

**ROSCOMMON COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**  
**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**  
**NOTIFICATION OF DECISION**

Joseph Anthony Geoghegan,  


Reference Number: DED 574

Application Received: 16<sup>th</sup> June, 2023

Location: Aghamuck, Kilrooskey, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. 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 6 and 9 of the Planning and Development Regulations 2001, (as amended).
- (c) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- (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).
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed works constitute 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.

**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 construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. 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**

**No unpainted metal sheeting shall be used for roofing or on the external finish of the proposed structure.**

**Signed on behalf of the Council:**

  
\_\_\_\_\_  
**Senior Executive Planner,  
Planning.**

**Date: 10<sup>th</sup> July, 2023**

**CC: Martin Dowd,  
Rathcroghan Designs,  
Ballyconboy, Ballinagare,  
Castlerea,  
Co. Roscommon.**

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

**Reference Number:** DED 574

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development the construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. Roscommon.

**Applicant:** Joseph Anthony Geoghegan

**Date:** 10<sup>th</sup> July 2023

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WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. Roscommon is or is not development and is or is not exempted 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 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, (as amended)
- (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)
- (e) The planning history of the site

**Site Location & Development Description**

The subject site is located on the northern side of the L-1425-61. There is an established farmyard and applicant's dwelling house located on the subject site. There are no environmental designations attached to the subject site. The question raised in this Declaration of Exempted Development is whether the ~~the~~ construction of a machinery shed together with all associated site works. *is or is not exempted development* JP

**Planning History**

PD16/17	Planning permission to construct new Sheep Shed together with all associated site works- Granted permission subject to 4 conditions
PD07/4	Planning permission to erect a sheep tunnel, sheep handling facilities and silage slab- Granted permission subject to 15 conditions

**Assessment**

In accordance with the Planning and Development Act 2000, (as amended) Section 3 (1) development is defined as the following: "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure...." It is considered that said construction of a machinery shed constitutes development, as defined in Section 3 of the said Act.

**PART 3 - Article 6 - Exempted Development – Rural**

Description of Development	Conditions and Limitations
<p><b>CLASS 9</b></p> <p>Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</li> <li>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.</li> <li>3. No such structure shall be situated within 10 metres of any public road.</li> <li>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</li> <li>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>

#### Breakdown of structures on the subject site

Building Type	Existing/ Proposed	Class structure falls under (as stated by agent )	Floor area (m <sup>2</sup> )
Hayshed	Existing	9	195 m <sup>2</sup>
Machinery Shed	Existing	9	155m <sup>2</sup>
Turf Shed	Existing	9	215m <sup>2</sup>
Machinery Shed	Proposed	9	248 m <sup>2</sup>
<b>Total GFA under Class 9</b>			<b>813m<sup>2</sup></b>
Slatted Shed	Existing	6	337m <sup>2</sup>
Sheep Shed	Existing (planning ref 07/4 refers)	6	246m <sup>2</sup>
Silage Base	Existing (planning ref 07/4 refers)	8	266m <sup>2</sup>
Sheep Shed	Existing (planning ref 16/17 refers)	6	240 m <sup>2</sup>

It is proposed to construct a machinery shed with a stated gross floor area of 248 m<sup>2</sup>. The maximum height is stated to be 5.3m. No external material finishes have been specified. However, it is considered to attach an advisory note in this regard. The nearest dwelling to the subject site is c.63m to the south, a letter of consent has been submitted. The proposed structure is located over 10m from the public road. The gross floor area of all structures including proposed is under the 900m<sup>2</sup> as stated in the Conditions and Limitations of Class 9 of PART 3 - Article 6 - Exempted Development – Rural.

#### **Environmental Considerations:**

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination for EIAR is not required.

The site is located 3.2km away from Corbo Bog SAC. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development. A screening determination is not required.

**Recommendation**

WHEREAS a question has arisen as to whether the construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (f) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, (as amended)
- (g) Articles 6 and 9 of the Planning and Development Regulations, 2001, (as amended)
- (h) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, (as amended)
- (i) 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)
- (j) The planning history of the site

**AND WHEREAS I have concluded that**

- a) The works are development.
- b) the construction of a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

**Advice Note:**

No unpainted metal sheeting shall be used for roofing or on the external finish of the proposed structure.

Signed:   
Assistant Planner

Date: 10<sup>th</sup> July 2023













Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Joseph Anthony Geoghegan,



Date: 19<sup>th</sup> June, 2023.  
Planning Reference: DED 574

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: To construct a machinery shed together with all associated site works at Aghamuck, Kilrooskey, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 16<sup>th</sup> June, 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. L01/0/223272 dated 19<sup>th</sup> June, 2023 refers, scanned copy of receipt attached herewith.

