

ROSCOMMON COUNTY COUNCIL

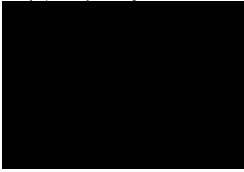
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Solveig Kuhse,



Reference Number: DED 674

Application Received: 4th March 2024

Name of Applicants: Solveig Kuhse

Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an old school house and the change of use to a one bedroom house at Derryhanee, Cloondra, 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 of the Planning and Development Regulations, 2001, as amended.
- (c) Part 1 Article 6 of Schedule 2 of the Planning and Development, 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.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

"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;"

However, the waste water management arrangements and the change of use from a school to a dwelling are not an exempt 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 EIAR does not apply with respect to the current case.

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 **renovate an old school house and the change of use to a one bedroom house at Derryhanee, Cloondra, Co. Roscommon.,** is development that is **not 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: 2nd May 2024

ADVICE NOTE

It was noted in the course of the review of the application and site inspection that a caravan is located on the subject site, which does not have the benefit of Planning Permission.

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

Reference Number:	DED 674
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for Renovation of an old school, change of use to a one-bedroom house
Name of Applicant:	Solveig Kuhse
Location of Development:	Derryhanee, Co. Roscommon (N39 W8W2)
Site Visit:	01/05/2024

WHEREAS a question has arisen as to whether the following works; Renovation of an old school, change of use to a one-bedroom house_at the above address 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 of the Planning and Development Regulations, 2001, as amended
- (c) Part 1 Article 6 of Schedule 2 of the Planning and Development, 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 site containing an old school and a caravan in the south/east corner of the site is located in Derryhanee, Co. Roscommon and is accessed off the L-6076-16 local road. The proposed development consists of the Renovation of an old school, change of use to a one-bedroom house.

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.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are Lough Forbes Complex PNHA (Site Code 001818) which is located circa 3.5km to the north east and Lough Bannow (Site Code 000449), which is approximately 5.2km south of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site. There has been a pre planning meeting (4482) completed.

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.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

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;

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 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

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,

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 proposal includes renovation of an old school, change of use to a one-bedroom house. These works have been considered 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. The proposed works are not however exempted, as there is no class in Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended and articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended that the change of use from a school to a dwelling is an exempt development. Likewise, there is no class in Part 1 Article 6 of Schedule 2 of the Planning and Development, 2001, as amended that the waste water management arrangements are an exempt development. Therefore for the above reasons the proposed works are deemed not an exempt 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 a proposed development to refurbish a renovation of an old school, change of use to a one-bedroom house as outlined above at Derryhanee, 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 Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Part 1 Article 6 of Schedule 2 of the Planning and Development, 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

AND WHEREAS I have concluded that

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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;

however, the waste water management arrangements and the change of use from a school to a dwelling are not an exempt development.

- 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 renovation of an old school, change of use to a one-bedroom house as outlined above at Derryhanee, Co. Roscommon is not an exempted development and I recommend that a declaration to that effect should be issued to the applicant.

ADVICE NOTE

It was noted in the course of the review of application and site inspection that a caravan is located on the subject site, which does not have the benefit of planning permission.

Signed:



Date: 2nd May 2024

Civil Technician



Signed:

