

**From:** Tracy Davis  
**Sent:** Wednesday 23 August 2023 10:44  
**To:** aaron@jlce.ie  
**Subject:** DED 589 Notification of decision on Section 5 Declaration  
**Attachments:** DED 589 Notification of Decision - Not Exempt.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 589 Section 5 Declaration .

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 Notification of Decision is provided to the applicant.

Mise le meas,

**Tracy Davis** | Planning Department  
Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98  
☎ (090) 6637100 ✉ [planningenforcement@roscommoncoco.ie](mailto:planningenforcement@roscommoncoco.ie)  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



*Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours*

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

James Kerrigan,



Reference Number: DED 589

Application Received: 12<sup>th</sup> June, 2023.

Location: Lissacarrow, Fuerty, Co. Roscommon, F42 XF86.

WHEREAS a question has arisen as to whether 'to refurbish derelict house under Croi Conaithe Grant Scheme' at Lissacarrow, Fuerty, 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 Acts 2000 (as amended);
- b) 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); and,

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 not 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 '**to refurbish derelict house under Croi Conaithe Grant Scheme**' at Lissacarrow, Fuerty, Co. Roscommon, is development that is not 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.

Signed on behalf of the Council:

*Tracy Davis*

Tracy Davis, Senior Executive Planner,  
Planning.

Date: 23<sup>rd</sup> August, 2023

**Planner's Report on application under  
Section 5 of the Planning and Development Act 2000-2015**

<b>Reference Number:</b>	DED 589
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development to 'refurbish derelict house under Croi Conaithe Grant Scheme'.
<b>Name and Address of Applicant:</b>	James Kerrigan
<b>Location of Development:</b>	Lissacarrow, Fuerty, Co Roscommon.

### **1.0 Introduction**

**NOTE:** This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 3<sup>rd</sup> August 2023 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions

**Further information requested: 3<sup>rd</sup> Aug 2023**

**Further information response received: 14<sup>th</sup> Aug 2023**

### **2.0 Planning Assessment following receipt of Further Information**

#### **Summary of issues on which further information was sought:**

##### **Item 1:**

- Clarification on the proposed construction materials and finishes and what the 'proposed structural repairs to walls' will involve.

#### **Assessment of further information received:**

The applicant has responded stating the following:

- The roof will be replaced with natural slates.
- The house will be insulated externally and be finished with nap plaster.
- New blue /black/grey UPVC windows are proposed. The applicant has submitted photographs of the external walls which have a lot of crack. No specific details however have been provided in relation to the exact nature of how the repair works will be carried out.
- The applicant is also proposing to replace the chimney.

The question to be determined in this Section 5 referral is whether to 'refurbish a derelict house under Croi Conaithe Grant Scheme' at Lissacarrow, Fuerty, Co Roscommon 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 Acts 2000 (as amended);
- (b) 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);

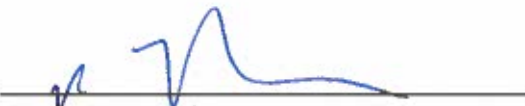
Sub section 4 (1) (h) provides that development shall be exempt development if it consists of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

The applicant is proposing to replace the existing corrugated roof with a natural slate roof, put a nap plaster finish on the structure which currently does not have a nap plaster finish and replace timber windows with UPVC windows. Notwithstanding the fact no specific details have been provided on how the structural repairs to the external walls will be carried out or what it will involve, RCC can determine that the works proposed to change, the windows, roof and external finish of the structure will materially alter the external appearance of the dwelling from what it appears like now. So having regard to 4 (1) (h) I have concluded that to *'refurbish a derelict house under Croi Conaithe Grant Scheme'* at Lissacarrow, Fuerty, Co Roscommon is development and is Not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

#### Recommendation

I have concluded that to *'refurbish a derelict house under Croi Conaithe Grant Scheme'* at Lissacarrow, Fuerty, Co Roscommon is development and is NOT exempted development and I recommend that a declaration to that effect should be issued to the applicant

Signed

  
Paula Connaughton  
Executive planner

Date:



Signed

  
Senior/ Senior Executive Planner

Date:





**James Lohan**  
Planning & Design Consulting Engineers

**James Lohan**

Planning & Design  
Consulting Engineers  
Unit 5, Ballypheason House,  
Circular Road,  
Roscommon.  
F42 C982.

