

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Holly Lennon & Darren Mooney,


Reference Number: DED 699
Application Received: 17th April 2024
Name of Applicants: Holly Lennon & Darren Mooney
Agent: Peter de Lacy Staunton, Derryvally, Ballybay, Co. Monaghan

WHEREAS a question has arisen as to whether to 'convert and restore an old schoolhouse into a residential property' at The Old Schoolhouse, Cloonfree, Strokestown, 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) Article 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Article 10(1) of the Planning and Development Regulations, 2001, as amended.
- (d) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The conversion and restoration of an old schoolhouse into a residential property is not an 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 and restore an old schoolhouse into a residential property' at The Old Schoolhouse, Cloonfree, Strokestown, 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: 20th June 2024

cc agent via email: Peter de Lacy Staunton, Derryvally, Ballybay, Co. Monaghan

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

Reference Number:

DED 699

Name and Address of Applicant:

Holly Lennon & Darren Mooney

AGENT:

Peter de Lacy Staunton

WHEREAS a question has arisen as to whether to '*convert and restore an old schoolhouse into a residential property*' is development and is it exempt development.

1.0 Site Location and Description

The site is located on a National Primary Route, N5 c4 km west of the town of Strokestown . The application site consists of derelict national school which is in a state of disrepair with no windows or internal fixtures. It is evident that the building has not being in use for a significant period of time. The building is not listed as protected structure as set out in Roscommon's County Development Plan 2022-2028.

2.0 Planning History

No recent planning history on the site.

3.0 Relevant Legislation

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 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Article 10 (1) of the Planning and Development Regulations 2001 (as amended)
- (d) Part 4, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- (e) 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);

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.

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

Planning and Development Regulations, 2001 (as amended)

Article 10 (1)

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- a) involve the carrying out of any works other than works which are exempted development,
- b) contravene a condition attached to a permission under the Act,
- c) be inconsistent with any use specified or included in such a permission, or
- d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Part 4 of Schedule 2 Exempted development – Classes of Use

CLASS 1

Use as a shop.

CLASS 2

Use for the provision of—

- e) financial services,
 - f) professional services (other than health or medical services),
 - g) any other services (including use as a betting office),
- where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies

CLASS 4

Use as a light industrial building.

CLASS 5

Use as a wholesale warehouse or as a repository.

CLASS 6

Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 7

Use—

- (a) for public worship or religious instruction,
- (b) for the social or recreational activities of a religious body,

(c) as a monastery or convent.

CLASS 8

Use—

(a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),

(b) as a crèche,

(c) as a day nursery,

(d) as a day centre.

CLASS 9

Use—

(a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

(b) a museum,

(c) a public library or public reading room,

(d) a public hall,

(e) an exhibition hall,

(f) a social centre, community centre or non-residential club,

but not as a dance hall or concert hall.

CLASS 10

Use as—

(a) an art gallery (but not for the sale or hire of works of art),

(b) a museum,

(c) a public library or public reading room,

(d) a public hall,

(e) an exhibition hall,

(f) a social centre, community centre or non-residential club,

but not as a dance hall or concert hall.

CLASS 11

Use as—

(a) a theatre,

(b) a cinema,

(c) a concert hall,

(d) a bingo hall,

(e) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motor vehicles or firearms.

CLASS 12

Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

Article 9 (1 (a)): Restrictions on exemptions

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

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Planning Assessment

The questions to be determined in this Section 5 declaration is whether to '**convert and restore an old schoolhouse into a residential property**' is or is not development, and is or is not exempted development. Having considered the definition of both "development" outlined above, I would deem that the aforementioned form of development constitute 'a change of use' and is therefore development. To assess whether these works are exempt development consideration was given to Article 10 of the Planning and Development Regulations 2001 (as amended) which states that '*Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act*'. However as can be seen from the different classes of use detailed in *Part 4 of Schedule 2 Exempted development – Classes of Use*, no provision has been made for an educational or residential use so having regard to Article 10 of the Regulations the change of use from a school to a dwelling is a material change of use and not an exempt development.

