

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Chris Hurley,

Reference Number: DED 619

Application Received: 15th September, 2023.

Applicant: Chris Hurley

Location: Culliagharny Townland, Co. Roscommon.

Agent: Fergal Costello, Onagh, Taughmaconnell, Ballinasloe,
Co. Roscommon.

WHEREAS a question has arisen as to whether the renovation of unoccupied dwelling house at Culliagharny 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 Acts 2000 (as amended);
- (b) Article 6 and 9 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 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 renovation of unoccupied dwelling house, to include new windows, external painting and internal renovations, 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 **for the renovation of unoccupied dwelling house, to include new windows, external painting and internal renovations at Culliagharny Townland, Co. 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

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: 9th October, 2023.

CC: Fergal Costello,
Onagh,
Taughmaconnell,
Ballinasloe,
Co. Roscommon.

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

Reference Number:	DED 619
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development for ' <i>proposed renovation of unoccupied dwelling house</i> '.
Name and Address of Applicant:	Chris Hurley
Location of Development:	Culliagharny Td., Co Roscommon.

WHEREAS a question has arisen as to whether a '*proposed renovation of unoccupied dwelling house*' at Culliagharny Td., 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) Article 6 and 9 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 application site is located on a local road c4 south west of the village of Taughmaconnell. The site consists of a single storey dwelling which is currently uninhabited. The applicant is proposing to renovate this house and has applied for this section 5 declaration to determine if the works proposed are development and if so are they exempt development. They are proposing new windows, external painting and internal renovations; they have clarified that no other external works or extension are proposed.

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 a *'proposed renovation of unoccupied dwelling house'* at Culliagharny Td, Co Roscommon is or is not development and is or is not exempted development. The applicant is proposing new windows, external painting and internal renovations.

Having considered the definition of both "works" and "development" outlined above, I would deem that to *'renovation of unoccupied dwelling'* constitute works and is therefore development.

The second question to be determined declaration is whether a *'proposed renovation of unoccupied dwelling house'* is or is not exempted development as outlined in 4 (1) (h) of the planning and development Act as amended.

There are 3 elements to the works carried out in the applicant's submission:

- **New windows**
- **External painting**
- **Internal renovations.**

Having regard to the fact the nature of the works proposed it is considered that they will 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.

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 site is located c3.5 km away from River Suck Callows SPA. 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 and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: a *'proposed renovation of unoccupied dwelling house'* at Culliagharny Td., Co Roscommon is development and is exempted development:

1.0 <u>Recommendation</u>

WHEREAS a question has arisen as a *'proposed renovation of unoccupied dwelling house'* at Culliagharny Td., Co Roscommon is development and is exempted 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 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 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

A '*proposed renovation of unoccupied dwelling house*' at Culliagharny Td., Co Roscommon specifically the following works:

- **New windows,**
- **External painting,**
- **Internal renovations,**

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



Signed _____
Paula Connaughton
Executive planner

Date: 9th Oct 2023

Signed _____
Senior/ Senior Executive Planner

Date: _____







Chris Hurley,

Date: 20th September, 2023.

Planning Reference: DED 619

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

Development: Proposed renovation of unoccupied dwelling house. No extension or external works to dwelling except new windows at Culliagharny Td., Co. Roscommon

A Chara,

I wish to acknowledge receipt of your application received on the 15th 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. **L01/0/224661** dated 19th September, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 619**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.

Mr. Fergal Costello,
Onagh
Taughmaconnell,
Ballinasloe,
CO. ROSCOMMON.

