Your Email address: *judith.cameron@yahoo.co.uk*

I HAVE READ THE NOTES RELATING TO THIS FORM AND UNDERSTAND THE IMPLICATIONS OF SAME

Signature: *Judith Cameron*

Signed: *J. Cameron*

Date: *21 February 2018*

Note: Complaints will not be investigated unless name and address are given and the form is signed

PLEASE COMPLETE THIS FORM AND EMAIL TO: [planningenforcement@fingal.ie](mailto:planningenforcement@fingal.ie) OR POST TO ADDRESS BELOW

Fingal County Council  
Planning Enforcement  
County Hall  
Main Street  
Swords  
Co Dublin  
K67 X8Y2



Additional Information.

We have checked the online planning search facility and no planning permission was ever sought nor granted for the address in question.

Building work commenced during the summer of 2017. By October 2017, a very large structure, much bigger than a garden shed, appeared. From the back of the house, it looks like there is very little, if any garden left. At approximate size, it looks like a detached wooden house of perhaps forty square metres. It would appear that the structure is being lived in as there has been noticeable noise coming through to the downstairs of our property. This would leave me to believe it's not very well insulated. Noise varies from loud banging to what could possibly be a power shower.

The structure is so big that it is right up to the boundary fence on at least two or three adjoining properties. Is there meant to be a gap? As there is no planning permission and as it's wooden, there are concerns of lack of building regulations and fire regulations. Such a large wooden structure, would surely be a fire risk for neighbouring properties?

The type of development would normally fall into the Class 3 category of the Planning and Development Law 2001. The structure appears to break conditions of the class three development.

Class three, section 2 states that structures should not exceed 25 sq metres. The cabin in question is possibly up to 40 square metres and takes up most of the garden. This is way and above 25 square metres permissible and is of questionable finish. The main house is bricks and painted. This wooden structure doesn't match anything at the back of the house and so poor is the quality, it increases noises coming into our own and neighbouring houses.

Class three section 6 states that any such structures should not be used for human habitation. Given the noises and voices coming from this structure, into evening and late night, it can only be assumed that this is being lived in.

I have had a verbal confirmation from the planning office, that this building does indeed fall within the unauthorised structures remit. Having an unauthorised structure bordering our property, will devalue our house and could make it difficult to sell. An estate agent has verbally confirmed this. Having people live in an unauthorised structure causes questions to be raised about a precedent being set in the area. Ruthless landlords could view such opportunities as lucrative investments, regardless of the legality. As the structure is also unauthorised, questions must be raised about the fire risk to the neighbouring properties as it's right up to the border fences. What about over the summer when Bar-B-Ques are more frequently used? Will there be a heightened fire risk by the size and proximity of such a huge wooden structure?

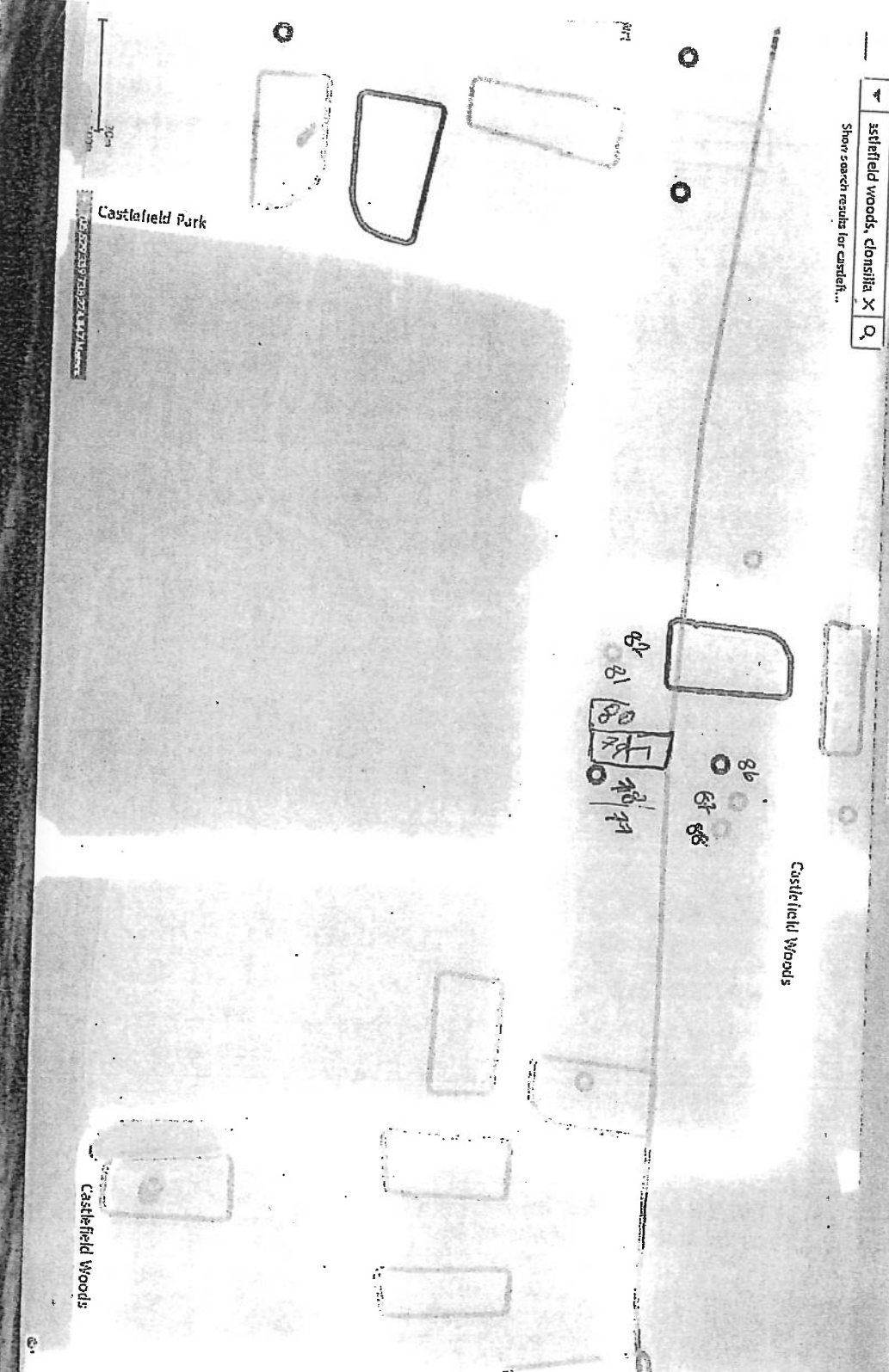
We would appreciate the council's best efforts in maintaining the confidentiality of the complaint. We all still have to live here. Such an obvious flouting of the law has caused obvious stress and anxiety for us.

*Judith Cameron*

*21/2/18*







*FP Castlefield Woods  
with no Planning  
Permissions, sought  
no granted.*

- Operational layers
- Planning Applications
- Adopted Final Development Plan 2023



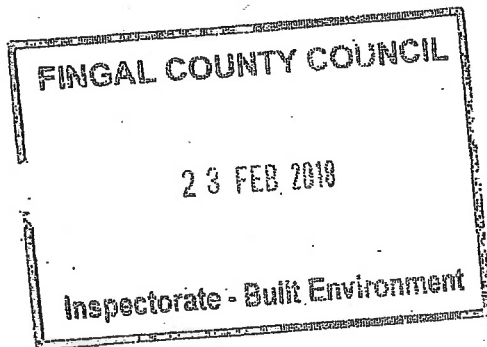
78 Castlefield Woods

Clonsilla

Dublin 15

21 February 2018

Fingal County Council,  
Planning Enforcement,  
County Hall,  
Main Street,  
Swords  
Co Dublin



Dear Sir/Madam

I enclose documents regarding an unauthorised detached structure in 79 Castlefield Woods, Clonsilla.

I am reporting this because of fire safety concerns and lack of building regulation. The structure in question far exceeds the class three development rules. The detached building in the back garden, is made of wood and is approximately forty square metres.

I have had verbal confirmation from an estate agent that such a structure will have a detrimental impact on the value of bordering properties. Fingal planning office have verbally confirmed that this structure is unauthorised when I visited the Blanchardstown office.

I would appreciate the Council's best effort in protecting my identity. Confidentiality is important as we all have to continue to live here.



**REFERENCE REPORT**

To Janice Kavanagh,  
Staff Officer,  
Inspectorate Division

REF: ENF 18/42B

DATE: 27/02/2018

**RE: LANDS AT 79 CASTLEFIELD WOODS, CLONSILLA, DUBLIN 15**

The above property is registered  
is:

If you require any further information please advise.

Carmel Monks

Referencer.



Gaelge



XV 708654, 728983  
 Scale 1:1000  
 Townland Clonsilla  
 Barony Castleknock  
 County Dublin

> Back

Folio Number	DN135346F
Title Level	Freehold
Plan Number	A1D6A
Property Number	1
Area of selected plans	Not available.
Number of Plans on this folio:	1
Address	79 Castlefield Woods, Dublin 15, D15 K77F

View Folio PDF

Request Gaelge Copy

\*PRA Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8C of the Land Registration Rules 2012.

Print Current View





# Land Registry

County Dublin

Folio 135346F

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>A plot of ground known as No. 79, Castlefield Woods, Clonsilla, situate in the Townland of CLONSILLA and Barony of CASTLEKNOCK shown as Plan(s) A1D6A edged RED on the Registry Map (OS MAP Ref(s) 3129/23).</p> <p>THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS</p>	From Folio DN623



Land Registry

County Dublin

Folio 135346F

Part 2 - Ownership

Title ABSOLUTE

No.

The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965



Our Ref ENF 18/42B.

Date: 26 February 2018

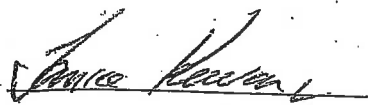
Ms. Carmel Monks  
Referencer  
Enforcement Section

---

RE: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15.

---

I should be obliged if you would carry out a reference of ownership of the above site.



Janice Kavanagh,  
Staff Officer,  
Inspectorate Division.



Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



Our Ref: ENF 18/42B

Date: 5<sup>th</sup> March 2018

Ms. Judith Cameron,  
78 Castlefield Woods,  
Clonsilla,  
Dublin 15

---

Re: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15

---

Dear Madam,

I acknowledge receipt of your correspondence dated 21/2/2018 in the above regard.

The contents are noted and the matter is being investigated by the Council.

I will inform you of the outcome in due course.

Yours faithfully,

Janice Kavanagh  
Authorised Officer





Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



ENF No.: 18/42B

CRM No.: 2630/18

WL No: 44

COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL

WL 1

WARNING LETTER

SECTION 152 OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED

Date: 5<sup>th</sup> March 2018

79 Castlefield Wood,  
Clonsilla,  
Dublin 15

---

RE: Lands at 79 Castlefield Wood, Clonsilla, Dublin 15

---

It has come to the attention of the Planning Authority that unauthorised development may be ongoing at the above lands. This alleged unauthorised development consists of:

- A large wooden structure has been built in the back garden without the benefit of planning permission.

The matter is now under investigation by the planning authority. Any person served with this warning letter may make submissions or observations in writing to the planning authority with regard to the purported offence not later than four weeks from the date of service of this letter. Submissions or observations should be made to the address below.

Forfheidhmiú Pleanála, Bosca 174, Áras an Chontae, Sord, Fhine Gall, Co. Bhaile Átha Cliath  
Planning Enforcement Section, P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin K67  
X8Y2 t: (01) 890 500 e: [planningenforcement@fingal.ie](mailto:planningenforcement@fingal.ie) w: [www.fingal.ie](http://www.fingal.ie)



**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



If, following investigation, the planning authority considers that unauthorised development has been carried out, it may decide to issue an Enforcement Notice under Sections 153 & 154 of the Planning and Development Act 2000, as amended, or make an application to the High Court or the Circuit Court for an injunction under Section 160 of the Planning and Development Act 2000, as amended, without further communication to you.

Officials of the planning authority may at all reasonable times enter on the above land for the purposes of inspection in the course of the planning authority's investigation.

Under Section 151 of the Planning and Development Act 2000, as amended, it is an offence to carry out unauthorised development. In this regard, your attention is drawn to Section 156 of the aforementioned Act, which sets out details of the penalties involved (copy enclosed).

Any costs reasonably incurred by the planning authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. Such costs include the costs and expenses relating to the issue of this Warning Letter, and to the issue of any Enforcement Notice, together with the costs of investigation and detection including costs incurred in respect of remuneration and other expenses of employees, consultants and advisers including legal advisers.

Yours faithfully,

Janice Kavanagh  
Authorised Officer



Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



Our Ref: Enf. 18/42B

Date:

15<sup>th</sup> March 2018

Ms Judith Cameron,  
78 Castlefield Woods,  
Clonsilla,  
Dublin 15.

---

Re: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15

Dear Ms Cameron,

I acknowledge receipt of your correspondence dated 21<sup>st</sup> February 2018 in the above regard.

I wish to inform you that a Warning Letter pursuant to Section 152 of the Planning and Development Act 2000, as amended, issued on 5<sup>th</sup> March 2018.

Yours faithfully,

Janice Kavanagh  
Authorised Officer



Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



Our Ref: ENF 18/42B

Date: 09 April 2018

79 Castlefield Wood  
Clonsilla  
Dublin 15

---

Re: Lands at 79 Castlefield Wood, Clonsilla, Dublin 15.

---

I acknowledge receipt of your correspondence received on 9<sup>th</sup> April 2018 in the above regard.

The contents are noted and the matter is being investigated by the Council.

I will inform you of the outcome in due course.

Yours faithfully,

Janice Kavanagh  
Authorised Officer

Forfheidhmiú Pleanála, Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile-Átha Cliath  
Planning Enforcement Section, P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin K67-X8Y2 t: (01) 890  
5000 e: [planningenforcement@fingal.ie](mailto:planningenforcement@fingal.ie) w: [www.fingal.ie](http://www.fingal.ie)







To Whom it concerns

I am writing to you in response to a letter I received from yourselves a short time back with reference to a large wooden structure in my garden. Of this you are correct, the company that has built it have given me assurances that the structure is below 9 foot tall and is only 40 square metres in size it is for that reason that I did not need to apply for planning permission. I would be more than happy for you to come and see it and if necessary I would have no problem applying for said planning permission.

FINGAL COUNTY COUNCIL  
- 9 APR 2018  
Inspectorate - Built Environment

Yours Sincerely

ENF no : 18/423  
CRM no : 2630/18  
WL no : 44



## Enforcement File Update Sheet

Janice Kavanagh, Area B

David Murray. SEP

Paddy Hughes, Planning Inspector

Harry McLauchlan SEP.

OUT

IN

File Ref No	Enf 18/42B	
Lands At	79 Castlefield Wood Clonsilla Dublin 15	
Warning Letter Issued On	5 <sup>th</sup> March 2018	
Submission Received On	9 <sup>th</sup> April 2018	
To Planning Inspector On	10 <sup>th</sup> April 2018 30 <sup>th</sup> August 2018	
Due Back from Planning Inspector On/Week Ending	24 <sup>th</sup> April 2018 13 <sup>th</sup> September 2018	20 <sup>th</sup> July 2018
To SEP On		
Due Back from SEP On/Week Ending		
Recommendation		
Enforcement Notice Issued		

Paddy, I would be obliged for your updated report on the above.



## Enforcement File Update Sheet

Janice Kavanagh, Area B

David Murray. SEP

Paddy Hughes, Planning Inspector

Harry McLauchlan SEP.

OUT

IN

File Ref No	Enf 18/42B	
Lands At	79 Castlefield Wood Clonsilla Dublin 15	
Warning Letter Issued On	5 <sup>th</sup> March 2018	
Submission Received On	9 <sup>th</sup> April 2018	
To Planning Inspector On	10 <sup>th</sup> April 2018	
Due Back from Planning Inspector On/Week Ending	24 <sup>th</sup> April 2018	
To SEP On		
Due Back from SEP On/Week Ending		
Recommendation		
Enforcement Notice Issued		

Paddy, I would be obliged for your report on the above. Please see letter on file from



eNF No.: 18/42B  
CRM No.: 2630/18

# PLANNING ENFORCEMENT INSPECTION FORM 1

## DEVELOPMENT WITH NO PERMISSION

1	DATE OF REPRESENTATION	23/2/2018
2	ADDITIONAL INFO REQUIRED	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	VALID REPRESENTATION RECEIVED	
4	WARNING LETTER TO ISSUE NOT LATER THAN (+ 5 WEEKS)	
5	DECISION TO ISSUE ENFORCEMENT NOTICE NOT LATER THAN (+ 11 WKS)	
6	BRIEF DETAILS OF REPRESENTATION (NATURE OF ALLEGED UNAUTHORISED DEVELOPMENT) (Section 4 of ERF 1)	A Large wooden structure has been built in the back garden without the benefit of planning permission
7	LOCATION / ADDRESS OF ALLEGED UNAUTHORISED DEVELOPMENT: (Section 5 of ERF 1) MAP ATTACHED	79 Castlefield Wood, Clonsilla, D.15  Yes <input type="checkbox"/> No <input type="checkbox"/>
8	NAME OF PERSON CARRYING OUT THE ALLEGED UNAUTHORISED DEVELOPMENT (Owner / Occupier if unknown) (Section 1(a) of ERF 1)	
8	REFERENCE REQUIRED (Ref not required at this stage if urban address provided) DATE REFERENCE REQUESTED DATE REFERENCE RECEIVED	Yes <input type="checkbox"/> No <input type="checkbox"/>  ----- -----
9	PREVIOUS OR RELEVANT ENFORCEMENT FILE NUMBERS / PLANNING PERMISSIONS	
10	DATE DEVELOPMENT COMMENCED: (Section 6 of ERF 1)	





11 DETAILS OF ALLEGED UNAUTHORISED DEVELOPMENT

Structure in rear garden of No. 79, Castlefield Wood, Clonsilla, Dublin 15

Inspection Dated July 20<sup>th</sup> 2018

I inspected this site on July 20<sup>th</sup> 2018. The structure in the rear garden of No. 79 measured internally was 34.7 sq metres approximately. It is occupied by a family member and children.

I spoke with the owner and advised that in order to comply with Class 1 of the 2001 Planning and Development Regulations the structure must have an internal link to the main dwelling.

The home owner was of the view that could apply for retention permission for the Class 1 structure as an independent living area. I advised her that under the Planning Code as currently constituted this retention application would unlikely to succeed. There is in excess of 25 sq metres of private open space remaining, behind the main rear building line of the dwelling.

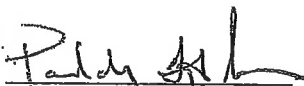
Forming the necessary link to the main dwelling may involve moving the structure within the rear garden.

The home owner eventually agreed that the only solution is to employ a builder to form the necessary link.

I will conduct a further Inspection and prepare a further report in one Month.

No Enforcement Action recommended in the meantime.

Paddy Hughes

  
Planning Inspector

Dated July 20<sup>th</sup> 2018

*As discussed with Gene Coffey - Expression of Intent should be issued as current structure is unauthorised.*

*Henry McManus  
Senior Exec. Planner  
04/10/18*

*Gene Coffey*

*4/10/18*



14	DOES THE DEVELOPMENT HAVE PLANNING PERMISSION	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
15	IS THE DEVELOPMENT EXEMPTED DEVELOPMENT	When modified it will be Yes <input type="checkbox"/> No <input type="checkbox"/>
16	Having inspected the site, considered the representations made, and any submissions or observations made, do you recommend that an Enforcement Notice be issued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
17	REASON(S) FOR ISSUING ENFORCEMENT NOTICE  (Complete Sections 20 – 25)	N/A
18	REASON(S) FOR <u>NOT</u> ISSUING ENFORCEMENT NOTICE	Home owner has agreed to make necessary modifications to structure to make it comply with Class 1
19	CLOSE FILE  If No, Reason Why	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



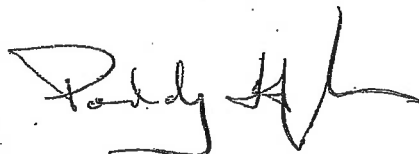
<b>12</b>	NAME OF PERSON CARRYING OUT THE ALLEGED UNAUTHORISED DEVELOPMENT	
<b>13</b>	IF AN UNAUTHORISED USE IS ALLEGED STATE PREVIOUS USE:	



## IF ENFORCEMENT NOTICE TO BE ISSUED

<b>20</b>	DEVELOPMENT REQUIRED TO CEASE	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>21</b>	DEVELOPMENT REQUIRED NOT TO COMMENCE	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>22</b>	STEPS TO BE CARRIED OUT & SPECIFIED IN ENFORCEMENT NOTICE  To be specific to the site and where appropriate include the removal, demolition or alteration of any structure and the discontinuance of any use	<ul style="list-style-type: none"> <li>• N/A</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>
<b>23</b>	STEPS AS TO HOW THE LAND SHOULD BE RESTORED State previous condition of land if known	<ul style="list-style-type: none"> <li>• N/A</li> <li>•</li> <li>•</li> </ul>
<b>24</b>	TOTAL TIME PERIOD FOR BOTH 22 & 23 ABOVE TO BE CARRIED OUT IN  Not more than 6 months	N/A
<b>25</b>	SITE TO BE RE-INSPECTED ON	One Month

Signed: Paddy Hughes



Date: July 20<sup>th</sup> 2018

**SIGNATURE OF AUTHORISED OFFICER**





**NOTES / PHOTOS**



**Class 1 Structure in rear garden of No. 79 Castlefield Wood, Clonsilla, Dublin 15**

**Photos Dated July 19<sup>th</sup> 2018**



Gene Griffin

ENF 18/42B

**From:** Philip Long  
**Sent:** 03 October 2018 12:09  
**To:** Gene Griffin  
**Subject:** FW: Unauthorised Structure - Lack of Communication from Fingal Council  
**Attachments:** IMG\_6838.JPG; IMG\_0823.JPG; IMG\_0825.JPG

Gene,

For your attention please.

Regards,

Philip

Mary  
See me with file  
please. Did we give  
complaint any feedback?  
Gene  
3/10/18

**From:** AnnMarie Farrelly  
**Sent:** 03 October 2018 11:48 AM  
**To:** Philip Long  
**Subject:** FW: Unauthorised Structure - Lack of Communication from Fingal Council

Please follow this up and let me know the position.

