

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Anna Lyster,



Reference Number: DED 697
Application Received: 16th April 2024
Name of Applicants: Anne Neilan
Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an existing house at Funchinagh, Four Roads, 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) 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.
- (d) 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.
- (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 existing house at Funchinagh, Four-Roads, 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: 25th June 2024

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

Reference Number:	DED 697
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate an existing, detached, single-storey dwelling.
Name of Applicant:	Anne Neilan, c/o Anna Lyster
Location of Development:	Funchinagh, Four Roads, Mount Talbot, Co. Roscommon, F42 DC82.
Site Visit:	13/06/2024

WHEREAS a question has arisen as to whether the following works; comprising the “full renovation of existing house, currently in poor state of repair” 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) 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.
- (d) The planning history of the site

Site Location & Development Description

The subject site is located at Funchinagh, Four Roads, Co. Roscommon, F42 DC82. The dwelling, which is subject to this section 5 referral, is situated circa 20m from centre of the road, to the north extent of the L2011.

The site is bounded by a stone wall with mature trees and hedgerow delineating the extents of the site boundary. As demonstrated by the ‘Site Layout Plan’ and as evidenced on-site, the site comprises not only the vacant dwelling, but a substantial agricultural shed to the western extent of the site; a boiler house located to the rear of the dwelling, and a water tank, again situated to the rear, but which was inaccessible owing to gated access. Much of the site was overgrown, accordingly, access to the northern and western extents could not be gained.

As submitted by the applicant, proposed development to the property includes the following:

1. Paint the interior
2. Install new fascia, soffit, gutters and downpipes
3. Electrical work
4. Tiling (Internal)
5. Laminate flooring
6. Install new kitchen
7. Concrete driveway
8. Clean garden of dead leaves and cut
9. Knock unused water tank at the back

As per a review of Roscommon County Council’s Geographic Information Systems, there are no European designated sites in proximity to the subject site.

As per a review of Roscommon County Council's Geographic Information Systems, there are no known heritage related sites/structures in proximity to the subject site.

Archaeological and Cultural Heritage

There are no protected structures or structures listed in the National Inventory of Architectural Heritage in the likely zone of influence of the subject site.

Appropriate Assessment

The closest European designated sites include; "Lough Funshinagh", located circa 3.3km to the east of the subject site and which is a 'Special Area of Conservation' (SAC) (Site Code: 000611) and "Four Roads Turlough", located 3.8km from the subject site to the south-west, and which is a SAC (Site Code: 001637) and a Special Protection Area (SPA) (Site Code: 004140).

Having regard to the separation distances between the site and the closest Natura 2000 site and given 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, can be excluded.

Planning History

As per Roscommon County Council's Planning Registry, the following planning files pertain to the subject site:

1. PD/73

- a. This application refers to a submission for permission sought to "*reconstruct (...) house at Funshinagh, Four Roads*" – the date of the cover letter, as written by then applicant Mr. 'Patrick Neilan', was 09.10.64. Further correspondence in relation to this application was issued by Roscommon County Council on the 12th of August, 1968, wherein the authority requested the applicant to "*furnish particulars of any work carried out*" to the dwelling house; a hand-written addendum notes that: "*applicant is undecided in this case, he may build a new house, he has not carried out any reconstruction and he will inform Co.Co. of his intentions when he decides what work he will do*"; this addendum is dated as the 25th of November 1968.

2. PD/936

- a. This application refers to a submission for permission sought for the "*erection of wall along roadside at Funchinagh, Four Roads*" from applicant 'Patrick Neilan'. Notification of 'Decision to Grant Permission' was issued on the 10th of December 1965. Notification of a Decision to Grant Permission was issued on the 11th of January, 1966.