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

19/09/2023 09:17:18

Receipt No 1.01/0/224661

CHRIS HURLEY



AGENT-FERGAL COSTELLO
DED REF 619

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED619	

Total € 80.00 EUR

Tendered :
Cheque 80.00
501180

Change 0.00

Issued By : Aine McDermott
From : Central Cash Office



Comhairle Contae
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:	Chris Hurley
Address:	[REDACTED]
Name & Address of Agent:	FERGAL COSTELLO ONAGH TAUGHMACONNELL BALLINASLOE, Co. ROSCOMMON
Nature of Proposed Works	Proposed renovation of unoccupied dwelling house. NO EXTENSION OR EXTERNAL WORKS TO DWELLING, EXCEPT NEW WINDOWS.
Location (Townland & O.S No.)	CULLIGHARNY Td. OS. 3231 Co. ROSCOMMON
Floor Area	96.4m ² DWELLING
Height above ground level	EXISTING
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	SLATE ROOF (EXISTING)
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NEW WINDOWS AND EXTERNAL PAINTING OF HOUSE. ALL OTHER WORKS ARE INTERNAL RENOVATION.
Is proposed works located at front/rear/side of existing house.	NO EXTERNAL WORKS TO BE PROVIDED EXCEPT NEW WINDOWS FITTED

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	Unoccupied dwelling house
Proposed use of land or structure	Proposed renovation of dwelling house to live in
Distance of proposed building line from edge of roadway	N/A
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:

Fergal Costello (Agent)

Date:

12-09-23



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

Application for a Declaration under Section 5 of the Planning & Development act 2000,
Regarding EXEMPTED DEVELOPMENT.

Dera sir/madam

I am in the process of applying for a vacant house renovation grant. This house is unoccupied since 2015. I intend to renovate the dwelling with a new fitted kitchen, dry lining the external walls, upgrade the plumbing and electrical. House to be painted internal and external, new windows fitted. There was a front porch constructed in the early eighties, this is 1.9m² which is under the 2m² allowed without planning. There was also an extension built to the rear of the house in the early eighties. this extension is 21m² which is also under the 40m² allowed without planning.

I am making an application for exempt development.

Please find the application form attached, a Site Location Map, a Site Layout map, and pictures of the external and internal of the house.

Yours sincerely

Chris Hurley

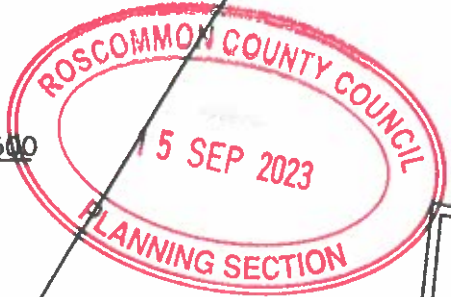
(Agent Fergal Costello 087 9676301)



Proposed renovation of dwelling house at Culliagharny Td., Creagh,
Ballinasloe, Co. Roscommon for Chris Hurley.
Site Location Map. Scale 1:2500. Date: 12-09-2023.
O.S No. 6231 Co. Roscommon. Site Outlined in Red.
Prepared By: Fergal Costello Onagh, Taughmaconnell, Co. Roscommon.

Site Location Map

Scale: 1:2500



Existing
Dwelling house
to be renovated
outlined Red

To Ballinasloe

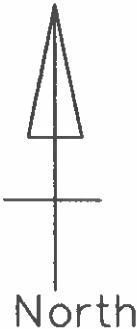
To Roscommon

CULLIAGHARNY

FERGAL COSTELLO Telephone : 087 9676301	
CLIENT: Christopher Hurley	
PROJECT TITLE: PROPOSED RENOVATION OF HOUSE AT CULLIAGHARNY, DROGHDA, CO. ROSCOMMON	
DRAWING TITLE: SITE LAYOUT MAP. Prepared By: Fergal Costello Droghda, Taughmacormack, Co. Roscommon.	
DATE: SEPT 23	PROJECT NO:
SCALE: 1 : 500.	O.S. REF NO: 3351 Co.Roscommon.
	FILE NO:
DRAWING TYPE: PLANNING	DRAWING NO:

THIS DRAWING IS COPYRIGHT
FIGURED DIMENSIONS TO BE USED IN ALL CASES

CULLIAGHARNY Td.