Tel/Fax: +353 90-6634365  
Mob: +353 87-822 8529  
Email: [james@jlce.ie](mailto:james@jlce.ie)  
[aaron@jlce.ie](mailto:aaron@jlce.ie)  
Web: [www.jlce.ie](http://www.jlce.ie)

**Roscommon County Council**  
**FOA : Tracy Davis**  
**Planning Department**  
**Aras An Chontae,**  
**Roscommon**  
**County Roscommon**

**11/08/2023**

**James Kerrigan DED589**

A Chara

Please see attached photo survey of "structural repairs to wall" alongside structural repairs to chimney.

The proposed construction material and finishes

New roof will be natural slates or similar approved, with blue / black / gray UPVC windows alongside external insulation  
with napped plaster finish

Signed :

Aaron Gill

11/08/2023

**James Lohan** Planning & Design Consulting Engineers  
Unit 5, Ballypheason House, Circular Road, Roscommon.  
F42 C982.



[www.jlce.ie](http://www.jlce.ie)



# PHOTO SURVEY

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**Friday 11 August 2023**

**3 photos Identified**



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



James Kerrigan,

Date: 03/08/2023  
Planning Reference: DED 589

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: WHEREAS a question has arisen as to whether 'to refurbish derelict house under Croi Conaithe Grant Scheme' at Lissacarrow, Fuerty, Co. Roscommon, is or is not development or is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 12<sup>th</sup> July, 2023 and in order for the Planning Authority to determine as to whether works a question has arisen as to whether 'to refurbish derelict house under Croi Conaithe Grant Scheme' at Lissacarrow, Fuerty, Co. Roscommon is or is not development or is or is not exempted development you are requested to submit the following further information:

1. In order to determine whether the development is or is not exempt development please provide details in relation to the following:
  - The proposed construction materials and finishes for the new roof, windows and external insulation.
  - Clarification as to what the proposed 'structural repairs to walls' will involve.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 589**.

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

Mise le meas,

Tracy Davis

Senior Executive Planner,  
Planning.

cc: James Lohan Consulting Engineers Ltd.,  
Unit 5, Ballypheason House, Circular Road,  
Roscommon.

Page 1 of 1

**Planner's Report on application under  
Section 5 of the Planning and Development Act 2000-2015**

<b>Reference Number:</b>	DED 589
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development to ' <i>refurbish derelict house under Croi Conaithe Grant Scheme</i> '.
<b>Name and Address of Applicant:</b>	James Kerrigan
<b>Location of Development:</b>	Lissacarrow, Fuerty, Co Roscommon.

WHEREAS a question has arisen as to whether to '*refurbish derelict house under Croi Conaithe Grant Scheme*' at Lissacarrow, Fuerty, 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 Acts 2000 (as amended);
- (b) 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);

**Site Location & Development Description**

The proposed development is located on a local road c 5km west of Roscommon Town. The site consists of an old dwelling which is in disrepair and has not been occupied for a substantial period of time. The applicant is proposing to refurbish this derelict house and has applied for this section 5 declaration to determine if the works proposed are development and if so are they exempt development.

**Planning History:**

No planning history

**Relevant statutory provisions**

**Planning and Development Acts 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.

Sub section 4 (1) (h) provides that development shall be exempt development if it consists 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

### **Assessment**

The question to be determined in this Section 5 referral is whether to *'refurbish a derelict house under Croi Conaithe Grant Scheme'* at Lissacarrow, Fuerty, Co Roscommon is or is not development and is or is not exempted development. The applicant is proposing the following:

- New roof
- Structural repairs to walls
- New external insulation,
- New windows
- Internal fit out.

