

**ROSCOMMON COUNTY COUNCIL**

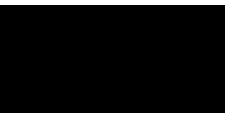
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Francis Rock,



Reference Number: DED 641

Application Received: 21<sup>st</sup> December 2023

Name of Applicants: Francis Rock

Agent: James Lohan, Unit 5, Ballypheason House, Circular Road, Roscommon,  
Co. Roscommon.

WHEREAS a question has arisen as to whether the conversion of a vacant pub into 5 apartments at (formerly The Widow Pats), Knockcroghery, 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, and 4 of the Planning and Development Acts 2000 (as amended).
- b) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Article 10(6) 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).

AND WHEREAS Roscommon County Council has concluded that:

- a) The 'conversion of vacant pub into 5 apartments' is a material change of use and is exempted development.

**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 development to convert a vacant pub into 5 apartments at (formerly The Widow Pats), Knockcroghery, Co. Roscommon., is development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 8<sup>th</sup> February 2024

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

**Reference Number:**

**DED 641**

**Name and Address of Applicant:**

**Francis Rock**



**AGENT:**

**James Lohan  
Unit 5,  
Ballypheason House,  
Circular Road,  
Co. Roscommon.**

**WHEREAS a question has arisen as to whether the 'conversion of vacant pub into 5 apartments' at (formerly The Widow Pats), Knockcroghery, Co Roscommon is or is not development and is or is not exempted development:**

**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 17<sup>th</sup> January 2024 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions.

**Further information requested: 18<sup>th</sup> January 2024**

**Further information response received: 23<sup>rd</sup> January 2024**

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

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

**Item 1:**

- a) Details of how long the property is vacant for.
- b) Clarification of any works will be carried out to the exterior of the building.

**Assessment of further information received:**

The applicant has clarified that the building has been vacant since 2016 and that no works are proposed to the exterior of the structure. I am satisfied that the proposed 'conversion of vacant pub into 5 apartments' are within the parameters as set out in Article 10 (6).

## 2.0 Recommendation

WHEREAS a question has arisen as to whether 'conversion of vacant pub into 5 apartments' is a material change of use 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 and 9 of the Planning and Development Regulations 2001 (as amended)
- c) Article 10(6) 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)

AND WHEREAS I have concluded that

The 'conversion of vacant pub into 5 apartments' is a material change of use and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.



Signed: \_\_\_\_\_ Date: 7<sup>th</sup> February 2024

Paula Connaughton

South Roscommon Area Planner.

## Carmel Curley

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**From:** James Lohan <james@jlce.ie>  
**Sent:** Tuesday 23 January 2024 17:21  
**To:** Carmel Curley  
**Subject:** DED641 - Further Information Reply  
**Attachments:** DED 641 Reply.pdf; connaughton.pdf



Hi Carmel,  
See attached response.  
Regards

**James Lohan BEng MIEI C.Build E MCABE**  
**James Lohan Consulting Engineer Ltd,**  
Unit 5,  
Ballypheason House,  
Circular Road  
Roscommon F42 C982  
Ph: 0906634365 Mob: 0878228529

E: [james@jlce.ie](mailto:james@jlce.ie)  
Web: [www.jlce.ie](http://www.jlce.ie)



On Fri, 19 Jan 2024 at 09:27, Carmel Curley <[CCurley@roscommoncoco.ie](mailto:CCurley@roscommoncoco.ie)> wrote:

A Chara,

Please find attached Further Information Request Letter for DED 641 Application.

Regards,

Carmel Curley, Assistant Staff Officer,

Planning Department, Roscommon County Council,

Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98



Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.

Ref: DED 641

**1) Please clarify the length of time the existing building has been vacant..**

The unit has been vacant and ceased to be used as a pub since 2016 – it has been sold twice since then without the licence. Ivan Connaughton has provided a letter to confirm this and Also a quick google street view shows the premises for sale at two various times since 2017.

No works proposed to external of structure or removal of signage.

Kind Regards

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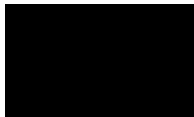
James Lohan BEng MIEI



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Francis Rock,



Date: 18<sup>th</sup> January 2024

Ref: DED 641

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 the conversion of a vacant pub into 5 apartments at (formerly The Widow Pats), Knockcroghery, Co. Roscommon is or is not development and is or is not exempted development

\*\*\*\*\*

A Chara,

Further to your application received on the 21<sup>st</sup> December 2023 and in order for the Planning Authority to determine as to whether the conversion of a vacant pub into 5 apartments at (formerly The Widow Pats), Knockcroghery, 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 if the proposed change of use falls within the parameters as set out in Article 10 (6) of the Planning and Development Regulation 2001 as amended, please clarify the following:
  - a) The period of time the building subject of this Section V application has been vacant for.
  - b) If any works, including the removal of signage, is proposed to the exterior of the structure.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 641**.

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

Mise le meas,

Tracy Davis  
Senior Executive Planner,  
Planning.

cc via email: James Lohan Consulting Engineer Ltd.,  
Unit 5, Ballypheason House,  
Circular Road,  
Roscommon.

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

**Reference Number:**

**DED 641**

**Name and Address of Applicant:**

**Francis Rock**  


**AGENT:**

**James Lohan  
Unit 5,  
Ballypheason House,  
Circular Road,  
Co. Roscommon.**

**WHEREAS a question has arisen as to whether the 'conversion of vacant pub into 5 apartments' at (formerly The Widow Pats), Knockcroghery, Co Roscommon is or is not development and is or is not exempted development:**

**1.0 Site Location and Description**

The site is located in Knockcroghery Village along the N61 National Route. The structure itself is a two storey detached building which a single storey rear return. On inspection of the site it would appear to be vacant.

