

## Tracy Davis

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**From:** Planning Department  
**Sent:** Friday 6 October 2023 10:03  
**To:** badeeney@gmail.com  
**Subject:** DED615 Notification Signed  
**Attachments:** DED615 Notification Signed.pdf

A Chara

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 615 Section 5 Declaration i.e. Notification of Decision.

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 decision is provided to the applicant.

Mise le meas  
Tracy

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

Michael Coleman,  
c/o Deeney Engineering & Planning Services,  
Kiltobrans,  
Ballaghaderreen,  
Co. Roscommon.

Reference Number: DED 615

Application Received: 8<sup>th</sup> September, 2023

Name of Applicant: Michael Coleman

Agent: Deeney Engineering & Planning Services, Kiltobrans,  
Ballaghaderreen, Co. Roscommon.

**WHEREAS** a question has arisen as to whether the following works; the change of use of an existing office building to use as a dwelling at Ballaghaderreen Townland, Co. Roscommon, is or is not development and 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, 9 and 10(6) of the Planning and Development Regulations, 2001 (as amended);
- (c) 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 works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- (b) The proposed development for the change of use of an existing office building to use as a dwelling 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 to the change of use of an existing office building to use as a dwelling at Ballaghaderreen Townland, Co. Roscommon, is development and having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works as detailed above constitutes development that is exempted development.

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:

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

Date: 03<sup>th</sup> October, 2023

CC: Deeney Engineering & Planning Services,  
Kiltobricks,  
Ballaghaderreen,  
Co. Roscommon.

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

<b>Reference Number:</b>	DED 615
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the change of use of existing office building to use as a dwelling at Ballaghaderreen, Co. Roscommon
<b>Name of Applicant:</b>	Michael Coleman
<b>Location of Development:</b>	Ballaghaderreen, Co. Roscommon

**WHEREAS a question has arisen as to whether the following works; the change of use of an existing office building to use as a dwelling 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, 9 and 10(6) of the Planning and Development Regulations, 2001, as amended
- (c) 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 subject site comprises a single storey building to the rear of Main Street in Ballaghadeereen.

**Planning History**

95/8 – Permission granted to Eoin Madden for the erection of a single storey office building on site.

03/373 – Permission granted to Eoin Madden to retain an extension to an office building

**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.

**Planning and Development Regulations, 2001 as amended**

**Article 6 (1)**

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

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

Article 10 (6) of above regulations IS of particular relevance in this case.

*(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 8 February 2018 until 31 December 2025.*

*(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).

### Planning Assessment:

The existing office use falls under Class 3 of Part 4 to Schedule 1, which is one of the allowable use classes to be changed under the Article 10(6) exemption. The site is located outside the designated Architectural Conservation Area (A.C.A.) for Ballaghaderreen as per the provisions of the Roscommon County Development Plan 2022-2028. The proposed development consists of the change of use of the building's current office use, to use as a dwelling. Based on information all proposed works are internal and therefore there will be no material change to the building's appearance. When converted, a 2 bedroom residential property with a floor area of 78m<sup>2</sup> will exist.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

The proposed change of use in this instance does not contravene a planning condition attached to any previous grants of permission on the site.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to **change the use of an existing office building to use as a dwelling**, in Ballaghaderreen Co. Roscommon falls within the provisions of Article 10(6) of the Planning and Development Regulations 2001 as amended.
- The proposal constitutes exempted development.

### Recommendation

WHEREAS a question has arisen as to whether a proposed development to **change the use of an existing office building to use as a dwelling**, in Ballaghaderreen 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, and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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 WHEREAS I have concluded that

- The works to **change the use of an existing office building to use as a dwelling**, in Ballaghaderreen Co. Roscommon fall within the provisions of Article 10(6) of the Planning & Development Regulations 2001 as amended.

- 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 requirement for AA or EIAR does not apply with respect to the current case.