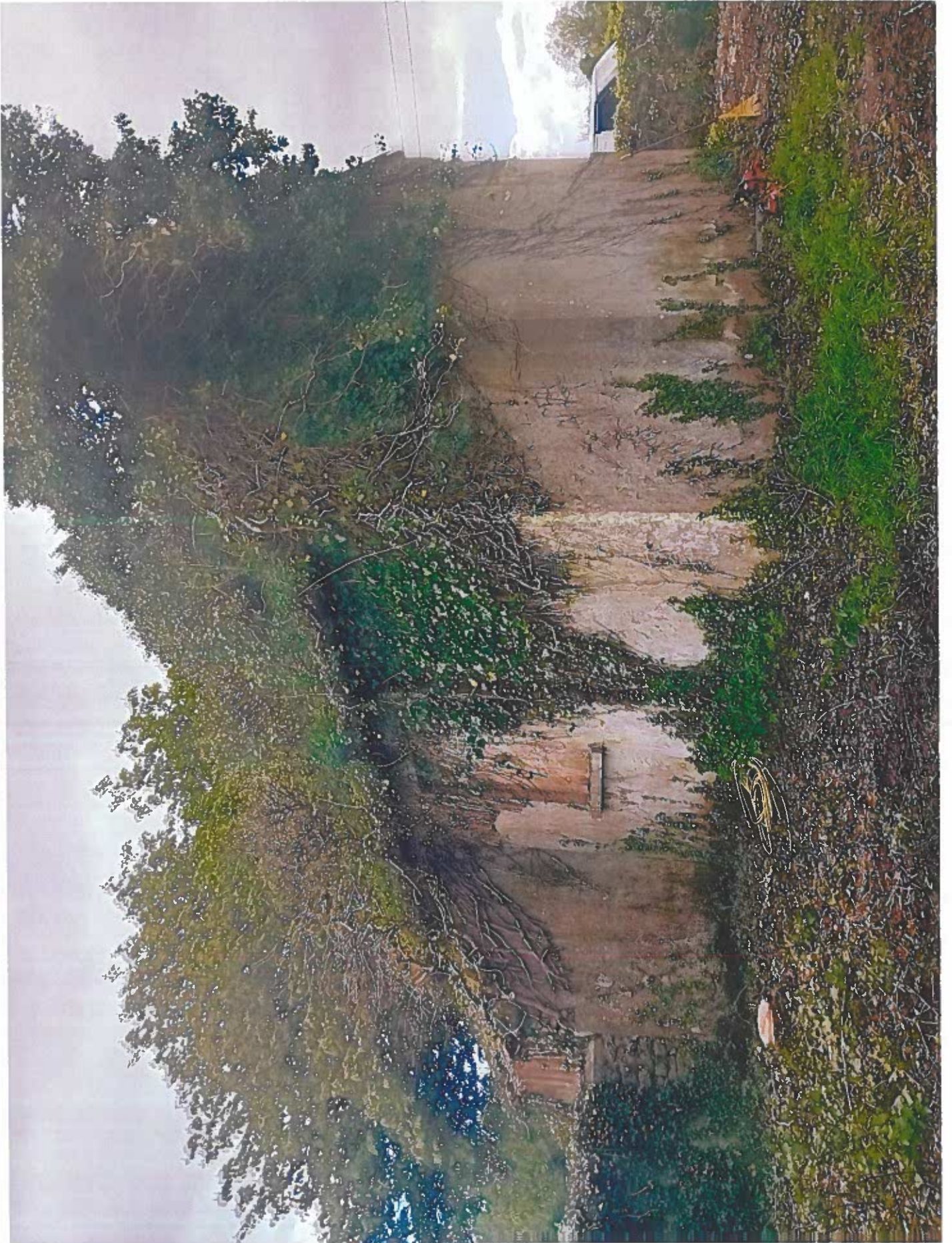
Date: 2nd May 2024

Senior Executive Planner











Comhairle Contae
Ros Comáin
Roscommon
County Council



Solveig Kuhse,



Date: 20th March 2024

Planning Reference: DED 674

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

Development: Permission to renovate old school house and change of use to a one bedroom house under the Planning & Development Act (Exempt Development) Regulations 2018 at Derryhanee, Clondra, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 4th March 2024, 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. **BANKS/953093** dated 4th March 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 674**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

ourthouse
oscommon

4-03-2024 00:00:00

Receipt No. BANKS/305778/953093
**** REPR *****

OLVEIG KUHSE

ED 674
OLD SCHOOL HOUSE DERRYHANEE

PLANNING APPLICATION FEES	80.00
GOODS	80.00
/AT	0.00

Total 80.00 EUR

Tendered:
Cash 80.00

ssued By : Bernadine Duignan
From: Banks




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:	Solveig KUHSE
Address:	
Name & Address of Agent:	
Nature of Proposed Works	Renovation of the Old School Change of use to a one-bedroom house
Location (Townland & O.S No.)	Derryhane, RN28488 Eircode N39 W8W2
Floor Area	55 square meters
Height above ground level	6,25m
Total area of private open space remaining after completion of this development	Unchanged open space, property size (0.8ac) Works only inside the building
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Unchanged, stonework building
Is proposed works located at front/rear/side of existing house.	No, the external aspect of the building will remain unchanged.