**2.0 Planning History**

- No recent relevant planning history.

**3.0 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 10 (6)

(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 the making of these Regulations until 31 December 2021.

(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).

#### **4.0 Planning Assessment**

The question to be determined in this Section 5 declaration is whether the **'conversion of vacant pub into 5 apartments'** is a material change of use and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that the aforementioned forms of development constitute works and is therefore development.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. The proposed does not fall within any of the categories identified in this section. I am satisfied that the development in question is not considered to be exempted development under the provisions of the Planning & Development Act, 2000 as amended.

This Section 5 application relates to the ground floor of a building which appeared to have last been used as a public house. The applicant is proposing to convert the ground floor into 5 apartments. The 5 apartment will consist of 2no. 2 bed apartments and 3no. 1 bed apartments. It would appear from a site inspection on the

16<sup>th</sup> January 2024 that the building is vacant however it is not clear from the application how long it has been vacant for. It would also appear from the plans submitted that the applicant is proposing to remove the signage from the front of the building, this signage is of a traditional nature and should be retained if possible. Further information is required in order to determine if the proposed change of use falls within the parameters as set out in Article 10 (6).

#### **Environmental Considerations :**

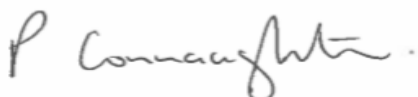
The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located c1.3 km away from Lough Ree SAC and 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.

#### **5.0 Recommendation**

##### **Request for further information.**

1. In order to determine if the proposed change of use falls within the parameters as set out in Article 10 (6) of the Planning and Development Regulation 2001 as amended please clarify the following:
  - a) The period of time the building subject of this Section V application has been vacant for.
  - b) If any works including the removal of signage is proposed to the exterior of the structure.



**Signed:** \_\_\_\_\_ **Date:** 17<sup>th</sup> January 2024  
Paula Connaughton  
South Roscommon Area Planner.



Mr. Francis Rock,

**Date:** 10<sup>th</sup> January, 2024  
**Planning Reference:** DED 641

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
**Development:** Permission for conversion of vacant pub into 5 apartments under the Planning & Development Act (Exempt Development) Regulations 2018 at (formerly The Widow Pats), Knockcroghery, Co. Roscommon. F42T220.

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A Chara,

I wish to acknowledge receipt of your application received on the 21<sup>st</sup> December, 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. L01/0/226419 dated 8<sup>th</sup> January, 2024 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 641**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,



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Tracy Davis,  
Senior Executive Planner,  
Planning Department.

James Lohan Consulting Engineer Ltd.,  
Unit 5 Ballypheason House,  
Circular Road,  
ROSCOMMON F42 C982.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 371

08/01/2024 14:05:53

Receipt No: L01/0/226419

FRANCIS ROCK  
C/O JAMES LOHAN  
UNIT 5, BALLYPHEASON HOUSE  
CIRCULAR ROAD  
ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 641	

Total	80.00 EUR
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Tendered	80.00
Cheque	
500332	

Change	0.00
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Issued By: Bernadine Duignan  
From: Central Cash Office



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:	Francis Rock
Address:	[REDACTED]
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Conversion of Vacant Pub into 5 Apartments under the Planning and Development Act (Exempt Development) Regulations 2018
Location (Townland & O.S No.)	(Formerly The Widow Pats) Knockcroghery, Roscommon, F42T220
Floor Area	318sq.m.
Height above ground level	0.15
Total area of private open space remaining after completion of this development	900SQ.M.
Roofing Material (Slates, Tiles, other) (Specify)	SLATES and Flat roof covering
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	External has a plaster render and paint
Is proposed works located at front/rear/side of existing house.	Internally in a vacant pub to side and rear.

## 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	VACANT PUB
Proposed use of land or structure	DOMESTIC Apartments
Distance of proposed building line from edge of roadway	7.35
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING SEWER