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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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)

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

- (a) If the carrying out of such work would—
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.
 - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows:

In accordance with the Planning and Development Act, 2000, section 3(1) "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 comprise the carrying out of works. Under section 2(1) of the Act, "works" include "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 outlines that *"it is intended the work that will be completed includes: Paint the interior; Install new fascia, soffit, gutters and downpipes; Electrical work; Tiling (Internal); Laminate flooring; Install new kitchen; Concrete driveway; Clean garden of dead leaves and cut; Knock unused water tank at the back"* at the site located in Funchinagh, Four Roads, Mount Talbot, Co. Roscommon, F42 DC82. These works have been considered in the context of Section 4(1)(h) of the Act; being works that consist 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. Accordingly, on review of the case-specific particulars, under the provisions of section 4(1)(h) of the Act, the proposed works are deemed to constitute exempted development.

On review of the plans and particulars submitted as part of this section 5 referral, and further to an assessment of the historic planning file, for which applications PD/72 and PD/936 were disclosed, and following a site inspection on the 13th of June 2024, it is my opinion that the vacant/derelict dwelling house, as constructed, was built prior to the enactment of the *Local Government (Planning & Development) Act, 1963*. As such, and having regard to the provisions under Article 9(1)(a)(viii), it is reasonable to conclude, on the basis of probability, that the subject site, does not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, and as such, the proposed works constitute exempted development.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which an 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 Article 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; which proposes to “Paint the interior; Install new fascia, soffit, gutters and downpipes; Electrical work; Tiling (Internal); Laminate flooring; Install new kitchen; Concrete driveway; Clean garden of dead leaves and cut; Knock unused water tank at the back” at the site located in Funchinagh, Four Roads, Mount Talbot, Co. Roscommon, F42 DC82, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

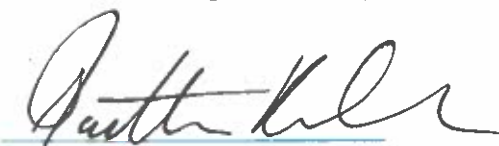
- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) 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.
- 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, which proposes to “Paint the interior; Install new fascia, soffit, gutters and downpipes; Electrical work; Tiling (Internal); Laminate flooring; Install new kitchen; Concrete driveway; Clean garden of dead leaves and cut; Knock unused water tank at the back” at the site located in Funchinagh, Four Roads, Mount Talbot, Co. Roscommon, F42 DC82, under the provision of section 5 of the Planning and Development Act, constitutes exempted development.

Signed:



Blaithín Kinsella

Assistant Planner

Date: 20th of June 2024

Signed:



Alan O'Connell

Senior Executive Planner

Date: 20th of June 2024

Appendix – Site Photos



1. Front elevation on approach from the L2100



2. Front elevation on approach from the L2100; vehicular gate.



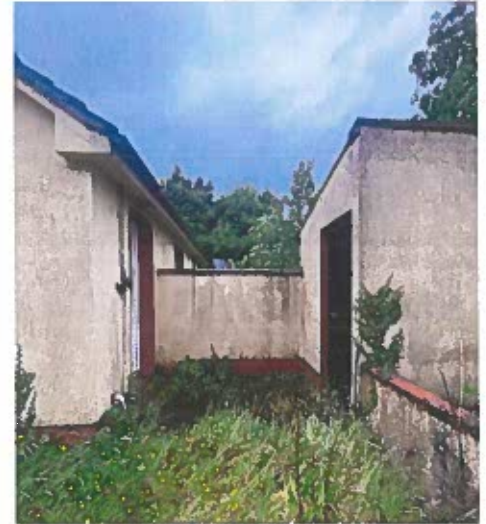
3. Front elevation on approach from the L2100



4. Access to Agricultural shed via pedestrian gate located to western extent of site.



5. View into enclosed, overgrown rear garden [eastwards, facing westwards].



6. East elevation of dwelling, illustrating the rear of the dwelling, with boundary wall enclosing the western extent of the site and the boiler house.

ENDS.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Anna Lyster,



Date: 17th April 2024

Planning Reference: DED 697 – Application on behalf of Anne Neilan

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to renovate existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Funchinagh, Four Roads, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application on behalf of Anne Neilan which was received on the 16th April 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. **L01/0/228078** dated 17th April 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

We sincerely apologise for any inconvenience caused. Once resumed all applications will be processed in chronological order.