**AND WHEREAS** I have concluded that the said development to **change the use of an existing office building to use as a dwelling**, in Ballaghaderreen Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed \_\_\_\_\_  
Executive Planner

Date: 3<sup>rd</sup> October 2023

Michael Coleman,  
c/o Deeney Engineering & Planning Services,  
Kiltobrans,  
Ballaghaderreen,  
Co. Roscommon.

Date: 13<sup>th</sup> September, 2023.  
Planning Reference: DED 615

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000  
(as amended), regarding Exempted Development.  
Development: Permission for change of use of existing office building to use as a dwelling at  
Ballaghaderreen, Co. Roscommon,

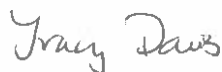
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A Chara,

I wish to acknowledge receipt of your application received on the 8<sup>th</sup> September, 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. L01/0/224539 dated 12<sup>th</sup> September, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 615**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



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Tracy Davis,  
Senior Executive Planner,  
Planning Department.

CC: Deeney Engineering & Planning Services,  
Kiltobrans,  
Ballaghaderreen,  
Co. Roscommon.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

12/09/2023 08:26:33

Receipt No : L01/0/224539

MICHAEL COLEMAN  
C/O BRENDAN DEENEY  
KILTOBRANKS  
BALLAGHADERREEN  
CO. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 615	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
504815

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office

# **DEENEY ENGINEERING & PLANNING SERVICES**

Kiltobricks Ballaghaderreen Co Roscommon

Tel/ Fax: 094 9860908 Mob: 086 2503109 email: badeeney@gmail.com

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September 07<sup>th</sup> 2023  
Roscommon County Council  
Planning Section  
Roscommon

**Re: Michael Coleman. Existing building at Ballaghaderreen.**

A Chara,

We enclose herewith an application, on behalf of Michael Coleman, for declaration under Section 5 of the Planning and Development Act 2000 regarding Exempted Development for the change of use of an existing office building at Ballaghaderreen to use as a domestic dwelling.

Our application includes the following documents, maps and drawings:

1. Application form.
2. Site location map scale 1/2500.
3. Site Layout plan scale 1/500
4. Plan, elevations and section, scale 1/100
5. Photos of the existing building.
6. Application fee €80.00



Le meas,

  
Brendan Deeney B Tech.  
Deeney Engineering & Planning Services

**Roscommon County Council**

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

Name:	MICHAEL COLEMAN
Address:	
Name & Address of Agent:	Prepared By. BRENDAN DEENEY B.TECH. KILTOBRANKS BALLAGHADERREEN TEL: 094 9860908 FAX: 094 9860621
Nature of Proposed Works	CHANGE OF USE OF EXISTING OFFICE BUILDING TO USE AS A DWELLING.
Location (Townland & O.S No.)	BALLAGHADERREEN TD
Floor Area	178 M <sup>2</sup>
Height above ground level	100 MM
Total area of private open space remaining after completion of this development	365 M <sup>2</sup> (EXISTING)
Roofing Material (Slates, Tiles, other) (Specify)	BLUE BLACK SLATE (EXISTING)
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	EXISTING: STONE & SMOOTH PLASTER
Is proposed works located at front/rear/side of existing house.	N/A

03 / 373  
95 / 8



## 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	YFS.
If yes give ref. number (include full details of existing extension, if any)	03/373
Existing use of land or structure	OFFICE BUILDING
Proposed use of land or structure	DOMESTIC DWELLING.
Distance of proposed building line from edge of roadway	11M (EXISTING)
Does the proposed development involve the provision of a piped water supply	EXISTING CONNECTION
Does the proposed development involve the provision of sanitary facilities	EXISTING CONNECTION

Signature:

Brenda Deane (AGENT)

Date:

07 SEPT 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) Detailed specification of development proposed

PLAN & ELEVATION  
PHOTOS.