Signature: \_\_\_\_\_

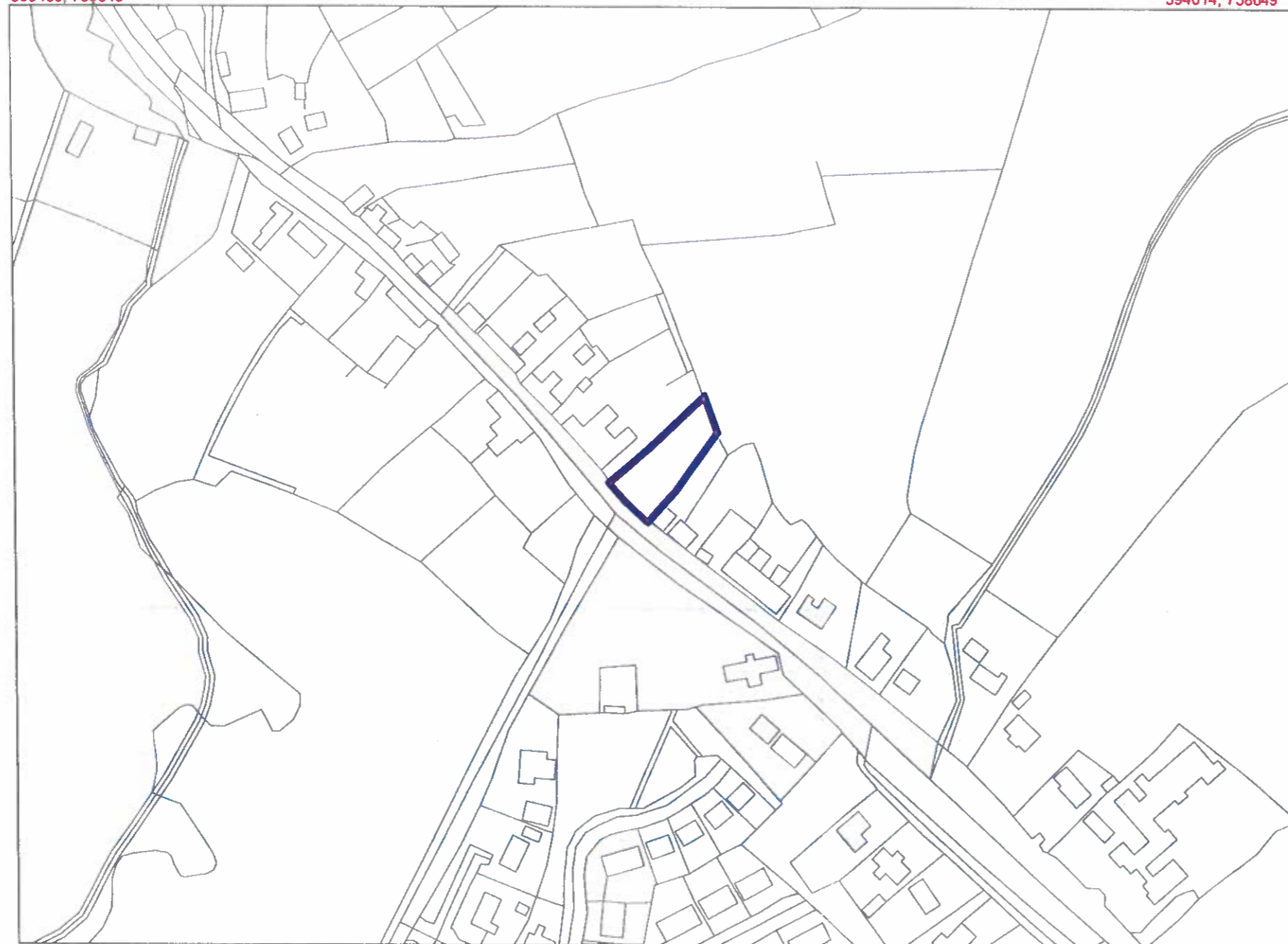
Date: 20-12-2023

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

593466, 758649

594014, 758649



593446, 758232

594014, 758232

0 50 100 150 200 250 Metres

○ SITE LOCATION MAP  
1:2500

**SITE ADDRESS:**  
KNOCKCROGHERRY,  
CO. ROSCOMMON.  
F42 T220

**LEGEND**

- SITE AREA OUTLINED IN RED  
= 0.12 HECTARES
- LAND HOLDING OUTLINED IN BLUE

**OS MAPS: RN 2689**



**PLANNING  
EXEMPTION**

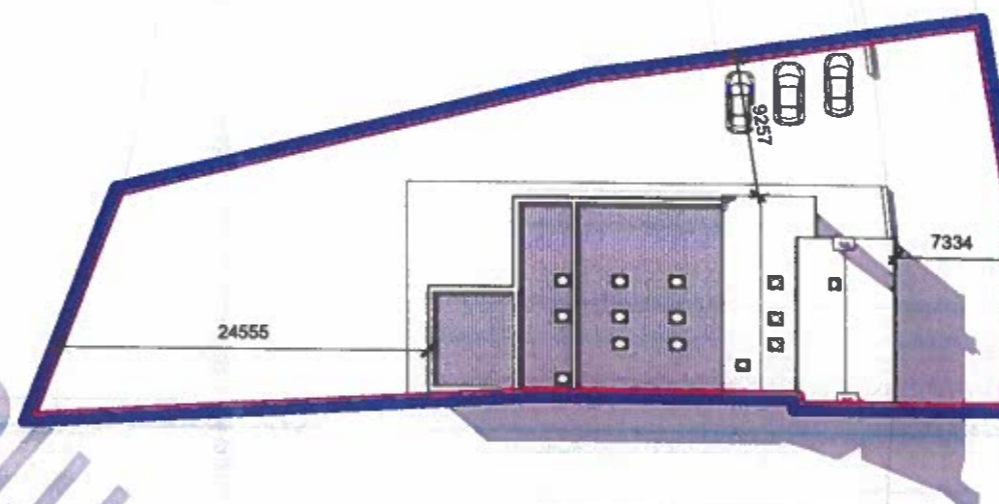
DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANTS DRAWINGS.

DATE	10/12/2023	REV	1
DATE	10/12/2023	REV	2
DATE	10/12/2023	REV	3
DATE	10/12/2023	REV	4
DATE	10/12/2023	REV	5
DATE	10/12/2023	REV	6
DATE	10/12/2023	REV	7
DATE	10/12/2023	REV	8
DATE	10/12/2023	REV	9
DATE	10/12/2023	REV	10

Unit 5 Ballypheason House Circular Road, Roscommon F42 C982.				JAMES LOHAN CONSULTING ENGINEER		Ph: 090 6634365 / 0878228529 email: james@jce.ie / aaron@jce.ie web: www.jce.ie	
CLIENT	FRANCIS ROCK	JOB	PRE PLANNING	JOB No	23-319	DATE	08/12/2023
SITE	KNOCKCROGHERRY	DRAWING	SITE LOCATION MAP	ORG No	23-319-PL-001	REV	
CO. ROSCOMMON, F42 T220				SCALE	1:2500		