Note: Please note your Planning Reference No. is **DED 697**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09068 37100

17/04/2024 10:21:27

Receipt No : L01/0/228078

ANNE NEILAN

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED 897

Total : 80.00 EUR

Tendered :
Cheque 80 00
079481

Change : 0 00

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

Roscommon County Council

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

Name:	ANNE NEILAN.
Address:	[REDACTED]
Name & Address of Agent:	[REDACTED]
Nature of Proposed Works	full renovation of existing house, currently in poor state of repair
Location (Townland & O.S No.)	
Floor Area	90 square meters.
Height above ground level	N/A
Total area of private open space remaining after completion of this development	N/A 1/2 acre.
Roofing Material (Slates, Tiles, other) (Specify)	N/A none - NO roofing
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
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	N/A
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	N/A Residential.
Proposed use of land or structure	N/A Residential - house will be rented out on complete!
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	N/A Yes septic tank. It's working + in use.
Does the proposed development involve the provision of sanitary facilities	N/A. NO. septic tank in use. *

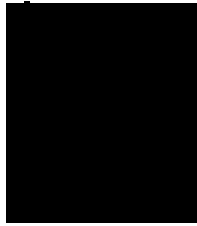
Signature: Anne Neill

Date: 1 March 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) Detailed specification of development proposed *





Roscommon County Council Planning Office

Dear Sir/Madam,

Please find attached all of the documentation for the vacant homes grant.

It is intended the work that will be completed includes:

- (1) Paint the interior
- (2) Install new fascia, soffit gutters and down pipes
- (3) Electrical work (Internal)
- (4) Tiling (Internal)
- (5) Laminate flooring
- (6) Install new kitchen
- (7) Concrete Driveway
- (8) Clean garden of dead leaves and cut
- (9) Knock unused water tank at the back

Please see attached quotation that gives you further information.

Can all correspondence please be sent to [REDACTED]
[REDACTED] Her phone number is [REDACTED]

Yours sincerely

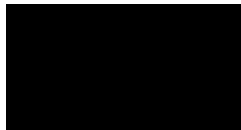
Ann Neilan

Ann Neilan






Anne Neilan



CERTIFICATE OF REGISTRATION

Reference ID: 

Registration number:	
Date of registration:	23/01/2013
Registered to:	Anne Neilan
Registered address:	Funshinagh, Four Roads, Mount Talbot, Co. Roscommon
Water services authority:	Roscommon County Council

Issued under the Water Services Act 2017.

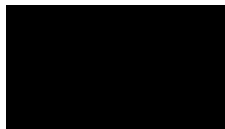
This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.



Anne Neilan



DEIMHNIÚ CLÁRÚCHÁIN

Tagairt ID: [REDACTED]

Uimhir chlárúcháin: [REDACTED]
Dáta clárúcháin: 23/01/2013
Cláraithe chuig: Anne Neilan
Seoladh cláraithe: Funshinagh, Four Roads, Mount Talbot, Co. Ros Comáin
Údarás seirbhísí uisce: Comhairle Contae Ros Comáin

Arna eisiúint den Acht um Sheirbhísí Uisce 2017.

Deimhnítear sa chaipéis seo gur cuireadh an córas cóireála fuíolluisce tí atá ceangailte le réadmhaoín ag an seoladh réamhluaite, agus atá cláraithe chuig an úinéir réamhluaite, ar an gclár um Chórais Cóireála Fuíolluisce Tís.

Coinnigh an chaipéis seo le do thoil.

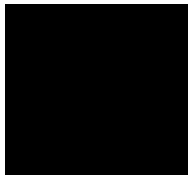
- D'fhéadfadh sé go n-iarrfaí ort é seo a thabhairt do dhuine údaithe arna cheapadh ag an údarás seirbhísí uisce.
- Nuair a dhíolann nó nuair a aistríonn tú úinéireacht do réadmhaoine tabhairt cóip den deimhniú seo le do thoil don úinéir úr. Beidh an t-úinéir úr freagrach as athruithe ar an úinéireacht a chur in iúl don údarás seirbhísí uisce. Níos mó eolas faoi athrú úinéara ar fáil ag www.protectourwater.ie.



