

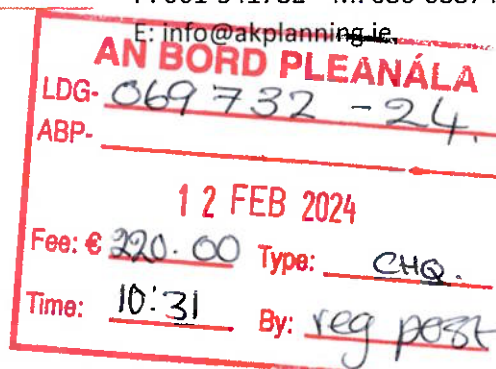


Millside, Mill Road, Corbally,
Limerick City, V94 46X5
P: 061-341782 M: 086-6887402

Chartered Town Planning & Development
Consultancy

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

09th of February 2024



Referral Details

Limerick City & County Council Declaration No: EC004/24

Referral Address: 20 Lansdowne Park, Ennis Road, Limerick, V94 XK4D

Referral Name: Laura & Cian Murphy

To Whom it Concerns

Please find enclosed:

- Section 5 Declaration from Limerick City & County Council
- Copy of the Section 5 Application: Cover Letter & Application Form which constitutes the Grounds for the Referral
- Fee in the sum of 220.00

Yours Faithfully,

Adam Kearney BA, MA, MIPI MRTPI

AK Planning & Development Ltd, Mill Rd, Corbally, Limerick

On behalf of Laura & Cian Murphy, 20 Lansdowne Park, Ennis Road, Limerick City, V94 XK4D



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, Comhshaol agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Tuar an Daill, Luimneach

Planning, Environment and Place-Making
Limerick City and County Council
County Hall
Dooradoyle, Limerick
V94 WV78

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

PLANNING & DEVELOPMENT REGULATIONS, 2001 (as amended)

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC004/24

Name and Address of Applicant:

Laura & Cian Murphy 20 Lansdowne Park Ennis Road
Limerick

Agent:

Adam Kearney (AK Planning) Mill Side Mill Road
Corbally Limerick

Whether the use of a garden room/pod by the homeowners to the rear of their dwelling on an appointment only basis (not exceeding 5 hours per week) for Therapeutic Counselling Sessions at 20 Lansdowne Park, Ennis Road, Limerick V94 XK4D is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 10th of January 2024.

AND WHEREAS the Planning Authority has concluded that the use of a garden room/pod by the homeowner to the rear of their dwelling on an appointment only basis (not exceeding 5 hours per week) for Therapeutic Counselling Sessions at 20 Lansdowne Park, Ennis Road Limerick V94 XK4D **DOES NOT** come within the scope of exempted development as defined by Class 3 of Part 1 of Schedule 2 and Section 2 Part 1: 4(1)(j) of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development.**

Signed on behalf of the said Council

Date: 02/02/24

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.



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CHARTERED TOWN PLANNING CONSULTANCY

Planning, Environment & Place Making,
Limerick City & County Council,
County Hall,
Dooradoyle,
Limerick.

10th January 2024

RE: Section 5 Application (Laura & Cian Murphy, 20 Lansdowne Park, Ennis Rd. Limerick)

A Chara,

In addition to the completed Section 5 form attached the following information is pertinent.

1. The limited counselling service offered by Laura Murphy is not at a scale that constitutes a business and as stated previously in correspondence with 'Enforcement' she works full time with the HSE at their offices.
2. The 'Pod' is ancillary to the main dwelling and is in effect an outdoor room which is primarily used as a 'work from home' office by Cian Murphy and as a garden shed with the structure divided as per the General Arrangement Drawings provided. In addition both Laura and Cian also use the 'Pod' for home study as they are both studying part time for add on 3rd level qualifications.
3. Laura and Cian Murphy have 3 small children, all under 5 years of age and as a result there is no scope to use the main dwelling at this time for counselling sessions due to the hustle and bustle of family life.
4. The use of the pod for a 'one-on-one' counselling basis for a few hours each week involves a private and quiet interaction that has no impact on 3rd party homeowners.
5. It is my informed opinion that the current part time use of the pod for counselling is not development that requires permission having regard to:

- (a) Sections 2(1), 3(1), and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (c) the pattern of development in the area
- (d) the scale, nature and layout of an external room used for the intermittent and limited provision of therapeutic counselling.
- (e) the nature of the use carried on therein, including the sole activity by a homeowner, the absence of any employees, absence of machinery/equipment or nuisance, the restricted and controlled access to the premises by visiting clients, and
- (f) the absence of any signage at the property or any other external manifestation of a business

AND WHEREAS it should be concluded by Limerick City & County Council that

(a) the part time use of part of the house (namely a Garden Pod) for limited and appointment based therapeutic counselling is incidental to the use of the property as a house as defined at Section 2(1) of the Planning and Development Act, 2000, as amended, and therefore does not constitute a material change of use.

(b) the change of use of part of a house for intermittent and limited Therapeutic Counselling does not raise issues which are material in relation to the proper planning and sustainable development of the area and this change of use does not constitute a material change of use having regard to the considerations outlined above and is therefore not development.

(c) the development does come within the scope of Section 4(1)(j) of the Planning and Development Act, 2000, as amended, as the use in this instance is considered incidental to the enjoyment of the house,

We trust the case as set out in this application is accepted by the Local Authority and my client is not put to the further expense of having to refer this to An Bord Pleanala.

Yours Faithfully,



Adam Kearney BA MA MIPI MRTPI



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Laura and Cian Murphy

Applicant's Address: 20 Lansdowne Park,

Ennis Rd, Limerick

V94 XK4D

Telephone No. _____

Name of Agent (if any): Adam Kearney (AK Planning)

Address: Millside, Mill Road,

Corbally, Limerick.

V94 46X5

Telephone No. 086 6887402

Address for Correspondence:

As per Agent

Location of Proposed development:

20 Lansdowne Park,

Ennis Rd, Limerick

Description of Proposed development:

Whether the part-time use of a garden room/pod by the homeowner to the rear of their dwelling on an appointment only basis (not exceeding 5 hours per week) for Therapeutic Counselling Sessions at 20 Lansdowne Park, Ennis Road, Limerick is or is not development and is or is not exempted development

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO NO

Applicant's interest in site: Property Owners

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

Site Location Map

Site Layout plan

Shed/Pod General Arrangement Drawings

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

If Yes please provide floor areas of all existing structures:

Not Applicable

Signature of Applicant (or Agent)

Adam Kearney

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____