# LEGEND

- SITE BOUNDARY OUTLINED IN RED (0.123 HECTARES)
- LAND HOLDINGS OUTLINED IN BLUE



1

## Site Layout

1 : 500



**James Lohan**  
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING. USE ONLY FROM PROVIDED DIMENSIONS.

ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

STATUS KEY: SK SKETCH DESIGN PR PRELIMINARY FT FOR TENDER PC FOR CONSTRUCTION SS SUPERSEDED

**DRAFT**

STA	DATE	REV



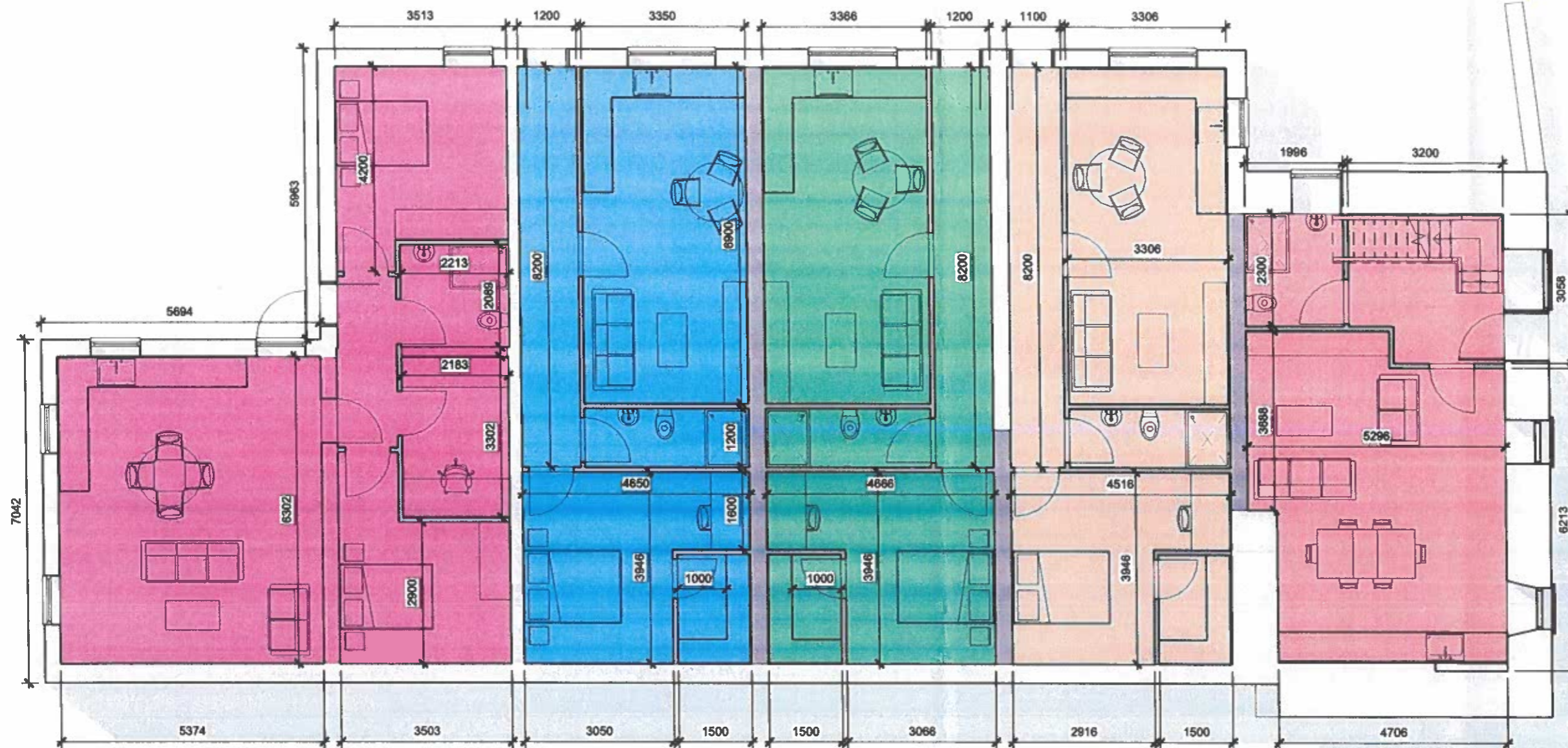
**James Lohan**  
Planning & Design Consulting Engineers

Civil Engineering  
Architectural Design  
3D Modelling  
Surveying

Unit 5  
Roughness House  
Circular Road  
Roscommon  
F42 C982

E-mail: [info@jlohan.ie](mailto:info@jlohan.ie) / [robert@jlohan.ie](mailto:robert@jlohan.ie)  
Tel: 087 6228729  
140000 824005

CLIENT	FRANCIS ROCK	JOB No	23-319-SK	DATE	20-10-2023
SITE	KNOCKCROGHERRY, F42 T220, CO. ROSCOMMON	DRAWING	SCALE	1:500	REV
		SITE LAYOUT PLAN			ELABOR