Corraun Village, Racecourse Road, Roscommon
0862554999
ahanleycarpentry@gmail.com

Estimate

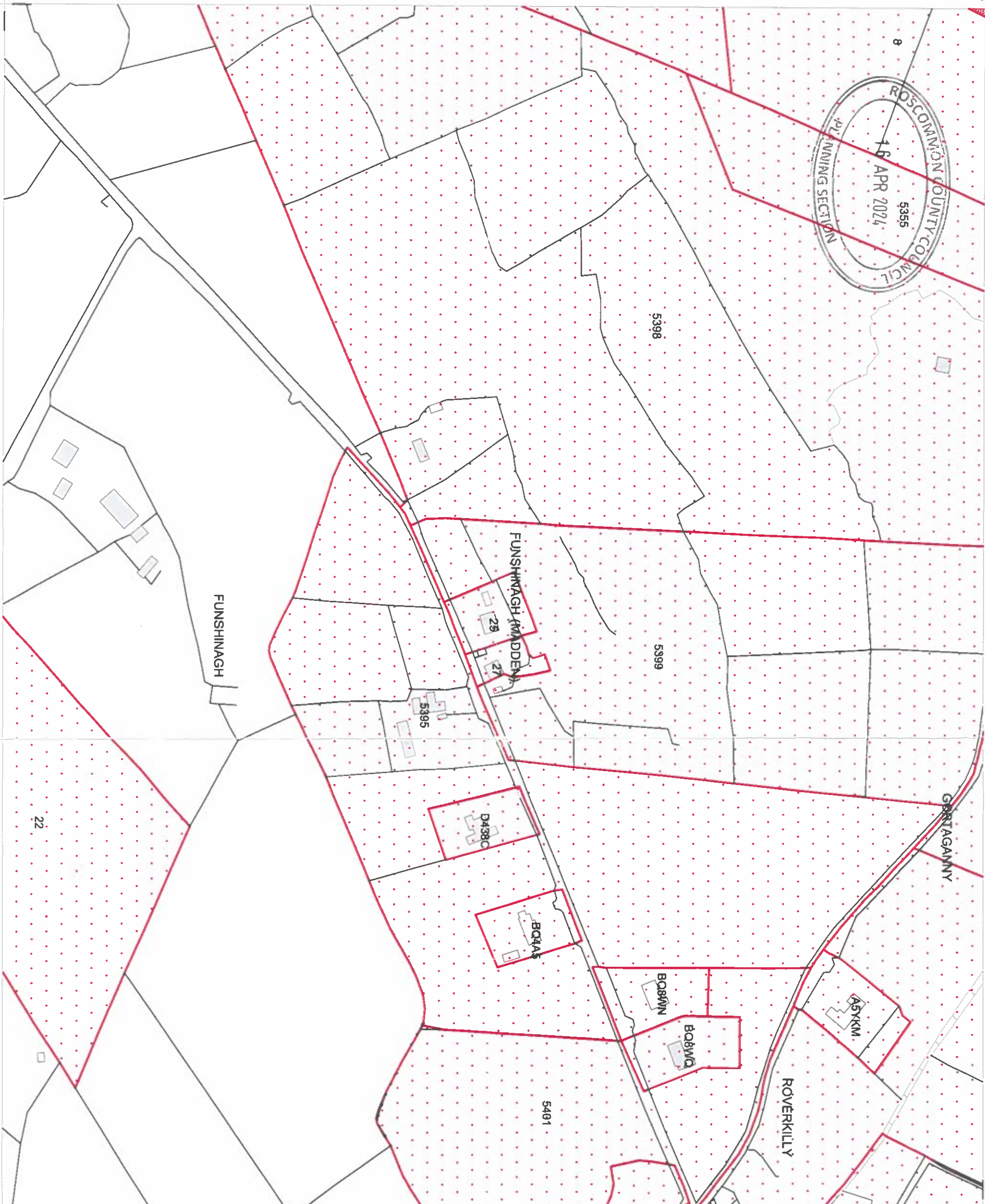
For: Ann Neilan
Estimate No: 7
Date: 10/08/2023