*AnnMarie Farrelly,  
Director of Services, (Designated Public Official under the Regulation of Lobbying Act 2015)  
Planning and Strategic Infrastructure Department, Fingal County Council, Tel.: 01 8905770, Mob: 0879372937*

**From:** judithe cameron [mailto:jude\_cameron@yahoo.co.uk]  
**Sent:** 03 October 2018 11:40  
**To:** AnnMarie Farrelly  
**Subject:** Fw: Unauthorised Structure - Lack of Communication from Fingal Council

Reference - ENF18/42B Lands at 79 Castlefield Woods, Clonsilla, Dublin 15

Dear Ms Farrelly,

I wish to highlight our experience when dealing with Fingal Planning Enforcement Department.

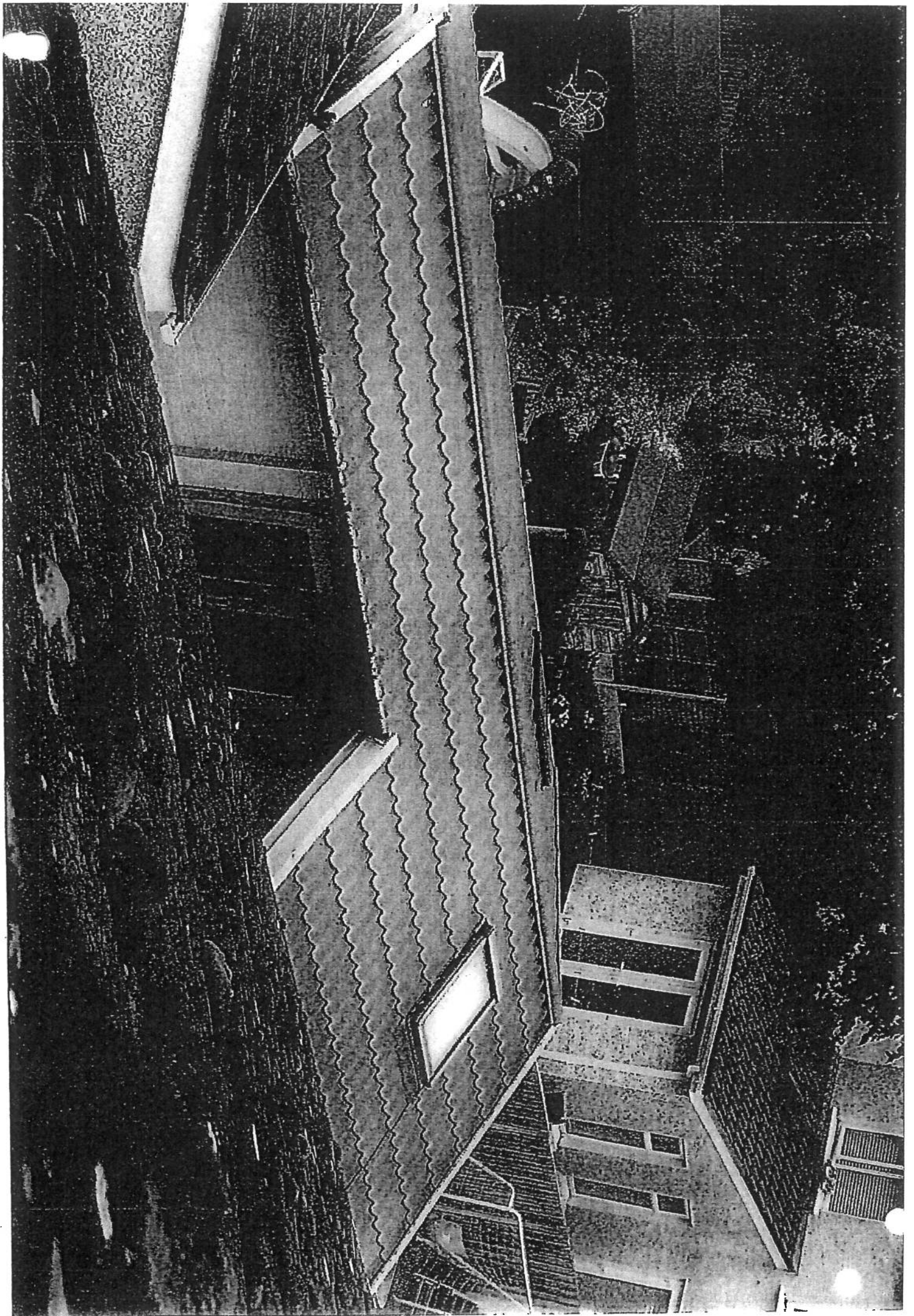
In February of this year, we reported an unauthorised structure to Fingal Planning Enforcement Department. We received an acknowledgement of the complaint approximately ten days later. Unfortunately, that is the only communication that we have received from the department since.

This is not a trivial complaint and has been a large source of stress and anxiety for us in our home. At the end of last year our neighbour completed a large wooden cabin in their garden. This has two bedrooms, a bathroom and a living area. To the side of this cabin are double glass doors, overlooking our kitchen, garden and rear bedrooms. As you can see from the attached photographs, this is quite an intimidating structure for such small urban garden. We raised our concerns with the neighbour when the size and imposing impact on our home became apparent but, we were told that they would attach the structure so therefore it would be an extension and it was basically none of our business. Obviously, it was never attached. Even if it was, the building materials are not of the same appearance or standard. We were also told that the building was temporary for seven years, after which time it became permanent. Therefore it would seem that they were educated in the unauthorised structure rules.

This has had an extremely negative impact on our quality of living. We've been forced to increase the height of our garden fence to protect our privacy, therefore losing evening sunlight. While this protects the visual privacy downstairs, it does nothing for the upstairs bedroom. You can see the view from my son's bedroom has been completely compromised. When their rear velux is opened in the, they can look straight up to his bedroom.

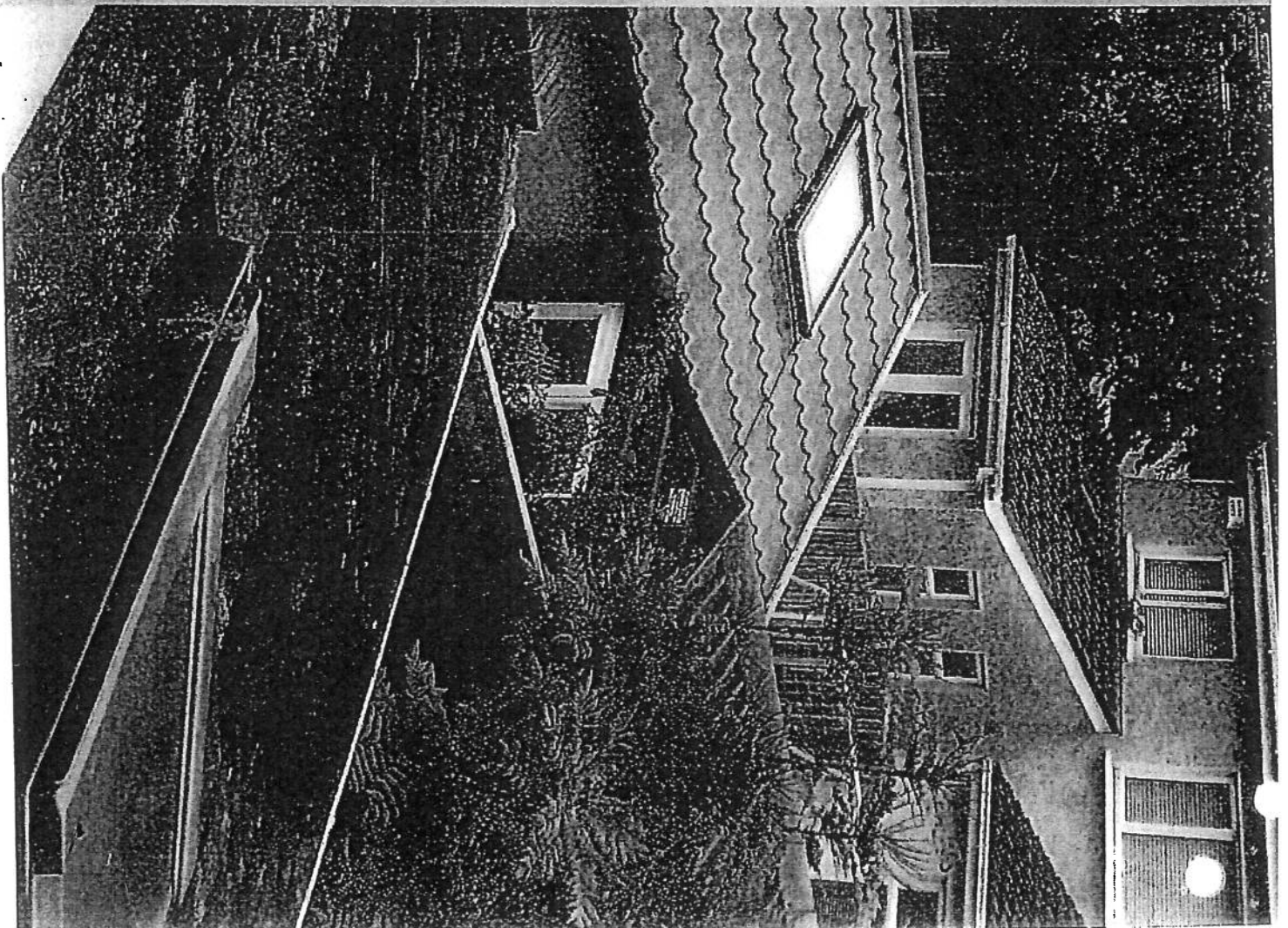
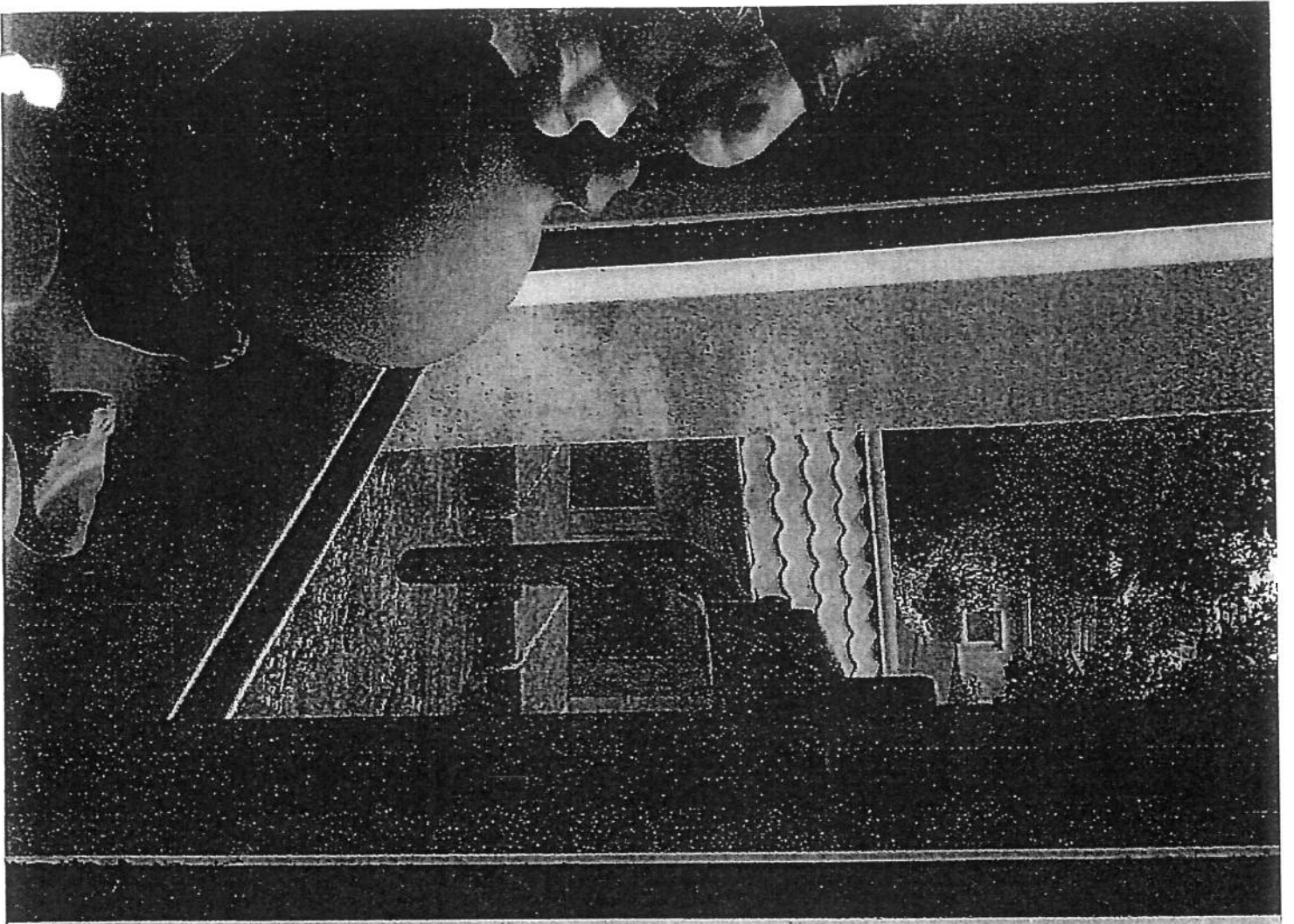
The structure appears substandard and has not been insulated. We can hear our neighbours very clearly in our kitchen, when they are moving around inside the cabin. On one of the hottest summers in Ireland, our garden



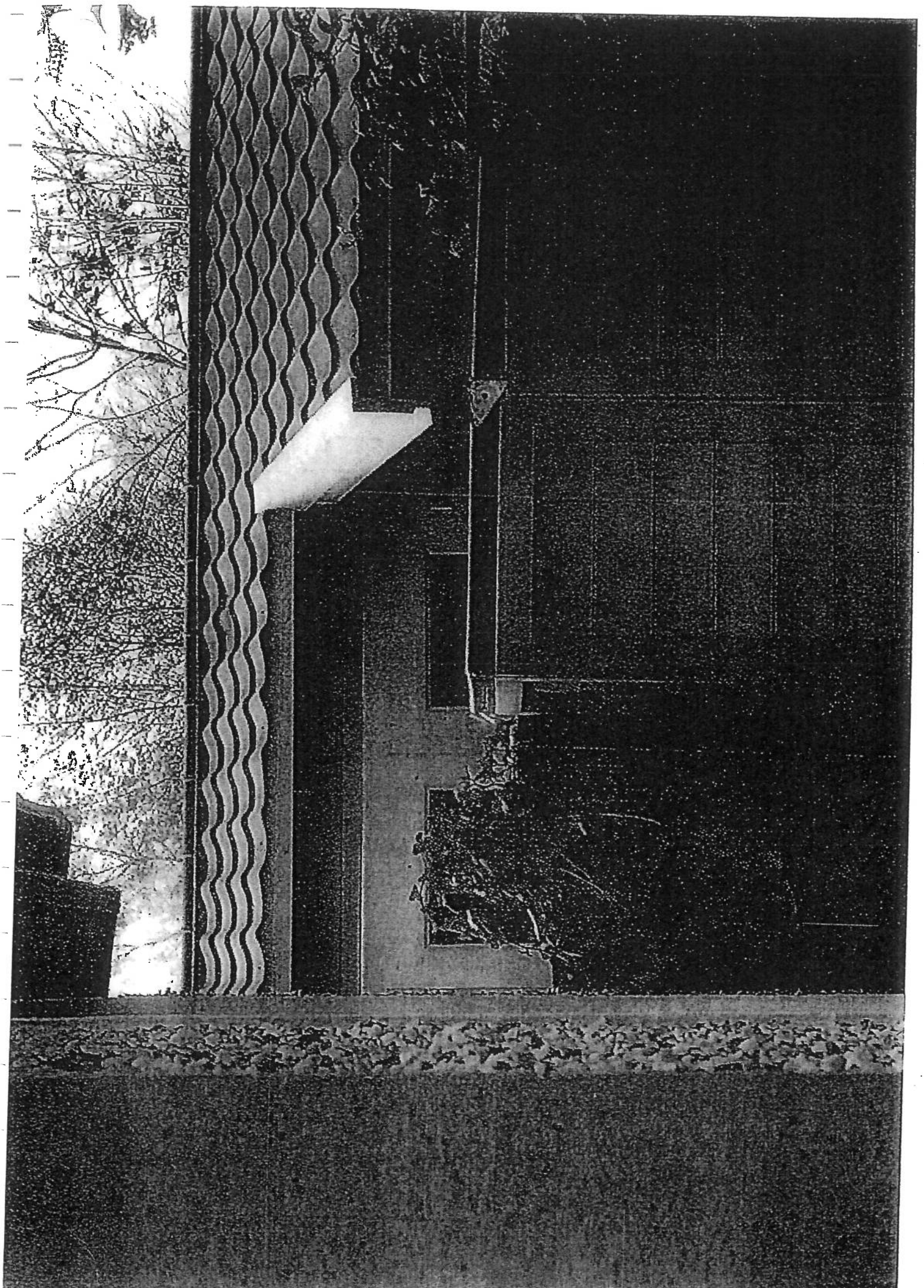














Gene Griffin

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**From:** judithe cameron <jude\_cameron@yahoo.co.uk>  
**Sent:** 05 October 2018 15:52  
**To:** Gene Griffin

Dear Gene

Many thanks for the acknowledgement of my email. It's comforting to hear that this case has not been forgotten about.

We shall continue to exercise patience while we anxiously await further news.

Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.

However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks

Regards



Gene Griffin

Administrative Officer

Planning Enforcement

---

This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie). Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software.

Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truailithe, caillte, scríosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas.

---





S153 CE 1  
TO ISSUE

ENF No: 18/42B  
CRM No: 2630/18  
S153 CE No. *PEMP/104/2018*

COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL

RECORD OF CHIEF EXECUTIVE'S ORDER

SECTION 153 OF THE PLANNING AND DEVELOPMENT ACTS 2000 AS AMENDED

Section 153 - Decision on Enforcement

LAND LOCATED AT: 79 Castlefield Woods, Clonsilla, Dublin 15.

NATURE OF ALLEGED UNAUTHORISED DEVELOPMENT:

A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.

REPRESENTATION UNDER SECTION 152 (1)(a)

Yes  No

DATE OF REPRESENTATION

21<sup>st</sup> February 2018

DID WARNING LETTER ISSUE

Yes  No

DATE OF WARNING LETTER

5<sup>th</sup> March 2018

SUBMISSION / OBS UNDER SECTION 152(4)(b)

Yes  No

DATE OF SUBMISSION

9<sup>th</sup> April 2018

INVESTIGATION INCLUDING SITE INSPECTIONS:

An inspection of the wooden structure carried out by the Planning Inspector revealed that the structure in the rear garden measured internally was 34.7 square metres approximately and is being used for habitation. The structure requires planning permission and is therefore unauthorised.

RECOMMENDATION of the SENIOR EXECUTIVE PLANNER: The Senior Executive Planner recommended that an Enforcement Notice pursuant to Section 154. of the Planning and Development Acts 2000 as amended be issued.

AN BORD PLEANÁLA  
LITR DATED 27 OCT 2018  
LDG.  
ABP.



SUBJECT

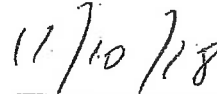
Whether to issue an Enforcement Notice.

Following investigation by the Planning Authority including a site inspection and having considered any representations made to the Planning Authority under Section 152 (1)(a) of the Planning and Development Act 2000, as amended, any submissions or observations made under Section 152 (4)(b) of the Planning and Development Act 2000, as amended, and any other material considerations, I recommend that, pursuant with Section 153 of the Planning and Development Act 2000, as amended, a decision be made TO ISSUE an Enforcement Notice in accordance with Section 154 of the Planning and Development Act 2000, as amended, for the following reason(s);

- A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.



Authorised Officer

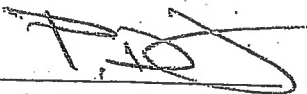


Date

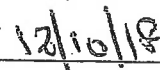
ORDER:

Having considered only the proper planning and sustainable development of the administrative area of Fingal County Council including the preservation and improvement of the amenities thereof, regard being had to the provision of the Development Plan 2017 - 2023, any representations made to the Planning Authority under Section 152 (1)(a) of the Planning and Development Act 2000, as amended, any submissions or observations made under Section 152 (4)(b) of the Planning and Development Act 2000, as amended, and any other material considerations, it is hereby decided that Fingal County Council, in exercise of the powers conferred on it by Section 153 of the Planning and Development Act 2000, as amended, shall issue an Enforcement Notice on .  
at the address at 79 Castlefield Woods, Clonsilla, Dublin 15 in accordance with Section 154 of the Planning and Development Act 2000, as amended, for the following reason(s);

- A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.



Senior Executive Officer



Date



A)

On:

At address at: 79 Castlefield Woods, Clonsilla, Dublin 15.

being the owner of the above mentioned land.



Senior Executive Officer

12/10/18

Date

To whom the appropriate powers have been delegated by Order of CE 7298 of the Chief Executive, Fingal County Council.

Submission	Date:	
Prepared:	<i>J. Kearney</i>	<i>11/10/18</i>
Checked:	<i>R. Warkley</i>	<i>11-10-2018</i>
Submitted:		



ENF No.: 18/42B

CRM No.: 2630/18

S153 CE No.:

COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL

DERS 1

DECISION ON ENFORCEMENT REGISTER SHEET

SECTION 153 OF THE PLANNING AND DEVELOPMENT ACTS, 2000 AS AMENDED

**LANDS LOCATED AT: 79 Castlefield Woods, Clonsilla, Dublin 15.**

1. Name and Address of person against whom Warning Letter issued:-

Name:-

Address:- 79 Castlefield Woods, Clonsilla, Dublin 15.

2. Decision on whether to issue Enforcement Notice

TO ISSUE

NOT TO ISSUE

3. Reasons for issuing Enforcement Notice.

- A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.