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	School and yard / garden.
Proposed use of land or structure	One bedroom house, garden.
Distance of proposed building line from edge of roadway	Unchanged.
Does the proposed development involve the provision of a piped water supply	Yes, private well to be installed.
Does the proposed development involve the provision of sanitary facilities	Unknown at this stage. For the beginning, the installation of two compostable toilets is planned. The fully closed system of my caravan could be used as well as sanitary facilities. Further evaluation will be carried out to decide which options of sanitary system would be possible and appropriate to be installed. Depending on the outcome of the evaluation, this could be everything like a regular wastewater treatment system with a septic tank and a percolation area or combined with constructed wetland(s) or a BioCycle unit or comparable solutions. The simplest and most basic solution would be to stay with the compostable toilets only, as I have the opportunity to take a shower in my office and wash my laundry at the petrol station. This solution does not require any planning permission.

Signature: _____

Date: 25/02/2024

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) Details specification of development proposed

Details specification of development proposed

The Old Scholl of Derryhanee will be transformed into a one-bedroom house, with only me living there permanently. In addition, I'm travelling quite frequently for professional reasons.

The contracted engineer will make sure that all work will be done with applicable building regulations. The planned works related to this building don't require planning permission. They will take place inside the house, there is no extension planned.

The windows in the front and on the side of the building will remain exactly in the format and shape that they have now, they will only be replaced by totally new windows. The same applies to the entrance door in the front.

The single window in the back (not visible from any road) will be enlarged.

As the wooden structure of the roof and the slates are still in very good condition, only small repairs will be needed at this level.

A mezzanine like additional floor will be created. The actual hight of the main room (4 metres), in addition to the hight and the space of the actual attic, allows this transformation.

The main room downstairs will stay at the same size and be transformed into a living room with kitchen space.

The old cloakroom of the school will be transformed into a storage room and a guest toilet.

A private well will provide water. In relation to the wastewater treatment system to be installed, no final decision is taken for now.

The actual planning is done with two compostable toilets only.

Further evaluation will take place over the coming weeks and months to find out if, and which wastewater treatment would be appropriate. However, it will anyhow be a very eco-friendly system.

At the beginning, the fully closed sanitary system of my caravan might be used as well.

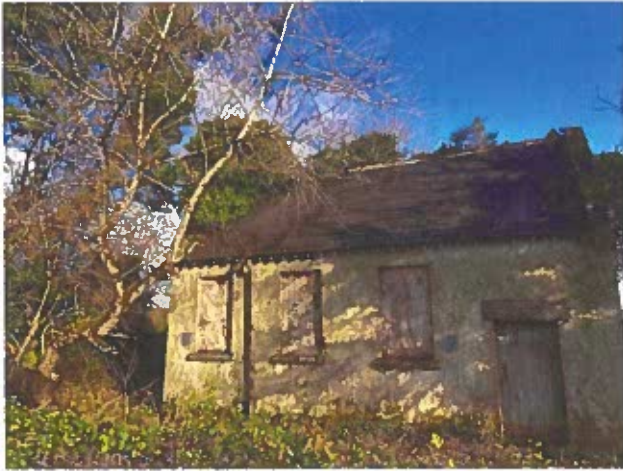
The discharge of the wastewater would then be done in approved facilities.

I have the possibility to use the bathroom facilities and showers in my office, and the Termonbarry petrol station is equipped with washing machines and dryers for laundry.