Having considered the definition of both "works" and "development" outlined above, I would deem that to *'refurbish a derelict house under Croi Conaithe Grant Scheme'* constitute works and is therefore development.

For the purposes of determining whether to *'refurbish a derelict house under Croi Conaithe Grant Scheme'* is or is not exempt development, additional detail is required in relation to the works proposed.

### **Recommendation: Request for further information**

1. In order to determine whether the development is or is not exempt development please provide details in relation to the following:
  - The proposed construction materials and finishes for the new roof, windows and external insulation.
  - Clarification as to what the proposed *'structural repairs to walls'* will involve.

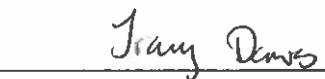
Signed

  
Paula Connaughton  
Executive planner

Date:

3/8/23

Signed



Date:

3/8/2023

Senior/ Senior Executive Planner











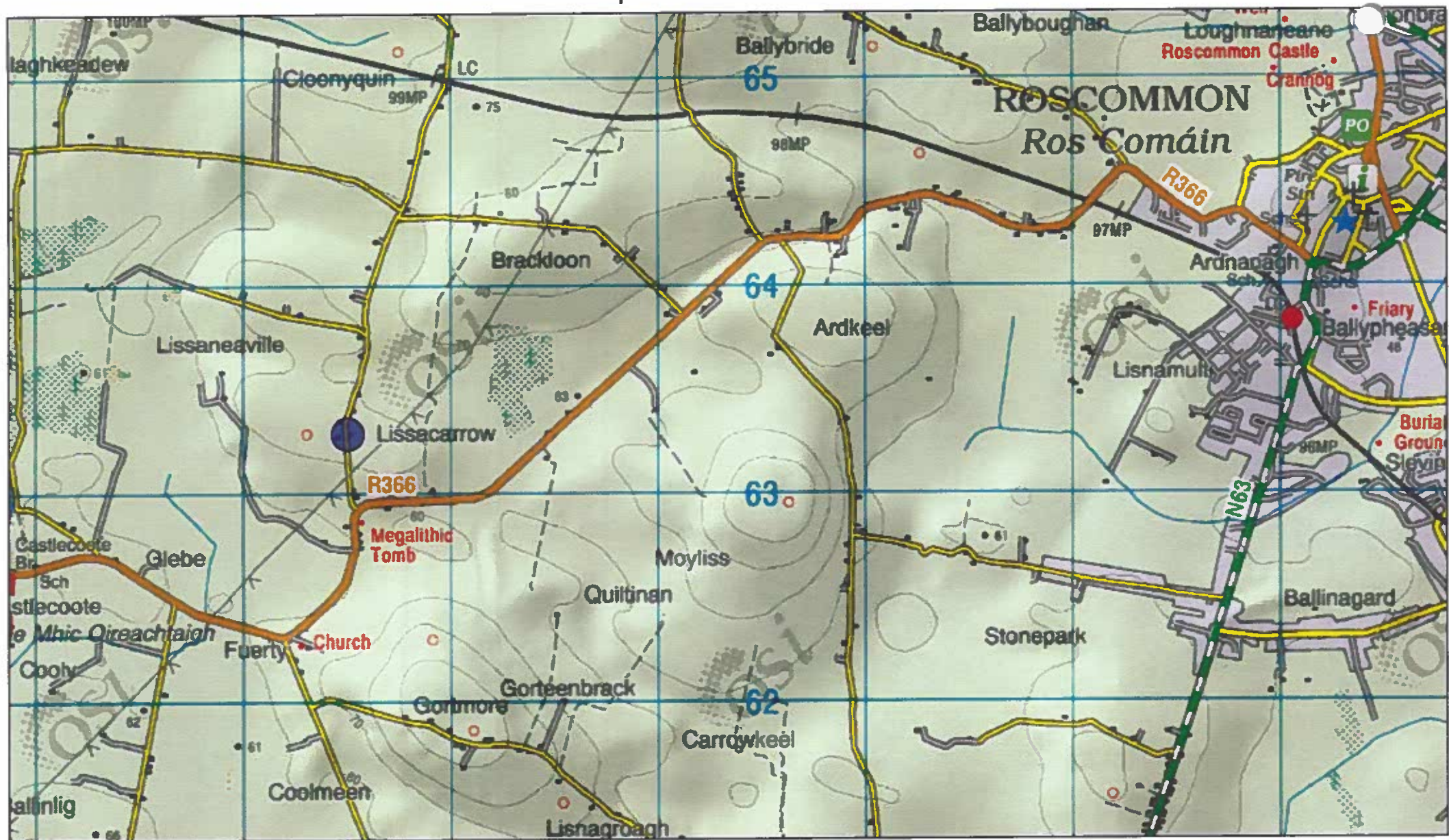








# Map Viewer Printout

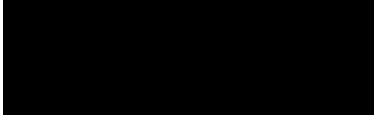


31/07/2023 12:59:33

 County Boundary

1:25,000  
0 0.2 0.4 0.8 mi  
0 0.33 0.65 1.3 km  
© Ordnance Survey Ireland @Roscommon County Council

James Kerrigan,



Date: 13<sup>th</sup> July, 2023.

Planning Reference: DED 589

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

**Development:** To refurbish derelict house under Croi Conaithe Grant Scheme at Lissacarrow, Fuerty, Co. Roscommon, F42 XF86.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 12<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. **L01/0/223722** dated 12<sup>th</sup> July, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 589**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in cursive script that reads "Tracy Davis".

Tracy Davis, Senior Executive Planner,  