PB/UP/105/2018

ENF No.: 18/42B

CRM No.: 2630/18

COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL

S154 CE 1 DNP  
TO BE READ WITH PEI 1

RECORD OF CHIEF EXECUTIVE'S ORDER

SECTION 154 OF THE PLANNING AND DEVELOPMENT ACTS 2000 AS AMENDED  
DEVELOPMENT WITH NO PERMISSION

Section 154 - Enforcement Notice

SUBJECT:

Preparation and Service of Enforcement Notice pursuant to Section 154 of the Planning and Development Act 2000, as amended, in respect of lands located at:

- 79 Castlefield Woods, Clonsilla, Dublin 15.

Development consisting of:

A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.

is being carried out. As this development does not have the benefit of planning permission, nor can it be considered exempted development, it is therefore unauthorised.

Following the decision of the Planning Authority to issue an Enforcement Notice pursuant to Section 153 of the Planning and Development Act, 2000, as amended, I hereby recommend, pursuant to Section 154 of the Planning and Development Act 2000, as amended, that an Enforcement Notice be prepared and served in accordance with Section 154 of the Planning and Development Act 2000, as amended.

Gene Rubin

Authorised Officer

11/10/18

Date



ORDER:

Having considered only the proper planning and sustainable development of the administrative area of Fingal County Council including the preservation and improvement of the amenities thereof, regard being had to the provision of the Development Plan 2017 - 2023, any representations made to the Planning Authority under Section 152 (1)(a) of the Planning and Development Act 2000, as amended, any submissions or observations made under Section 152 (4)(b) of the Planning and Development Act 2000, as amended, and any other material considerations, and following the decision to issue an Enforcement Notice pursuant to Section 153 of the Planning and Development Act 2000, as amended, it is hereby decided that Fingal County Council, in exercise of the powers conferred on it by Section 154 of the Planning and Development Act 2000, as amended, shall prepare and serve an Enforcement Notice in accordance with Section 154 of the Planning and Development Act 2000, as amended.

1. On:

At address at: 79 Castlefield Woods, Clonsilla, Dublin 15.

being the owner of the above mentioned lands.

And shall require within a period of 3 (three) months of the date of the service of this Notice to;

- Cease the use of the large unauthorised structure in the rear garden for habitable use.
- Remove the large unauthorised structure from the rear garden.

NOW THEREFORE being of the opinion that it is necessary to do so, I direct that an Enforcement Notice in the same terms shall be issued and served upon;



To whom the appropriate powers have been delegated by Order of CE 7298 of the Chief Executive, Fingal County Council.

Submission		Date:
Prepared:	<i>J. Kavanagh</i>	<i>11/10/18</i>
Checked:	<i>R. Warkay</i>	<i>11-10-2018</i>
Submitted:		

AN BORD PLEANÁLA  
LTR DATED 27 OCT 2020  
LDG- \_\_\_\_\_ FROM \_\_\_\_\_  
ABP- \_\_\_\_\_



31A

Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



ENF No.: 18/42B  
CRM No.: 2630/18  
S153 CE No.: *P&S/104/2018*  
S154 CE No.: *P&S/105/2018*

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

S154 ENF 1 DNP

**ENFORCEMENT NOTICE**

SECTION 154 OF THE PLANNING AND DEVELOPMENT ACTS 2000 AS AMENDED

DEVELOPMENT CARRIED OUT WITHOUT A GRANT OF PLANNING PERMISSION

---

RE: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15.

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WHEREAS Fingal County Council (hereinafter called "the Council") being the Planning Authority for the area in which the above mentioned land is located having considered only the proper planning and sustainable development of its area including the preservation and improvement of the amenities thereof, regard being had to the provisions of the County Development Plan 2017 - 2023, any representations made to the Planning Authority under Section 152 (1)(a) of the Planning and Development Act, 2000 as amended, any submissions or observations made under Section 152 (4)(b) of the Planning and Development Act 2000 as amended, and any other material considerations, and having investigated the matter has, in accordance with Section 153 of the Planning and Development Act 2000 as amended, decided to issue this Enforcement Notice.

AND WHEREAS subsequent to the 1<sup>st</sup> day of October 1964 and within seven years immediately preceding the date of this Notice, the following development has been carried out on the said





lands without a grant of permission under Part III of the Planning and Development Act 2000 as amended,;

- A large unauthorised structure has been constructed in the rear garden without the benefit of planning permission.

AND WHEREAS the said development is not exempted development.

AND WHEREAS the said development carried out on the said lands constitutes Unauthorised Development.

YOU ARE HEREBY REQUIRED, pursuant to Section 154 of the Planning and Development Act 2000, as amended,;

Shall require within a period of 3 (three) months of the date of the service of this Notice to;

A)

- Cease the use of the large unauthorised structure in the rear garden for habitable use.
- Remove the large unauthorised structure from the rear garden.

B) To refund the Council the sum of €350.00 being the sum of the costs and expenses reasonably incurred by it in relation to the investigation, detection and issue of this Enforcement Notice and any Warning Letter issued under Section 152 of the Planning and Development Act 2000 as amended, including costs incurred in respect of the remuneration and other expenses of its employees, consultants and/or advisors pursuant to Section 154(5)(d) of the Planning and Development Act 2000 as amended.


AND TAKE NOTICE that if, within the said period above, or within such extended period (not being more than six months) the steps specified in this Notice to be taken by you have not been so taken, the Council may enter on the said lands and take such steps, including the removal, demolition or alteration of any structure and may recover any costs reasonably incurred by it on that behalf.

AND TAKE FURTHER NOTICE that if, within the said period above, or within such extended period (not being more than six months as may be allowed by the Council) the steps specified in this



Notice to be taken by you have not been so taken, you may be guilty of an offence. If the Council decides to prosecute you for non-compliance with this Notice and you are found guilty of an offence by the Courts, you may be liable on summary conviction to a fine not exceeding €5,000 and/or imprisonment for a term not exceeding 6 months or both or on conviction following trial on indictment to a fine not exceeding €12,697,381 and/or a term of imprisonment not exceeding 2 years or both. You will be liable on conviction for the costs and expenses of such prosecution.

DATED this 15th day of October, 2018

SIGNED   
SENIOR EXECUTIVE OFFICER

To whom the appropriate powers have been delegated by Order of CE 7298 of the Chief Executive, Fingal County Council.

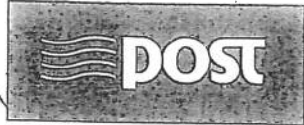
To be served upon the following:

- A) On: Ms. Maura O'Riordan  
At address at: 79 Castlefield Woods, Clonsilla, Dublin 15.

being the owner of the above mentioned lands.



Payment Method: Meter Post  Postage Stamps  Cash  Fee Paid



*F. Kelly*  
*Post Office*  
1257049

Customer's name and address  
PLANNING ENFORCEMENT  
FINNACAL COUNTY COUNCIL  
MAIN STREET  
DUBLIN CO. DUBLIN

Date: 15/10/18  
Customer Account Number: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]  
D D M M Y Y

ITEM NUMBER	ENTER BELOW THE NAME AND ADDRESS SHOWN ON EACH ITEM	DECLARED VALUE	Additional Insurance Value	WEIGHT KG MUST BE ENTERED	AMOUNT PAID
RK 0182 7783 71E	29 CARLISFIELD WOODS CLONSILLA, DUBLIN 15	€	€	[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]	€ [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]
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Accepting Officer: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] Time: [ ] [ ] [ ] [ ] Total items on this list: [ ] [ ] [ ] [ ] Total amount paid: € [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

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Delivery Depot: DUBLIN 15  
Delivery Date: 16 October 2018, 11:46  
Signature:

Barcode(s): RK018277837IE





337IE

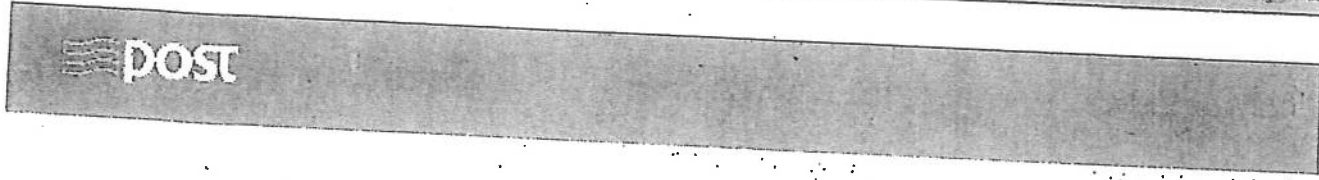


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[Back to Track & Trace](#)



**Gene Griffin**

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**From:** judith.cameron@yahoo.co.uk  
**Sent:** 19 October 2018 11:13  
**To:** Gene Griffin  
**Subject:** Re:

Hi Gene,

Many thanks for your email and apologies for my impatience.

I appreciate the councils assistance and intervention on this matter. This is no celebration for us as it's been a very difficult number of months. I am however relieved to know that the noise and stress of living next to this cabin has an end in sight.

Kind Regards

Judith.

On Friday, 19 October 2018, 11:07:19 GMT+1, Gene Griffin <Gene.Griffin@fingal.ie> wrote:

Good morning Judith

If was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

om: judith.cameron@yahoo.co.uk [mailto:judith.cameron@yahoo.co.uk]  
nt: 19 October 2018 10:58



To: Gene Griffin  
Subject:

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.

However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks



Regards

Gene Griffin

Administrative Officer

Planning Enforcement

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APPLICATION NO. FS 5W/18/20.

PART 2 OF 20



## Enforcement File Update Sheet

Janice Kavanagh, Area B

David Murray. SEP

Paddy Hughes, Planning Inspector

Harry McLauchlan SEP.

OUT

IN

File Ref No	Enf 18/42B	
Lands At	79 Castlefield Wood Clonsilla Dublin 15	
Warning Letter Issued On	5 <sup>th</sup> March 2018	
Submission Received On	9 <sup>th</sup> April 2018	
To Planning Inspector On	10 <sup>th</sup> April 2018 30 <sup>th</sup> August 2018	
Due Back from Planning Inspector On/Week Ending	24 <sup>th</sup> April 2018 13 <sup>th</sup> September 2018	20 <sup>th</sup> July 2018
To SEP On		
Due Back from SEP On/Week Ending		
Recommendation	Issue Enforcement Notice	
Enforcement Notice Issued	15 <sup>th</sup> October 2018	Enforcement Notice expires 15 <sup>th</sup> January 2019.



**11 DETAILS OF ALLEGED UNAUTHORISED DEVELOPMENT**

Structure in rear garden of No. 79, Castlefield Wood, Clonsilla, Dublin 15

**Inspection Dated July 20<sup>th</sup> 2018**

I inspected this site on July 20<sup>th</sup> 2018. The structure in the rear garden of No. 79 measured internally was 34.7 sq metres approxiately. It is occupied by a family member and children.

I spoke with the owner and advised that in order to comply with Class 1 of the 2001 Planning and Development Regulations the structure must have an internal link to the main dwelling.

The home owner was of the view that . . . could apply for retention permission for the Class 1 structure as an independent living area. I advised her that under the Planning Code as currently constituted this retention application would unlikely to succeed. There is in excess of 25 sq metres of private open space remaining, behind the main rear building line of the dwelling.

Forming the necessary link to the main dwelling may involve moving the structure within the rear garden.

The home owner eventually agreed that the only solution is to employ a builder to form the necessary link.

I will conduct a further Inspection and prepare a further report in one Month.

No Enforcement Action recommended in the meantime.

Paddy Hughes

\_\_\_\_\_  
Planning Inspector

Dated July 20<sup>th</sup> 2018

**Inspection Dated December 5<sup>th</sup> 2018**

I inspected this dwelling on December 5<sup>th</sup> 2018.

The Class 1 Structure in the rear garden of this dwelling has now been internally linked to the main dwelling by a corridor and this satisfies the outstanding Condition & Limitation attached to Exemption Class 1.

The complainants have an issue with the structure possibly encroaching on their property. However this is a Civil Matter between both property owners and not something Planning Enforcement Section can address.

From a Planning point of view this structure now complies with all Conditions & Limitations attached to Class 1 of the 2001 Planning & Development Regulations.



ENV No.: 18/42B

CRM No.: 2630/18

## PLANNING ENFORCEMENT INSPECTION FORM 1

## DEVELOPMENT WITH NO PERMISSION

1	DATE OF REPRESENTATION	23/2/2018
2	ADDITIONAL INFO REQUIRED	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	VALID REPRESENTATION RECEIVED	
4	WARNING LETTER TO ISSUE NOT LATER THAN (+ 5 WEEKS)	
5	DECISION TO ISSUE ENFORCEMENT NOTICE NOT LATER THAN (+ 11 WKS)	
6	BRIEF DETAILS OF REPRESENTATION (NATURE OF ALLEGED UNAUTHORISED DEVELOPMENT) (Section 4 of ERF 1)	A Large wooden structure has been built in the back garden without the benefit of planning permission
7	LOCATION / ADDRESS OF ALLEGED UNAUTHORISED DEVELOPMENT: (Section 5 of ERF 1) MAP ATTACHED	79 Castlefield Wood, Clonsilla, D.15 Yes <input type="checkbox"/> No <input type="checkbox"/>
8	NAME OF PERSON CARRYING OUT THE ALLEGED UNAUTHORISED DEVELOPMENT (Owner / Occupier if unknown) (Section 1(a) of ERF 1)	
8	REFERENCE REQUIRED (Ref not required at this stage if urban address provided) DATE REFERENCE REQUESTED DATE REFERENCE RECEIVED	Yes <input type="checkbox"/> No <input type="checkbox"/> _____ _____
9	PREVIOUS OR RELEVANT ENFORCEMENT FILE NUMBERS / PLANNING PERMISSIONS.	
10	DATE DEVELOPMENT COMMENCED: (Section 6 of ERF 1)	





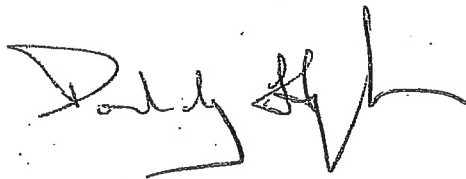
14	DOES THE DEVELOPMENT HAVE PLANNING PERMISSION	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
15	IS THE DEVELOPMENT EXEMPTED DEVELOPMENT	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
16	Having inspected the site, considered the representations made, and any submissions or observations made, do you recommend that an Enforcement Notice be issued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
17	REASON(S) FOR ISSUING ENFORCEMENT NOTICE  (Complete Sections 20 – 25)	N/A
18	REASON(S) FOR <u>NOT</u> ISSUING ENFORCEMENT NOTICE	Home owner has agreed to make necessary modifications to structure to make it comply with Class 1
19	CLOSE FILE  If No, Reason Why	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



## IF ENFORCEMENT NOTICE TO BE ISSUED

<b>20</b>	DEVELOPMENT REQUIRED TO CEASE	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>21</b>	DEVELOPMENT REQUIRED NOT TO COMMENCE	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>22</b>	<p>STEPS TO BE CARRIED OUT &amp; SPECIFIED IN ENFORCEMENT NOTICE</p> <p>To be specific to the site and where appropriate include the removal, demolition or alteration of any structure and the discontinuance of any use</p>	<ul style="list-style-type: none"> <li>• N/A</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>			
<b>23</b>	<p>STEPS AS TO HOW THE LAND SHOULD BE RESTORED</p> <p>State previous condition of land if known</p>	<ul style="list-style-type: none"> <li>• N/A</li> <li>•</li> <li>•</li> </ul>			
<b>24</b>	<p>TOTAL TIME PERIOD FOR BOTH 22 &amp; 23 ABOVE TO BE CARRIED OUT IN</p> <p>Not more than 6 months</p>	N/A			
<b>25</b>	SITE TO BE RE-INSPECTED ON	N/A			

Signed: Paddy Hughes



Date: December 17<sup>th</sup> 2018

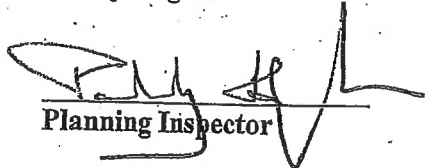
SIGNATURE OF AUTHORISED OFFICER



no further Enforcement Action recommended in this case.

File to be closed.

Paddy Hughes

  
Planning Inspector

Dated December 17<sup>th</sup> 2018

I concur with the opinion of the Planning Inspector, and recommend that no further Enforcement Action be pursued.

Harry McLaughlin  
Senior Executive Planner  
31<sup>st</sup> December 2018.

Following a visit to the property, having regard to the nature of the structure, including its link to the house, its scale, and the remaining land within the rear garden I consider the use as an extension to the dwelling satisfies the Conditions & limitations attached to the Planning & Development Regulations 2007, as amended.

Harry McLaughlin  
Senior Executive Planner  
06/09/19

12	NAME OF PERSON CARRYING OUT THE ALLEGED UNAUTHORISED DEVELOPMENT	
----	--	--



# NOTES / PHOTOS

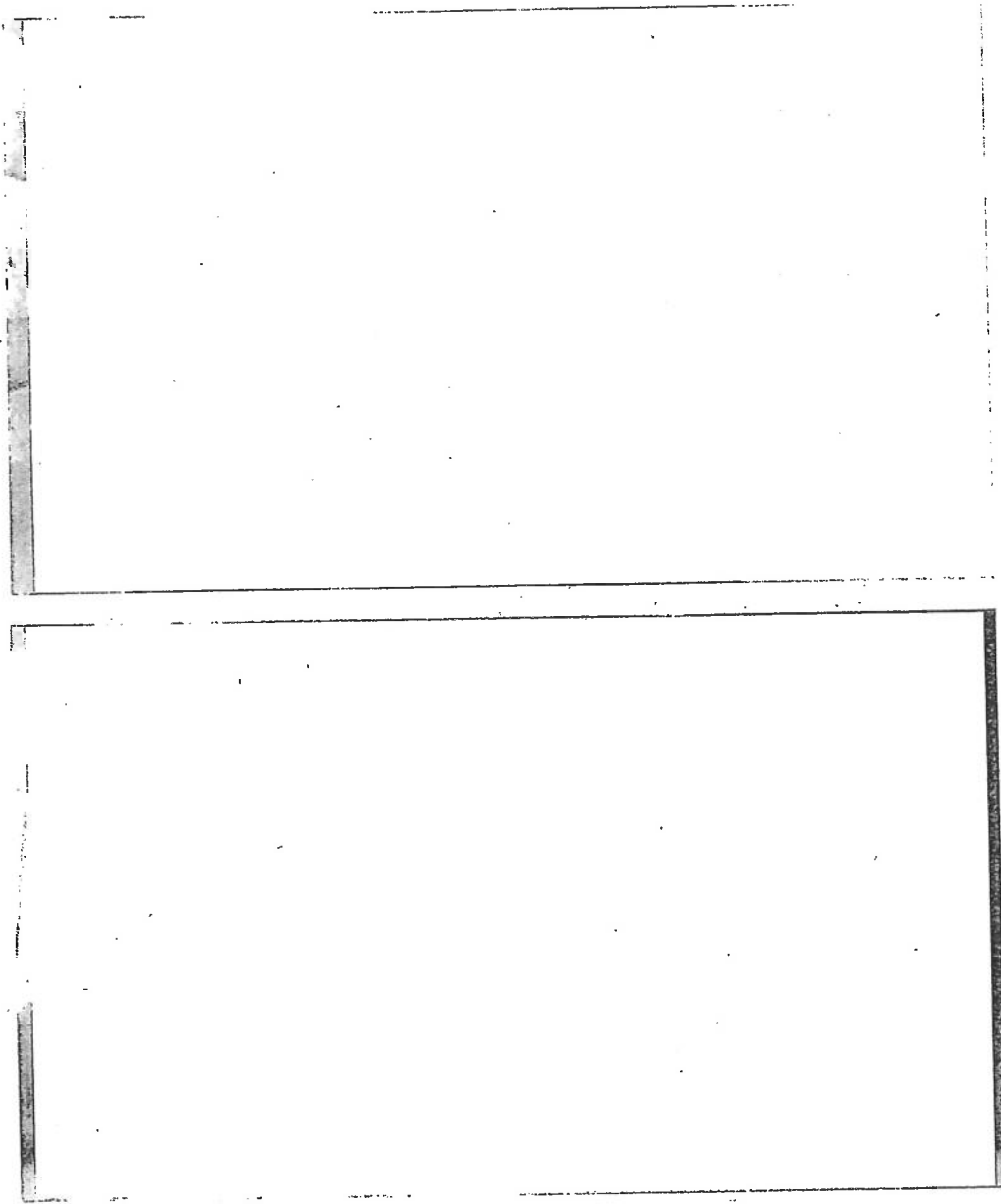




**Class 1 Structure in rear garden of No. 79 Castlefield Wood, Clonsilla, Dublin 15**

**Photos Dated July 19<sup>th</sup> 2018**





**Class 1 Structure in rear garden of No. 79 Castlefield Woods, Clonsilla, Dublin 15**

**Photos Dated Wednesday December 5<sup>th</sup> 2018**



Mary Jones

---

**From:** Gene Griffin  
**Sent:** 19 October 2018 12:12  
**To:** Mary Jones  
**Cc:** Janice Kavanagh; Ann Markey; Paddy Hughes  
**Subject:** FW: Re:

Mary

Update electronic file please, I have updated hard copy file

Regards  
Gene

---

**From:** judith.cameron@yahoo.co.uk [mailto:judith.cameron@yahoo.co.uk]  
**Sent:** 19 October 2018 11:13  
**To:** Gene Griffin  
**Subject:** Re:

Hi Gene,

Many thanks for your email and apologies for my impatience.

I appreciate the councils assistance and intervention on this matter. This is no celebration for us as it's been a very difficult number of months. I am however relieved to know that the noise and stress of living next to this cabin has an end in sight.

Kind Regards

Judith.

On Friday, 19 October 2018, 11:07:19 GMT+1, Gene Griffin <[Gene.Griffin@ringal.ie](mailto:Gene.Griffin@ringal.ie)> wrote:

Good morning Judith

It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards



Gene Griffin

Administrative Officer

Planning Enforcement

---

**From:** [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) [mailto:[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)]

**Sent:** 19 October 2018 10:58

**To:** Gene Griffin

**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.





As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.

