

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Patrick Barron,

Reference Number: DED 617

Application Received: 12th September, 2023.

Applicant: Patrick Barron

Location: Clooncraffield Townland, Loughglynn, County Roscommon.

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

WHEREAS a question has arisen as to whether to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation at Clooncraffield Townland, Loughglynn, County 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 and 9 of the Planning and Development Regulations, 2001 (as amended);
- (c) Class 6 of Part 1 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 to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

NOW THEREFORE:

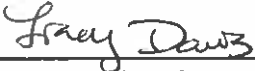
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation at Clooncraffield Townland, Loughglynn, County Roscommon, constitutes development that 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

The submitted documentation indicates that the refurnished dwelling house will be serviced by an existing septic tank, which has not been assessed. The existing septic tank may not be functioning effectively and require upgrading or replacement. In such circumstances planning permission is required.

Signed on behalf of the Council:



Senior Executive Planner,
Planning.

Date: 6th October, 2023.

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

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

Reference Number: DED 617

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation at Clooncraffield Townland, Loughglynn, County Roscommon

Applicant: Patrick Barron

WHEREAS a question has arisen as to whether to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation at Clooncraffield Townland, Loughglynn, County 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 6 of Part 1 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 Acts 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject dwelling house is located in Clooncraffield Townland, Loughglynn, County Roscommon. Accessed off the L12424 Local Tertiary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Drumalough Bog SAC (Site Code: 002338), which is approximately 1.1km from the subject site.

The proposed development includes to refurbish house include reroofing, windows, plumbing, electrical, footpaths, heating and insulation. The proposed roofing material is slates and the proposed external walling dash plaster (existing).

Planning History

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

Relevant Legislation

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

Schedule 2, Part 1, Exempted Development – General

<i>Development within the curtilage of a house</i>	
Class 6	
Description of Development	Conditions and Limitations
(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
(b) Any works within the curtilage of a house for –	
I. The provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,	Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line, as the case may be, whichever is the smaller,
II. The provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.	or If the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

Assessment

In accordance with the Planning and Development Act, 2000 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 works constitute development, as defined in Section 3 of the said Act.

The proposed works include the following:

- (a) Reroofing
- (b) Windows
- (c) Plumbing
- (d) Electrical

- (e) Heating
- (f) insulation

These works are considered exempted development in the context of Section 4 (1)(h) of the Act, 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.

- (g) Footpaths comes within the scope of Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, and is exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, 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.

Recommendation

WHEREAS a question has arisen as to whether to refurbish house to include reroofing, windows, plumbing, electrical, footpaths, heating and insulation at Clooncraffield Townland, Loughglynn, County 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 –

- (h) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (i) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (j) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (k) 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
- (l) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development.
- (b) Refurbishment works to the existing dwelling house including reroofing, windows, plumbing, electrical, footpaths, heating and insulation is exempted development.

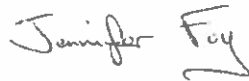
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIA does not apply with respect to the current case.

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

ADVICE NOTE

The submitted documentation indicates that the refurbished dwelling house will be serviced by an existing septic tank, which has not been assessed. The existing septic tank may not be functioning effectively and require upgrading or replacement. In such circumstances planning permission is required.

Signed:



Assistant Planner

Date: 3rd October 2023

DED 617





Mr. Patrick Barron,

Date: 14th September, 2023.

Planning Reference: DED 617

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

Development: Permission for refurbish house to include reroofing, windows, plumbing, electrical, footpaths heating insulation at Clooncrafffield Td., Loughglynn, Co. Roscommon

A Chara,

I wish to acknowledge receipt of your application received on the 12th 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. **L01/0/224552** dated 12th September, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 617**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



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 12:09:58

Receipt No. L01/0/224552

PATRICK BARRON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 617	

Total : 80 00 EUR

Tendered :
Cheque 80 00
165

Change : 0 00

Issued By : Louis Carroll
From : Central Cash Office

DEENEY ENGINEERING & PLANNING SERVICES

Kiltobricks Ballagherreen Co Roscommon

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

September 08th 2023
Roscommon County Council
Planning Section
Roscommon

Re: Patrick Barron. House at Clooncraffield TD.