Planning Department.

**CC:** James Lohan Planning & Design Consulting Engineers Ltd.,  
Unit 5, Ballypheason House,  
Circular Road,  
Roscommon,  
Co. Roscommon, F42 C982.



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

12/07/2023 15:13:55

Receipt No : L01/0/223722

JAMES KERRIGAN



AGENT: JAMES LOHAN

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED588	

Total : 80.00 EUR

Tendered :	
Cheque	80.00
001424	

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



# James Lohan

Planning & Design Consulting Engineers

DED 589

**James Lohan**

Planning & Design

Consulting Engineers

Unit 5, Ballypheason House,

Circular Road,

Roscommon.

F42 C982.

Tel/Fax: +353 90-6634365

Mob: +353 87-822 8529

Email: [james@jlce.ie](mailto:james@jlce.ie)

[aaron@jlce.ie](mailto:aaron@jlce.ie)

Web: [www.jlce.ie](http://www.jlce.ie)

**Roscommon County Council**

**FOA :**

**Planning Department**

**Aras An Chontae,**

**Roscommon**

**County Roscommon**

DED  
589

**11/07/23**

**James Kerrigan**

A Chara



Please see attached Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development as part of the required documents REFURBISH DERELICT HOUSE UNDER CROI CONAITHE GRANT SCHEME

The Proposed works involves new roofs, structural repairs to walls, new external insulations, windows floors, and a full internal fit out.

Signed :

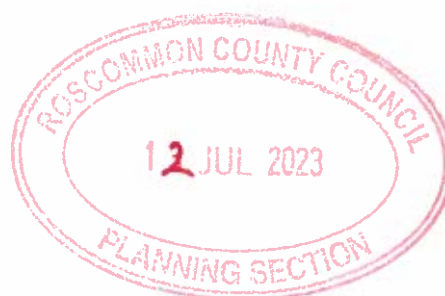
Aaron Gill

11-07-2023

**James Lohan** Planning & Design Consulting Engineers

Unit 5, Ballypheason House, Circular Road, Roscommon.

F42 C982.