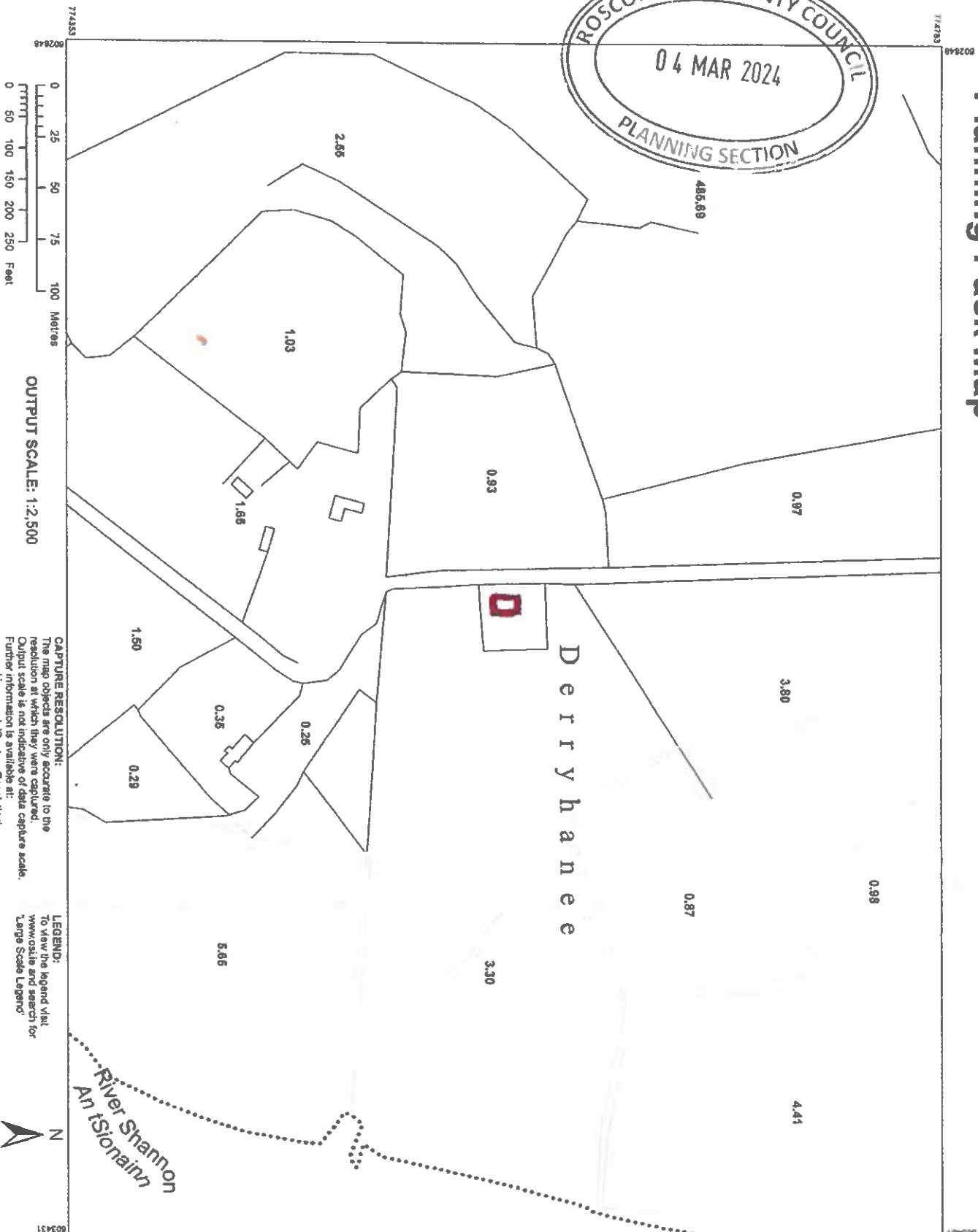
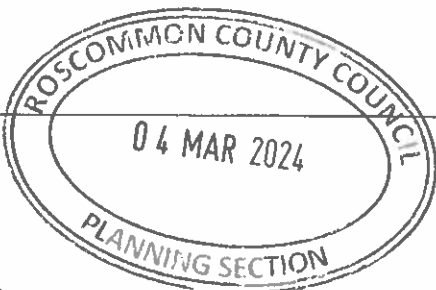