Note: Please note your Planning Reference No. is **DED 574**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,  
Planning.

cc. EMAIL  
Martin Dowd,  
Rathcroghan Designs,  
Ballyconboy,  
Ballinagare,  
Castlerea,  
Co. Roscommon.



## Mary Dolan

---

**From:** Planning Department  
**Sent:** Tuesday 20 June 2023 18:04  
**To:** 'rathcroghandesigns@gmail.com'  
**Subject:** RCC Planning Ref. No. DED 574 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.  
**Attachments:** DED 574 Acknowledgement Letter.pdf; DED 574 Receipt.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), reference no. DED 574.

Given that an e-mail address has not been provided by the applicant we would be obliged if you could ensure that a copy of this acknowledgement is provided to the applicant.

Mise le meas,

**Mary Dolan, Administrative Officer, Planning,**  
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.  
☎ (090) 6637176 ✉ [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)

🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Please address all e-mail correspondence to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

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Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only except in instances where an e-mail address has not been provided.

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Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

16/06/2023 12:09:29

Receipt No. L01/0/223272

JOSEPH ANTHONY GEOGHEGAN  
C/O RATHCROGHAN DESIGNS  
BALLYCONBOY  
BALLINAGARE  
CASTLEREA  
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 574	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
8236

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office

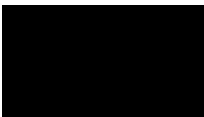


Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

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

Name:	Joseph Anthony Geoghegan
Address:	
Name & Address of Agent:	Martin Dowd Rathroghan Designs Ballyconboy Ballinagare Castlerea Co Roscommon
Nature of Proposed Works	To construct a Machinery Shed together with all associated site works.
Location (Townland & O.S No.)	Aghamuck Kilrooskey Co Roscommon OS Sheet No. RN035
Floor Area	248m <sup>2</sup>
Height above ground level	4.867m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Prepainted sheeting



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster
Is proposed works located at front/rear/side of existing house.	N/A

## 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)	PD /16/17 PD/ 07/04
Existing use of land or structure	Agricultural
Proposed use of land or structure	Agricultural
Distance of proposed building line from edge of roadway	10.95 m
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No



Signature:

*[Handwritten Signature]*

Date: 16/06/2023

**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



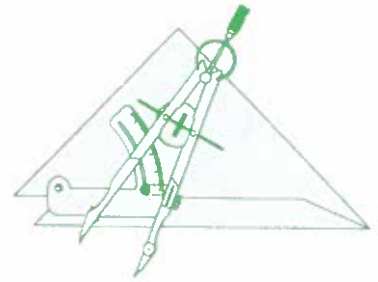
# Rathcroghan Designs

BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON

**Planning and Building Consultants**

*Associate Member of The Society Chartered Surveyors Ireland*

Phone : 086 2328484 Email: rathcroghandesigns@gmail.com



Planning Authority  
Roscommon County Council  
Aras An Chontae  
Roscommon.

June 12<sup>th</sup> 2023

**RE Planning Application on behalf of** [REDACTED]

Dear sir or madam,

Please find enclosed a planning application for a declaration under Section 5 Exempted development on behalf of Joseph Anthony Geoghegan. I wish to pay the planning fee by debit card and I would appreciate if you could contact me on 086 2328484 so that I can give you card details to make payment

I hope this is to your satisfaction and if you have any queries please contact me.

Yours Sincerely

Martin Dowd  
Rathcroghan Designs  
Ph. 086 2328484



8<sup>th</sup> May 2023

Planning Authority,  
Roscommon County Council,  
Aras An Chontae,  
Roscommon.

**RE: Consent to Proposed Farm Buildings**

Dear sir or madam,

I [REDACTED] have no objection to the proposed agricultural buildings to be constructed by Joesph Anthony Geoghegan on his farmyard at Aghamuck T,d,Kilrooskey Co. Roscommon

Signed [REDACTED]

Date 08/05/2023

# Planning Pack Map

Prepared By: Martin Dowd Rathcroghan Designs,  
Ballinagare, Castlerea, Co. Roscommon