Description	Quantity	Rate	Amount
refurbishment work on vacant property	1		
• painting			
supply paint & labour for inside			
power wash roof			
- inc VAT			
•New fascia,soffit,gutters & downpipes			
- inc VAT			
•electrical			
move sockets in kitchen, add in sockets over kitchen, supply for extractor fan,smoke & carbon			
monoxide alarms			
- inc VAT			
•Supply and fit new solid doors and ironmongery throughout inside.			
demolition included ie strip out old timber work including old kitchen			
- inc VAT			
•Tiling behind new kitchen			
supply and fit			
- inc VAT			
•supply and fit new laminate flooring throughout			
- inc VAT			
•supply & fit new kitchen & utility			
- inc VAT			
•waste removal (skips x 3)			
- inc VAT			
•groundwork outside			
clear driveway,			
lower level of driveway to allow for 120mm concrete,			
prepare and pour concrete over complete driveway,			
clear all overgrowth around complete site,			
new gullys & soak pit for storm water off roof,			
remove old water tank at rear of house,			
drainage & soak pit to take water off new concrete driveway,			
all lawn areas to be scraped off and left ready for seeding			
- inc VAT			
Subtotal			
13.5% Total			
Total			



588590 mE, 753380 mN



587790 mE, 752730 mN

Creation Date: 06 March 2024 08:29:53

Application Number: S2024LR004072W



Official Tailte Éireann Registration Map
This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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- (centre-line of parcel(s) edged)
- Freehold**
- Leasehold**
- Subleasehold**
- 'S' Register**

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

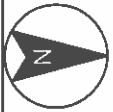
- Burdens** (may not all be represented on map)
- Right of Way / Wayleave**
- Turbary**
- Pipeline**
- Well**
- Pump**
- Septic Tank**
- Soak Pit**