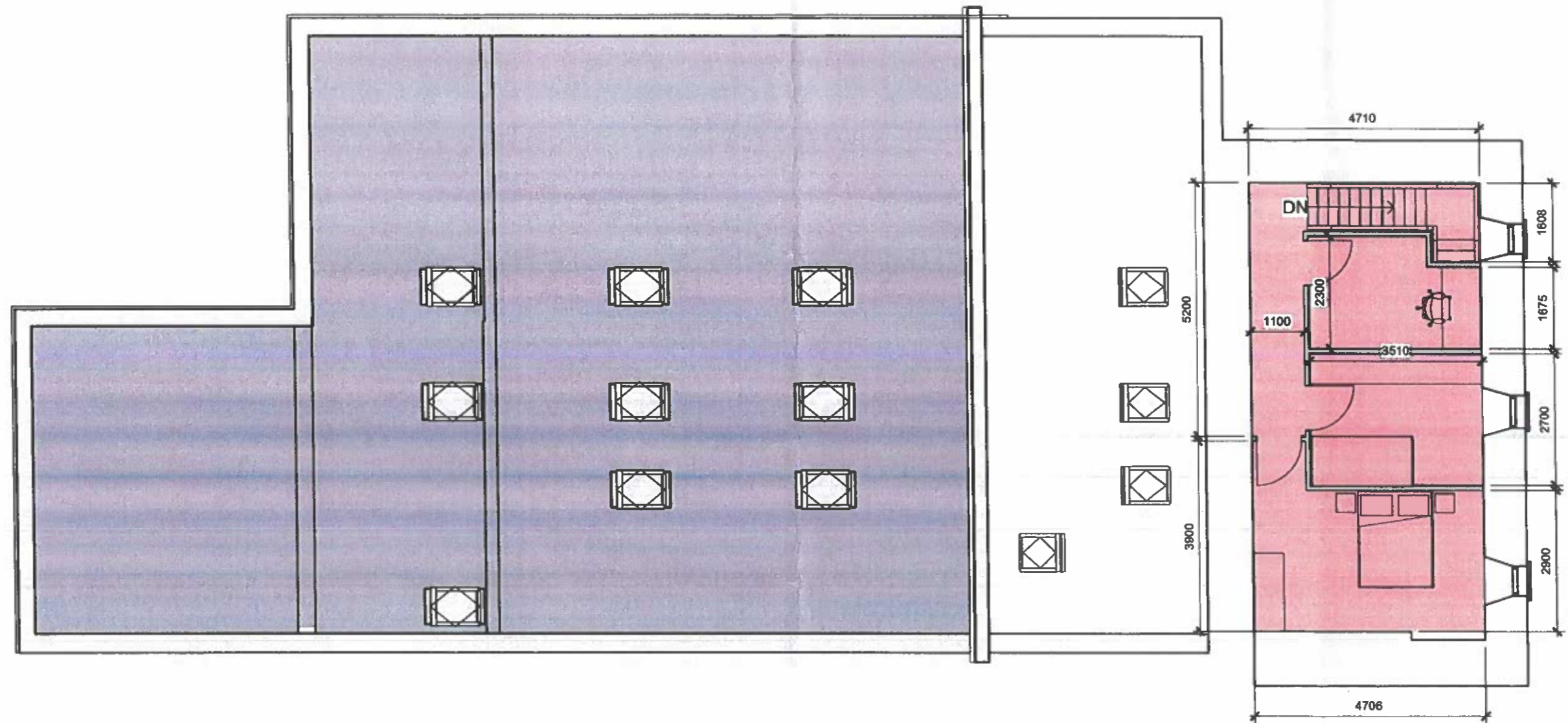


- 2- Bed apartment  
Area: 75 sqm
- 1- Bed apartment  
Area: 55 sqm
- 1- Bed apartment  
Area: 55.5 sqm
- 1- Bed apartment  
Area: 53.5 sqm
- 2- Bed apartment  
Area: 79 sqm

