

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Stephen Comer,



Reference Number: DED 543

Application Received: 2nd March, 2023

Location: Main Street, Ballinlough, Co. Roscommon.

WHEREAS a question has arisen as to whether to block up the front shop door and to change a former shop premises to a sitting room (from commercial to residential) at Main Street, Ballinlough, County Roscommon, is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, (as amended)
- (b) Articles 4, 6, 9 and 10 of the Planning and Development Regulations, 2001, (as amended)
- (c) The planning history of the site.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6) (c) of Section 5 of the Planning and Development Act 2000 (as amended).

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;
- (b) The proposed development is exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations;

NOW THEREFORE:

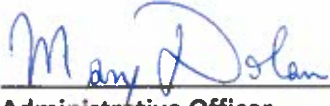
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of the **blocking up of the front shop door and the change of a former shop premises to a sitting room (i.e. from commercial to residential) at Main Street, Ballinlough, County Roscommon is development and is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:



Administrative Officer,
Planning.

Date: 21st April, 2023

**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number: DED 543

Name and Address of Applicant: Stephen Comer, [REDACTED]

WHEREAS a question has arisen as to whether the following is development and if it is exempt development:
"To block up front shop door and to change shop premises to sitting room, from commercial to residential."

1.0 Site Location and Description

The subject property is located along Main Street, Ballinlough, County Roscommon and is accessed off the N60 National Secondary Road. The building does not form part of an Architectural Conservation Area and is not protected. The commercial area of the ground floor of the building was last used as a shop/small food-store – as per details submitted by the applicant in response to a request for further information as part of the assessment of this Section 5 DED, "it has not been operational as a shop for at least 40 years." It is now intended to utilise the entire structure for residential use.

2.0 Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

3.0 Relevant Legislation

I have considered this questions and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended);
- (c) The planning history of the site; and
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended).

Planning and Development Act, 2000 (as amended)

Section 2 (1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 (as amended)

Article 4(1)(h): The following shall be exempted developments for the purposes of this Act—*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Planning and Development (Exempted Development) Regulations 2018

Amendment of Article 10 of the Principal Regulations

2. Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(6)(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from the making of these Regulations until 31 December 2021.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the

external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e)(i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,

shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii)."

Article 2 of these Regulations amends Article 10 of the Principal Regulations, by inserting a new sub-article, to provide that development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, is exempt from the requirement to obtain planning permission. The exemption originally set out in the Regulations could originally be availed of until 31 December 2021. The period of applicability was further extended in 2022 (as set out below).

Amended Planning and Development (Exempted Development) Regulations 2022

These Regulations amend the Planning and Development Regulations 2001 (as amended) (the Principal Regulations). They extend, until 31 December 2025, the exempted development provisions of article 10(6) of the Planning and Development Regulations 2001 (as amended), exempting development consisting of the change of use, and any related works, from existing specified use classes to residential use, in certain circumstances and subject to conditions and limitations, from the requirement to obtain planning permission. The Regulations further added a new use class (Class 12 - public houses), to the specified use classes that can qualify to avail of the planning exemption, subject to certain conditions and limitations.

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is (as set out in the applicant's amended Section 5 DED Form) whether "to block up front shop door and to change shop premises to sitting room, from commercial to residential" is or is not development, and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that the proposals detailed constitute works and are therefore development.

Blocking up 1 no. door on the front elevation of the building, as indicated on the submitted details, is in this instance exempted development, with the limited extent of works proposed being a minor alteration, falling within the scope of Section 4(1)(h) Planning and Development Act 2000 (as amended). The works will not materially alter the structure to the extent that it would render the appearance inconsistent with the overall character of the structure or the character of neighbouring structures.