Solveig Kuhse





Planning Pack Map



OUTPUT SCALE: 1:2,500

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.osli.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit www.osli.ie and search for 'Large Scale Legend'



**Tailte
Éireann**

CENTRE COORDINATES:
ITM 803140,774668
PUBLISHED: 08/08/2023
ORDER NO.: 60360761_1
MAP SERIES: 1:5,000
MAP SHEETS: 2292

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F8E4
www.tailte.ie

Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

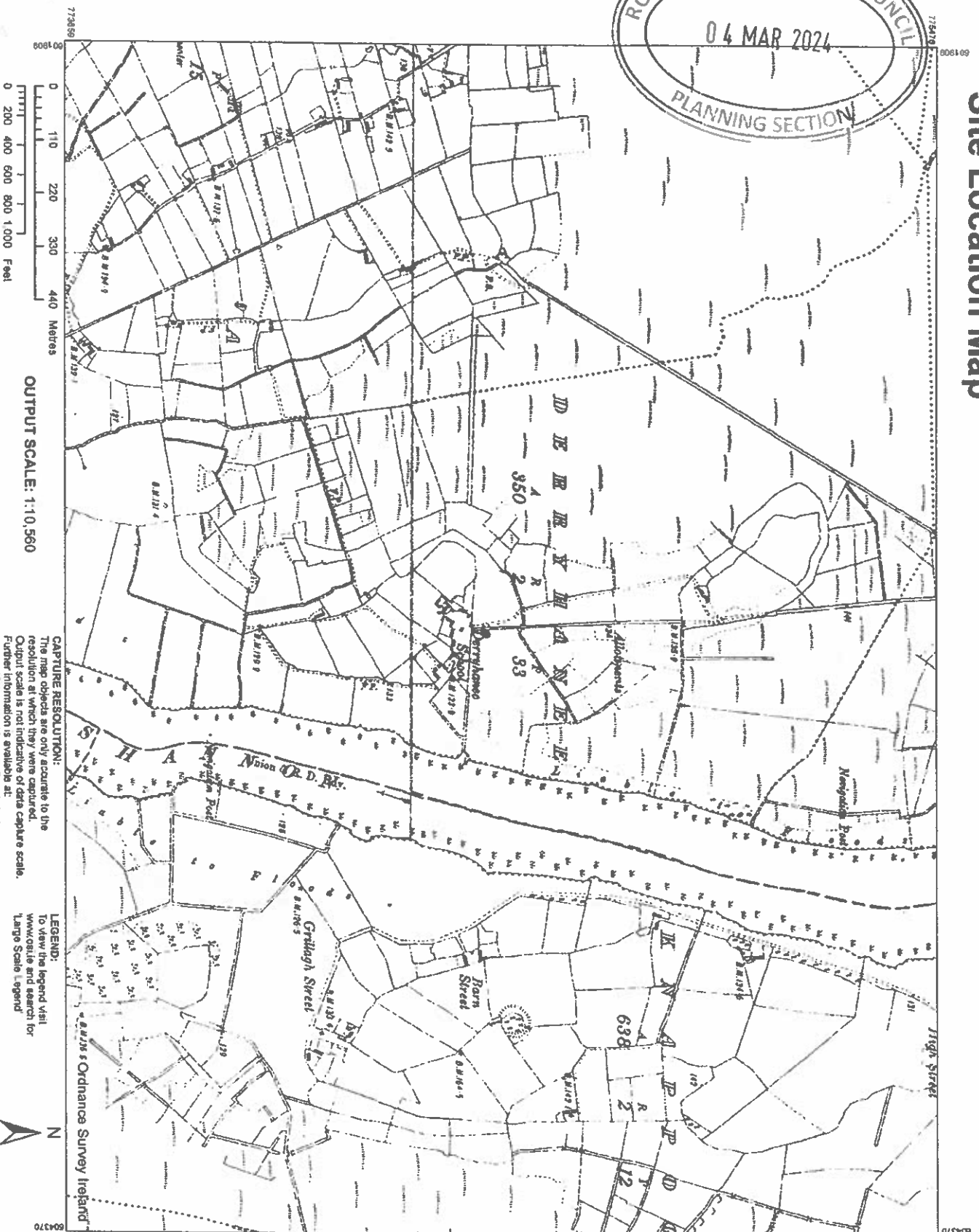
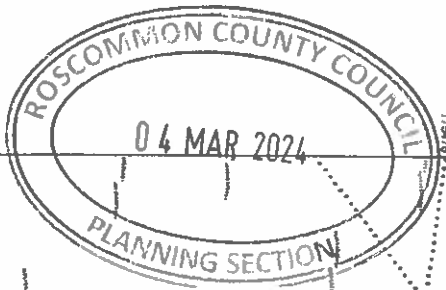
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Topographic maps produced by the National Mapping Division of Tailte Éireann never show legal property boundaries, nor do they show ownership of physical features.