However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

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Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthiúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, caillte, scríosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas

This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie). Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software.

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Our Ref: Enf 18/42B

Date: 11 January 2019

---

Re: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15.

---

Dear

I refer to the above lands and to correspondence regarding same.

A recent inspection of 79 Castlefield Woods, Clonsilla revealed that the structure in the rear garden complies with all conditions and limitations attached to Class 1 of the Planning and Development Regulations 2001.

Accordingly there is no further enforcement action open to the Council in relation to this matter.

The file is now closed.

Yours faithfully,

Janice Kavanagh  
Staff Officer  
Planning Enforcement.



PENF/10/2019

46

ENF No.:  
18/42B

CRM No.:  
2630/18

COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL

S154(11)(a)(b)  
MO 1 DNP  
TO BE READ  
WITH PEI 2

CHIEF EXECUTIVE'S ORDER

SECTION 154(11)(a)(b) OF THE PLANNING AND DEVELOPMENT ACTS 2000 as amended

DEVELOPMENT CARRIED WITHOUT A GRANT OF PLANNING PERMISSION

Section 154(11)(a)(b) – Withdrawal of Enforcement Notice

Chief Executive's Order No. PENF/105/2018 dated 12<sup>th</sup> October 2018 authorised the issue of an Enforcement Notice on 79 Castlefield Woods, Clonsilla, Dublin 15 in relation to lands located at 79 Castlefield Woods, Clonsilla; Dublin 15 requiring:

- Cease the use of the large unauthorised structure in the rear garden for habitable use.
- Remove the large unauthorised structure from the rear garden.

An inspection carried out on 5<sup>th</sup> December 2018 revealed that the structure in the rear garden has now been internally linked to the main dwelling by a corridor. This structure now complies with all conditions and limitations attached to Class 1 of the Planning and Development Regulations 2001. Therefore, as the Enforcement Notice has now been complied with I recommend that the Enforcement Notice dated 15<sup>th</sup> October 2018 be WITHDRAWN pursuant to Section 154(11)(a)(b) of the Planning and Development Acts 2000 as amended, and the Register be amended to reflect this.

*Ben G. P. O.*

Administrative Officer  
(Authorised Officer)

Date

*16/1/19*

ORDER: NOW THEREFORE being of the opinion that it is necessary to do so, I direct that the Enforcement Notice dated 15<sup>th</sup> October 2018 as authorised by Chief Executive's Order No. PENF/105/2018 dated 12<sup>th</sup> October 2018 and issued pursuant to Section 154 of the Planning and Development Acts 2000 as amended, to 79 Castlefield Woods, Clonsilla, Dublin 15, in relation to lands located at 79 Castlefield Woods, Clonsilla, Dublin 15 be WITHDRAWN for the following reason;

- The Enforcement Notice has been complied with to the satisfaction of the Planning Authority.



  
Senior Executive Officer

Date 14/1/19

To whom the appropriate powers have been delegated by Order of CE 7368 of the Chief Executive, Fingal County Council.

Submission	Date:	
Prepared:	<i>P. Kowen</i>	14/1/19
Checked:	<i>A. Markey</i>	14-1-19
Submitted:		





Gene Griffin

**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 06 February 2019 11:03  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie; Judith Cameron  
**Subject:** Re:

Hi Gene,  
 I called you earlier and left a message. Can you please provide an update on our planning objection, Case ref: ENF18/42B?  
 I note we are well past the 3 months notice period now and the owners of the property have not ceased using it for habitation purposes and have actually added to the structure to make it bigger again.

Kind Regards  
 Iain Cameron | Director | HubEx  
 T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)  
 Bike to Work Ltd T/A HubEx, Registered in Ireland No. 464697  
 175 Ivy Exchange, Granby Place, Parnell Square West, Dublin 1, Ireland

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On 6 Feb 2019, at 10:48, [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) wrote:

----- Forwarded message -----  
**From:** Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>  
**To:** 'judith.cameron@yahoo.co.uk' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>  
**Sent:** Friday, 19 October 2018, 11:07:19 GMT+1  
**Subject:** RE:

Good morning Judith

It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice



Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

**From:** [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) [<mailto:judith.cameron@yahoo.co.uk>]

**Sent:** 19 October 2018 10:58

**To:** Gene Griffin

**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.



idircheaptha, truailithe, caillte, scriosta, n<sup>o</sup> teacht d<sup>o</sup> anach n<sup>o</sup> neamhioml<sup>o</sup>n . D<sup>o</sup> bhr<sup>o</sup> sin , n<sup>o</sup> f<sup>o</sup>idir linn glacadh le freagracht as aon earr<sup>o</sup>id<sup>o</sup> n<sup>o</sup> easnaimh at<sup>o</sup> sa teachtaireacht seo , n<sup>o</sup> aon iat<sup>o</sup>n , a th<sup>o</sup>inig chun cinn mar thoradh ar an tarchur r<sup>o</sup>omhphoist . T<sup>o</sup> an teachtaireacht cuardaithe ag bogearra<sup>o</sup> Frithv<sup>o</sup>reas

---



**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



Our Ref: Enf 18/42B  
Date: 12 February 2019

Ms. Judith Cameron  
78 Castlefield Woods  
Clonsilla  
Dublin 15.

---

Re: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15.

---

Dear Madam,

I refer to the above lands and to correspondence regarding same.

A recent inspection of 79 Castlefield Woods, Clonsilla revealed that the structure in the rear garden complies with all conditions and limitations attached to exemption Class 1 of the Planning and Development Regulations 2001.

Accordingly there is no further enforcement action open to the Council in relation to this matter.

The file is now closed.

Yours faithfully,

Janice Kavanagh  
Staff Officer  
Planning Enforcement.





**Gene Griffin**

---

**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 19 February 2019 11:06  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie; Judith Cameron  
**Subject:** Re: 79 Castlefield Woods

**Categories:** Red Category

Hi Gene,

Can you please confirm the date the declaration was made on the property being exempt please?  
 I understand we have 4 weeks from the date to submit a Section 5 declaration.

--  
 Kind Regards

Iain Cameron | Director | HubEx  
 T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)  
 Bike to Work Ltd T/A HubEx, Registered in Ireland No. 464697  
 175 Ivy Exchange, Granby Place, Parnell Square West, Dublin 1, Ireland

**Do you offer Tax Saver Tickets? We can help - Contact us for more information.**

On 14 Feb 2019, at 13:51, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

<PastedGraphic-1.tiff><PastedGraphic-2.tiff><PastedGraphic-3.tiff>

Hi Gene,

Thank you for the information you provided over the phone earlier. As discussed I would appreciate if you could talk with the Planning Inspector and see what he thinks constitutes an extension to a house. I was surprised to receive the letter earlier stating the building was now up to the required standards.

As I mentioned the building has been modified and they have added a perspex roof but my opinion is that the building is still a separate unit so should not be exempt under Class 1. I've attached some images taken from our house and you can see the recent work being carried out. I should point out that the roof is completely separate from the main house. The walls of the cabin are separate from the main house. The flooring is separate from the main house. The house still has 2 external doors and the cabin has 2 external doors. To access the cabin you must physically leave the main house and step outside, albeit under some perspex, before you can enter the cabin.

The other query I have is around Sound insulation and fire regulations, were these considered in the Planning inspection?

I understand this will take a few weeks so I'll wait to hear back from you.

--  
 Kind Regards

Iain Cameron | Director | HubEx  
 T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)



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Kind Regards

Iain Cameron | Director | HubEx

T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)

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**To:** '[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

**Sent:** Friday, 19 October 2018, 11:07:19 GMT+1

**Subject:** RE:

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Reg:

Gene Griffin

Administrative Officer

Planning Enforcement

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**Subject:**

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Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

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---

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Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith





Gene Griffin

---

**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 27 February 2019 10:58  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie; Judith Cameron  
**Subject:** Re: 79 Castlefield Woods

Hi Gene,

Thanks for the update on the phone earlier. I'll leave it with you and wait to hear back. I appreciate it will take time.

To clarify, the items I mentioned earlier were as follows:

1. The Irish Statute Book, Part 2, section 9, part 1, viii states that "Development to which article 6 relates shall not be exempted development for the purposes of the Act— if the carrying out of such development would—consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

My understanding is that since the remedial work was carried out after an enforcement order was in place does this not deem the work unauthorised also?

2. Was the structure measured after the work was conducted as my rough measurements of it are over 40sqm. Does the addition of the porch bring the structure outside the 40sqm limits?

3. Finally, my previous question was around what the council deem to be an extension and what is deemed a separate unit. In the building regulation document 2012 it states that :

For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the substructure.

Since the structure is physically separate to the main house and the rear vertical wall is between both structures I would interpret this as being a separate unit.

Thank you for the time you are putting into this and apologies again if we have appeared impatient, we've just found this very frustrating.

--  
Kind Regards

Iain Cameron | Director | HubEx  
T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)  
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175 Ivy Exchange, Granby Place, Parnell Square West, Dublin 1, Ireland

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On 19 Feb 2019, at 11:06, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

Can you please confirm the date the declaration was made on the property being exempt please?  
I understand we have 4 weeks from the date to submit a Section 5 declaration.

--

Kind Regards

Iain Cameron | Director | HubEx

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On 14 Feb 2019, at 13:51, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

<PastedGraphic-1.tiff><PastedGraphic-2.tiff><PastedGraphic-3.tiff>

Hi Gene,

Thank you for the information you provided over the phone earlier. As discussed I would appreciate if you could talk with the Planning Inspector and see what he thinks constitutes an extension to a house. I was surprised to receive the letter earlier stating the building was now up to the required standards.

As I mentioned the building has been modified and they have added a perspex roof but my opinion is that the building is still a separate unit so should not be exempt under Class 1. I've attached some images taken from our house and you can see the recent work being carried out. I should point out that the roof is completely separate from the main house. The walls of the cabin are separate from the main house: The flooring is separate from the main house. The house still has 2 external doors and the cabin has 2 external doors. To access the cabin you must physically leave the main house and step outside, albeit under some perspex, before you can enter the cabin.

The other query I have is around Sound insulation and fire regulations, were these considered in the Planning inspection?

I understand this will take a few weeks so I'll wait to hear back from you.

--

Kind Regards

Iain Cameron | Director | HubEx

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On 6 Feb 2019, at 11:03, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

I called you earlier and left a message. Can you please provide an update on our planning objection, Case ref: ENF18/42B?

I note we are well past the 3 months notice period now and the owners of the property have not ceased using it for habitation purposes and have actually added to the structure to make it bigger again.

--

Kind Regards

Iain Cameron | Director | HubEx

T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)

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On 6 Feb 2019, at 10:48, [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) wrote:

----- Forwarded message -----

**From:** Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>

**To:** '[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

**Sent:** Friday, 19 October 2018, 11:07:19 GMT+1

**Subject:** RE:

Good morning Judith

It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards

Gene Griffin



Administrative Officer

Planning Enforcement

---

**From:** [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) [mailto:[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)]  
**Sent:** 19 October 2018 10:58  
**To:** Gene Griffin  
**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@finjal.ie](mailto:Gene.Griffin@finjal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.





5  
However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

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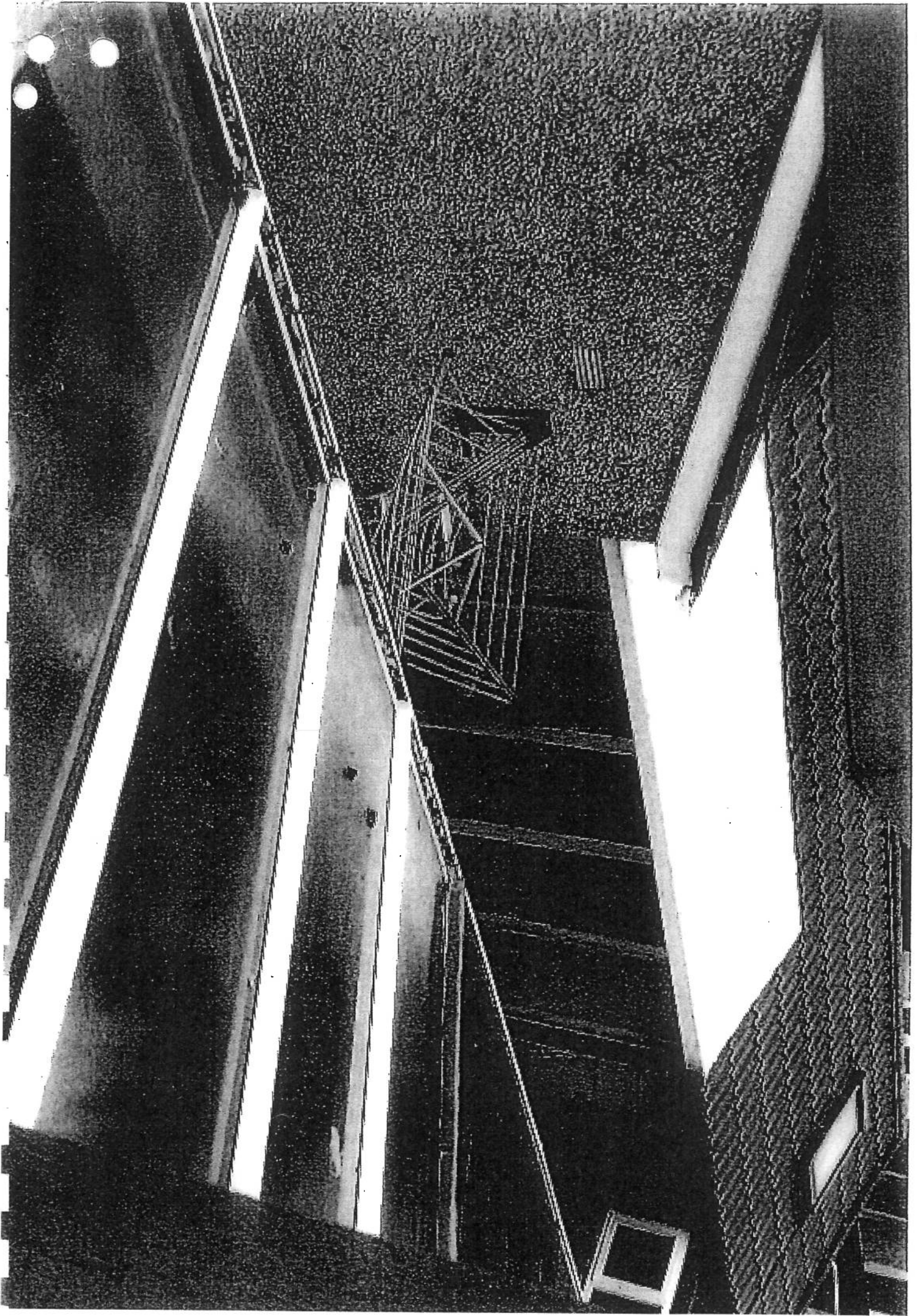
Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, caillte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas

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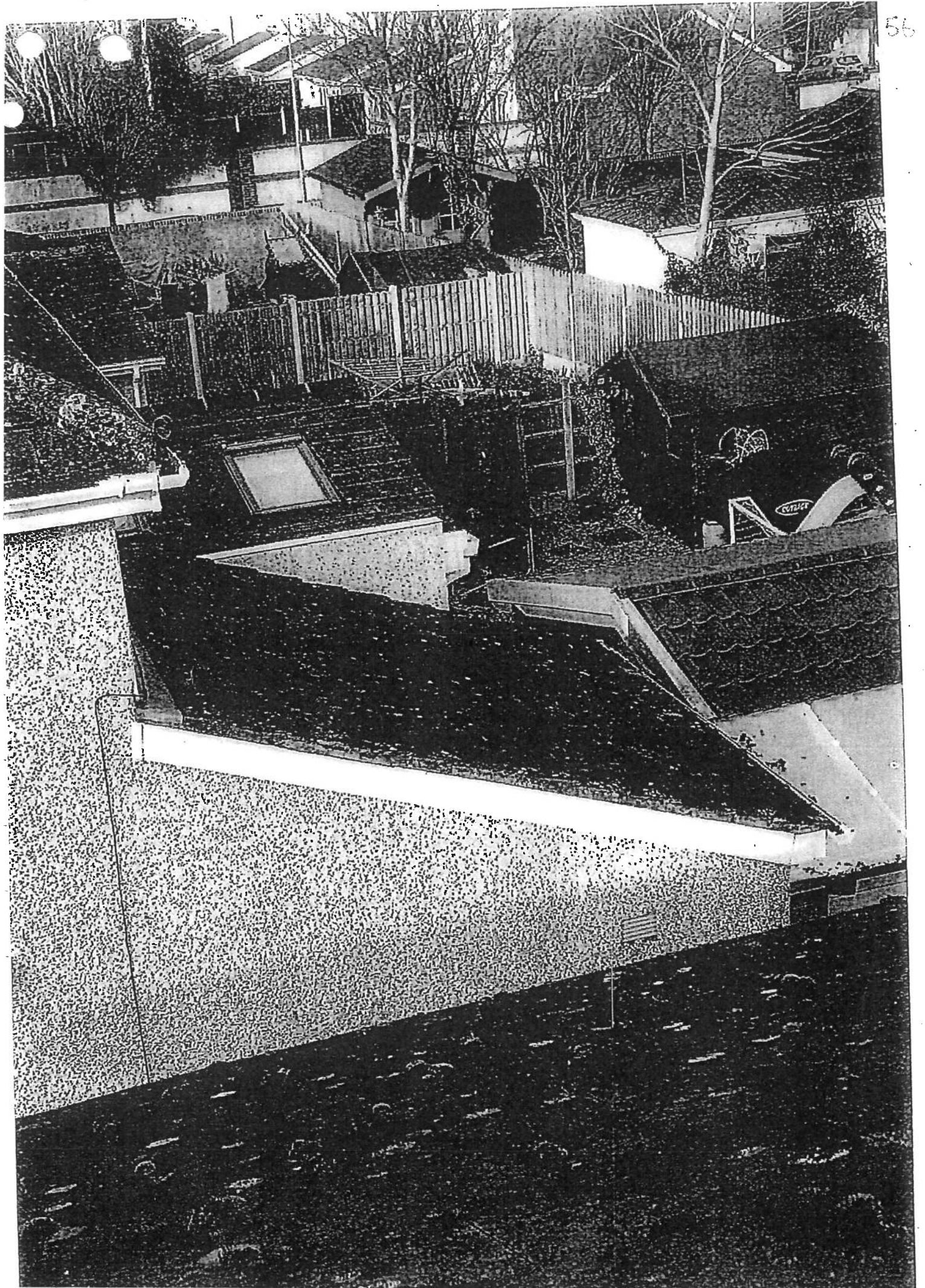
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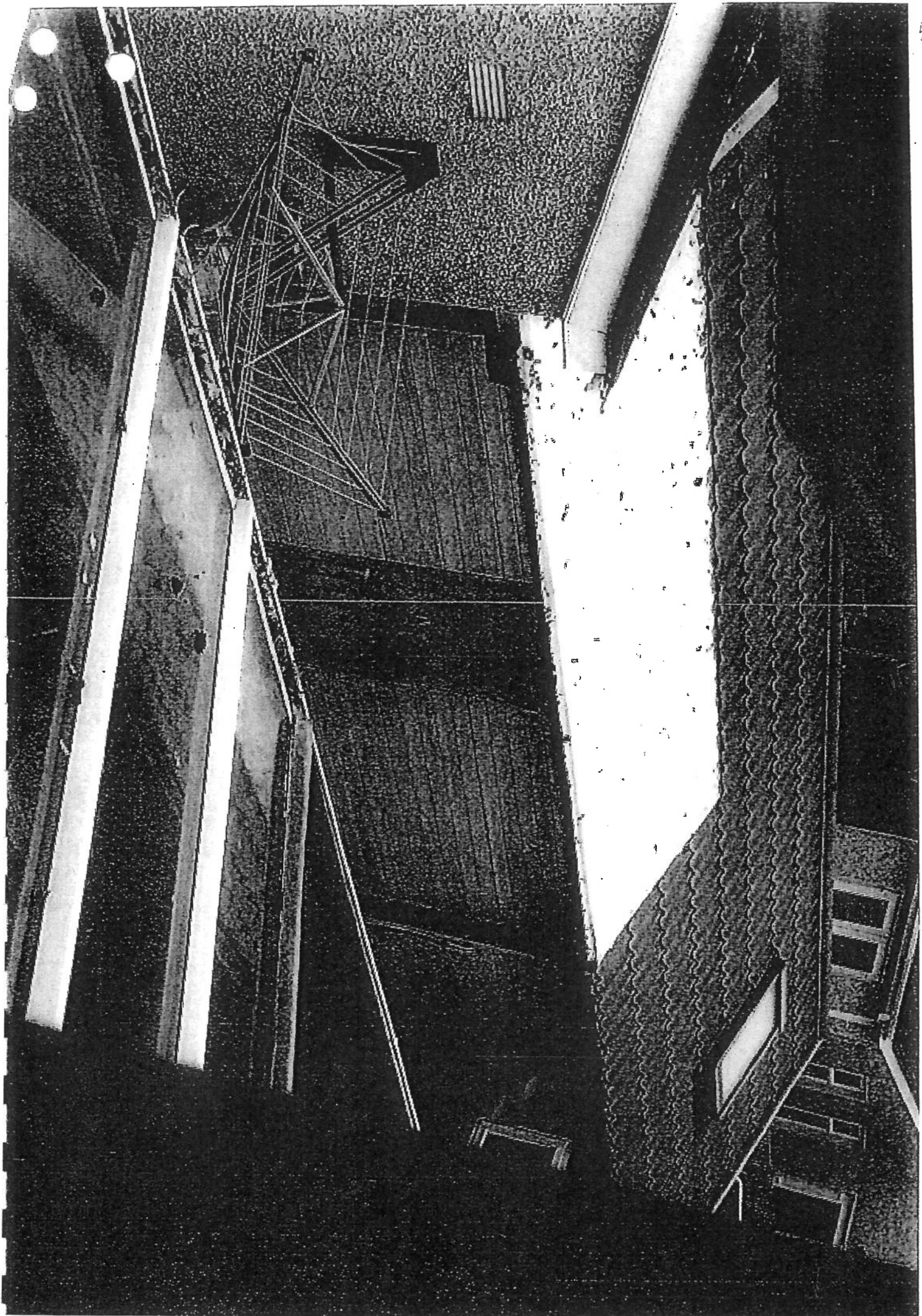
















Comhairle Contae Fhine Gall  
Fingal County Council

An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



Our Ref. FOI/2019/035

ENF: 18/42B

Date: 14<sup>th</sup> March 2019

Ian & Judith Cameron,  
78 Castlefield Woods  
Clonsilla,  
Dublin 15

Re: Freedom of Information Request

---

Dear Ian & Judith,

I refer to your request under the Freedom of Information Act 2014 for records held by this Department:

"Under the Freedom of Information Act, 2014, I would like to receive a copy of the file referenced Enf 18/42B from Fingal County Planning. This relates to an enforcement order for 79 Castlefield Woods, Clonsilla, that was issued in October 2018 and revoked in February 2019. Full disclosure regarding the decision process to change the classification of the wooden cabin from Class 3 to Class 1 is of particular interest".