The development proposal also refers to the 'restoration of the building' on site and notwithstanding the conclusions reached in relation to the proposed change of use above, the proposed works to the building must also be considered and in this context regard will be had to Sub Section 4 1 (h) of the Act . The applicant refers primarily to changes proposed to the interior of the building and confirms that no changes will occur to the external appearance of the building however they are proposing to replace the windows and roof tiles. The building as it presents has no windows so any proposal to insert windows would material affect the affect the external appearance of the structure and therefore the restoration works as described are not of a nature set out in 4 1 (h).

In addition to Article 10 of the Regulations, Article 9 must also be considered in relation to the proposed development. The application site is located on a busy section of the Tulsk to Strokestown National Primary Route, N5 at a point where the maximum speed limit applies. The site as it presents has a gate onto National Route but this is not adequate in terms of width to accommodate vehicles entering or existing the site hence the site does not have a access/egress arrangement that can accommodate vehicles that would be associated with a domestic use. The proposal therefore to change the use of the site from educational to residential would necessitate the construction of a vehicular access/egress from/to the N5. Given the status of the road and the alignment of same the Planning Authority considers that such a development would cause an obstruction to road users, create a traffic hazard and would compromise the capacity of the N5 and for this reason the proposed development is not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

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 c1.8 km away from Annaghmore Lough (Roscommon) SAC. 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: ***‘to convert and restore an old schoolhouse into a residential property’ is development, and is NOT exempted development.***

Recommendation

WHEREAS a question has arisen as to whether ***‘convert and restore an old schoolhouse into a residential property’*** is or is not development, and is or is not exempted development:

I have considered this question, and I have had regard particularly to –

- Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- Article 9 of the Planning and Development Regulations 2001 (as amended).
- Article 10 (1) of the Planning and Development Regulations 2001 (as amended)
- Part 4, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- 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

- h) To *‘convert and restore an old schoolhouse into a residential property’* is development, and is NOT exempted development.**