# 1 00- GROUND FLOOR PLAN

1 : 100

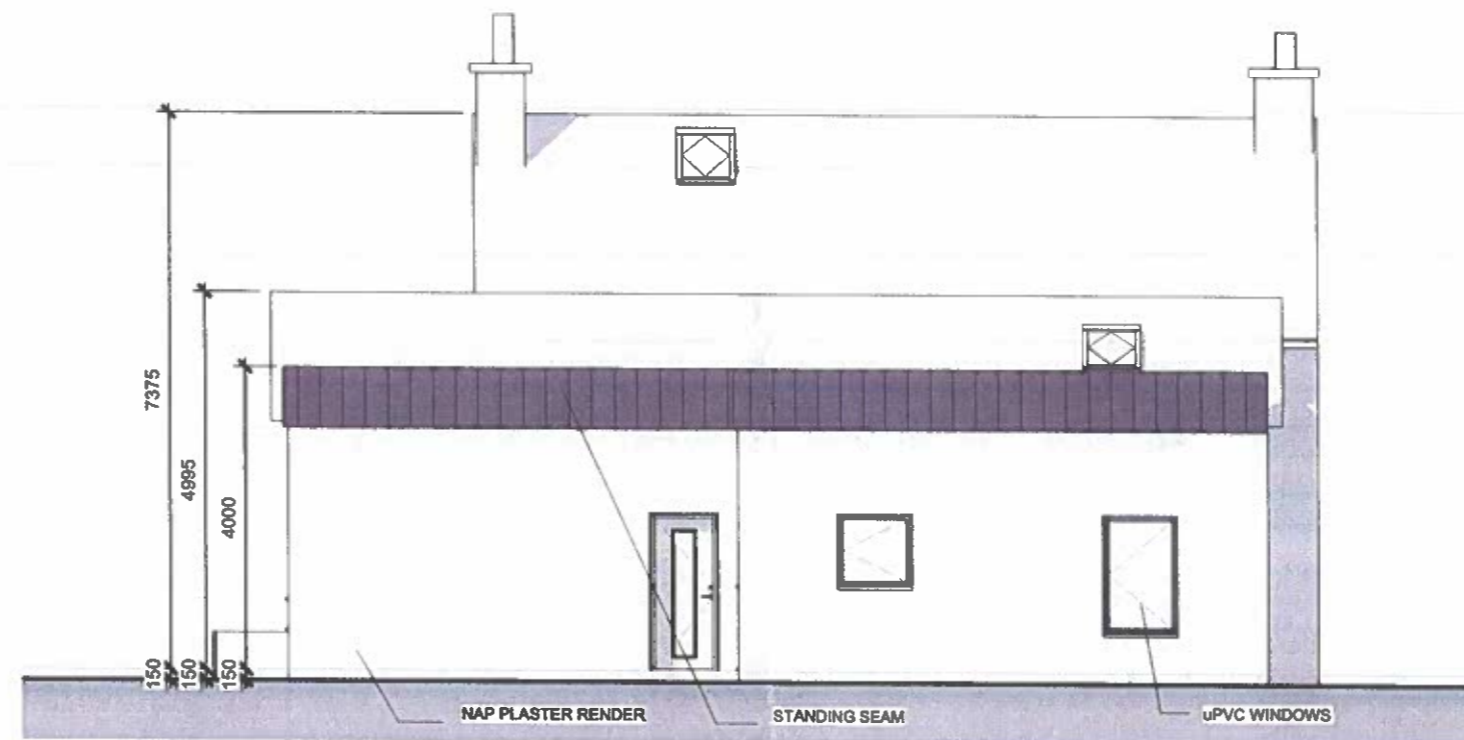




# 1 01- FIRST FLOOR PLAN 1 : 100

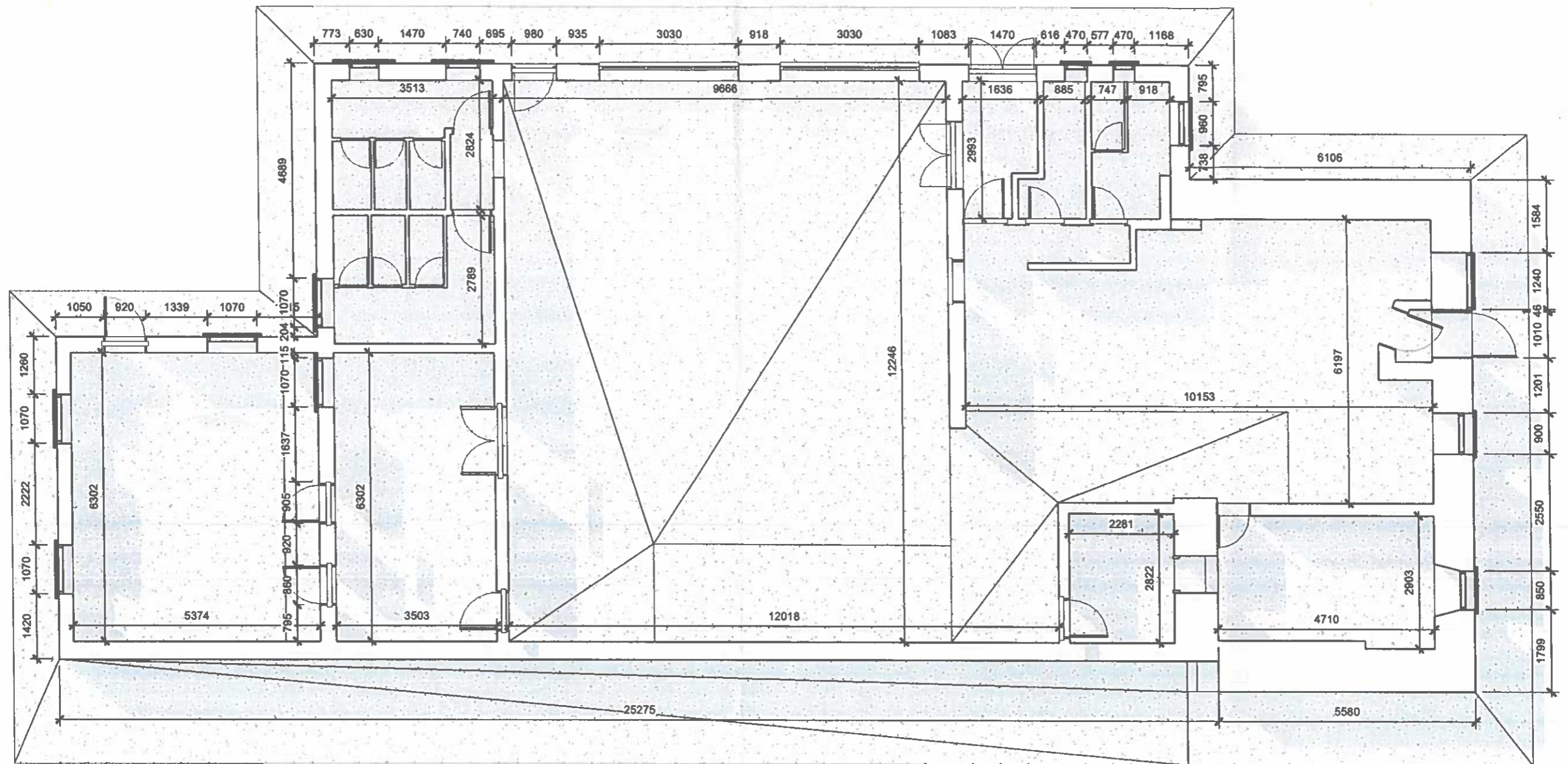


**1 FRONT ELEVATION (W)**  
1 : 100



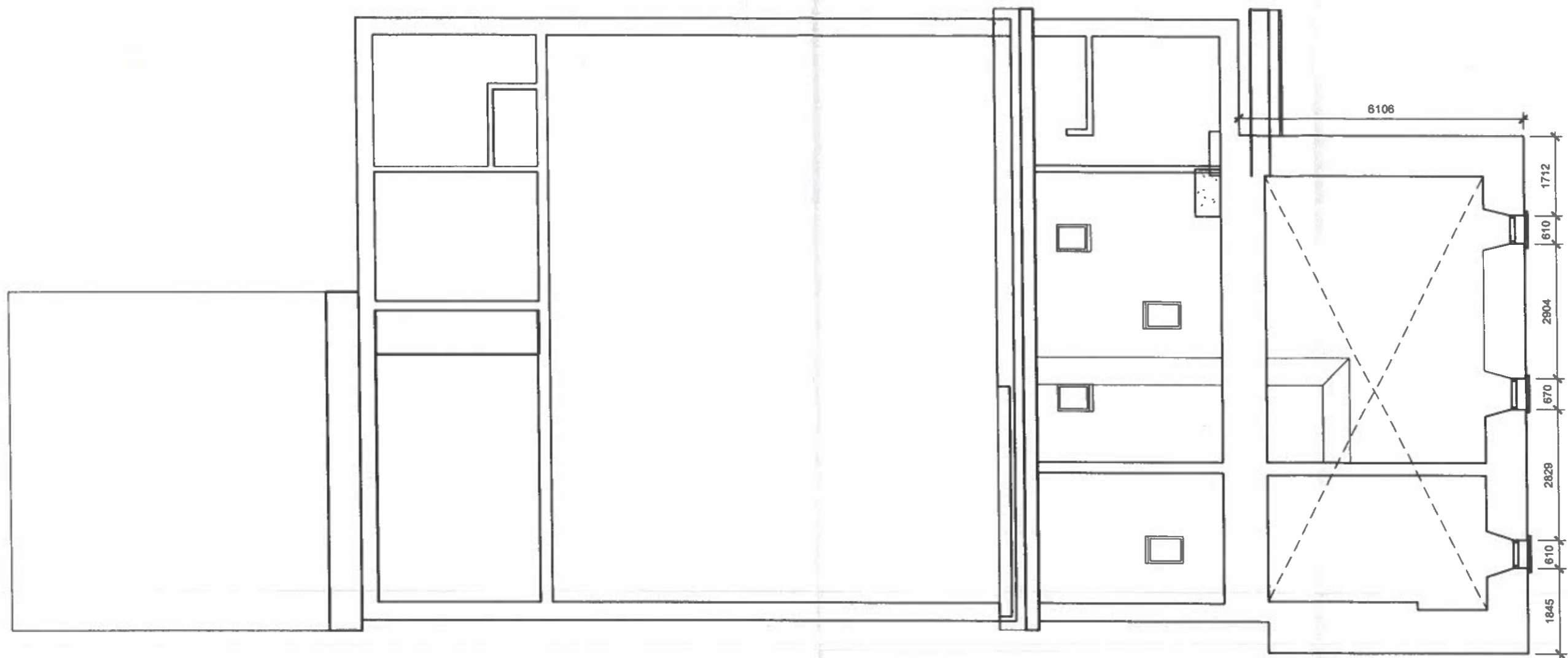
**2 REAR ELEVATION (E)**  
1 : 100