I have made a final decision to Refuse your request on 13<sup>th</sup> March 2019.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all of the records covered by your request.
2. Concerning records to which access is denied, an explanation of the relevant findings; and
3. A statement of how you can appeal this decision should you wish to do so.



This letter addresses each of these three parts in turn.

1. Schedule of Records

A schedule is attached at the end of this letter. The schedule refers to the section of the FOI Act which applies to the refusal of this request.

2. Findings, Particulars and Reasons for Decisions to Deny Access

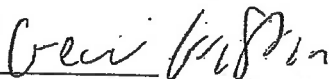
The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

In this case the basis of refusal is Section 29.(1) of the Freedom of Information Act (Deliberations of Freedom Of Information Bodies).

3. Rights of Appeal

In the event that you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Officer, Corporate Affairs and Governance Department, Fingal County Council, Main Street, Swords, Co. Dublin or by email to [foi@fingal.ie](mailto:foi@fingal.ie). Your correspondence should include a fee of €30 (€10 if you are a medical card holder) for processing the appeal. Payment should be by way of bank draft, money order, postal order or personal cheque made payable to Fingal County Council. If you wish to make the payment by electronic means, please contact our Cash Office at 018905154. You should make your appeal within four weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of staff of this body.

Yours faithfully,



Gene Griffin

Administrative Officer

Planning & Strategic Infrastructure Department







**File Note**

I spoke with Ian Cameron today 13.3.19. I referred to previous telephone conversations following his e-mails in recent weeks and our previous dialogue on his FOI request. I advised that as outlined previously the enforcement notice has been withdrawn as the Council following recommendation of the Planning Inspector and SEP were satisfied that matters were in order @ the location in question. I further advised Ian that as per recent discussions, the Council had noted his recent queries and that I had given him a commitment that these would be discussed with the Planning Inspector and Senior Executive Planner and that these discussions had commenced but not reached outcome meaning that matters relating to the file were under review effectively meaning that we in are in an investigate process and deliberative process at this time. Bearing this mind, I informed Ian that the Council is not in a position to grant his request at this time. I advised that we may be in a position to do so at a later stage and that also as we moved through the investigative & deliberative process of the matter in hand he would be kept updated. I informed him a letter refusing to grant his request referencing the relevant section of the ACT would issue tomorrow by e-mail and post.

Ian stated that he understood the above position and thanked me for my call

*Ben G...  
14/3/19*





**Mary Jones**

---

**From:** Mary Jones  
**Sent:** 14 March 2019 10:58  
**To:** 'iain@hubex.ie'  
**Subject:** Freedom of Information Ref FOI/2019/035

Dear Ian and Judith,

I refer to your request under the Freedom of Information Act 2014 and recent discussions with Ian in this regard.

Attached is a copy of the Council's decision with regard to your request.

This letter has also been issued in the post to you.

Regards

Mary Jones  
Clerical Officer  
Planning Enforcement  
Fingal County Council  
County Hall  
Main St  
Droghda

Phone: 8905732  
Email [mary.jones@fingal.ie](mailto:mary.jones@fingal.ie)



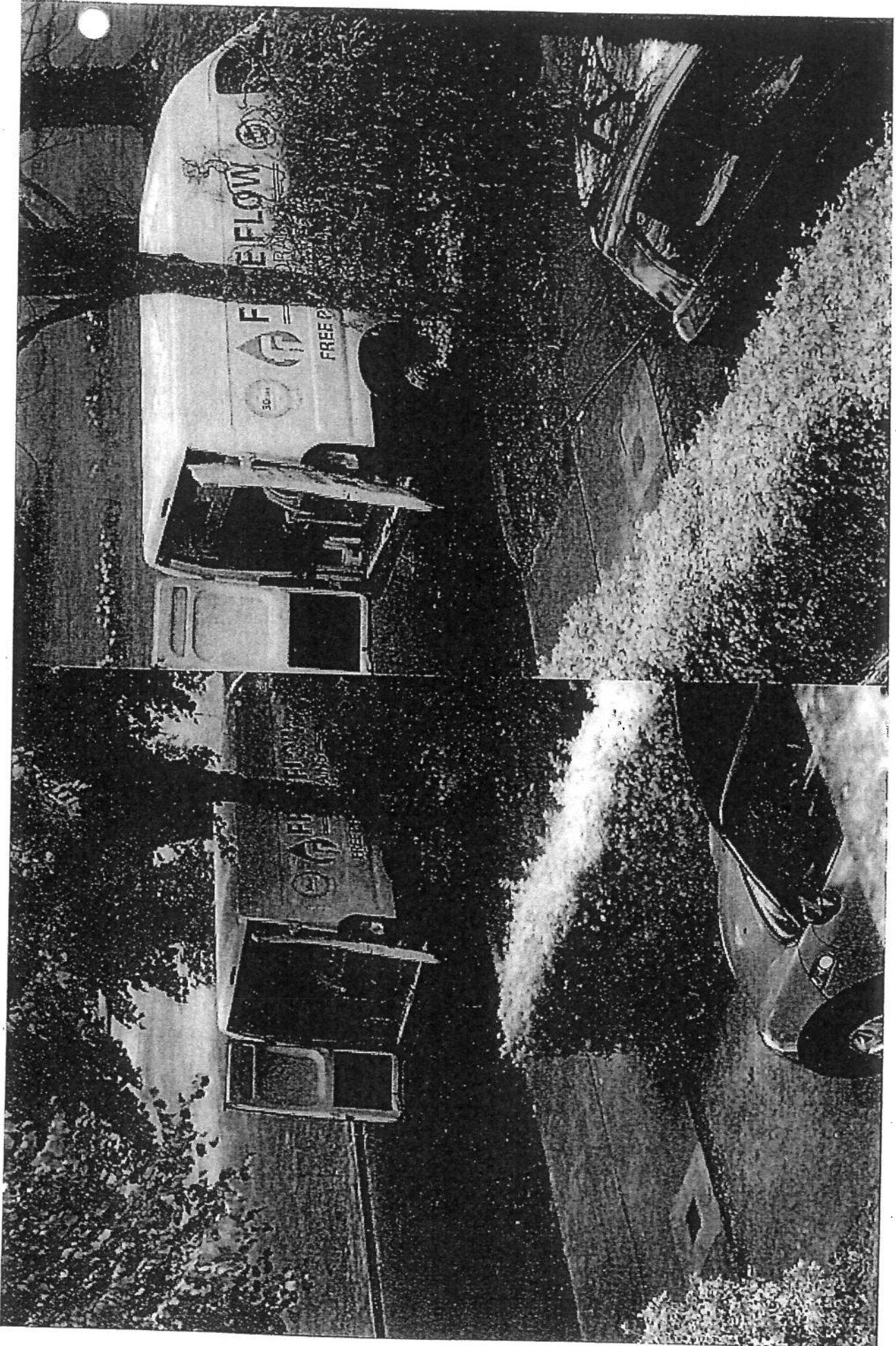
**Gene Griffin**

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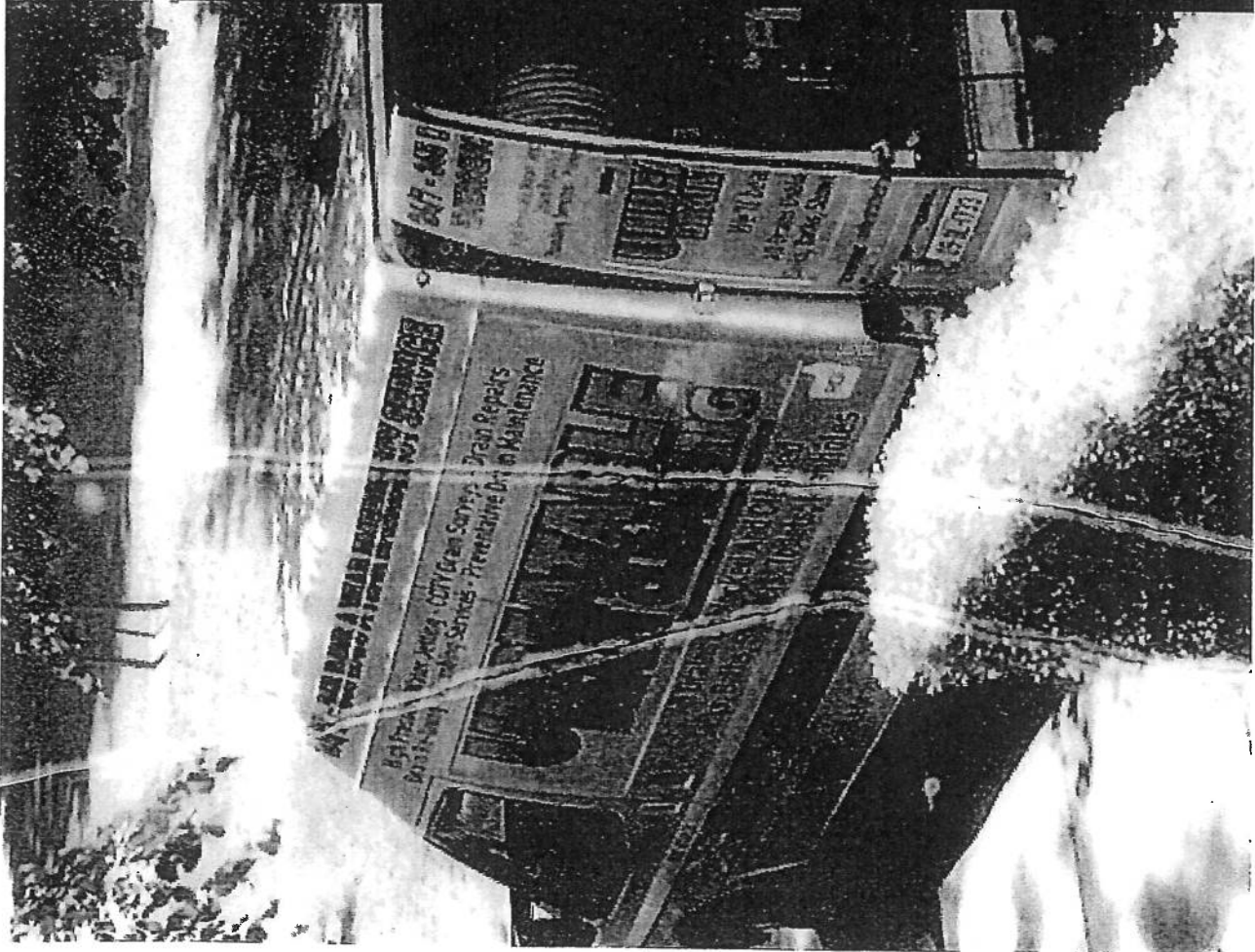
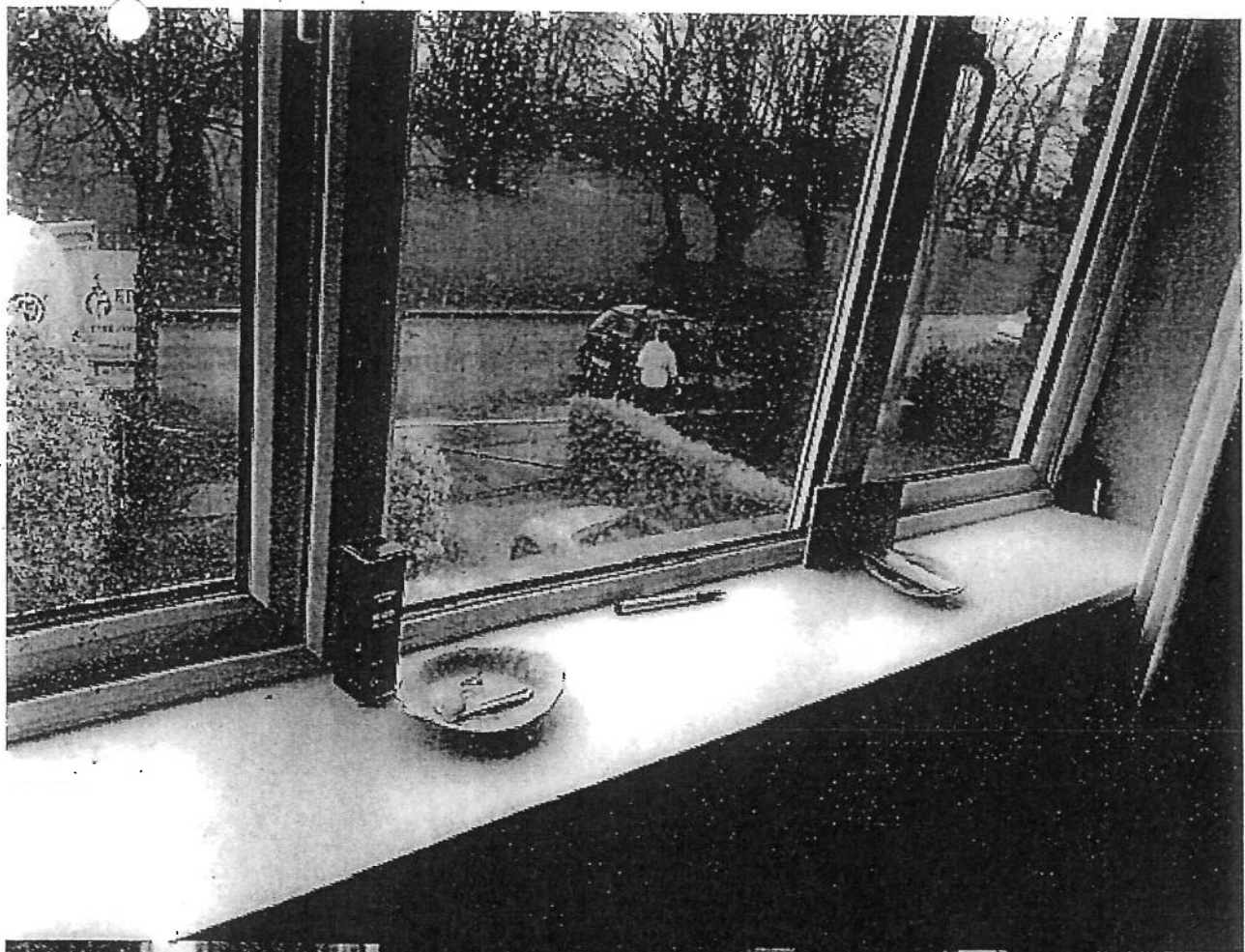
**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 21 March 2019 15:53  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie  
**Subject:** 79 Castlefield Woods  
  
**Categories:** Red Category

Hi Gene,  
Hope you are well? I'm not hassling you about the case at 79 Castlefield Woods but wanted to highlight one of the issues. The smell of sewage has been a problem since the cabin was installed and I've attached photos from 4 separate occasions when a drain clearing company has had to attend the cabin to pump out sewage. These are times when we have been home so there could have been others too. I'll leave it with you.













---

Kind Regards

Iain Cameron | Director | HubEx

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Mary Jones

**From:** Gene Griffin  
**Sent:** 22 March 2019 09:26  
**To:** Mary Jones  
**Subject:** Fwd: 79 Castlefield Woods

Mary

Note to file please, also enquire with water services of they deal with such matters or refer to Irish water

Gene

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)>  
**Date:** 21/03/2019 15:52 (GMT+00:00)  
**To:** Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>  
**Cc:** [iain@hubex.ie](mailto:iain@hubex.ie)  
**Subject:** 79 Castlefield Woods

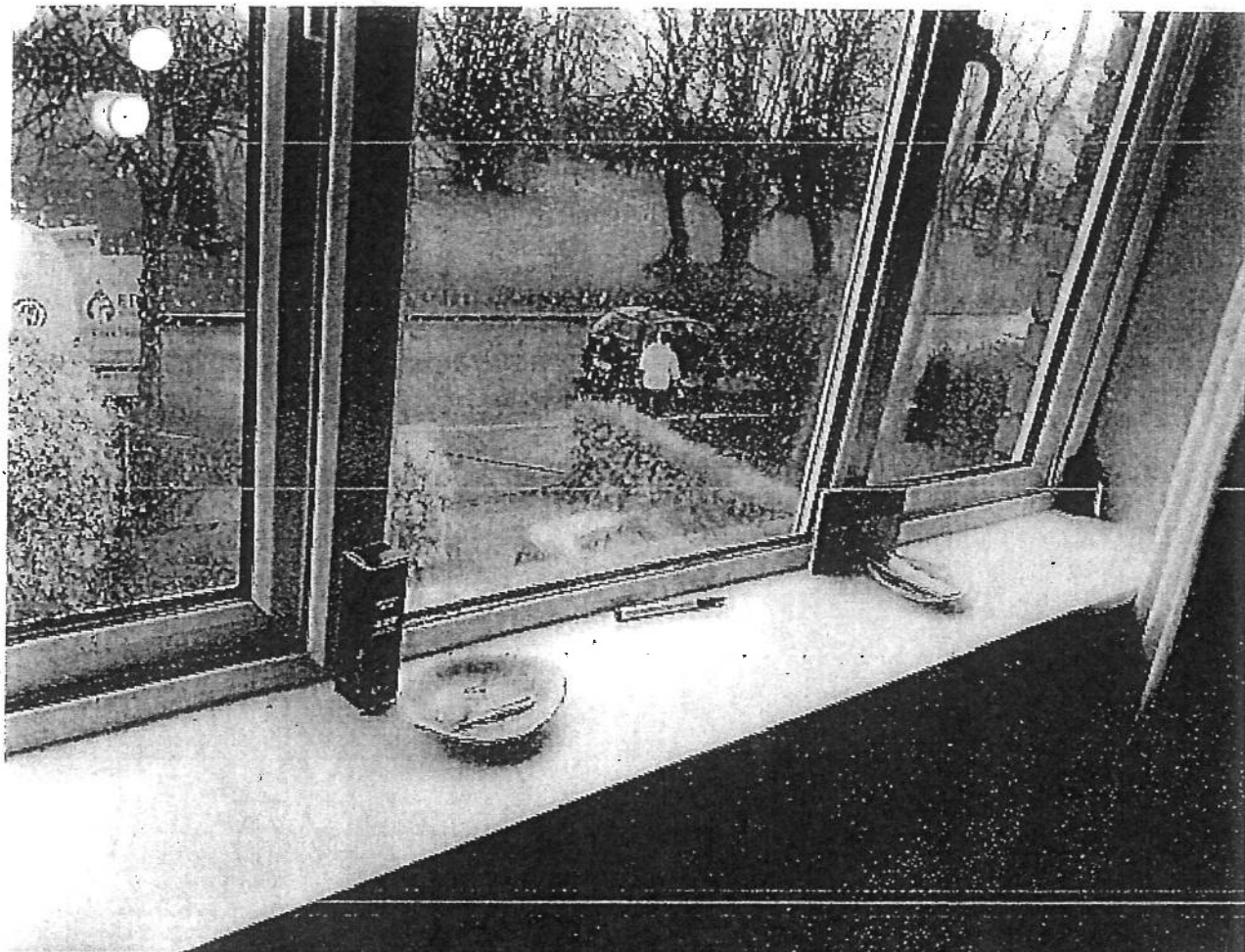
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Kind Regards

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Mary Jones

18/42 B

**From:** Gene Griffin  
**Sent:** 16 April 2019 14:21  
**To:** Harry McLauchlan; Mary Jones  
**Subject:** FW: 79 Castlefield Woods

Afternoon Harry

Previous correspondence refers re this file. You have a copy of the file

Are you available to discuss this and other files some day this week?