The change of use of the identified area of the ground floor of the property from its former commercial use (shop) to residential use (i.e. a sitting room which will be utilised as part of the residential unit which appears to occupy the remainder of the structure) is exempted development, compliant with the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended). In the context of Article 10(6), those who wish to convert certain classes of vacant commercial premises into residential units do not require planning permission for such works. The exemptions are in place until the end of 2025. The parameters under which Article 10(6) can be availed of include parties intending to undertake works giving notice to the relevant planning authority at least two weeks prior to the change of use of a premises being undertaken. Obtaining a Section 5 Declaration of Exempted Development does not remove this statutory notification requirement.

With regard to Article 9 (1)(a) of the Planning and Development Regulations, given the nature of the proposal, I do not consider that the proposed development individually or in combination with other plans or projects would be likely to have a significant effect on any European site. The need for Appropriate Assessment does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) excludes development which would otherwise be exempted development under these regulations where an AA is required.

5.0 Recommendation

WHEREAS a question has arisen as to whether the blocking up of the front shop door and the change from a vacant shop premises to a sitting room (i.e. from commercial to residential) is or is not development and is or is not exempt development.

I have considered this question and I have had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 4, 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended);
- (c) The planning history of the site; and
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).

And WHEREAS I have concluded that

- (a) The proposed works constitutes development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;**
- (b) The proposed development is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.**

And I recommend that a declaration to that effect should be issued to the applicant.

It is also recommended that the applicant / developer is advised of their obligations, as per Article 10(6)(e)(i), to give the Local Authority at least 2 weeks' notice of the proposed change of use.



Signed:

Assistant Planner

REF. DED543


Ballinacough
30.3.23

Dear Mary

Further to our chat today on the phone, I am enclosing the amended form with change of use of Grant Room from Commercial to Residential.

I hope I have everything done right this time.

Many thanks for your time.



Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Name:	STEPHEN CONER
Address:	[REDACTED]
Name & Address of Agent:	N.A.
Nature of Proposed Works	TO BLOCK up front shop door and to change shop premises to sitting room. From commercial to residential.
Location (Townland & O.S No.)	BALLINLOUBIT
Floor Area	536m x 499m.
Height above ground level	N.A.
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	Roof remaining the same. (slates)
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	TO Remain the same.
Is proposed works located at front/rear/side of existing house.	FRONT



Roscommon County Council

**Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development**

Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	REF. DED 543
Existing use of land or structure	DERELICT & UNOCCUPIED.
Proposed use of land or structure	TO CONVERT FRONT SHOP SPACE TO A SITTING ROOM
Distance of proposed building line from edge of roadway	SITUATED ON MAIN ST. BALLINAGH VILLAGE.
Does the proposed development involve the provision of a piped water supply	NO. The house is connected to the public water supply
Does the proposed development involve the provision of sanitary facilities	NO House is connected to public sewage system.

Signature: Stephen Comer

Date: 30-3-23

Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



EIR CODE
F45 F953

PLAN of House - Taken from
SHERRY/Fitzgerald website.



TOTAL APPROX. FLOOR AREA 1212 SQ.M (1305 SQ.FT.)
FLOOR PLAN MEASUREMENTS ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY

Convert front Room from commercial to sitting room and block
up shop door. Convert to residential.

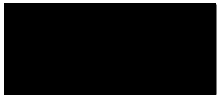
(SE has not operated as a shop for at least 40 years.



Comhairle Contae
Ros Comáin
Roscommon
County Council



REGISTERED POST
Stephen Comer,



Date: 29th March, 2023

Reference No: DED 543

Re: Request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Whereas a question has arisen as to whether the complete refurbishment of house under the Derelict House Scheme, at Main Street, Ballinlough, Co. Roscommon is or is not development or is or is not exempted development.