1 00- GROUND FLOOR PLAN  
1 : 100





# 1 01- FIRST FLOOR PLAN

1 : 100

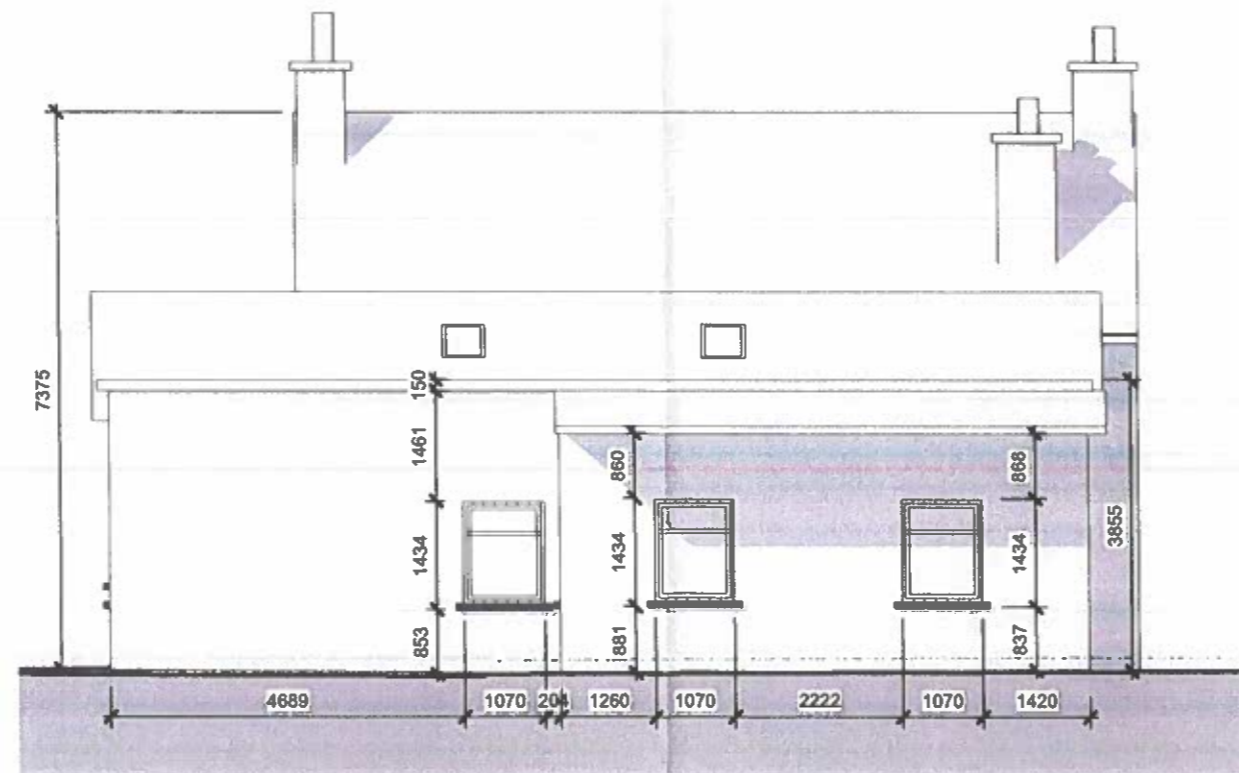


**DRAFT**

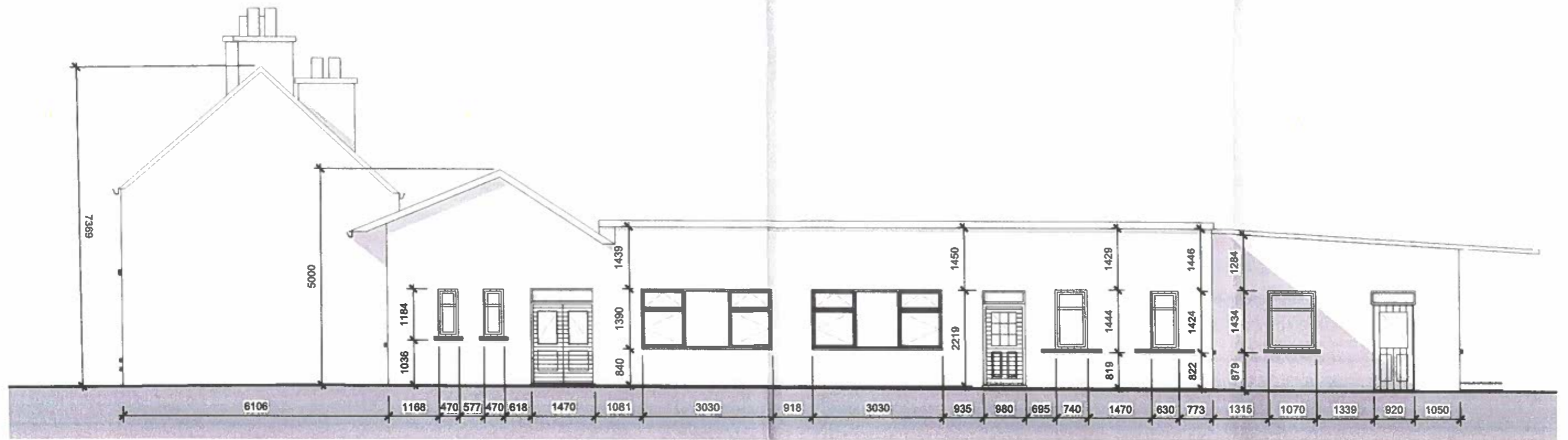
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		/C
		/E
		/D
		/C