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Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

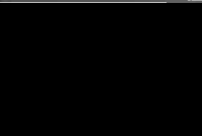
Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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:	JAMES KERRIGAN
Address:	
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	REFURBISH DERELICT HOUSE UNDER CROI CONAITHE GRANT SCHEME – SEE ATTACHED REPORT SHOWING CONDITION OF PROPERTY AND LIST OF WORKS TO BE COMPLETED ALONG WITH PLANS FOR SAME
Location (Townland & O.S No.)	Lissacarrow,,Fuerty, Co. Roscommon. F42 XF86
Floor Area	69SQ.M.
Height above ground level	0.10
Total area of private open space remaining after completion of this development	260SQ.M.
Roofing Material (Slates, Tiles, other) (Specify)	METAL SSHEETING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	HOUSE IS TO BE EXTERNALLY INSULATED AND RENDERED
Is proposed works located at front/rear/side of existing house.	EXISTING HOUSE REPAIRS TO ROOF, WALLS AND FLOORD EXTERNALLY INSULATING AND RENDERING WITH NEW WINDOWS AND INTERNAL FITOUT

## 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)	N/A
Existing use of land or structure	EXISTING HOUSE
Proposed use of land or structure	REFURBISH HOUSE
Distance of proposed building line from edge of roadway	EXISTING 9.5M
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	NO

Signature:



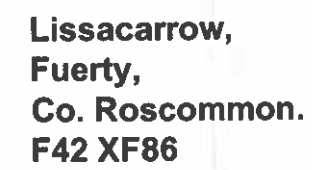
Date:

11-7-23



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



**Lissacarrow,  
Fuerty,  
Co. Roscommon.  
F42 XF86**



DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

FIRST NAME			STA	DATE	RE

Unit 5 Ballypheason House  
Circular Road,  
Roscommon F42 C9B2.