A Chara,

Further to your Section 5 Request application received on the 2nd March, 2023 and in order for the Planning Authority to determine as to whether the complete refurbishment of house under the Derelict House Scheme, at Main Street, Ballinlough, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

The Planning Authority note that the proposed development appears to include a change of use of the ground floor former commercial area (shop/food-store) of the property to residential use. The query posed in your submitted Section 5 application form does not however refer to a change of use of the ground floor commercial area of the property to residential use. In the interests of clarity and in order for the Planning Authority to advance the assessment of the request for a declaration of exempted development, please submit the following:

- (a) An amended Section 5 application form to include, if applicable, reference to any proposed change of use of the ground floor commercial area of the property to residential use in the description of the proposed works, and
- (b) A ground floor plan drawing indicating extent of the former commercial (shop/food-store) area of the structure.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 543**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Mary Dolan,
Administrative Officer,
Planning.

Áras an Chontae, Roscommon, F42 VR98

T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie

W roscommon.ie @RoscommonCountyCouncil @roscommoncoco



**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number: DED 543

Name and Address of Applicant: Stephen Comer, [REDACTED]

WHEREAS a question has arisen as to whether the following is development and if it is exempt development

"The complete refurbishment of house under the derelict house scheme at Main Street, Ballinlough, County Roscommon" and blocking up 1 no. door.

1.0 Site Location and Description

The subject property is located along Main Street, Ballinlough, County Roscommon and is accessed off the N60 National Secondary Road. The building does not form part of an Architectural Conservation Area and is not protected. The commercial area of the ground floor of the building was last used as a shop/small food-store. The applicant is proposing to refurbish the building and block 1 no. door on the front elevation. It is proposed to utilise the entire structure for residential use.

2.0 Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

3.0 Relevant Legislation

I have considered this questions and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended);
- (c) The planning history of the site; and
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended).

Planning and Development Act, 2000 (as amended)

Section 2 (1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 (as amended)

Article 4(1)(H): The following shall be exempted developments for the purposes of this Act—*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The Planning and Development Act (Exempted Development) Regulations 2018

Amendment of Article 10 of the Principal Regulations

2. Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(6)(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from the making of these Regulations until 31 December 2021.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e)(i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—

- (I) the location of the structure, and
- (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,

shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii)."

Article 2 of these Regulations amends Article 10 of the Principal Regulations, by inserting a new sub-article, to provide that development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, is exempt from the requirement to obtain planning permission. The exemption shall apply from when these Regulations come into force until 31 December 2021.

Amended Planning and Development Act (Exempted Development) Regulations 2022

These Regulations amend the Planning and Development Regulations 2001, as amended (the Principal Regulations). They extend, until 31 December 2025, the exempted development provisions of article 10(6) of the Planning and Development Regulations 2001, as amended, exempting development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, from the requirement to obtain planning permission. The Regulations further add a new use class (Class 12 - public houses), to the specified use classes that can qualify to avail of the planning exemption, subject to certain conditions and limitations.

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether the refurbishment of the house at Main Street, Ballinlough, County Roscommon and blocking up 1 no. door is or is not development, and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that the aforementioned forms of development constitute works and is therefore development. The second question to be determined in this Section 5 declaration is whether the refurbishment of the house and blocking up 1 no. door is or is not exempted development.

Change of use of the ground floor commercial area of the property is exempted development. Those who wish to convert certain commercial premises - including vacant areas above ground-floor premises and former pubs - into residential units do not require planning permission for such works. The exemptions are in place until the end of 2025. A limit of nine residential units can be produced under an exempted development. Someone proposing to undertake works must give the relevant planning authority at least two weeks' notice of the proposed change of use of a premises and any related works.

Blocking up 1 no. door on the front elevation of the building, as indicated on the submitted details, is exempted development. The works fall within the scope of Section 4(1)(h) Planning and Development Act 2000 (as amended) as long as the works do not materially change the character of the dwelling. It is considered the works proposed is "maintenance" and "improvement" of the existing dwelling house, therefore the constitutes works which are considered to be exempted development, subject to the works not materially change the character of the dwelling.