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		/A



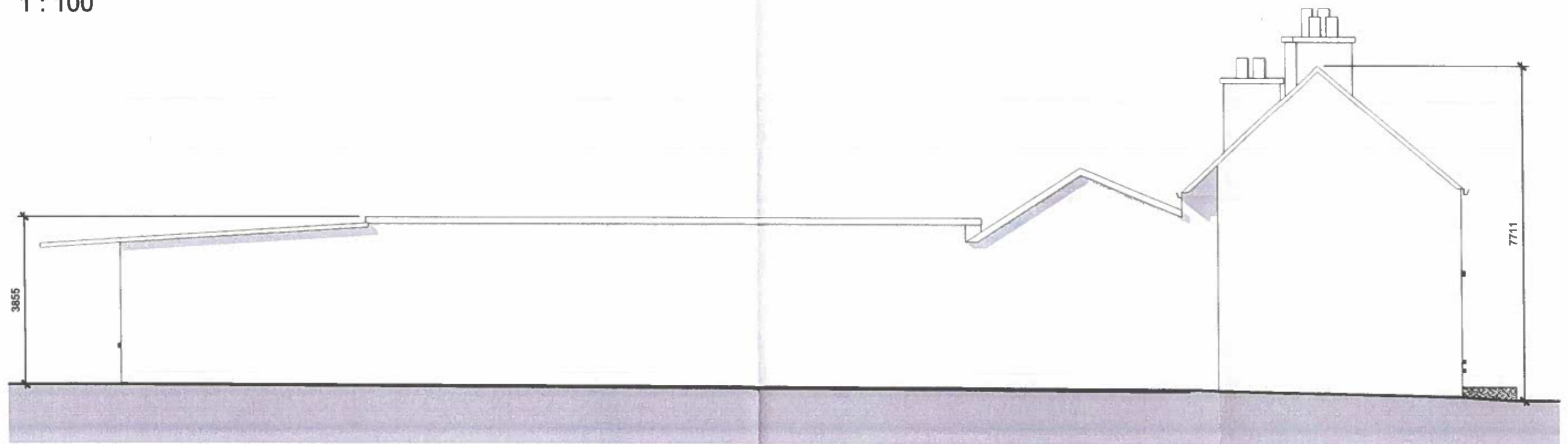
**1 Front Elevation (W)**  
1 : 100



**2 Rear Elevation (E)**  
1 : 100



**2 Side elevation (S)**  
1 : 100



**1 Side Elevation (N)**  
1 : 100

**DRAFT**