Existing
farm sheds

Existing
Dwelling house
to be renovated
outlined Red

Site Layout Plan Scale: 1:500

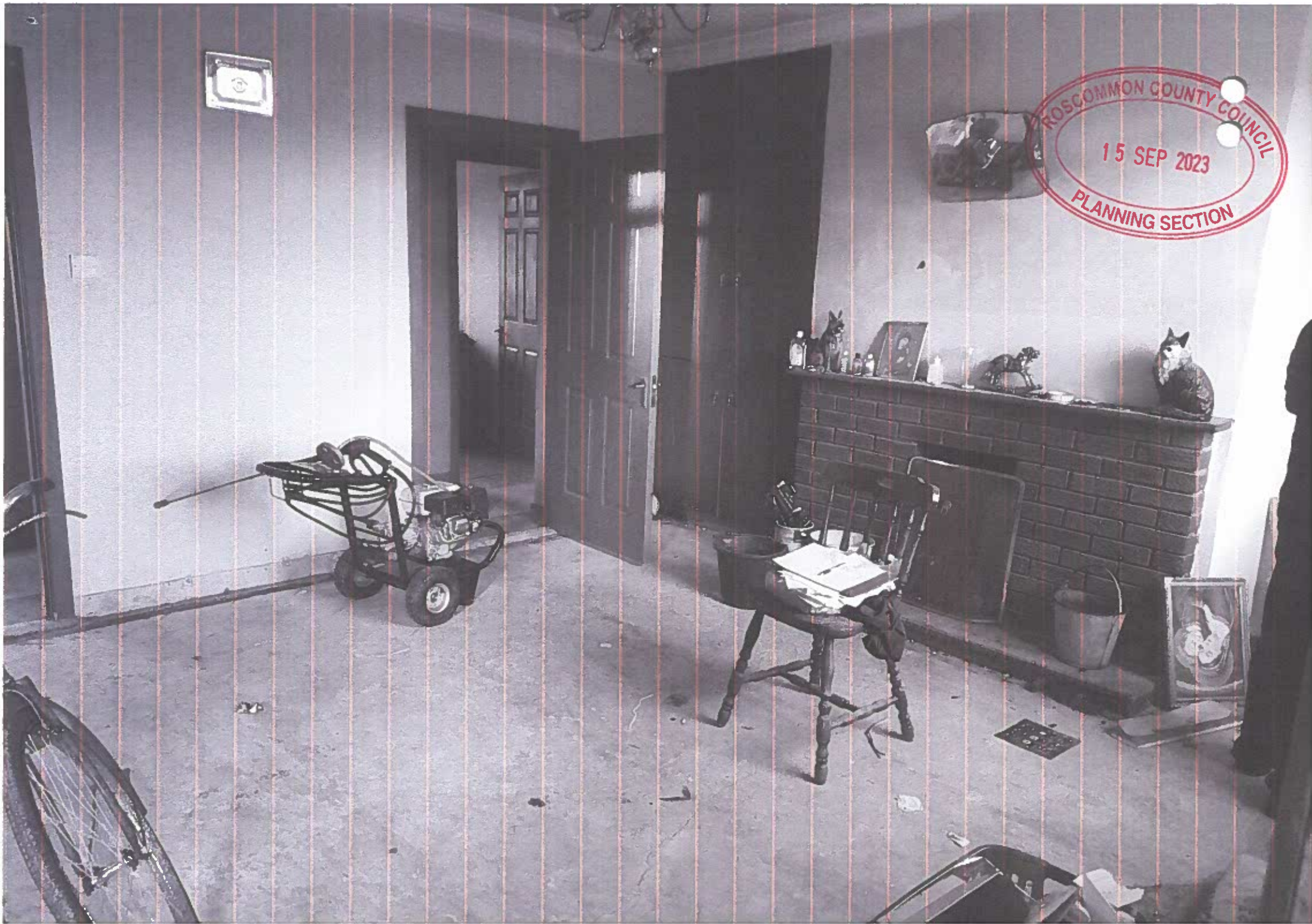