Front elevation



Existing metal gates 1.9m high



Rear elevation



Side elevation



# Planning Pack Map



Tailte  
Éireann

**CENTRE  
COORDINATES:**  
ITM 561640,794758

**PUBLISHED:** 05/09/2023  
**ORDER NO.:** 50355492\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 1857-22

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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

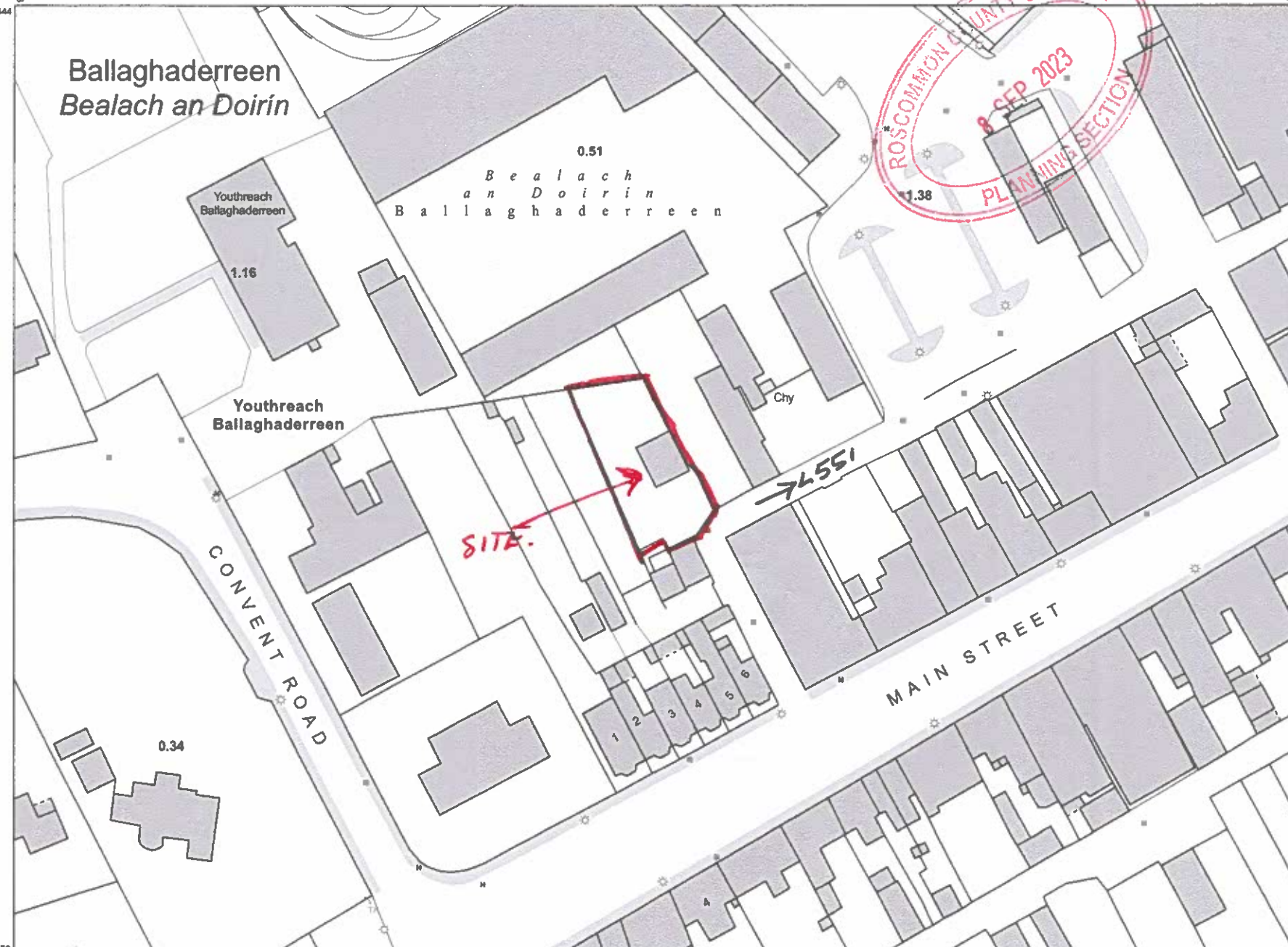
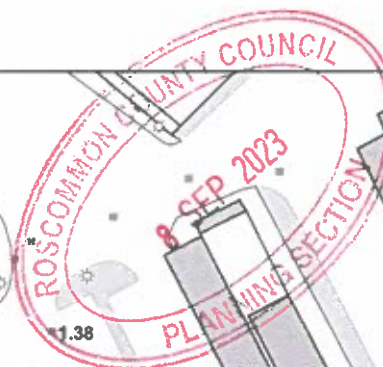
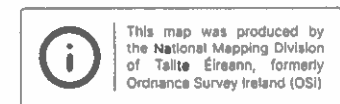
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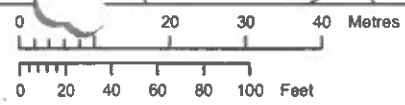
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794872