While the proposed works are exempted development, the applicant has not specifically included change of use of the ground floor commercial area (shop/food-store) of the property to residential use in this application under Section 5 of the Planning and Development Act, 2000, as amended. In the interests of clarity and in order to advance the assessment of this application, it is deemed necessary to request further information.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

5.0 Recommendation

Request the following **further information**

The Planning Authority note that the proposed development appears to include a change of use of the ground floor former commercial area (shop/food-store) of the property to residential use. The query posed in your submitted Section 5 application form does not however refer to a change of use of the ground floor commercial area of the property to residential use. In the interests of clarity and in order for the Planning Authority to advance the assessment of the request for a declaration of exempted development, please submit the following:

- (a) An amended Section 5 application form to include, if applicable, reference to any proposed change of use of the ground floor commercial area of the property to residential use in the description of the proposed works, and
- (b) A ground floor plan drawing indicating extent of the former commercial (shop/food-store) area of the structure.

Signed:

Assistant Planner



Date: 24th March 2023



Stephen Comer,



Date: 2nd March, 2023.

Planning Reference: DED 543

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: The complete refurbishment of house under the derelict house scheme at Main Street, Ballinlough, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 2nd March, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/221491** dated 28/02/2023 refers, copy of receipt attached herewith.

Note: Please note your Planning Reference No. is **DED 543**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in blue ink, appearing to read 'M. Dolan', written over a horizontal line.

Administrative Officer,
Planning.

Planning

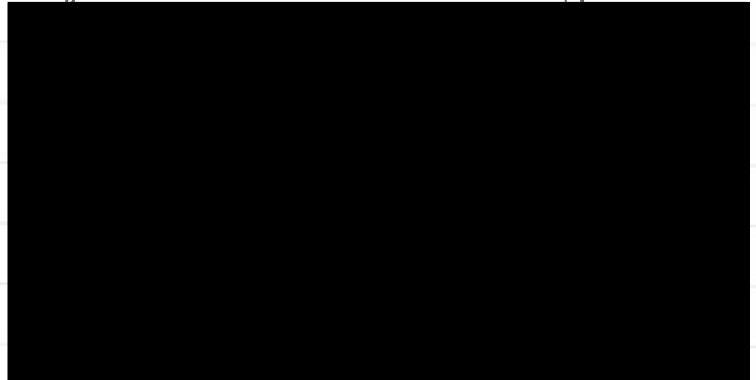
28-2-23
Ballinacough.

Hope these forms are completed correctly after paying the €80 to cash office.

Mark Finnan was down at the house before some time.

We hope to get the ball rolling on it as soon as we can.

Many thanks for all your help.





Colm
Ros Common
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Name:	STEPHEN COWER
Address:	[REDACTED]
Name & Address of Agent:	BREEGE COWER (MOTHER) NNW ST BALLINLOUBH Co Rosc
Nature of Proposed Works	Complete refurbishment of house under the Dredict House scheme
Location (Townland & O.S No.)	BALLINLOUBH
Floor Area	145 sq m.
Height above ground level	
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	FRONT. (Back up front door)

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development

Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	DERELICT HOUSE
Proposed use of land or structure	TO BE USED AS MY PRIVATE HOUSE
Distance of proposed building line from edge of roadway	ON FOOTPATH ON MAIN ST, BACLIN/LOUGH
Does the proposed development involve the provision of a piped water supply	HOUSE IS CONNECTED TO MAIN WATER AND SEWERAGE SYSTEM
Does the proposed development involve the provision of sanitary facilities	ALREADY CONNECTED TO MAIN SEWERAGE SYSTEM