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



Signed: _____

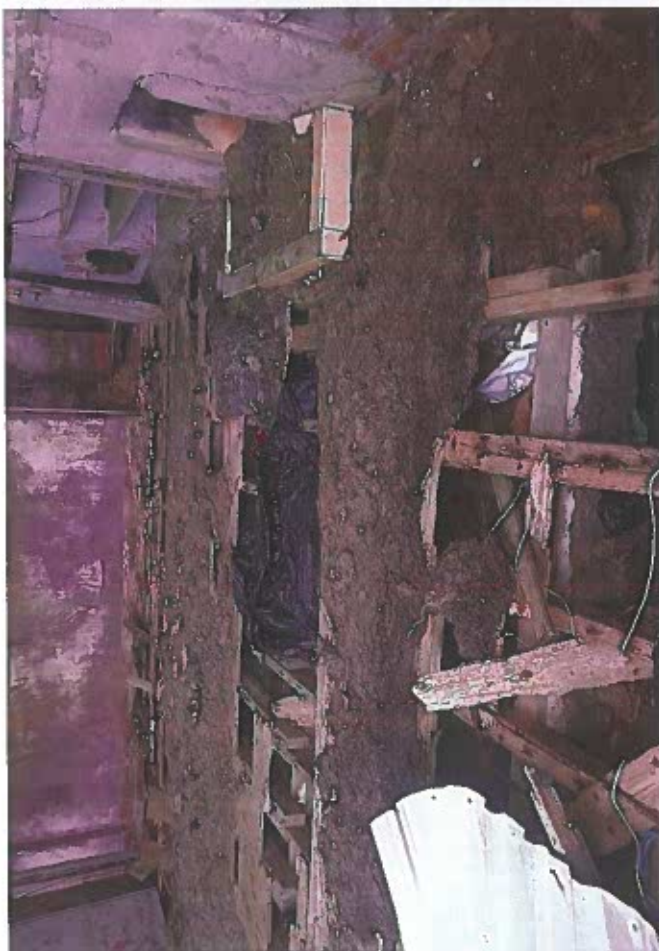
Date: 20th June 2024

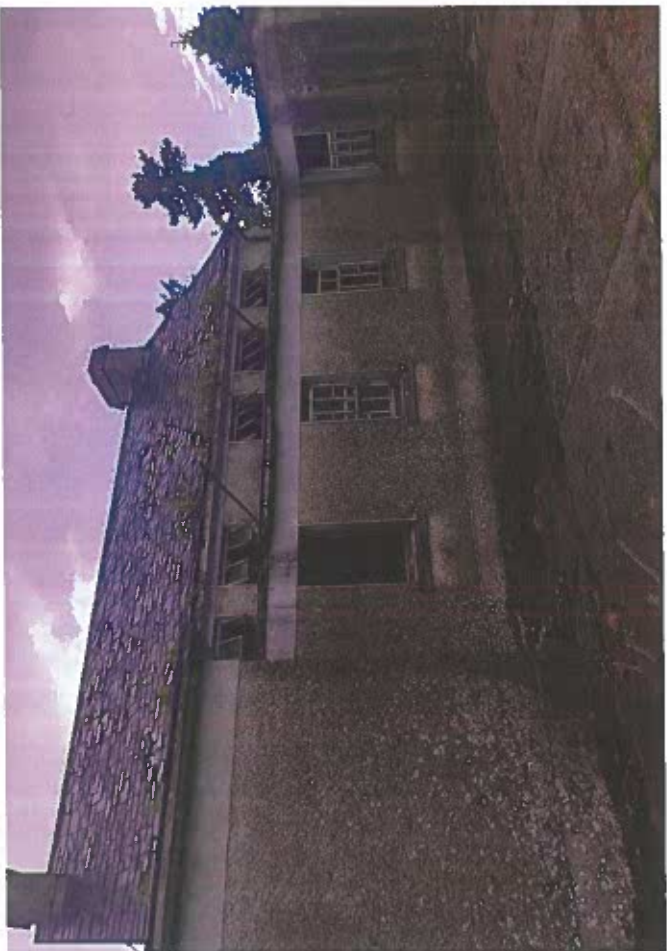
Paula Connaughton
Executive Planner.