Tailte  
Éireann

Site Boundary

Land In Ownership

16 JUN 2023

PLANNING SECTION

Aghamuck

Carrowmoneen

Neighbouring dwelling  
Letter of consent attached

CENTRE  
COORDINATES:  
ITM 593527,773034

PUBLISHED: 15/06/2023 ORDER NO.: 50340752\_1

MAP SERIES: 1:5,000 MAP SHEETS: 2353

COMPILED AND PUBLISHED BY:  
National Mapping Division of  
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Phoenix Park,  
Dublin 8,  
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D08F6E4

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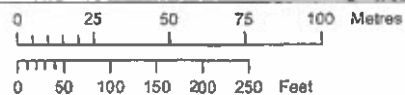
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# Site Location Map

PREPARED BY MARTIN LOWE  
RATHCROGHAN DESIGNS BALLINAGACE  
CASTLEREA CO. ROSCOMMON



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 593527,773034

PUBLISHED: 15/06/2023 ORDER NO.: 50340752\_1

MAP SERIES: 6 Inch Raster MAP SHEETS: RN036

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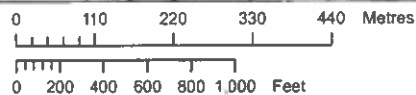
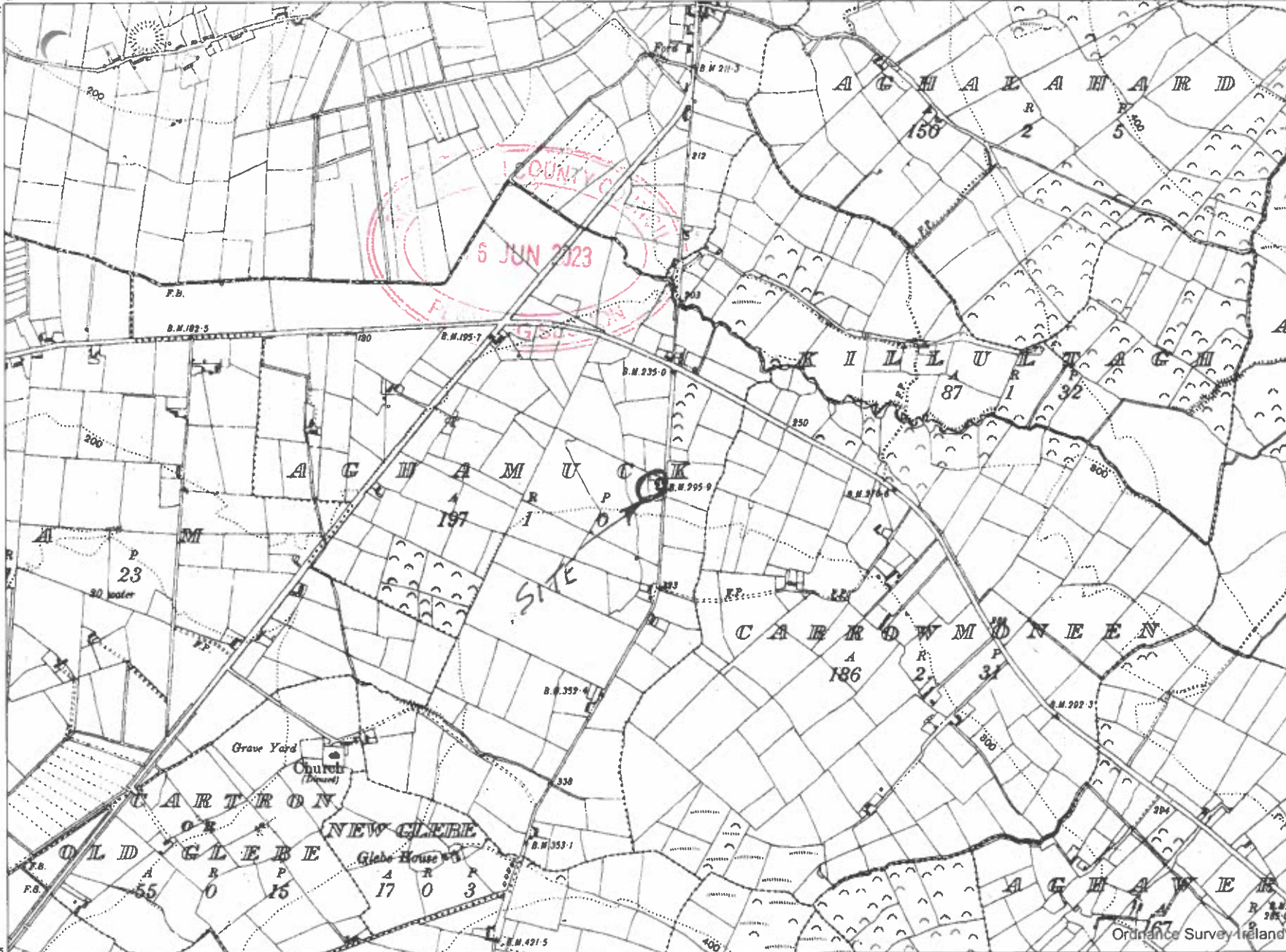
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## LEGEND:

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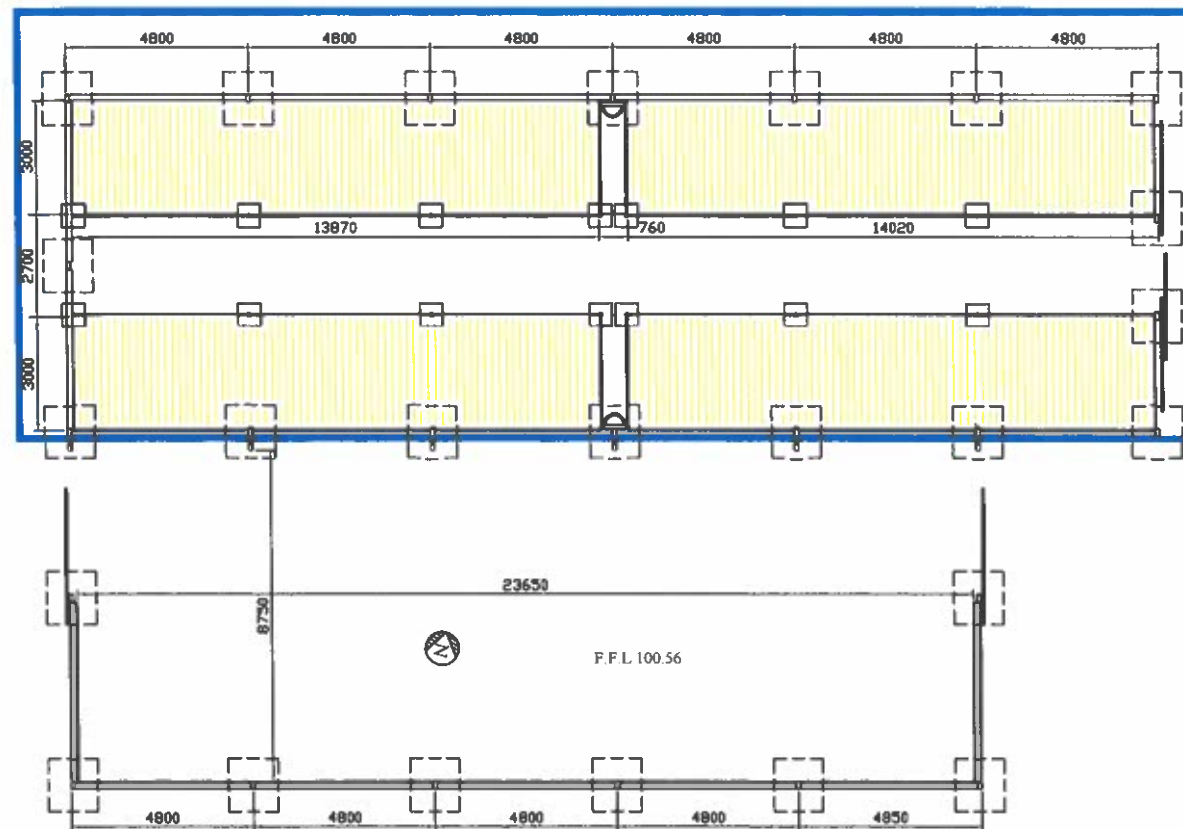
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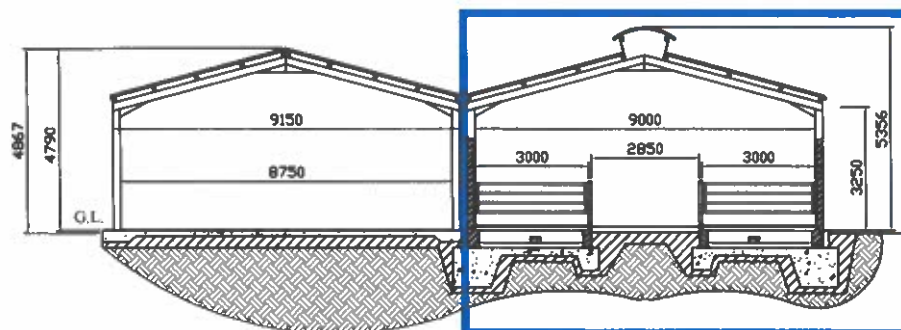
OUTPUT SCALE: 1:10,560