© National Mapping Division of Tailte Éireann, 2023. All rights reserved.

This map was produced by the National Mapping Division of Tailte Éireann, formerly Ordnance Survey Ireland (OSI)

Site Location Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 803140,774588

PUBLISHED: 09/08/2023
ORDER NO.: 50350761_1

MAP SERIES: 6 inch Raster
MAP SHEETS: LD012
RN030
RN037

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F0E4
www.tailte.ie

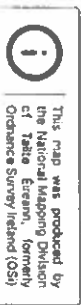
Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features.

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.



OSi PLACE Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 603132,774572

PUBLISHED: 09/08/2023 **ORDER NO.:** 60350781_1

MAP SERIES: 1:5,000 **MAP SHEETS:** 2292

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

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

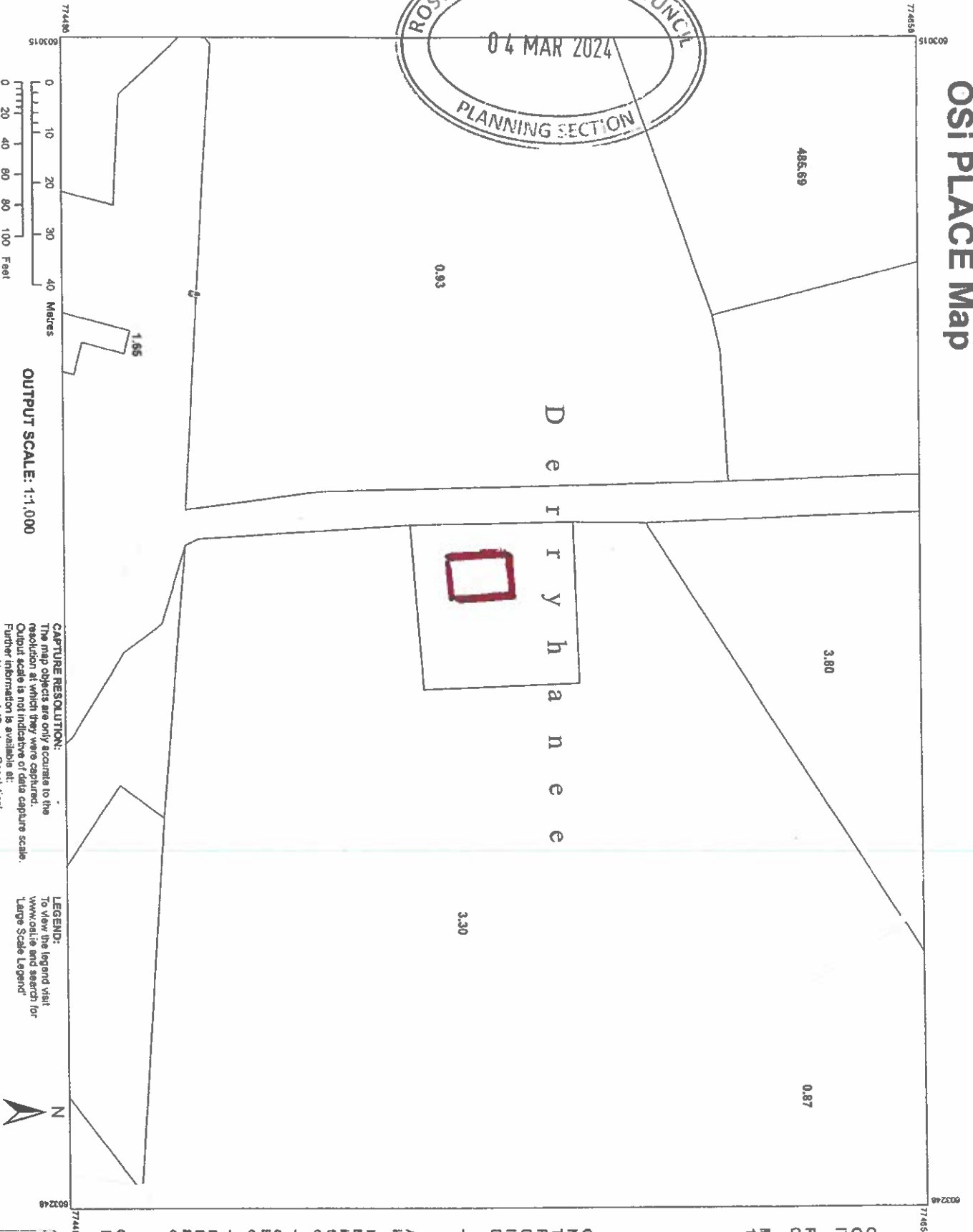
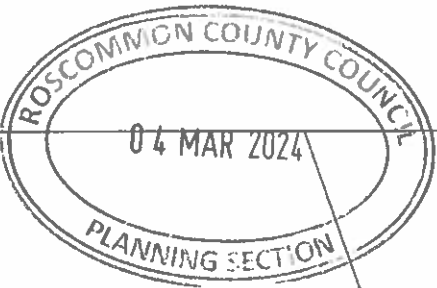
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features.