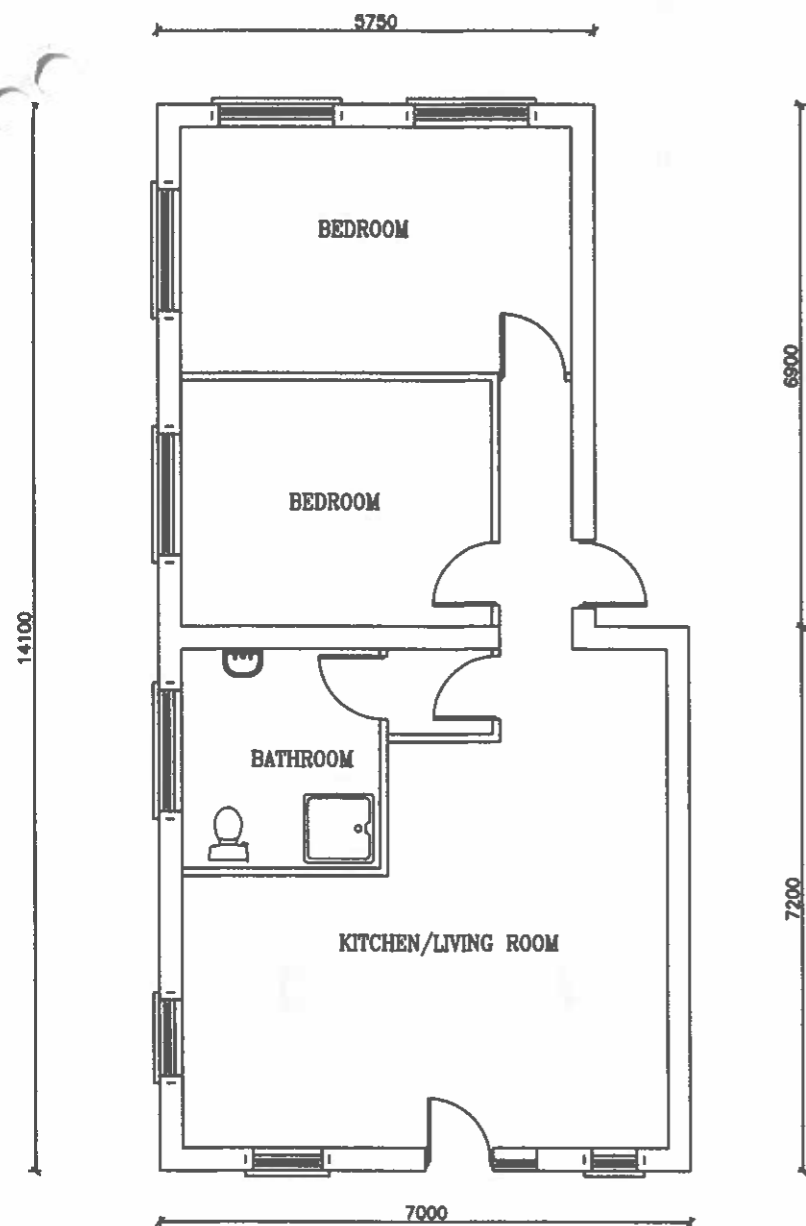


**OUTPUT SCALE: 1:1,000**

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.osi.ie](http://www.osi.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'