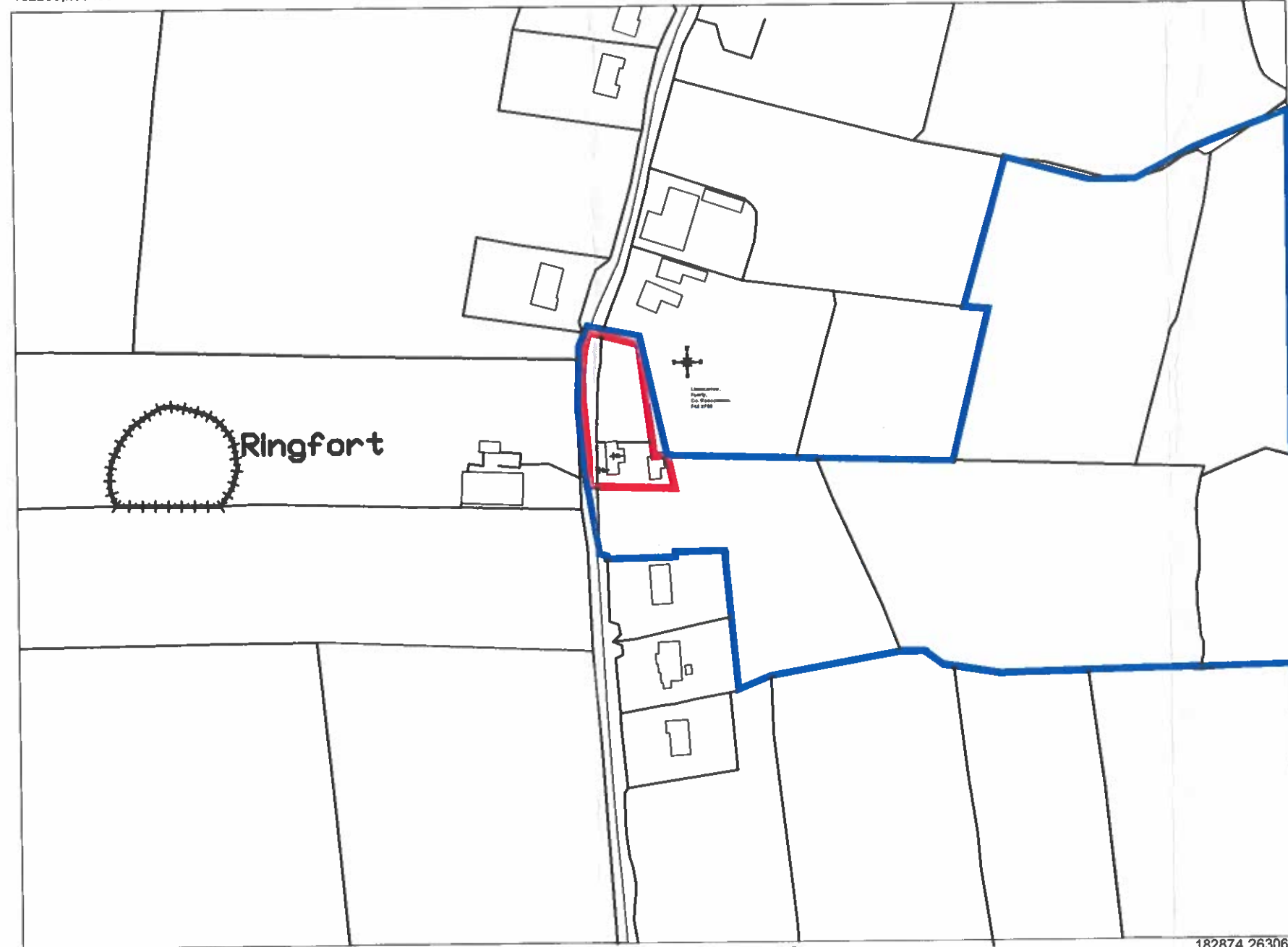
**JAMES LOHAN CONSULTING ENGINEER**

Ph: 090 6634365 / 0878228529  
email: james@jce.ie / oaron@jce.ie  
web: www.jce.ie

ROSCOMMION F42 C902.		DATE 11/01/2002	
CLIENT James Kerrigan	JOB PERMISSION	JOB No 23-313	DATE 11/01/2002
SITE	DRAWING SITE LAYOUT	DRG No 23-313	REV A
Ureacarrow, FUERTY ROSCOMMION F42 Co. Roscommon		SCALE 1:500	

182230,263496

1824814,263496



Lissacarrow,  
Fuerty,  
Co. Roscommon.  
F42 XF86

**SITE AREA OUTLINED**  
**RED = 0.206HECBLUE**  
**LAND HOLDING**  
**BLUE LANDHOLDING**



OS NO.