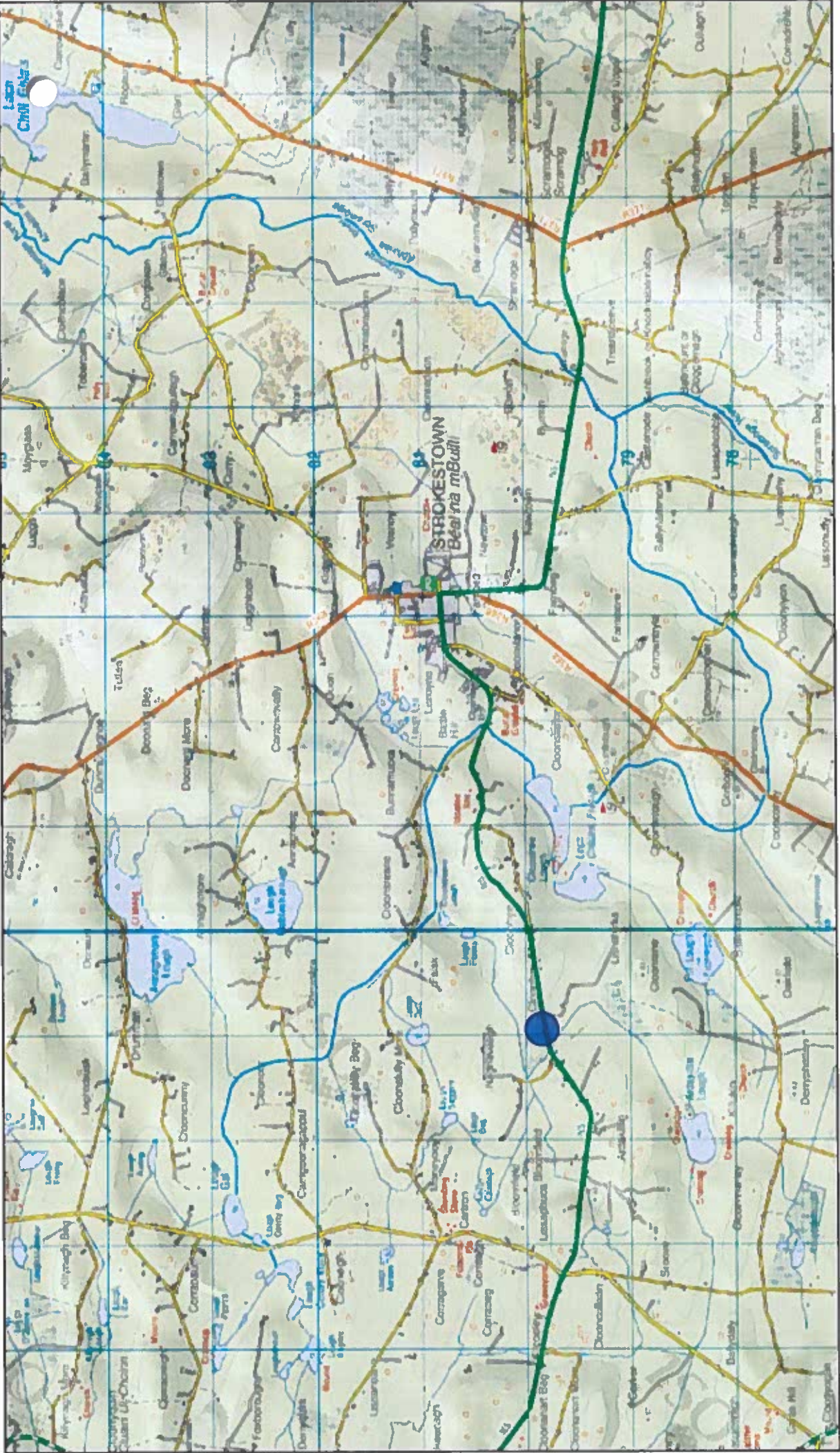






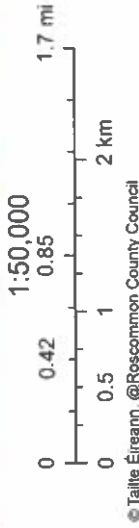


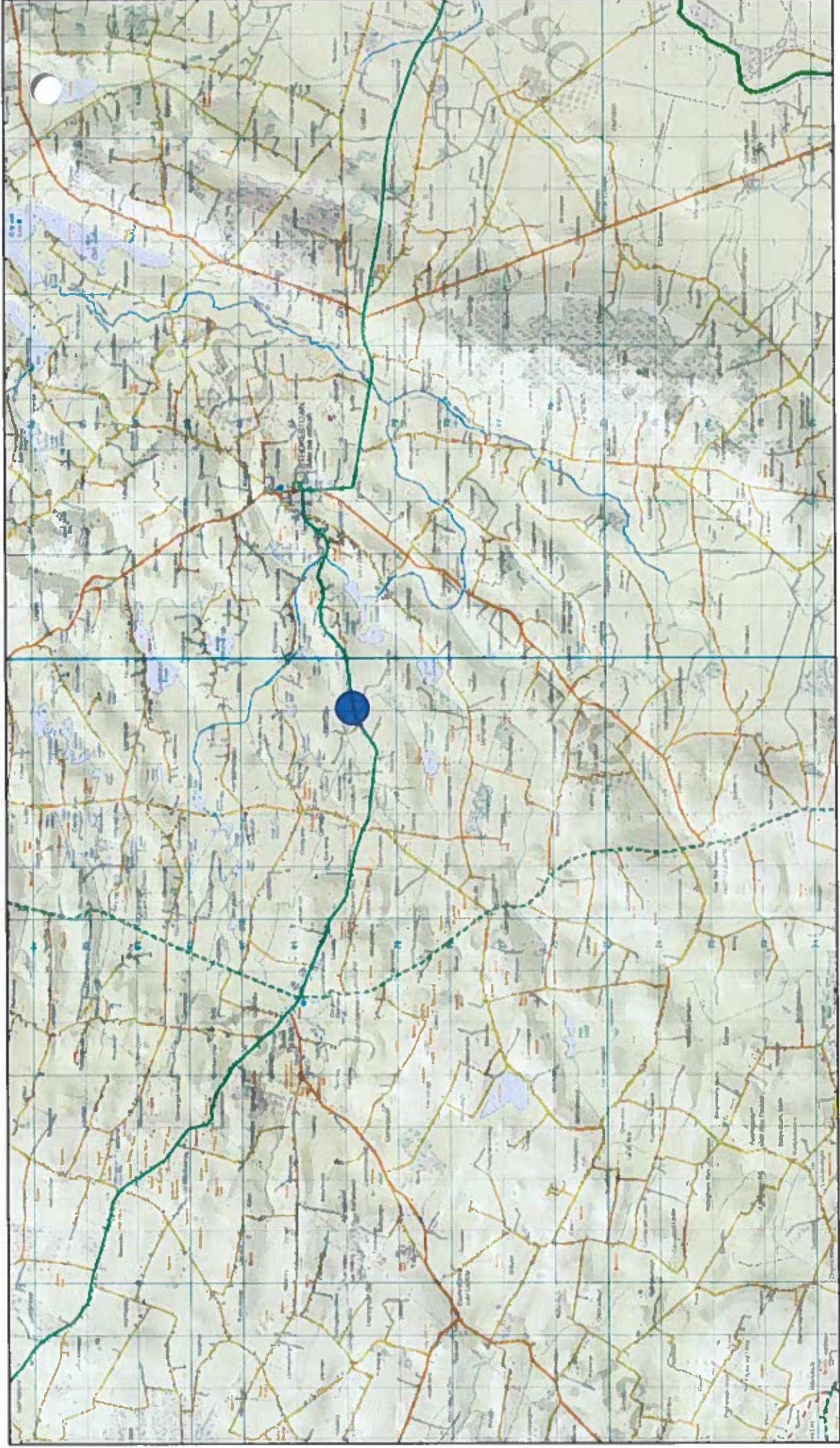




6/11/2024, 3:55:23 PM

County Boundary





6/11/2024, 3:56:22 PM

 County Boundary

1:100,000
0 0.75 1.5 3 mi
0 1.25 2.5 5 km
© Taithe Éireann, @Roscommon County Council



Comhairle Contae
Ros Comáin
Roscommon
County Council



Holly Lennon & Darren Mooney,



Date: 17th April 2024
Planning Reference: DED 699

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to convert and restore old schoolhouse into a residential property under the Planning & Development Act (Exempt Development) Regulations 2018 at The Old Schoolhouse, Cloonfree, Strokestown, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th 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. L01/0/228088 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 699**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc agent via email: Peter de Lacy Staunton
peterdelacystaunton@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

17/04/2024 11:57:48

Receipt No : L01/0/228088

HOLLY LENNON & DARREN MOONEY

AGENT: PETER DE LACY STAUNTON
DERRYVALLY

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 699	

Total : 80.00 EUR

Tendered :	80 00
Cheque	
000056	

Change :	0 00
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Issued By : Bernadine Duignan
From : Central Cash Office



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 (as amended), regarding Exempted Development