Signature: Stephen Lamer

Date: 28-2-23

Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed



1
Roscommon County Council
Aras an Chiontae
Roscommon
09066 37100

28/02/2023 12 06 16

Receipt No L01/0/221491

BREEGE COMER

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED543

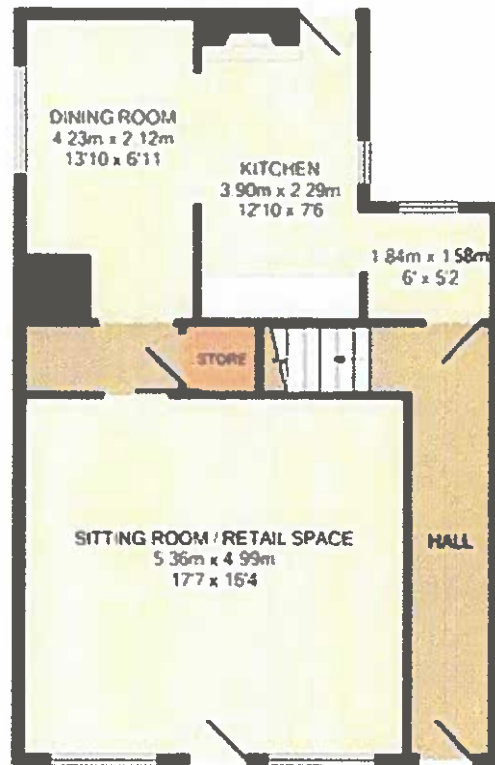
Total 80 00 EUR

Tendered
Credit/Debit Card 80 00
2403

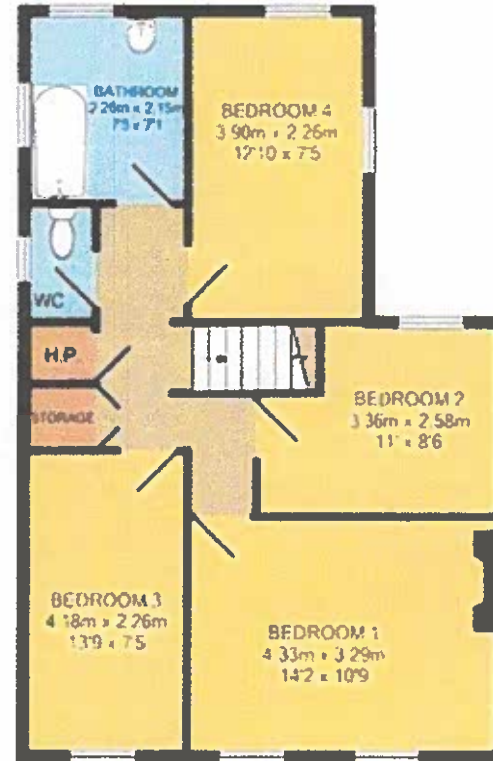
Change 0 00

Issued By Louis Carroll
From Central Cash Office

EIR CODE
F45 FY53

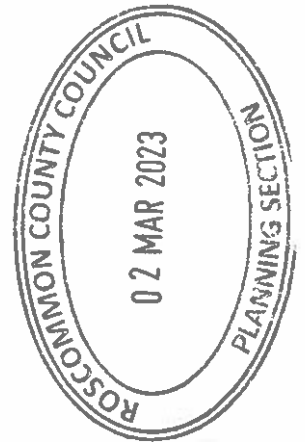


GROUND FLOOR
APPROX FLOOR
AREA 617 SQ M
(664 SQ FT.)