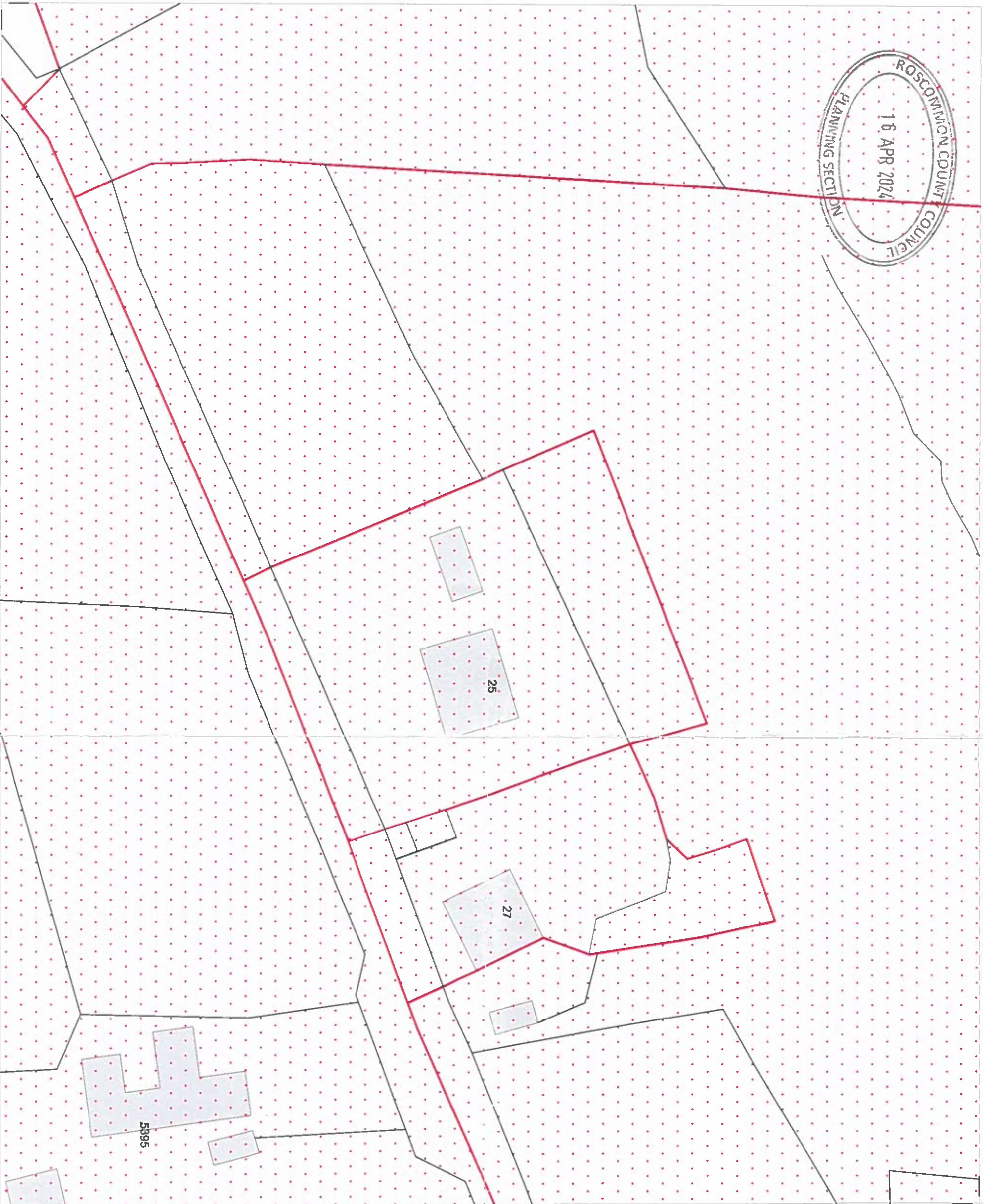


A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500





588110 mE, 752990 mN

588270 mE, 753120 mN

Creation Date: 06 March 2024 08:30:19

Application Number: S2024LR004073X



Tailte Éireann
Clárúcháin Lúthcháil,
Súilbhíreachaí,
Registraithe Valúcháin,
Súilbhíreachaí

Official Tailte Éireann Registration Map
This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
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- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



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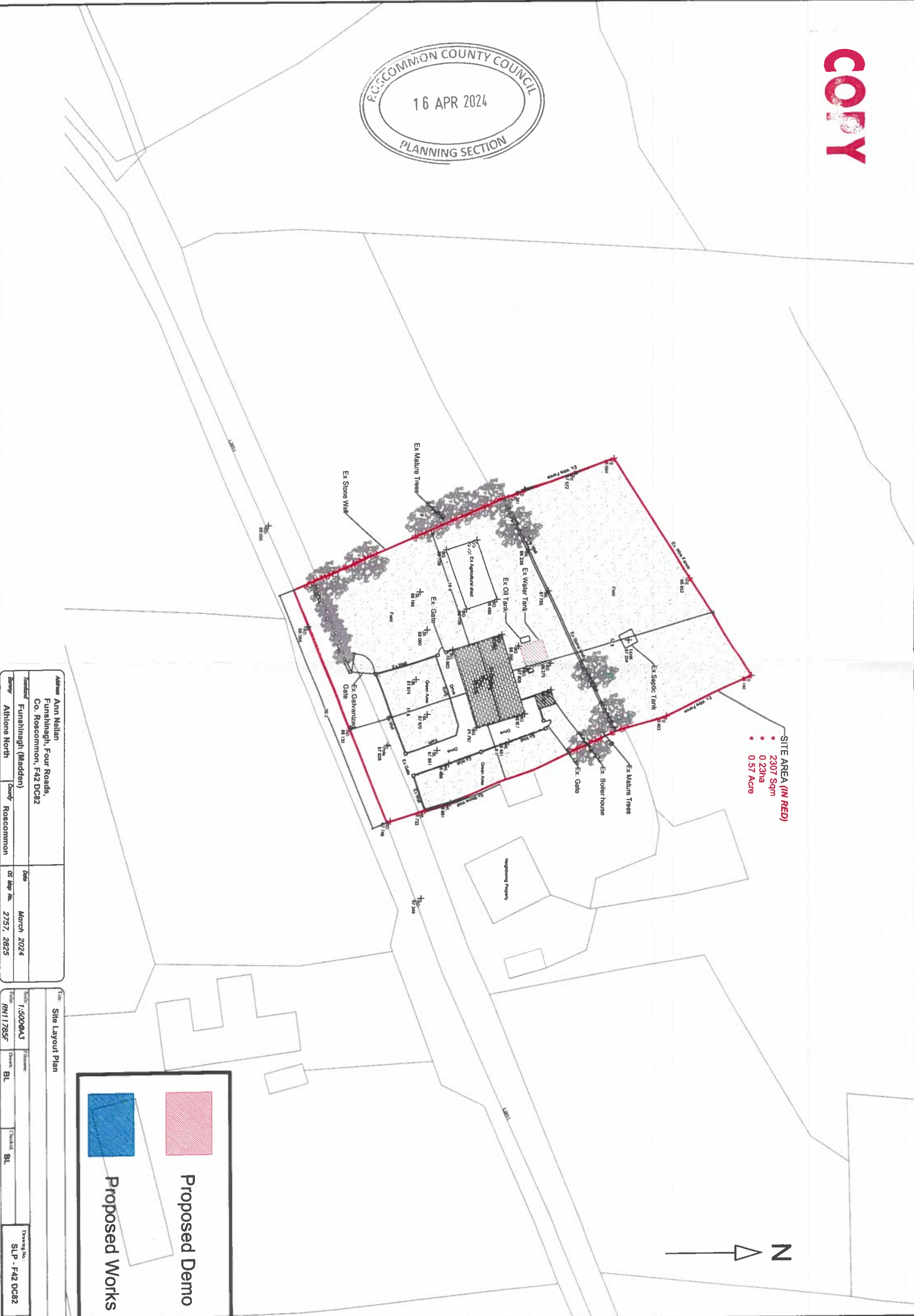
1:500