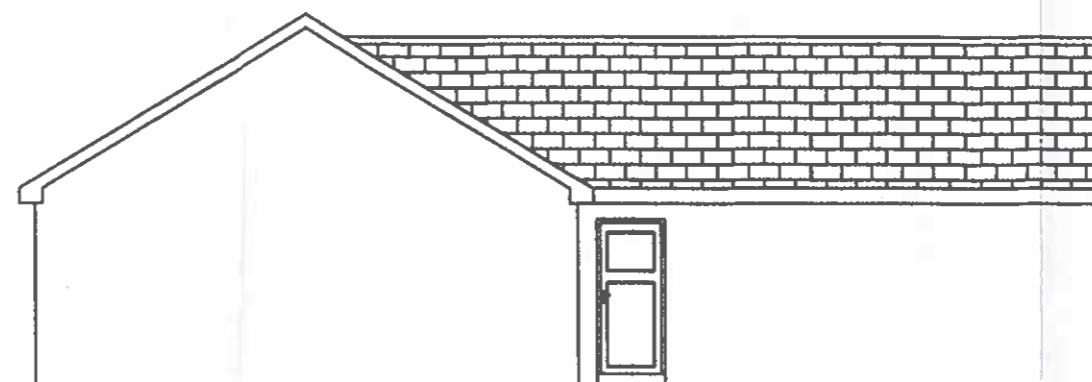




Floor Plan 78m<sup>2</sup>



FRONT ELEVATION



Side Elevation



Side Elevation



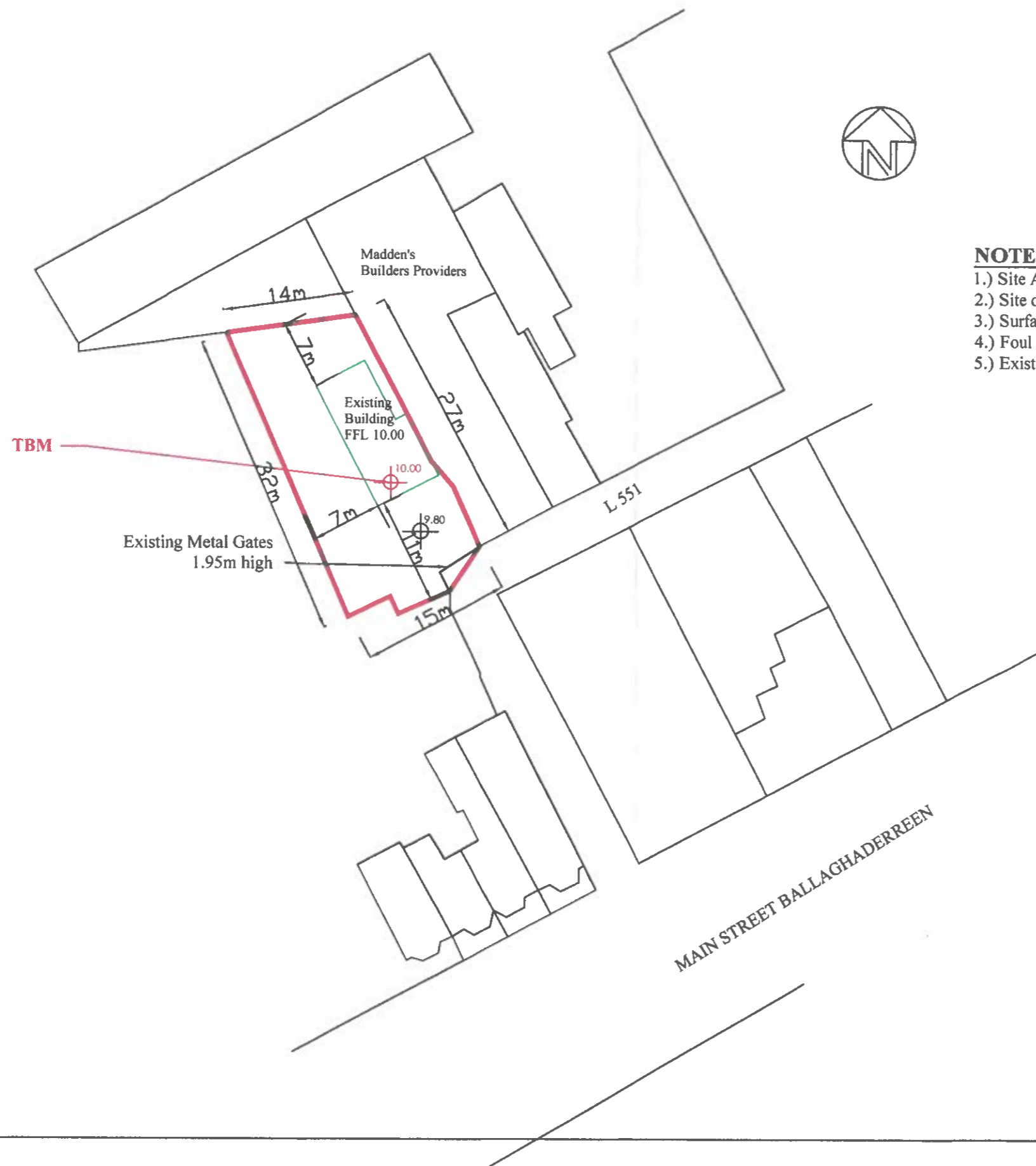
REAR ELEVATION

**Notes:**

Roof: Blue/black slate  
 Masonry: Smooth plaster and stone  
 Joinery: uPVC double glaze  
 Floor Area: 78m<sup>2</sup>



PLANNING APPLICATION DRAWINGS ONLY	
Existing development at Ballaghaderreen	
CLIENT: Michael Coleman	SCALE: 1:100
REF. NO.	DATE: Sept 2023
TITLE: Plan and Elevations	DRG. NO. L 02
Drawn by: <b>DEENEY ENGINEERING &amp; PLANNING SERVICES</b> <b>BRENDAN DEENEY B.TECH.</b> <b>KILTOBRANKS, BALLAGHADERREEN, CO. ROSCOMMON.</b> <b>Tel/Fax. 094-9860908 Mobile 086-2503109</b> <b>email badeeney@gmail.com.</b>	



# **NOTES:**

- 1.) Site Area 0.044ha.
- 2.) Site outlined RED.
- 3.) Surface water disposed to existing surface water sewer network.
- 4.) Foul water disposed to existing foul water sewer network
- 5.) Existing water connection.



## PLANNING APPLICATION DRAWINGS ONLY

Existing property at Ballaghaderreen

CLIENT: Michael Coleman SCALE: 1:500

REF. NO. DATE: Sept 2023

TITLE: SITE LAYOUT DRG. NO. L 01

Drawn by:

**DEENEY ENGINEERING & PLANNING SERVICES**  
**BRENDAN DEENEY B.TECH.**  
**KILTOBRANKS, BALLAGHADERREEN, CO. ROSCOMMON.**  
 Tel/Fax: 094-9860908 Mobile 086-2503109  
 email badeeney@gmail.com.