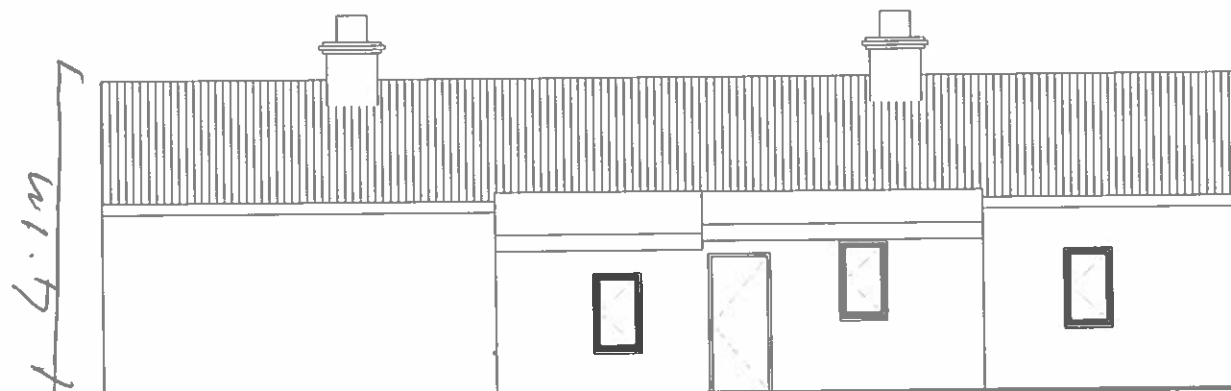
RN 2549

182230,263068

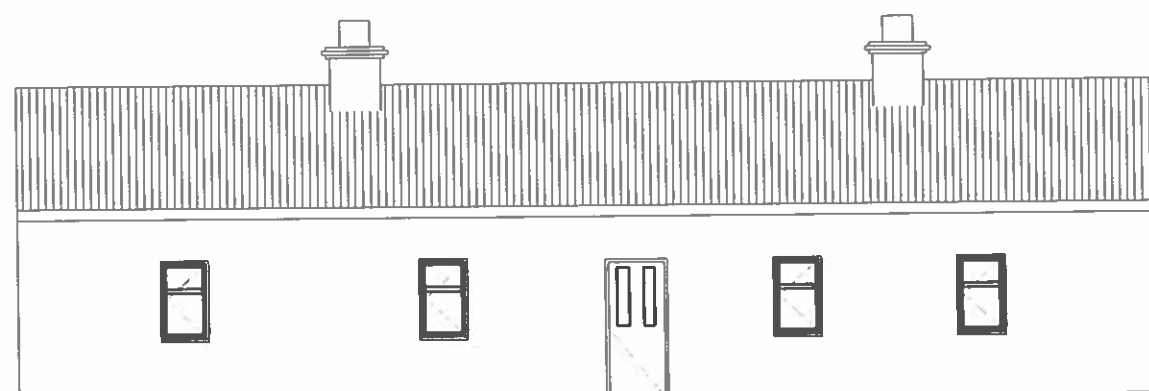
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SCALE 1:2500