Mary has been sending you some inspector reports

Mary

Please collate the files on which you sent inspector reports to Harry. I can bring them over to Harry next week

Regards

Gene

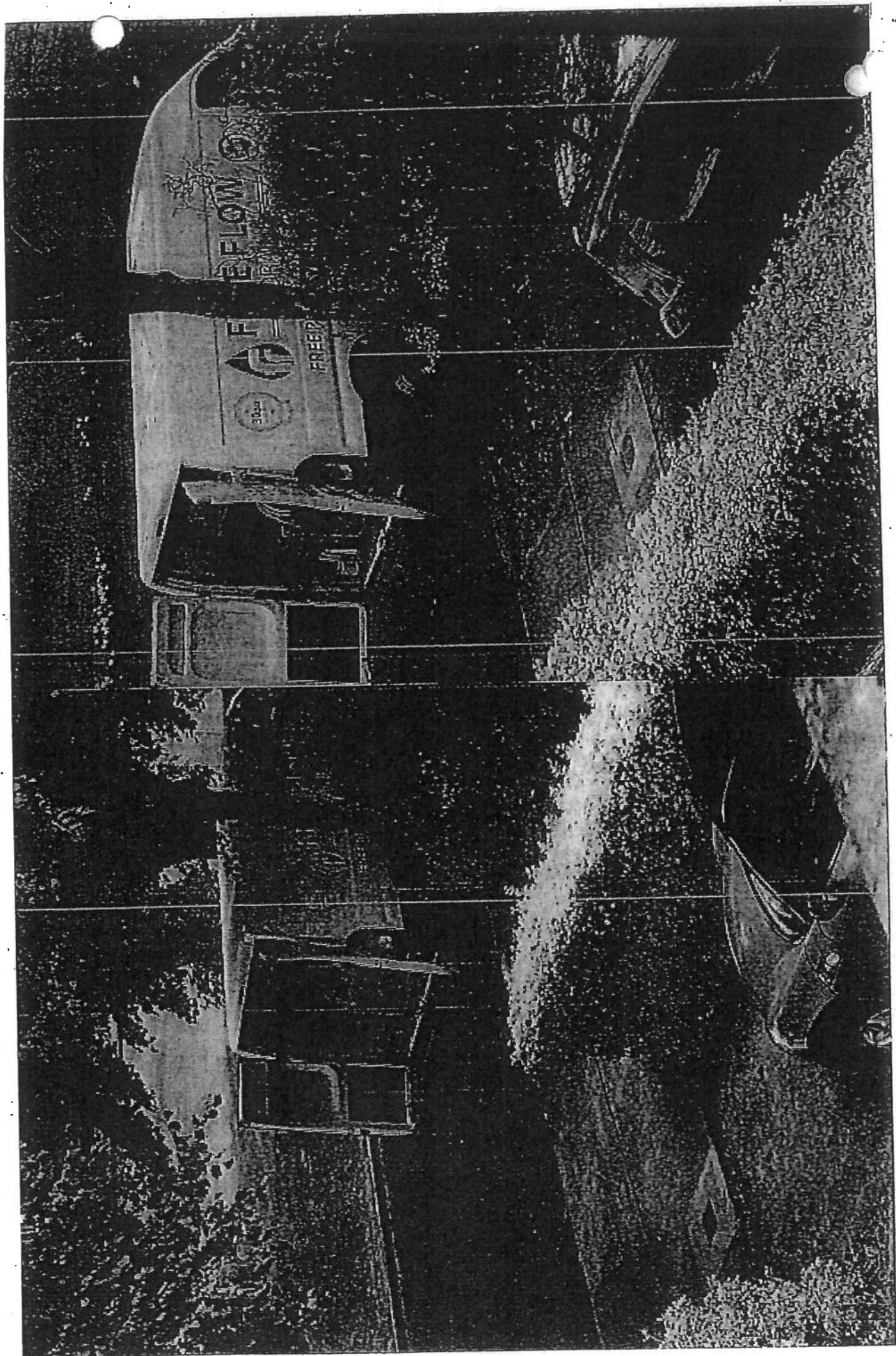
---

**From:** Iain Cameron [<mailto:iain@hubex.ie>]  
**Sent:** 21 March 2019 15:53  
**To:** Gene Griffin  
**Cc:** [iain@hubex.ie](mailto:iain@hubex.ie)  
**Subject:** 79 Castlefield Woods

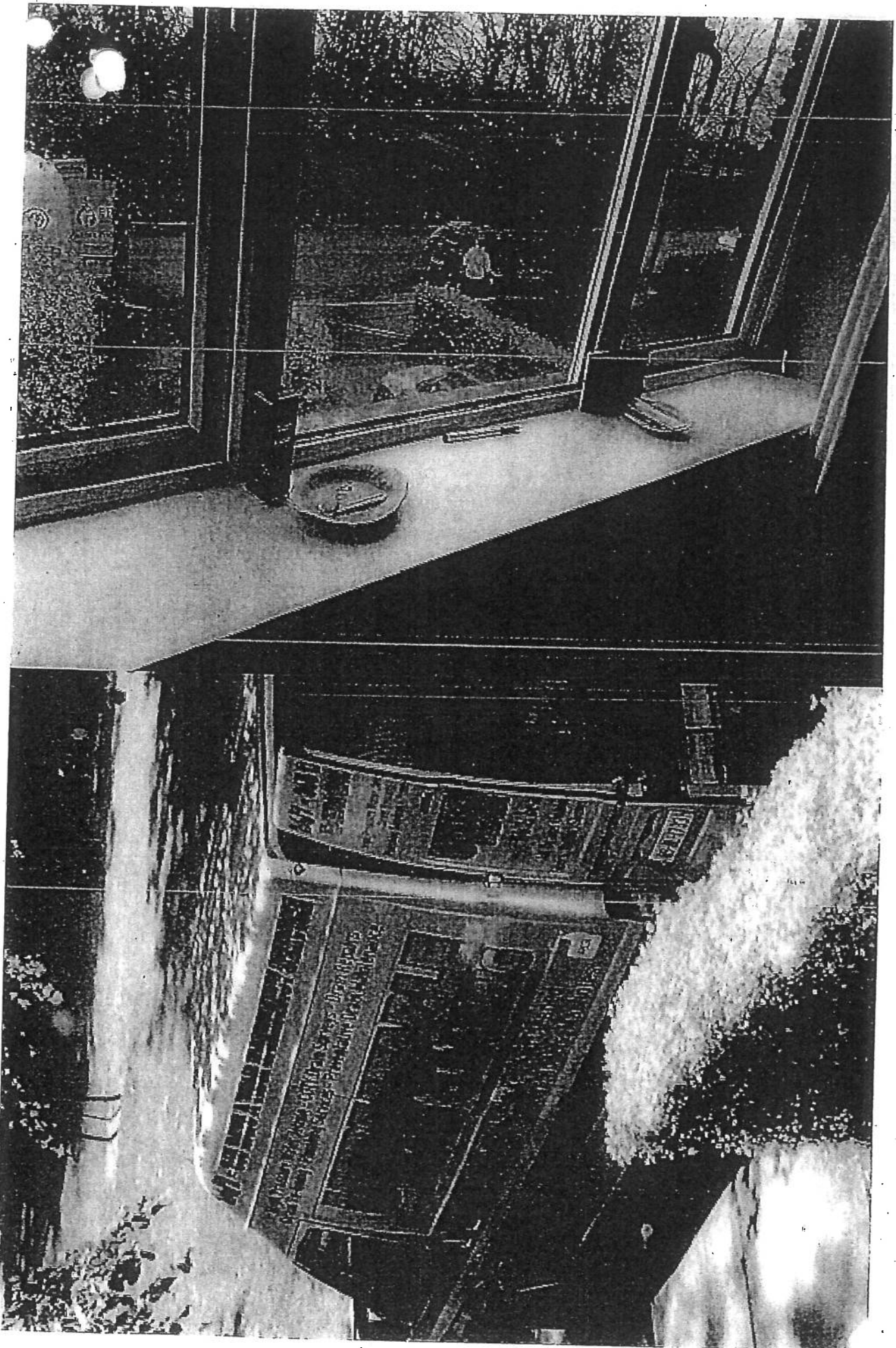
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Kind Regards

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Jones

Mary Jones  
26 March 2019 09:57  
iain@hubex.ie  
79 Castlefield Woods

I acknowledge receipt of your email dated 22<sup>nd</sup> March 2019.

In regard to sewerage issues, matters such as these are examined by Irish Water and with your consent I will send your email to [operations@water.ie](mailto:operations@water.ie), ph. no 1850278278.

The planning matters you have raised are in review as previously advised.

Yours

Mary Jones  
Planning Officer  
Planning Enforcement  
Fingal County Council  
County Hall  
1 St  
Droghda

Phone: 8905732  
Email [mary.jones@fingal.ie](mailto:mary.jones@fingal.ie)



## Gene Griffin

---

**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 07 May 2019 10:08  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie; Judith Cameron; Mary Jones  
**Subject:** Re: 79 Castlefield Woods

Hi Gene,

Is there any update on the progress of this case, Case ref: ENF18/42B? It's been almost 2 months since we spoke last.

Kind Regards

Iain Cameron | Director | HubEx  
T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)  
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On 27 Feb 2019, at 10:58, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

Thanks for the update on the phone earlier. I'll leave it with you and wait to hear back. I appreciate it will take time.

To clarify, the items I mentioned earlier were as follows:

1. The Irish Statute Book, Part 2, section 9, part 1, viii states that "Development to which article 6 relates shall not be exempted development for the purposes of the Act— if the carrying out of such development would—consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

My understanding is that since the remedial work was carried out after an enforcement order was in place does this not deem the work unauthorised also?

2. Was the structure measured after the work was conducted as my rough measurements of it are over 40sqm. Does the addition of the porch bring the structure outside the 40sqm limits?

3. Finally, my previous question was around what the council deem to be an extension and what is deemed a separate unit. In the building regulation document 2012 it states that :

For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the substructure.



Since the structure is physically separate to the main house and the rear vertical wall is between both structures I would interpret this as being a separate unit.

Thank you for the time you are putting into this and apologies again if we have appeared impatient, we've just found this very frustrating.

--  
Kind Regards

Iain Cameron | Director | HubEx

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On 19 Feb 2019, at 11:06, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

Can you please confirm the date the declaration was made on the property being exempt please?  
I understand we have 4 weeks from the date to submit a Section 5 declaration.

--  
Kind Regards

Iain Cameron | Director | HubEx

T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)

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On 14 Feb 2019, at 13:51, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

<PastedGraphic-1.tiff><PastedGraphic-2.tiff><PastedGraphic-3.tiff>

Hi Gene,

Thank you for the information you provided over the phone earlier. As discussed I would appreciate if you could talk with the Planning Inspector and see what he thinks constitutes an extension to a house. I was surprised to receive the letter earlier stating the building was now up to the required standards.

As I mentioned the building has been modified and they have added a perspex roof but my opinion is that the building is still a separate unit so should not be exempt under Class 1. I've attached some images taken from our house and you can see the recent work being carried out. I should point out that the roof is





completely separate from the main house. The walls of the cabin are separate from the main house. The flooring is separate from the main house. The house still has 2 external doors and the cabin has 2 external doors. To access the cabin you must physically leave the main house and step outside, albeit under some perspex, before you can enter the cabin.

The other query I have is around Sound insulation and fire regulations, were these considered in the Planning inspection?

I understand this will take a few weeks so I'll wait to hear back from you.

--

Kind Regards

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On 6 Feb 2019, at 11:03, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

I called you earlier and left a message. Can you please provide an update on our planning objection, Case ref: ENF18/42B?

I note we are well past the 3 months notice period now and the owners of the property have not ceased using it for habitation purposes and have actually added to the structure to make it bigger again.

--

Kind Regards

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On 6 Feb 2019, at 10:48, [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) wrote:

----- Forwarded message -----

From: Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>

To: '[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

Sent: Friday, 19 October 2018, 11:07:19 GMT+1

Subject: RE:

Good morning Judith



It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

**From:** [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) [mailto:[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)]  
**Sent:** 19 October 2018 10:58  
**To:** Gene Griffin  
**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

ear Jude



71

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.

However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie). Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software.

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---

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---





**Mary Jones**

18/42B. (File with Harry)

**From:** Ann Markey  
**Sent:** 07 May 2019 15:30  
**To:** Mary Jones  
**Subject:** FW: 79 Castlefield Woods

Mary

Please update electronic and physical file Enf 18/42B.

Ann

---

**From:** Gene Griffin  
**Sent:** 07 May 2019 11:06  
**To:** Ann Markey  
**Subject:** FW: 79 Castlefield Woods

Ann

Did this file come up in your files meeting with Harry?

Regards

Gene

---

**From:** Gene Griffin  
**Sent:** 07 May 2019 10:16  
**To:** Harry McLauchlan  
**Subject:** FW: 79 Castlefield Woods

Hi Harry

How are you fixed to discuss this file with me on Thursday? I left you a copy of the file sometime ago

Perhaps we could also call to the location in question

Regards

Gene

---

**From:** Iain Cameron [<mailto:iain@hubex.ie>]  
**Sent:** 07 May 2019 10:08  
**To:** Gene Griffin  
**Cc:** [iain@hubex.ie](mailto:iain@hubex.ie); Judith Cameron; Mary Jones  
**Subject:** Re: 79 Castlefield Woods

Hi Gene,

Is there any update on the progress of this case, Case ref: ENF18/42B? It's been almost 2 months since we spoke last.

Kind Regards

Iain Cameron | Director | HubEx

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On 27 Feb 2019, at 10:58, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

Thanks for the update on the phone earlier. I'll leave it with you and wait to hear back. I appreciate it will take time.

To clarify, the items I mentioned earlier were as follows:

1. The Irish Statute Book, Part 2, section 9, part 1, viii states that "Development to which article 6 relates shall not be exempted development for the purposes of the Act— if the carrying out of such development would—consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

My understanding is that since the remedial work was carried out after an enforcement order was in place does this not deem the work unauthorised also?

2. Was the structure measured after the work was conducted as my rough measurements of it are over 40sqm. Does the addition of the porch bring the structure outside the 40sqm limits?

3. Finally, my previous question was around what the council deem to be an extension and what is deemed a separate unit. In the building regulation document 2012 it states that :

For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the substructure.

Since the structure is physically separate to the main house and the rear vertical wall is between both structures I would interpret this as being a separate unit.

Thank you for the time you are putting into this and apologies again if we have appeared impatient, we've just found this very frustrating.

Kind Regards

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On 19 Feb 2019, at 11:06, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

Hi Gene,

Can you please confirm the date the declaration was made on the property being exempt please?  
I understand we have 4 weeks from the date to submit a Section 5 declaration.

Kind Regards

Iain Cameron | Director | HubEx  
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On 14 Feb 2019, at 13:51, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:

<PastedGraphic-1.tiff><PastedGraphic-2.tiff><PastedGraphic-3.tiff>...

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Thank you for the information you provided over the phone earlier. As discussed I would appreciate if you could talk with the Planning Inspector and see what he thinks constitutes an extension to a house. I was surprised to receive the letter earlier stating the building was now up to the required standards.

As I mentioned the building has been modified and they have added a perspex roof but my opinion is that the building is still a separate unit so should not be exempt under Class 1. I've attached some images taken from our house and you can see the recent work being carried out. I should point out that the roof is completely separate from the main house. The walls of the cabin are separate from the main house. The flooring is separate from the main house. The house still has 2 external doors and the cabin has 2 external doors. To access the cabin you must physically leave the main house and step outside, albeit under some perspex, before you can enter the cabin.

The other query I have is around Sound insulation and fire regulations; were these considered in the Planning inspection?

I understand this will take a few weeks so I'll wait to hear back from you.

Kind Regards

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I note we are well past the 3 months notice period now and the owners of the property have not ceased using it for habitation purposes and have actually added to the structure to make it bigger again.

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On 6 Feb 2019, at 10:48, [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) wrote:

----- Forwarded message -----

**From:** Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>

**To:** '[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

**Sent:** Friday, 19 October 2018, 11:07:19 GMT+1

**Subject:** RE:

Good morning Judith

It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards

Gene Griffin





Administrative Officer

Planning Enforcement

---

**From:** [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) [mailto:[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)]  
**Sent:** 19 October 2018 10:58  
**To:** Gene Griffin  
**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.



However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks

Regards

Gene Griffin

Administrative Officer

Planning Enforcement

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**File Note**

I attended 79 Castlefield Woods on the 9.5.19 with SEP Harry McLauchlan.

The site inspection was unannounced and the householder was initially reluctant to grant access citing that she had previously received correspondence stating the file was closed. I confirmed that correspondence of this nature had issued but nevertheless Harry and I required access today. I advised the Council were wishing to inspect again noting that whilst the Planning Inspector had inspected previously, neither I or the SEP (Harry) had done so.

We were granted access to 79 Castlefield Woods and we were able to access the totality of the structure, main dwelling and the extension to the rear which was accessible through the back kitchen. There was clear linkage and access. We were advised how the extension to the rear is inhabited by family members. At the time of our inspection, there was no one present but there was evidence that the extension is used for occupation. Harry took internal measurements within the structure and then external measurements including the remaining garden space.

We advised whilst the file was closed, matters relating were under review and the house owner would be advised if there was any further developments arising from our inspection. Harry advised me that he would calculate the measurements taken on site and review the various aspects of the file and report on same in due course.

*Gene Griffin 9/5/19*

Gene Griffin



**Gene Griffin**

---

**From:** Iain Cameron <iain@hubex.ie>  
**Sent:** 27 June 2019 15:55  
**To:** Gene Griffin  
**Cc:** iain@hubex.ie  
**Subject:** Re: 79 Castlefield Woods

Hi Gene,  
I'm following up again on Case ref: ENF18/42B. Can you please provide an update on this?

--  
Kind Regards

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On 9 May 2019, at 19:26, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Good evening Iain

I cannot communicate the outcome of our further considerations just yet

I can confirm further inspection and considerations have taken place

When matters conclude , further reply will issue

Regards

Gene Griffin  
Administrative Officer  
Planning Enforcement

---

**From:** Iain Cameron [<mailto:iain@hubex.ie>]  
**Sent:** 07 May 2019 10:08  
**To:** Gene Griffin  
**Cc:** [iain@hubex.ie](mailto:iain@hubex.ie); Judith Cameron; Mary Jones  
**Subject:** Re: 79 Castlefield Woods

Hi Gene,  
Is there any update on the progress of this case, Case ref: ENF18/42B? It's been almost 2 months since we spoke last.

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Hi Gene,

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To clarify, the items I mentioned earlier were as follows:

1. The Irish Statute Book, Part 2, section 9, part 1, viii states that "Development to which article 6 relates shall not be exempted development for the purposes of the Act— if the carrying out of such development would—consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

My understanding is that since the remedial work was carried out after an enforcement order was in place does this not deem the work unauthorised also?

2. Was the structure measured after the work was conducted as my rough measurements of it are over 40sqm. Does the addition of the porch bring the structure outside the 40sqm limits?

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Thank you for the time you are putting into this and apologies again if we have appeared impatient, we've just found this very frustrating.

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Kind Regards

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Hi Gene,

Can you please confirm the date the declaration was made on the property being exempt please?  
I understand we have 4 weeks from the date to submit a Section 5 declaration.

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Kind Regards

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<PastedGraphic-1.tiff><PastedGraphic-2.tiff><PastedGraphic-3.tiff>

Hi Gene,

Thank you for the information you provided over the phone earlier. As discussed I would appreciate if you could talk with the Planning Inspector and see what he thinks constitutes an extension to a house. I was surprised to receive the letter earlier stating the building was now up to the required standards.

As I mentioned the building has been modified and they have added a perspex roof but my opinion is that the building is still a separate unit so should not be exempt under Class 1. I've attached some images taken from our house and you can see the recent work being carried out. I should point out that the roof is completely separate from the main house. The walls of the cabin are separate from the main house. The flooring is separate from the main house. The house still has 2 external doors and the cabin has 2 external doors. To access the cabin you must physically leave the main house and step outside, albeit under some perspex, before you can enter the cabin.

The other query I have is around Sound insulation and fire regulations, were these considered in the Planning inspection?

I understand this will take a few weeks so I'll wait to hear back from you.

--

Kind Regards

Iain Cameron | Director | HubEx

T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)

Bike to Work Ltd T/A HubEx, Registered in Ireland No. 464697

175 Ivy Exchange, Granby Place, Parnell Square West, Dublin 1, Ireland

**Do you offer Tax Saver Tickets? We can help - Contact us for more information.**

On 6 Feb 2019, at 11:03, Iain Cameron <[iain@hubex.ie](mailto:iain@hubex.ie)> wrote:



Hi Gene,

I called you earlier and left a message. Can you please provide an update on our planning objection, Case ref: ENF18/42B?

I note we are well past the 3 months notice period now and the owners of the property have not ceased using it for habitation purposes and have actually added to the structure to make it bigger again.

Kind Regards

Iain Cameron | Director | HubEx

T +353 1 514 3520 | [iain@hubex.ie](mailto:iain@hubex.ie) | M +353 87 768 8678 | [www.hubex.ie](http://www.hubex.ie)

Bike to Work Ltd T/A HubEx, Registered in Ireland No. 464697

175 Ivy Exchange, Granby Place, Parnell Square West, Dublin 1, Ireland

**Do you offer Tax Saver Tickets? We can help - Contact us for more information.**

On 6 Feb 2019, at 10:48, [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) wrote:

----- Forwarded message -----

**From:** Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)>

**To:** '[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)' <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

**Sent:** Friday, 19 October 2018, 11:07:19 GMT+1

**Subject:** RE:

Good morning Judith

It was my intention to e-mail you this afternoon

A Planning Enforcement Notice issued earlier this week directing that the unauthorised structure cease to be used as for habitation purposes and to remove the unauthorised structure.

The owner of the property has a timeline of 3 months to comply with the notice

Regards

Gene Griffin

Administrative Officer

Planning Enforcement



---

**From:** [jh.cameron@yahoo.co.uk](mailto:jh.cameron@yahoo.co.uk) [mailto:[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)]  
**Sent:** 19 October 2018 10:58  
**To:** Gene Griffin  
**Subject:**

Good Morning Gene,

With regard to the below email, two weeks have now passed. I am enquiring as to what time frame we are looking at before we can hear further information on this matter?

Kind Regards

Judith.

On Friday, 5 October 2018, 11:42:38 GMT+1, Gene Griffin <[Gene.Griffin@fingal.ie](mailto:Gene.Griffin@fingal.ie)> wrote:

Dear Jude

I wish to acknowledge receipt of your e-mail dated 3<sup>rd</sup> October 2018 which has been referred to me.

I note the circumstances set out and wish to assure you that this file continues to receive our attention.

A warning letter has issued with respect to the matter.

As stated, the file continues to receive our attention. Unfortunately, I am not in a position to be more specific today on the nature of this owing to the stage that we are at in the process.

However, I expect that or a team member will be in a position shortly to do so both in writing and by way of telephone call to you.

I apologise that a greater level of feedback has not been provided to you but I expect this to rectify shortly. You can expect contact within 2 weeks





Regards

Gene Griffin

Administrative Officer

Planning Enforcement

---

This email and any files transmitted with it are confidential and may be legally privileged. It is intended solely for the addressee. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If you have received this electronic message in error, please notify the sender or [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie). Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachment, that have arisen as a result of e-mail transmission. This message has been swept by Anti-Virus software.