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.



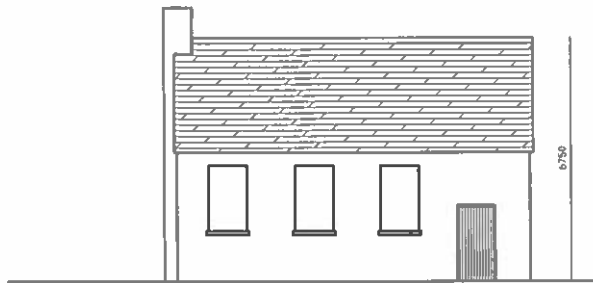
This map was produced by
the National Mapping Division
of Tailte Éireann, formerly
Ordnance Survey Ireland (OSi)



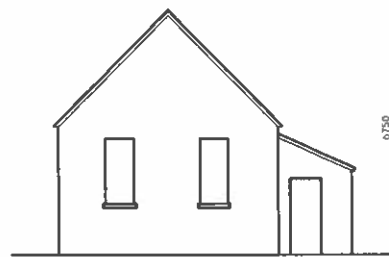
OUTPUT SCALE: 1:1,000

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, search 'Capture Resolution'

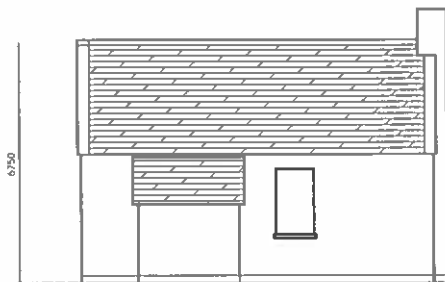
LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'



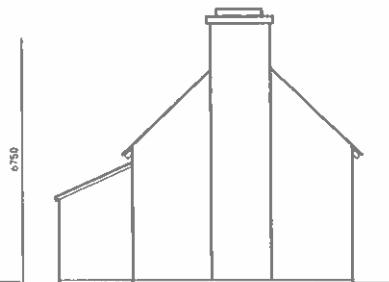
FRONT ELEVATION EXISTING



SIDE ELEVATION EXISTING



REAR ELEVATION EXISTING



SIDE ELEVATION EXISTING