182874,263068

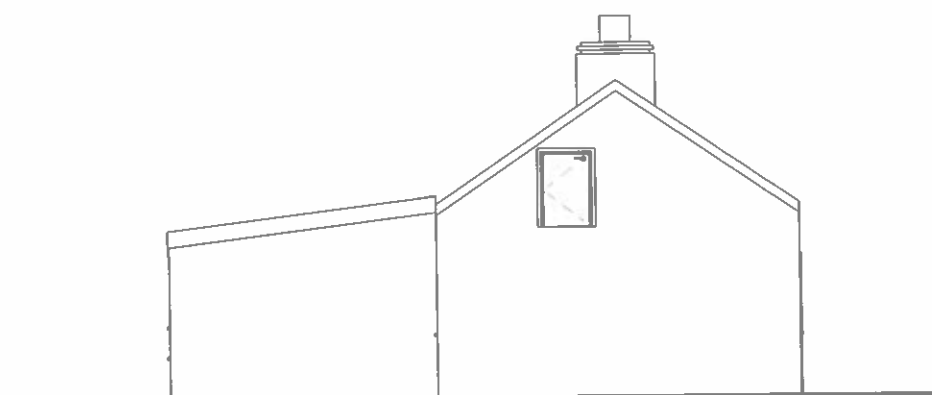




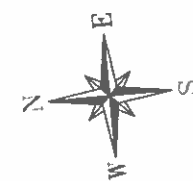
**3 Rear Elevations**  
1 : 100



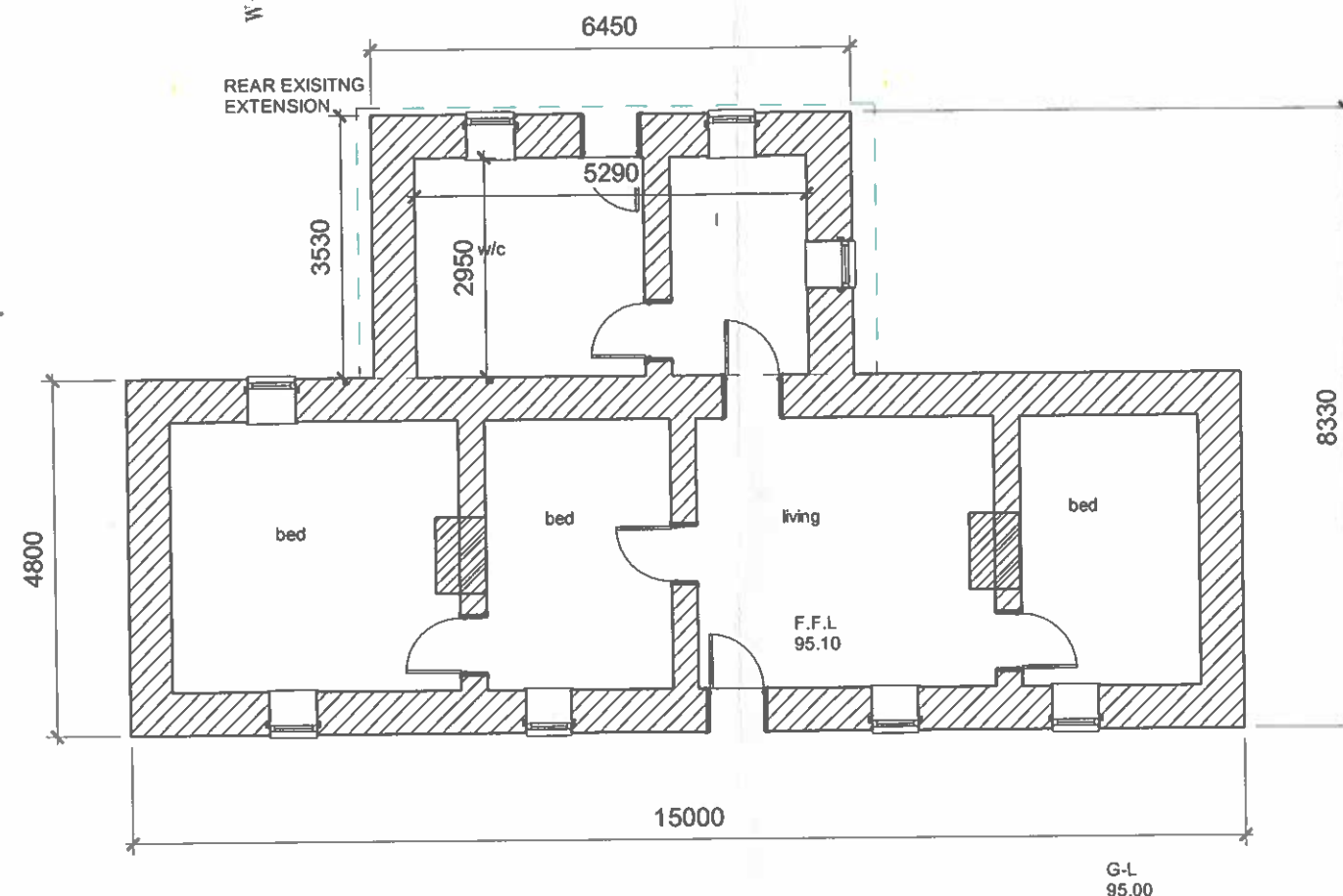
**2 Front Elevation**  
1 : 100



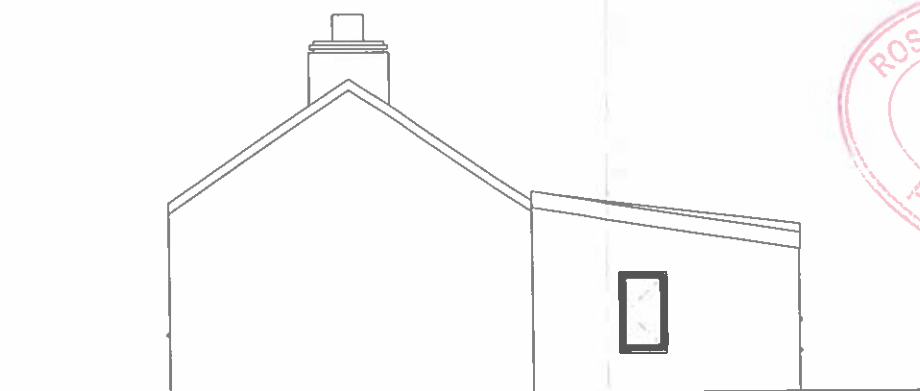
**4 Side Elevation.**  
1 : 100



TOTAL FLOOR  
AREA:  
69 SQ M



**1 01- Ground Floor Level**  
1 : 100



**5 Side Elevations**  
1 : 100