Tá an ríomhphost seo agus aon chomhad a ghabhann leis faoi rún agus d'fhéadfadh sé a bheith faoi phribhléid dhlíthliúil. Is ar an seolaí amháin atá sé dírithe. Mura tú an faighteoir beartaithe, tá cosc ar aon nochtadh, cóipeáil, dáileadh, nó aon ghníomh a dhéanamh nó a fhágáil ar lár i dtaca leis an ríomhphost agus d'fhéadfadh sin a bheith mídhleathach. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir nó [itservicedesk@fingal.ie](mailto:itservicedesk@fingal.ie) ar an eolas. Ní féidir cumarsáid idirlín a ráthú a bheith slán nó saor ó earráidí mar d'fhéadfadh faisnéis a bheith idircheaptha, truaillithe, caillte, scriosta, nó teacht déanach nó neamhiomlán. Dá bhrí sin, ní féidir linn glacadh le freagracht as aon earráidí nó easnaimh atá sa teachtaireacht seo, nó aon iatán, a tháinig chun cinn mar thoradh ar an tarchur ríomhphoist. Tá an teachtaireacht cuardaithe ag bogearraí Frithvíreas

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**Gene Griffin**

**From:** Matthew McAleese  
**Sent:** 20 September 2019 12:20  
**To:** Gene Griffin  
**Subject:** FW: Wooden Cabins allowed as Planning Exempt Extensions.  
**Attachments:** IMG\_6605.JPG; IMG\_6709.JPG; IMG\_E6839.JPG; IMG\_7545.JPG; IMG\_0825.JPG; IMG\_1184.JPG; IMG\_1252.JPG; IMG\_2228.JPG

Gene,

Can I have a report on this please – I assume files were opened. I think a planner needs to see these on site.

Regards

Matthew McAleese | Acting Director of Services  
 (Designated Public Official under the Regulation of Lobbying Act 2015)  
 Fingal County Council | Planning & Strategic Infrastructure  
 County Hall | Main Street | Swords | Co. Dublin  
 T: +353 (0)1 8905770 | E-mail: [matthew.mcaleese@fingal.ie](mailto:matthew.mcaleese@fingal.ie)

25  
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 Fingal County  
 Council



**From:** Carmel Coogan <[Carmel.Coogan@fingal.ie](mailto:Carmel.Coogan@fingal.ie)> **On Behalf Of** Margaret Geraghty  
**Sent:** 20 September 2019 12:11  
**To:** Matthew McAleese <[Matthew.McAleese@fingal.ie](mailto:Matthew.McAleese@fingal.ie)>  
**Subject:** FW: Wooden Cabins allowed as Planning Exempt Extensions.

Matthew,

Margaret asked me to refer this email to you.

Regards,

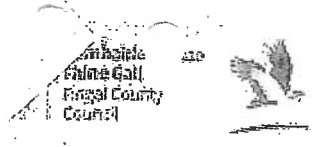
Carmel Coogan  
 on behalf of

Margaret Geraghty  
 (Designated Public Official under the Regulation of Lobbying Act 2015)

Director of Services  
 Housing & Community Department  
 Tel: 01 8905480  
 e: [margaret.geraghty@fingal.ie](mailto:margaret.geraghty@fingal.ie)  
[www.fingal.ie](http://www.fingal.ie)

Margaret Geraghty  
Stiúrthóir Seirbhísí  
 An Roinn Tithíochta agus Pobail  
 Comhairle Contae Fhine Gall





: [judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk) <[judith.cameron@yahoo.co.uk](mailto:judith.cameron@yahoo.co.uk)>

20 September 2019 11:26

Margaret Geraghty <[Margaret.Geraghty@fingal.ie](mailto:Margaret.Geraghty@fingal.ie)>

Subject: Wooden Cabins allowed as Planning Exempt Extensions.

Morning Ms Geraghty

Looking for a point of view on Fingal Council allowing wooden cabins being used as house extensions. Our journey has gone from having an enforcement order being put in place on their unauthorised large wooden cabin in garden, to having it revoked in favour of a Class 1 Planning Exempt Extension. We have gone through a terrible experience with enforcement to the point that they have refused to answer our questions on specific laws that have failed to be implemented. As a result, we are now living beside two houses on a small site designed for this. This sets an extremely dangerous precedent for Fingal Council in allowing these cabins to be used as standard house extensions.

We have gone through the enforcement process. We reported illegal building work being carried out on an unauthorised structure and Enforcement chose to turn a blind eye instead of prosecuting. The Irish law states that a building is not planning exempt where work is being carried out on an unauthorised structure. The building work was carried out AFTER an enforcement order was issued. We reported the work while it was being undertaken and Enforcement failed to act and instead rewarded these illegal activities.

Irish Statute Book, Part 2, section 9, part 1, viii states that 'Development to which article 6 relates shall not be treated as development for the purposes of the Act—if the carrying out of such development would—consist of or include the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is not authorised use.'

We have queried with enforcement that this new 'extension' is connected by vertical joints only. There are no internal opening doors and it's connected by a corridor on one side only.

For the purposes of sub-paragraph (1), where a building is rendered structurally discontinuous by a vertical joint, the building on each side of the joint may be treated as a separate building whether or not such joint passes through the building structure.'

At this juncture, we've been dismissed by enforcement. A guideline 16 week process took us 16 months, with an enforcement prejudice that the cabin be allowed to remain.

This is a very dangerous precedent for Fingal Housing Strategy. This cabin is unlike any other extension, not only in its location but anywhere that I have seen.

How does this impact me?

We have been told by an estate agent that the cabin will have a negative impact on the value of our house if we sell, as we simply won't bid to have such an imposing structure beside the house. Essentially, they've put 2 houses on a site that was only ever designed for one. The cabin wasn't built to any building regulation so therefore, there is no insulation, neither on their floor or walls. This means we get noise disturbance in our kitchen, garden and back garden as we hear them moving about and their internal doors closing. We hear their conversations and TV in our garden and kitchen. Their door of the cabin is less than 8 - 10 foot from our kitchen wall and door. Our kitchen was built on the boundary wall, with full PP, 7 years ago. If we can hear them, then we feel the privacy of our home has been severely compromised.

Another concern is also concerns about sewage issues. We have smelt raw sewage in our garden while a contractor was working to put out sewage from the cabin into the service manholes on the street on several occasions. If the sewage pipes are connected incorrectly, this has the potential to impact neighbouring houses. We also feel that the cabin is interfering with anything like it in the area and Fingal are setting a dangerous precedent by allowing a standard wooden cabin to be used as a home extension. By the council failing to act they are sending a message that planning is not that important in the area. We're afraid others will follow.

Furthermore, this cabin also has the potential to be let out as it has its own side gate access and you don't have to go through the main house to gain entry. Its main entrance is in the garden. We complained to the occupants of the cabin



When they were building it and we were told by the owner and her builder that it was temporary for 7 years before becoming permanent, so they were well versed in unauthorised structures from the outset. They had double glass doors overlooking our kitchen and garden which are currently covered with the perspex and wood connecting corridor. With this now classified as an extension, they can now replace the current solid wooden door on the connecting corridor with glass doors as they've no windows in the cabin, only 2 veluxes in the cabin. Again, further invasion of privacy on our home.

Is this the new housing policy from Fingal?

Enforcement closed the case and refused to address our questions relating to the law that was failed to be implemented.

We have been told by enforcement that we have the option of a civil action. Why do we have to privately pay when such an obvious breach of the law has been ignored by Fingal.

I am interested on your interpretation of this new type of 'extension'. I'm also curious as to why a department feels that it can face no accountability for their lack of enforcement of the law. Should you require it, I can furnish you with the Enforcement order reference.

I refuse to accept that I am now burdened with living with noise because of a substandard build being ignored by a council. Setting a precedent like this, has the risk of turning quiet neighbourhoods into shanty town gardens, where landlords can maximise their return on investment and home owners are penalised as a result. Has the use of cabins been voted for by the Council? This is Dublin City Councils response to the use of cabins

"There are genuine concerns that a major relaxation or variation of the policy or standards to facilitate the construction of free-standing structures in rear gardens will result in the provision of dwellings with poor residential amenities and detract from the amenities of adjoining residential properties."

What is the official position from Fingal?

I have attached photos which show the intimidating scale of living next to such a cabin.

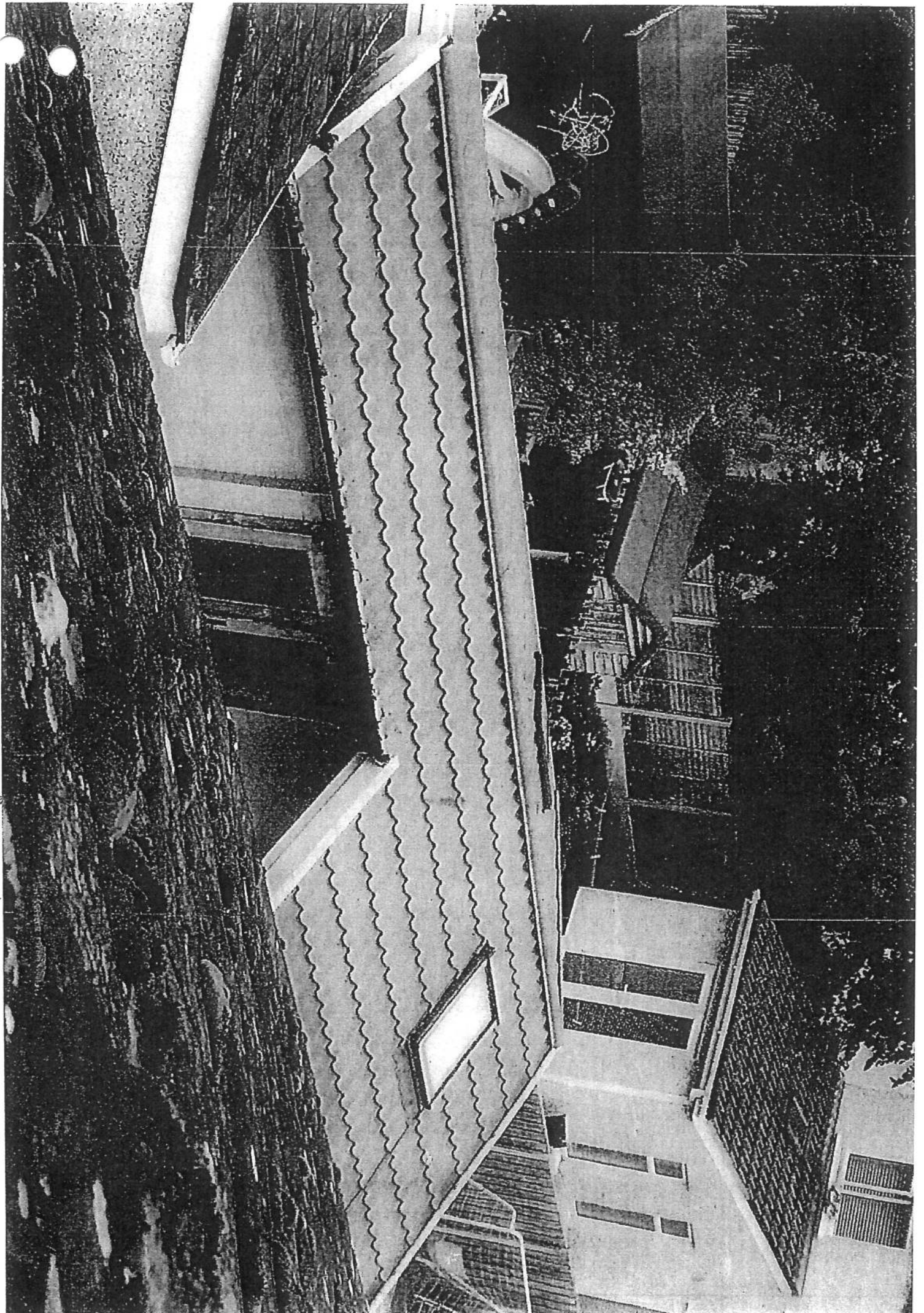
At every turn, we've been ignored by Fingal, despite this, I remain hopeful of a response.