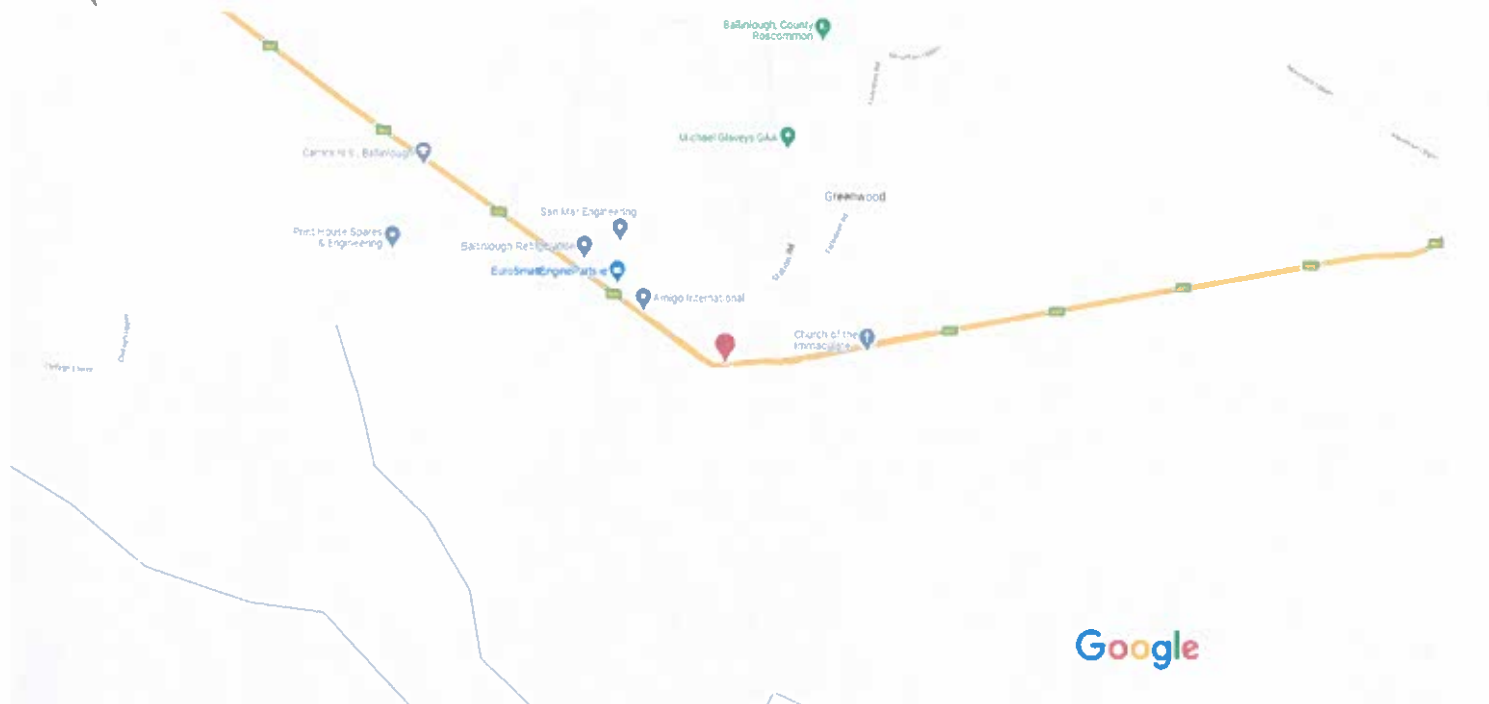


1ST FLOOR
APPROX FLOOR
AREA 526 SQ M
(5641 SQ FT.)

TOTAL APPROX FLOOR AREA 1212 SQ M (1305 SQ FT.)
FLOOR PLAN MEASUREMENTS ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY



I found these plans on the internet gives an idea of layout. He won't be building on, just doing the whole place up as it's a wreck.



Google

Map data ©2023 200 m

**F45 FY53**

Ballinlough
Co. Roscommon
Postal code

Cloudy · 4°C
10:19 PM



Directions



Save



Nearby

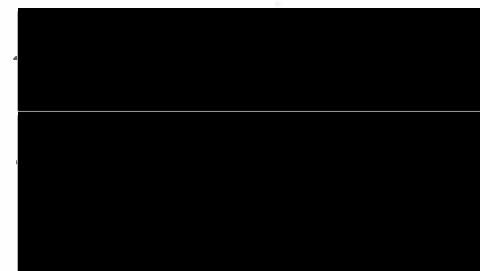
Send to
phone

Share





our House



This is a plastic sign ([REDACTED]) which I painted over because it looked terrible.
→ I also added new curtains when Helen got the keys to make it look half respectable!



* We hope to block up this door and just leave the hall door as entrance. The windows would remain the same size