Name of Applicant(s)	Holly Lennon, Darren Mooney
Name of Agent	Peter de Lacy Staunton
Nature of Proposed Works	Restoring an old schoolhouse to be used as a residence. The proposed works will be entirely contained within the curtilage of the existing building and will not involve any changes to the external appearance of the structure.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	The Old Schoolhouse, Cloonfree, Strokestown, Co. Roscommon (Folio No. RN4043)
Floor Area: a) Existing Structure b) Proposed Structure	a) _____ 122m ² b) _____ same
Height above ground level:	7.5m
Total area of private open space remaining after completion of this development	0.54Ha
Roofing Material (Slates, Tiles, other) (Specify)	Slate as original

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	As original
Is proposed works located at front/rear/side of existing house.	No New Buildings Required Only restoration
Has an application been made previously for this site	Yes (But for Demolition and replacement)
If yes give ref. number (include full details of existing extension, if any)	12010 – 26 February 1982
Existing use of land or structure	Derelict School Building
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	13.5m
Does the proposed development involve the provision of a piped water supply	Yes
Does the proposed development involve the provision of sanitary facilities	Yes

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: _____



Date: _____ 13/4/2024 _____

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



To Whom it May Concern

Date 15 April 2024

Holly Lennon & Darren Mooney

Proposed Works – Old Schoolhouse. Clonfree, Strokestown

The Building is in need of renovation but is structurally sound and can be configured internally as a residential unit without any changes to the external façade.

The External slates will need repairing and replacing as well as windows and other joinery.

The main walls and roof structure are sound and will need only minimal interventions