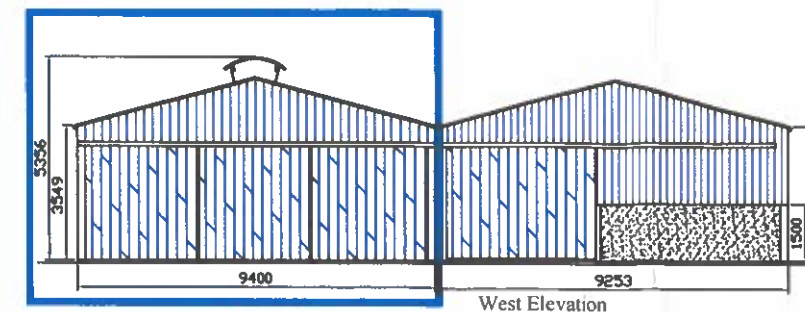


Sectional Floor Elevation

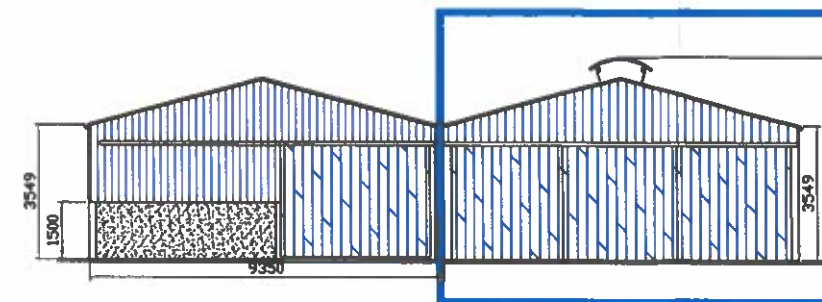


Sectional Elevation

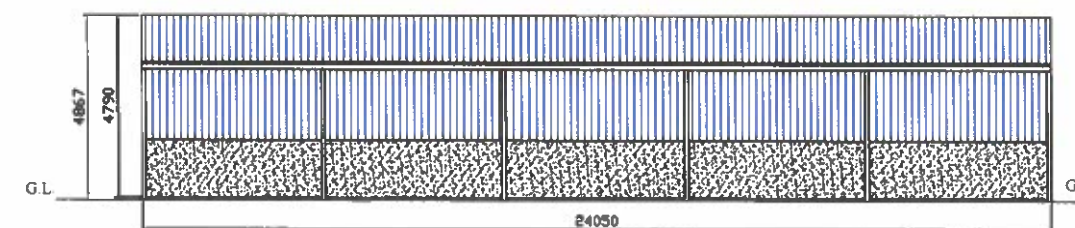
Existing Contiguous  
Building outlined in Blue



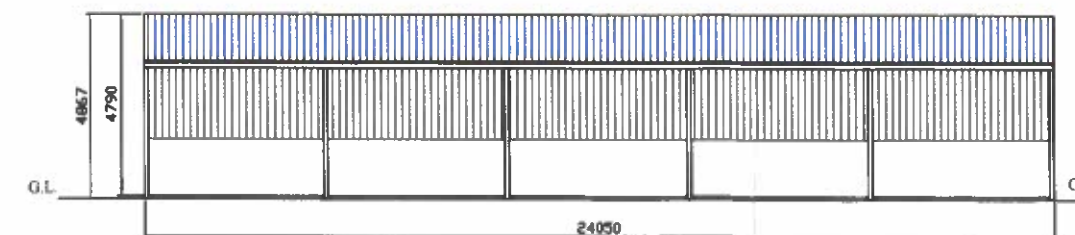
West Elevation



East Elevation



South Elevation

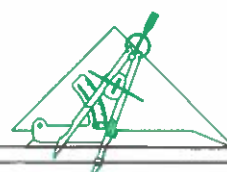


North Elevation



**RATHCROGHAN DESIGN**

Ballyconboy, Ballinagare, Castlerea, Co. Roscommon  
Ph: 086 2328484 E-mail: martindowd@eircom.net



Client

**Joseph Anthony  
Geoghegan**

Title

**Machinery Shed**

Scale: 1:200 UNLESS NOTED

Drawn: MARTIN DOWD

Date: 27-05-2023

Sheet

1 OF 1

Drwg. No.

23-146