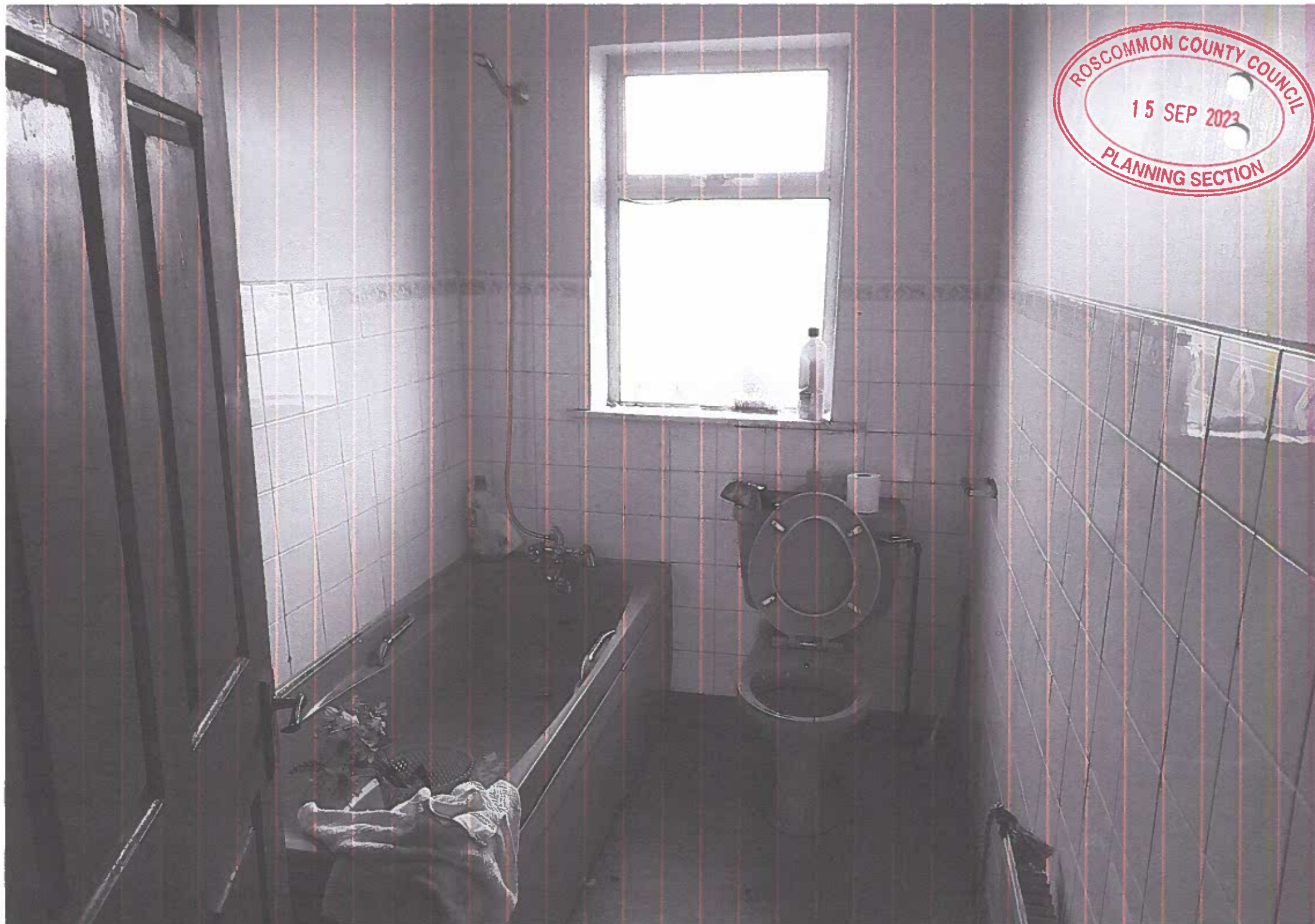
ROSCOMMON COUNTY COUNCIL
15 SEP 2023
PLANNING SECTION







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