A Chara,

We enclose herewith an application, on behalf of Patrick Barron, for declaration under Section 5 of the Planning and Development Act 2000 regarding Exempted Development for refurbishment works to his house at Clooncraffield.

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





Comhairle Contae
Ros Comáin
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:	PATRICK BARRON
Address:	[REDACTED]
Name & Address of Agent:	Prepared By. BRENDAN DEENEY B.TECH. KILTBRANKS BALLAGHADERREEN TEL: 094 9860908 FAX: 094 9860621
Nature of Proposed Works	RE FURBISH HOUSE. TO INCLUDE RE ROOFING, WINDOWS, PLUMBING ELECTRICAL, FOOTPATHS, HEATING INSULATION.
Location (Townland & O.S No.)	CLONCRAFFIED TD (FIRCODE OS SHEET 2094 (F45 NV 07)
Floor Area	917.5 M ² EXISTING.
Height above ground level	EXISTING FFL
Total area of private open space remaining after completion of this development	2835 M ² .
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	DASH PLASTER (EXISTING)
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	NO
If yes give ref. number (include full details of existing extension, if any)	/
Existing use of land or structure	DOMESTIC (VACANT)
Proposed use of land or structure	DOMESTIC
Distance of proposed building line from edge of roadway	EXISTING 38M
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING.

Signature: Brendan Deenay (AGENT)

Date: 08 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

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 562636,784120

PUBLISHED: 08/09/2023
ORDER NO.: 50356194_1

MAP SERIES: 1:5,000
MAP SHEETS: 2094

Prepared By:
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KILTOBRANKS
BALLAGHADERREEN
TEL: 094 9860908
FAX: 094 9860621

COMPILED AND PUBLISHED BY:
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Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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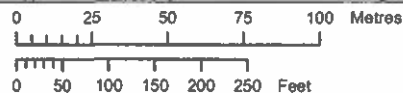
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OUTPUT SCALE: 1:2,500

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LEGEND:

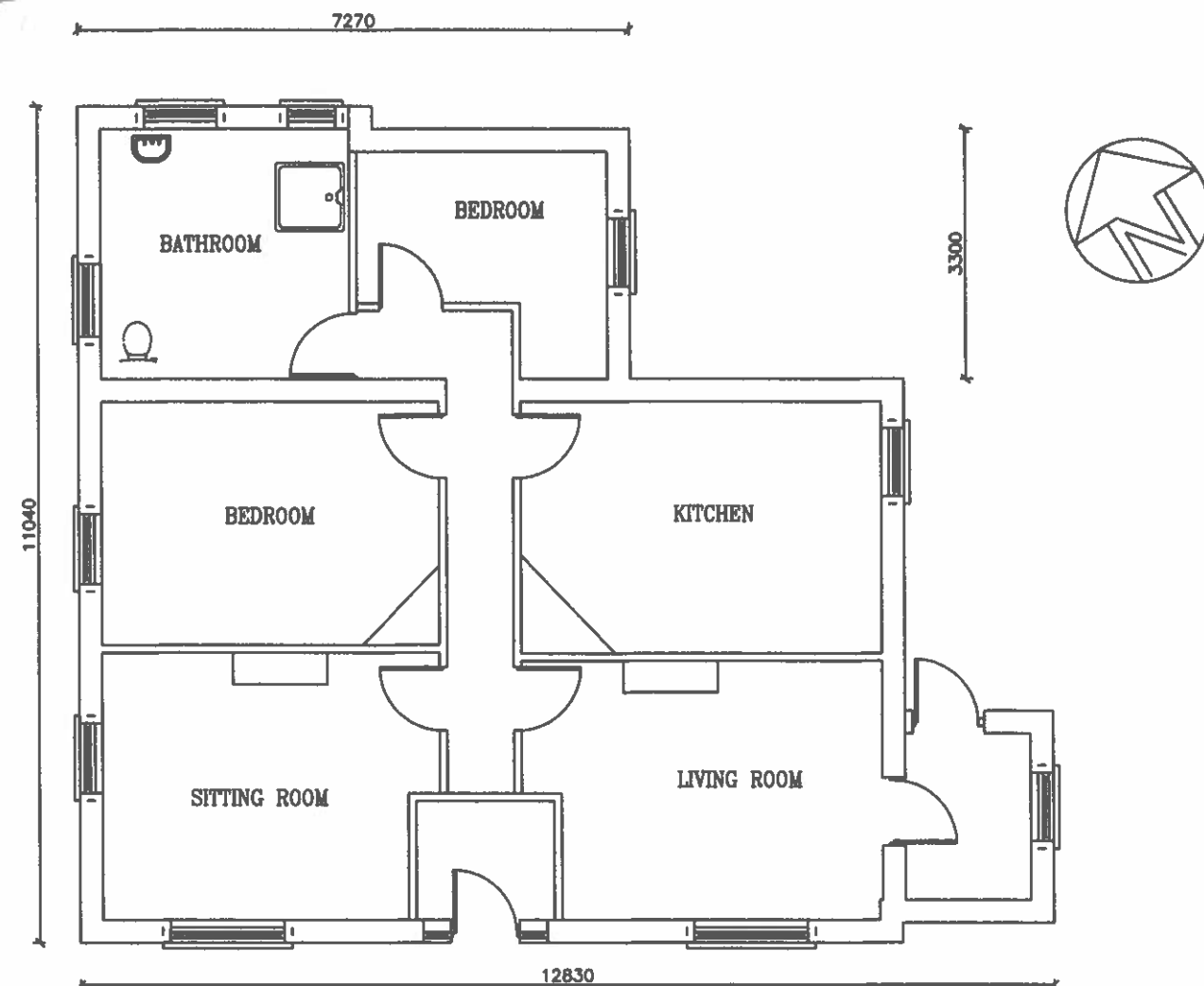
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'



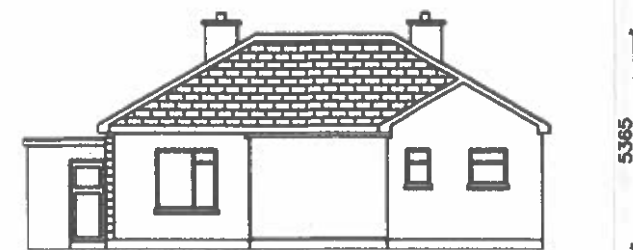
12 SEP 2023
PLANNING SECTION
CIL







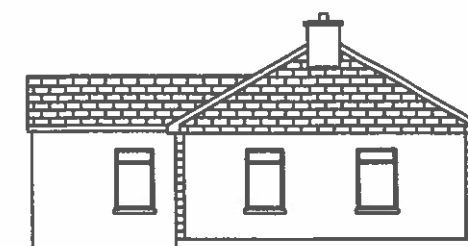
FRONT ELEVATION (Scale 1:100)



Rear Elevation (Scale 1:200)



Side Elevation (Scale 1:200)



Side Elevation (Scale 1:200)

Notes:

Roof: Blue/black slate and concrete
 Masonry: Dash plaster
 Joinery: uPVC double glaze
 Floor Area: 97.5m²



PLANNING APPLICATION DRAWINGS ONLY

Existing House at Clooncrafield

CLIENT: Patrick barron

SCALE: 1:100 & 1:200

REF. NO.

DATE: Sept 2023

TITLE: Plan and Elevations

DRG. NO. L 02

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.



Existing Septic tank

Existing Shed

Existing Dwelling

Existing entrance

NOTES:

- 1.) Site Area 0.293ha.
- 2.) Site outlined RED.
- 3.) Surface water disposed to existing drains.
- 4.) Foul water disposed to existing septic tank system
- 5.) Existing water connection.

PLANNING APPLICATION DRAWINGS ONLY

Existing property at Clooncraftfield

CLIENT: Patrick Barron 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.
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