Proposed Demo
Proposed Works

COPY



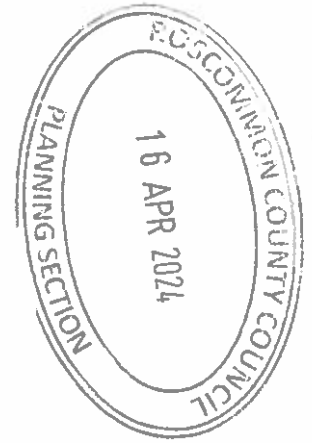
Address: Ann Nellan Funshingagh, Four Roads, Co. Roscommon, F42 DC82		Date: March 2024
Location: Funshingagh (Madden)	County: Roscommon	OS Map Ref: 2757, 2825
Barony: Athlone North		

Title: Site Layout Plan				Drawing No: SLP - F42 DC82
Scale: 1:5000000	File No: RW11785F	Drawn: BL	Checked: BL	



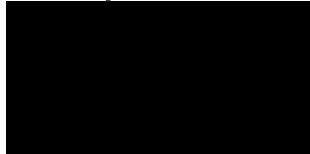
**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying



Tailte Éireann Special Registration Map

Anna Lyster



This page forms part of the official document. Do not detach.

Application Number:

Your Reference:

Special Registration Maps can be ordered and printed at a selection of standard metric scales up to and including 1/500 scale.

Properties on this extract of the Tailte Éireann Registration map that are not highlighted in colour appear to form part of unregistered land.

Hard copy ITM maps which have been enlarged from the original Tailte Éireann Surveying published scale for the area cannot be expected to give a higher degree of accuracy than that of the original scale.

1/5,000 and 1/10,000 scale maps may not be acceptable for registration purposes in hard copy form unless the new property is entirely bounded by Tailte Éireann Surveying detail.



An officer duly authorised by Tailte Éireann



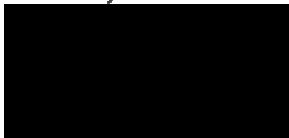
**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying



Tailte Éireann Special Registration Map

Anna Lyster

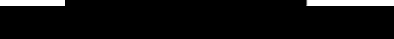


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Special Registration Maps can be ordered and printed at a selection of standard metric scales up to and including 1/500 scale.

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