Regards

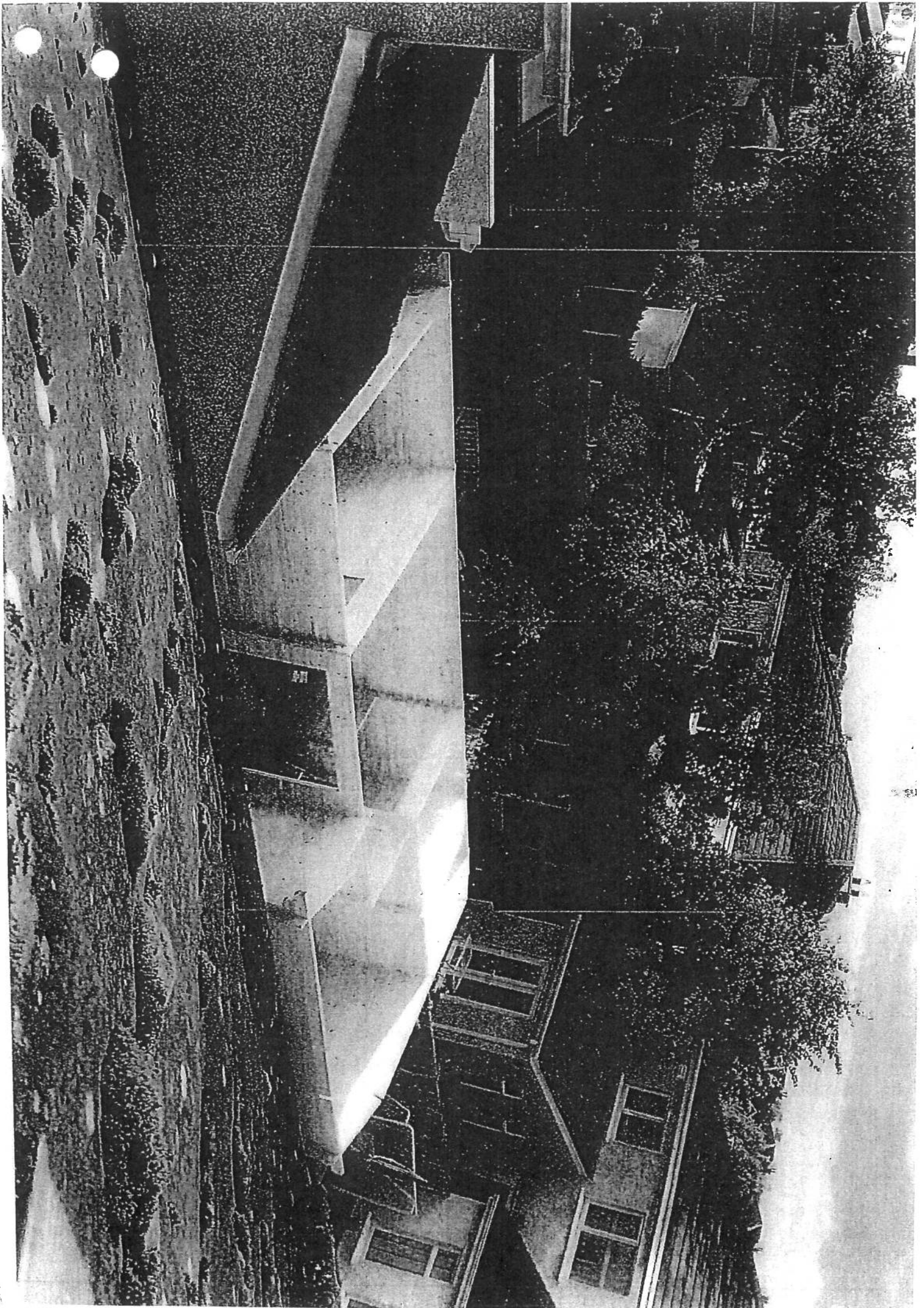
Judith Cameron



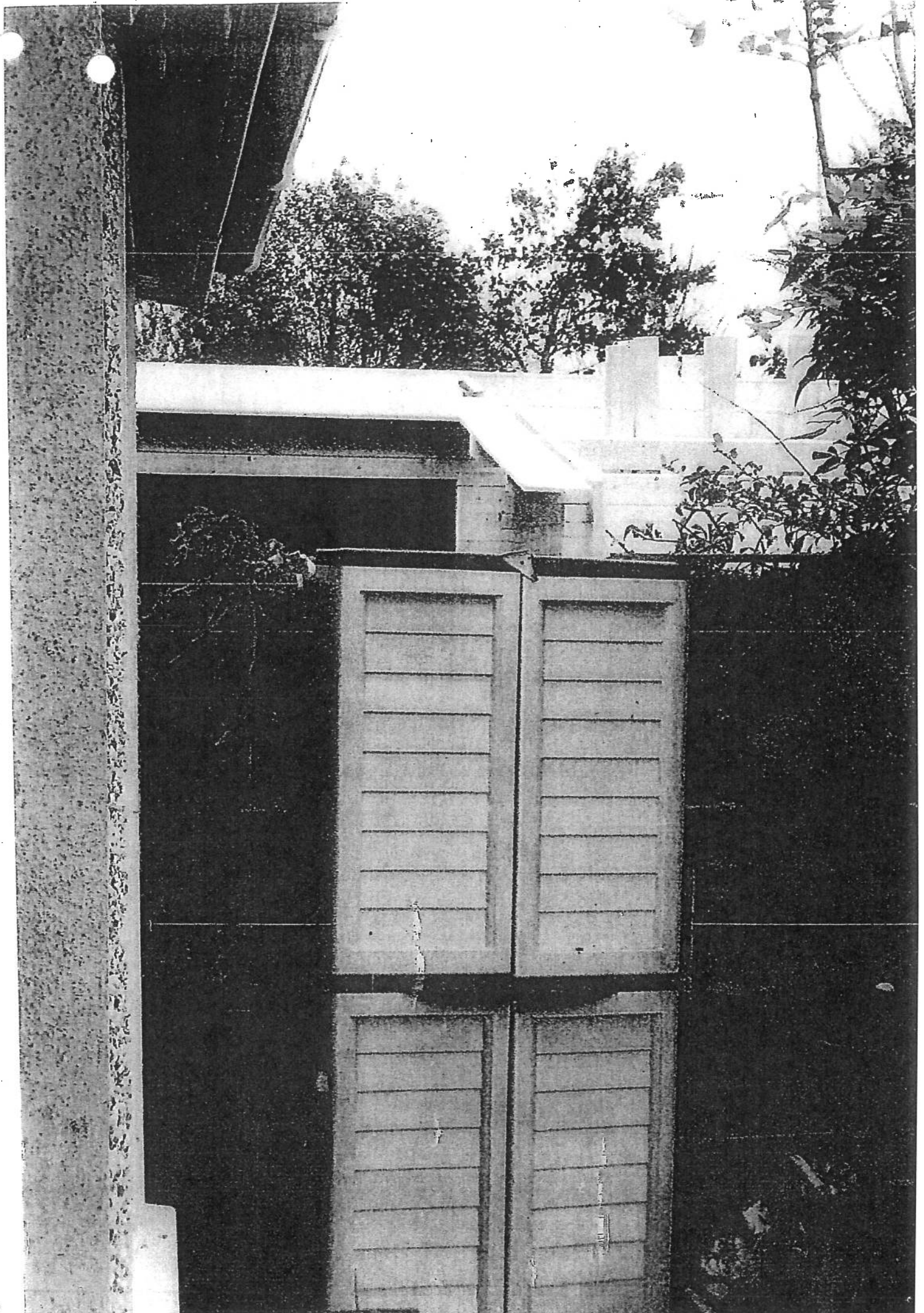




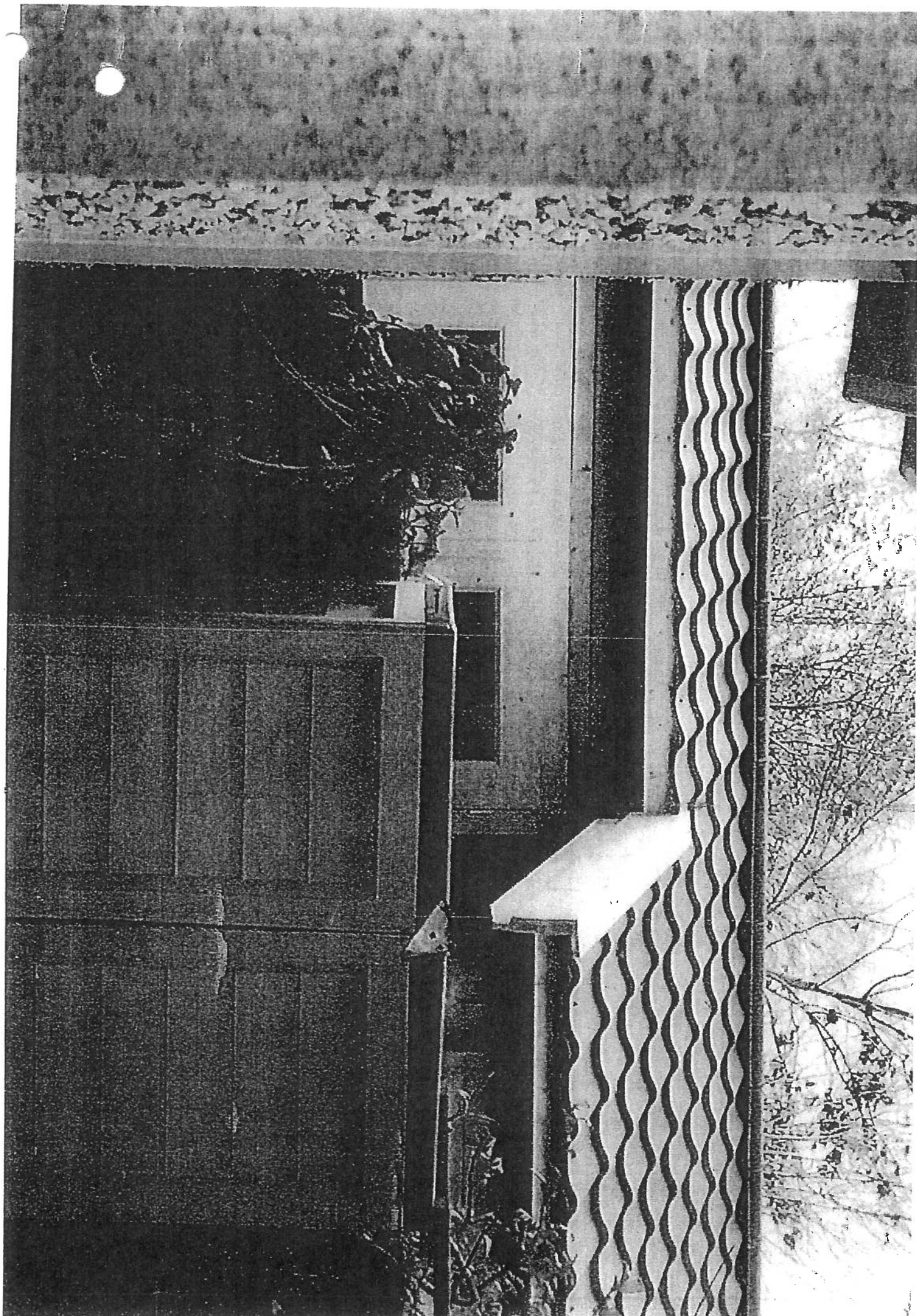






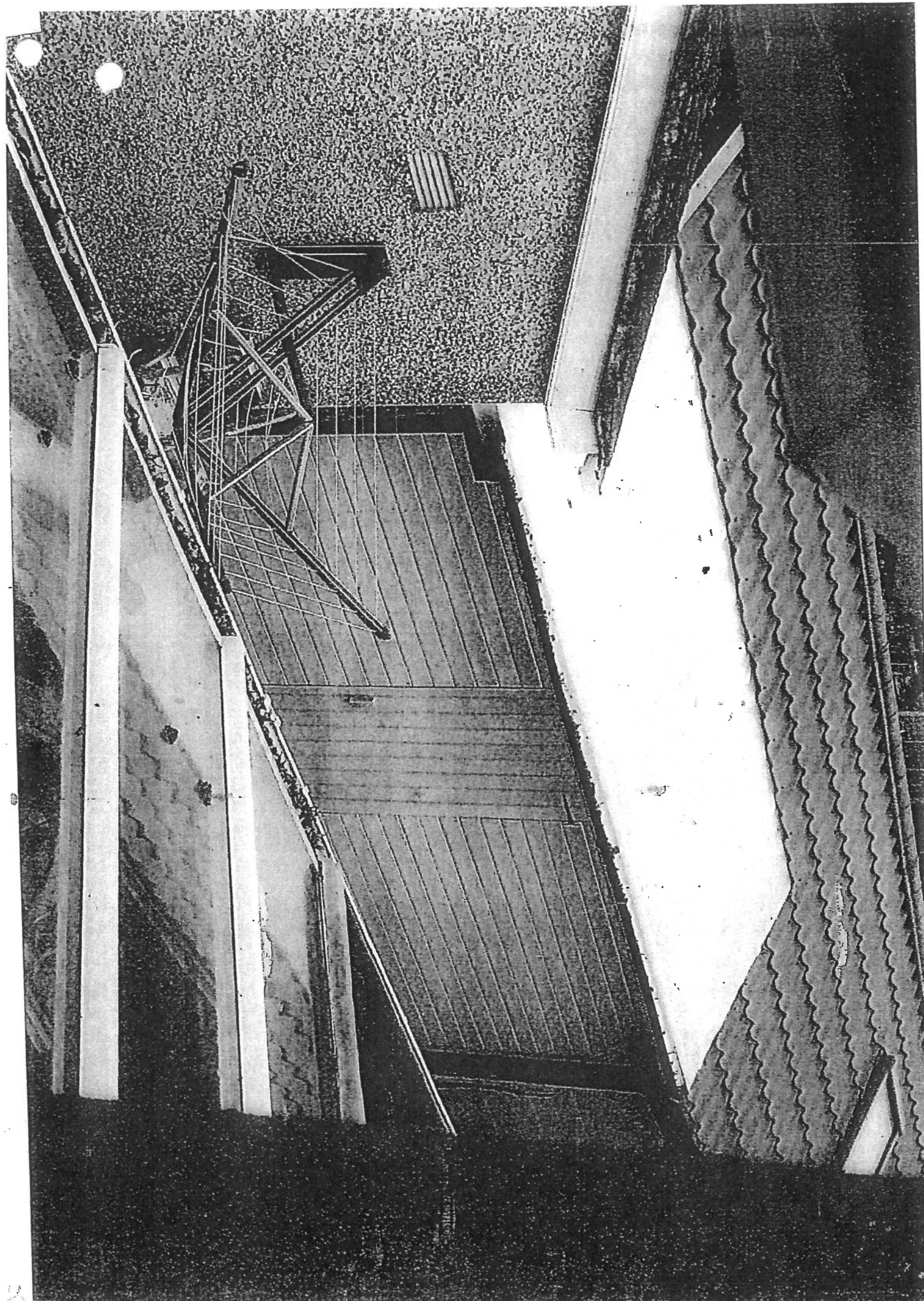




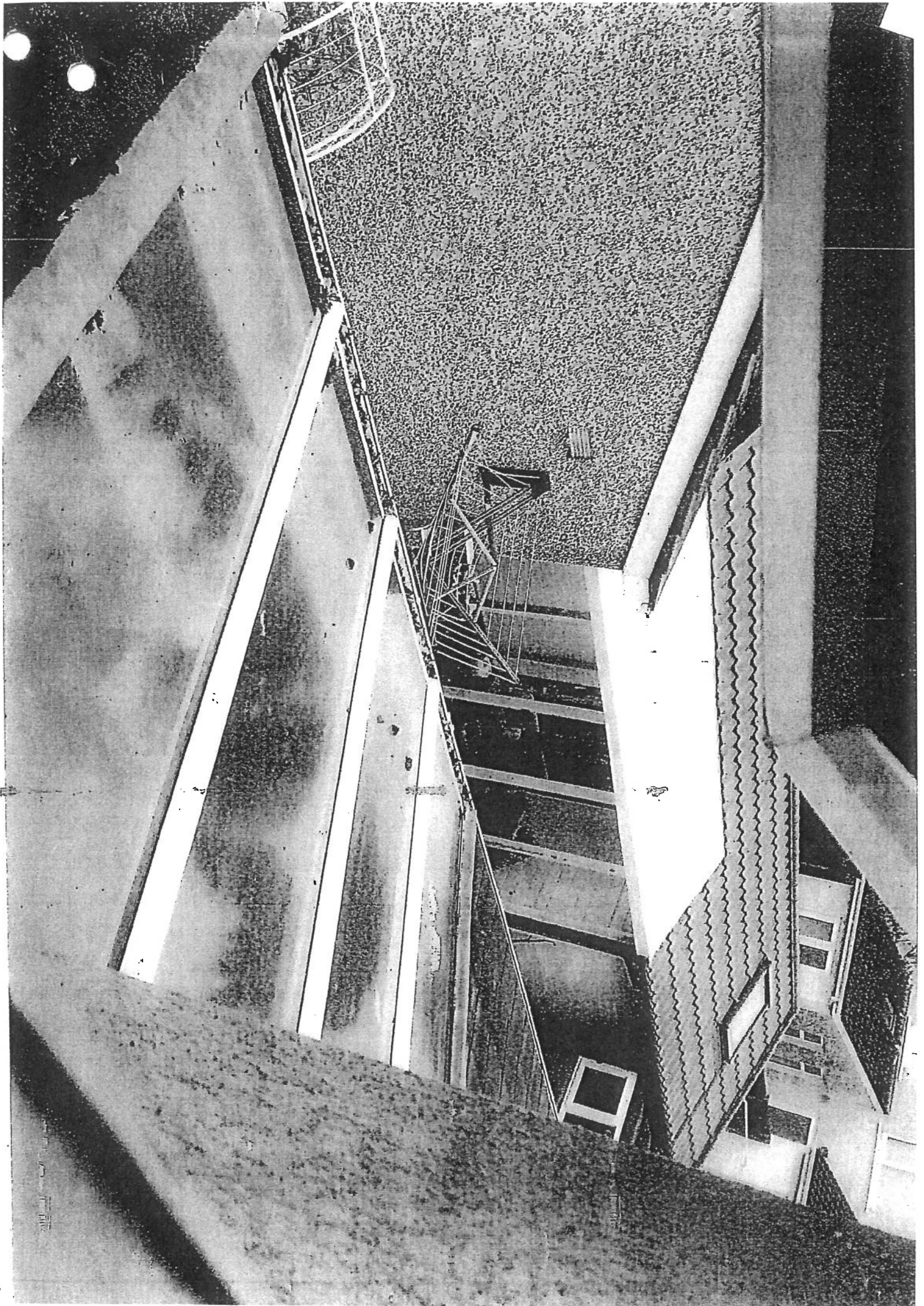




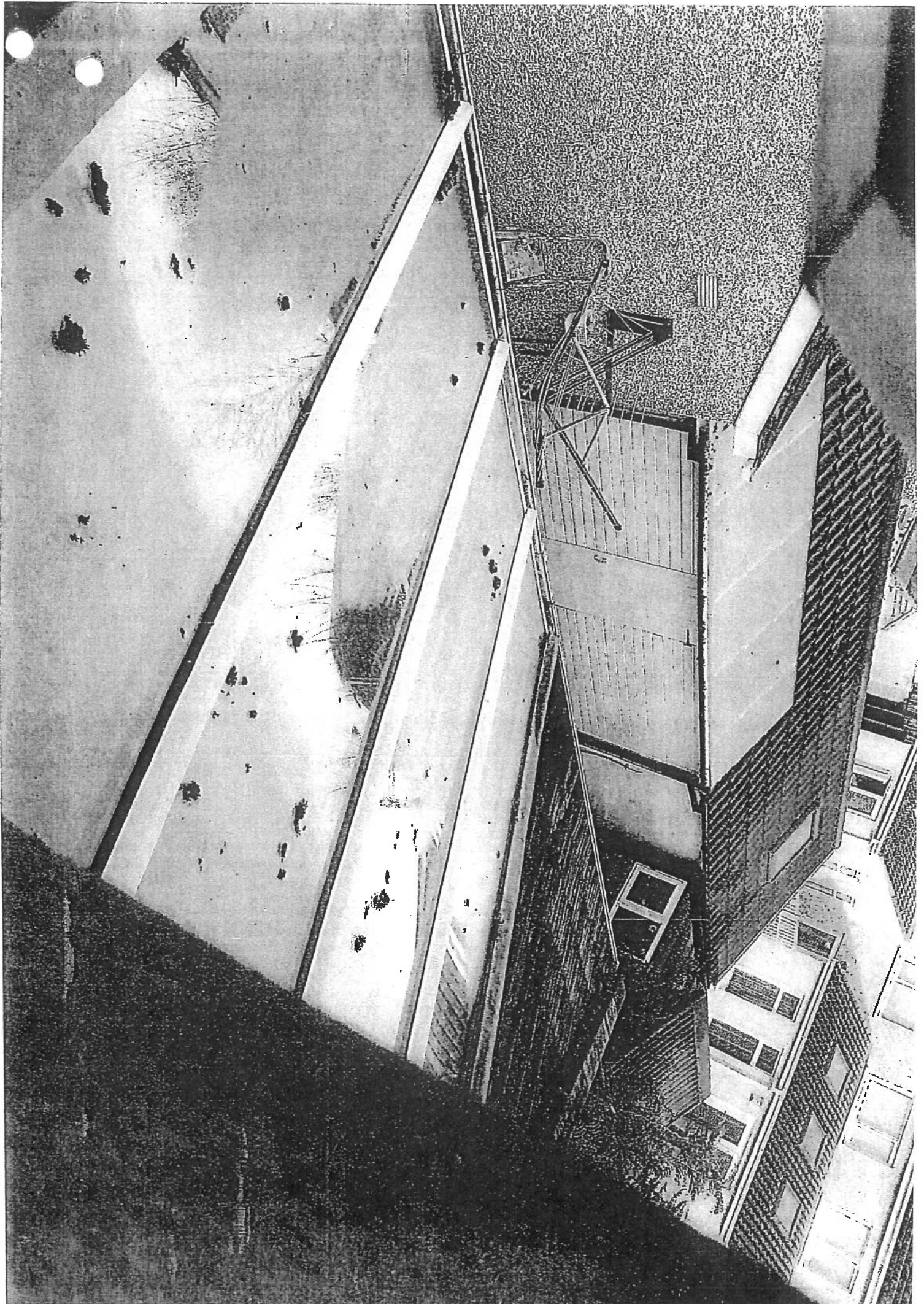














Mary . nes

**From:** Freedom of Information Officer  
**Sent:** 20 September 2019 12:39  
**To:** 'judithe cameron'  
**Subject:** FOI-2019-211 - Acknowledgement of FOI Request

**Re: Acknowledgement of FOI request FOI/2019/211**

Dear Mr. & Mrs. Cameron,

I refer to your request dated **16<sup>th</sup> September 2019** made under the Freedom of Information Act 2014, which was received on **16<sup>th</sup> September 2019** for records held by Fingal County Council.

Your request has been forwarded to an FOI decision maker in the appropriate department. A final decision on your request would normally be sent to you within 4 weeks, where a week is defined as 5 working day excluding the weekend and public holidays. This means that you can expect a decision letter to issue not later than **14<sup>th</sup> October 2019**.

I wish to advise you that details of all non-personal FOI requests, and associated documents released will be recorded on an FOI disclosure log which will be published on the Fingal County Council's website in due course.

There are some limited situations under the FOI Act, where a final decision may take longer than 4 weeks. If this occurs in the case of your request, we will advise you promptly in writing setting out the reason and the new decision date.

Section 27 of the Act, provides for the charging of fees in relation to costs associated with search, retrieval and copying of records. You will be advised shortly if any such fee applies in this case.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to Fingal County Council for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. The review is a full and new examination of the matter carried out by a more senior member of staff.

In the event that you need to make such an appeal, you can do so by writing to the undersigned or alternatively by sending an email to [foi@fingal.ie](mailto:foi@fingal.ie). You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. You have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Should you wish to discuss the above, please contact the undersigned.





Yours sincerely,

*Anne Collender*

Anne Collender | Staff Officer | Fingal County Council Information & Data Management Office | Corporate Affairs & Governance

Oifigeach Foirne | Oifig Faisnéise agus Bainistíochta Sonraí Chomhairle Contae Fhine Gall | Gnóthaí agus Rialachas Corparáideach

Comhairle Contae Fhine Gall | Bóthar an Gharráin | Baile Bhlainséir | Baile Átha Cliath 15 W638

Fingal County Council | Grove Road | Blanchardstown | Dublin 15 W638

t: (01) 8905557 | e: [foi@fingal.ie](mailto:foi@fingal.ie) | [www.fingal.ie](http://www.fingal.ie)

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Mary Jon

**From:** Freedom of Information Officer  
**Sent:** 18 September 2019 10:13  
**To:** Gene Griffin  
**Subject:** Initial Enquiry - Request for a copy of a file.

Hi Gene,

Would you mind taking a look at request below. We received an FOI back in February 2019 from the same requestor, almost identical (FOI/2019/035). I have highlighted in yellow the additional information that is being requested in this request.

I have not registered this as a new request as yet as I wanted to consult with you on whether this information can be given at all, or could it be given outside FOI as the last part of the request appears to be a question not a record.

If you could advise at your earliest convenience, it would be much appreciated.

Kind Regards,

*Anne Collender*

Anne Collender | Staff Officer | Fingal County Council Information & Data Management Office | Corporate Affairs & Governance

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Comhairle Contae Fhine Gall  
Fingal County Council



**From:** judithe.cameron [[mailto:jude\\_cameron@yahoo.co.uk](mailto:jude_cameron@yahoo.co.uk)]  
**Sent:** 16 September 2019 15:08  
**To:** Freedom of Information Officer  
**Subject:** Request for a copy of a file.

REF:- Fingal Planning, Enforcement Order Enf 18/42B

Under the Freedom of Information Act, 2014, I would like to receive a copy of the file referenced Enf 18/42B from Fingal County Planning. This relates to an enforcement order for 79 Castlefield Woods, Clonsilla, that was issued in October 2018 and revoked in February 2019. Full disclosure regarding the decision process to change the classification of the wooden cabin from Class 3 to Class 1 is of particular interest. Also, full disclosure of decision making on further questions being asked in March 2019. An unauthorised structure was illegally extended, what are



the exact dimensions of the cabin and also, why a building that is connected by vertical structures is generally considered a separate dwelling:

We are happy to receive the copies in either hard or soft form. Our postal address is 78 Castlefield Woods, Clonsilla, Dublin 15, D15 EK6V.

Regards

Judith and Iain Cameron



Mary Jones

---

**From:** judithe cameron <jude\_cameron@yahoo.co.uk>  
**Sent:** 16 September 2019 15:08  
**To:** Freedom of Information Officer  
**Subject:** Request for a copy of a file.

REF:- Fingal Planning, Enforcement Order Enf 18/42B

Under the Freedom of Information Act, 2014, I would like to receive a copy of the file referenced Enf 18/42B from Fingal County Planning. This relates to an enforcement order for 79 Castlefield Woods, Clonsilla, that was issued in October 2018 and revoked in February 2019. Full disclosure regarding the decision process to change the classification of the wooden cabin from Class 3 to Class 1 is of particular interest. Also, full disclosure of decision making on further questions being asked in March 2019. An unauthorised structure was illegally extended, what are the exact dimensions of the cabin and also, why a building that is connected by vertical structures is generally considered a separate dwelling.

We are happy to receive the copies in either hard or soft form. Our postal address is 78 Castlefield Woods, Clonsilla, Dublin 15, D15 EK6V.

Regards

Judith and Iain Cameron





Mary Jones

**From:** Gene Griffin  
**Sent:** 25 September 2019 16:28  
**To:** Mary Jones  
**Cc:** Freedom of Information Officer; Ann Markey  
**Subject:** FW: FOI-2019-211 - Referral to Decision Maker  
**Attachments:** FOI SCHEDULE OF RECORDS.xlsx; Request for a copy of a file.; FOI-2019-211 - Acknowledgement of FOI Request; Initial Enquiry - Request for a copy of a file.

Mary

Please see me later this week regarding the collation of records, preparation of the return

Regards  
Gene

---

**From:** Freedom of Information Officer  
**Sent:** 20 September 2019 12:46  
**To:** Gene Griffin  
**Cc:** Matthew McAleese  
**Subject:** FOI-2019-211 - Referral to Decision Maker

Ref: FOI/2019/211

Hi Gene,

Please see attached Freedom of Information Request and a copy of my acknowledgement. This FOI request is being assigned to you as the Decision Maker, however, if you are not the appropriate Decision Maker please advise us by return email.

The time limit for reply is **14<sup>th</sup> October 2019**.

If you decide to apply search and retrieval fees to this FOI request you must advise the requester how much it will cost by **30<sup>th</sup> September 2019** as laid out in the FOI legislation.

Please note that you are obliged to reply even if you have no records and let me have a copy of your reply for our file when it issues. If more than a few records are identified as being within the ambit of the request you must prepare a schedule of documents to list and describe them. The schedule to be used is attached. In preparing the schedule, you may wish to refer to the CPU guidelines, which are available at <https://foi.gov.ie/download/manual-part-1-processing-foi-requests-including-sample-letters/> pages 35 & 36 refer to the Schedule of Records. Where records have been withheld/redacted, the schedule should specify, for each record, the particular exemption of the FOI Act relied upon by the FOI body. If you wish to discuss this request in further detail you can contact the undersigned.

In your reply you must include the paragraph below - Non Personal Request for Information – Internal Review Fee Applicable – Sample Template Letters are available on Central Policy Unit Website <https://foi.gov.ie/guidance/sample-letters/> and must be used.

[Non personal information – use the following text]



if you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Officer, Corporate Affairs & Governance Department, Fingal County Council, Civic Offices, Grove Road, Blanchardstown, Dublin D15 W638. Your correspondence should include a fee of €30 (€10 for medical card holder) for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Fingal County Council. If you wish to make payment by electronic means please contact our Cash Office at 01 8905154 between the hours of 9.30am to 3.30pm. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Kind Regards,

*Anne Collender*

Anne Collender | Staff Officer | Fingal County Council Information & Data Management Office | Corporate Affairs & Governance

Oifigeach Foirne | Oifig Faisnéise agus Bainistíochta Sonraí Chomhairle Contae Fhine Gall | Gnóthaí agus Rialachas Corparáideach

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Fingal County Council | Grove Road | Blanchardstown | Dublin 15 W638

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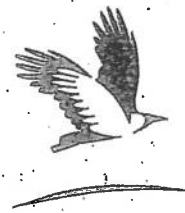
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Fingal County  
Council





Comhairle Contae Fhine Gall  
Fingal County Council

Copy  
An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach  
Planning and Strategic  
Infrastructure Department



Our Ref: Enf 18/42B  
Date: 12 September, 2019.

Ian & Judith Cameron  
78 Castlefield Woods  
Clonsilla  
Dublin 15.

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Re: Lands at 79 Castlefield Woods, Clonsilla, Dublin 15.

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Dear Ian & Judith,

I refer to above lands at 79 Castlefield Woods, Clonsilla, Dublin 15 and your correspondence and enquiries with respect to same.

A review of the file has concluded the position remains as set out in our letter to Judith Cameron dated 12<sup>th</sup> February, 2019.

Accordingly, there is no further enforcement action open to the Council in relation to this matter.

I appreciate that you may be unhappy with the outcome and wish to advise that where a Planning Authority decides not to take enforcement action, there is a provision in Section 160 (1) of the Planning and Development Act 2000, as amended for any person to initiate their own enforcement action where they consider that there is a basis for such action. Please see below relevant extract from the Planning and Development Act 2000, as amended in relation to Section 160

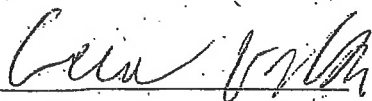
*160.—(1) Where an unauthorised development has been, is being or is likely to be carried out or continued, the High Court or the Circuit Court may, on the application of a planning authority or any other person, whether or not the person has an interest in the land, by order require any person to do or not to do, or to cease to do, as the case may*



be, anything that the Court considers necessary and specifies in the order to ensure, as appropriate, the following:

I trust this clarifies the position.

Yours sincerely,



Gene Griffin,  
Administrative Officer,  
Planning Enforcement.

AN BORD PLEANÁLA  
27 OCT 2020  
RECEIVED \_\_\_\_\_ FROM \_\_\_\_\_