Regards

Peter

ON BEHALF OF TFM Ltd

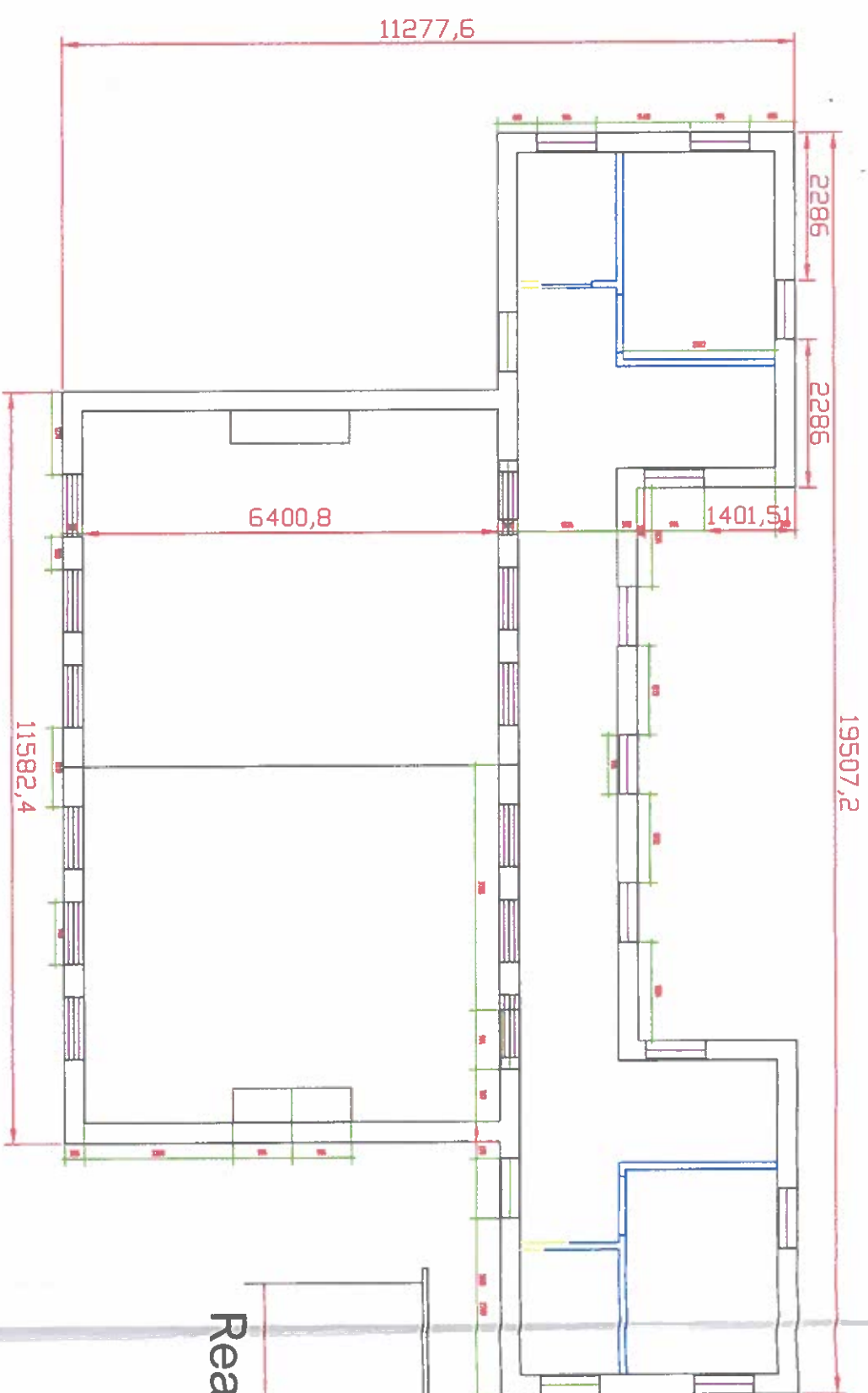
Peter de Lacy Staunton

Chartered Engineer

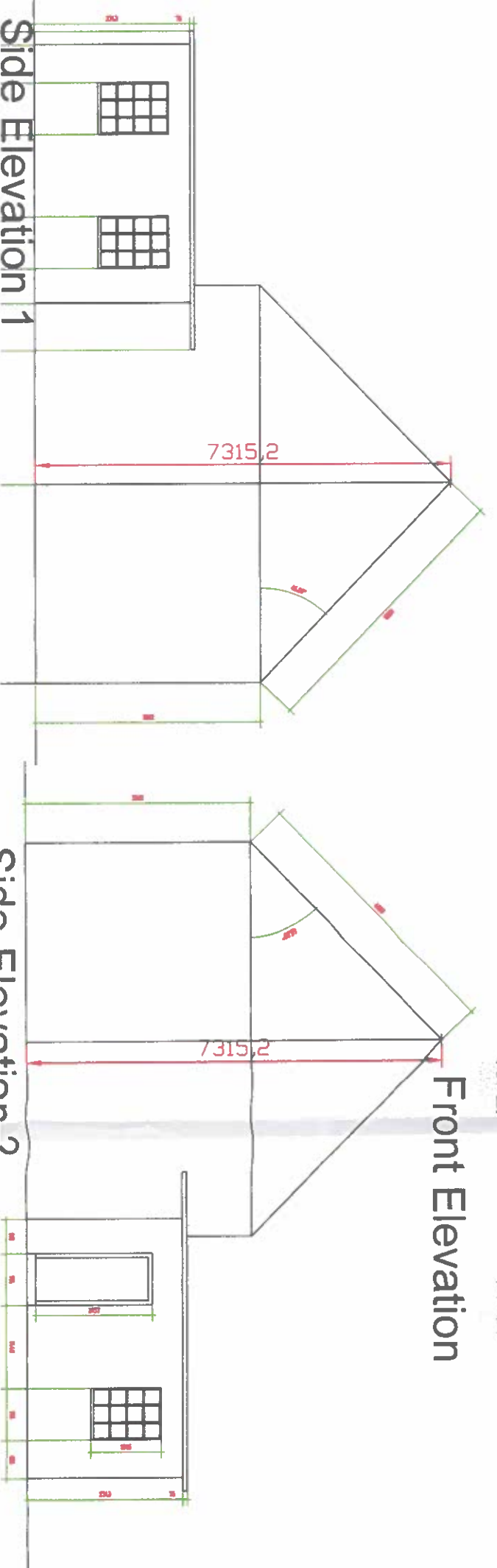
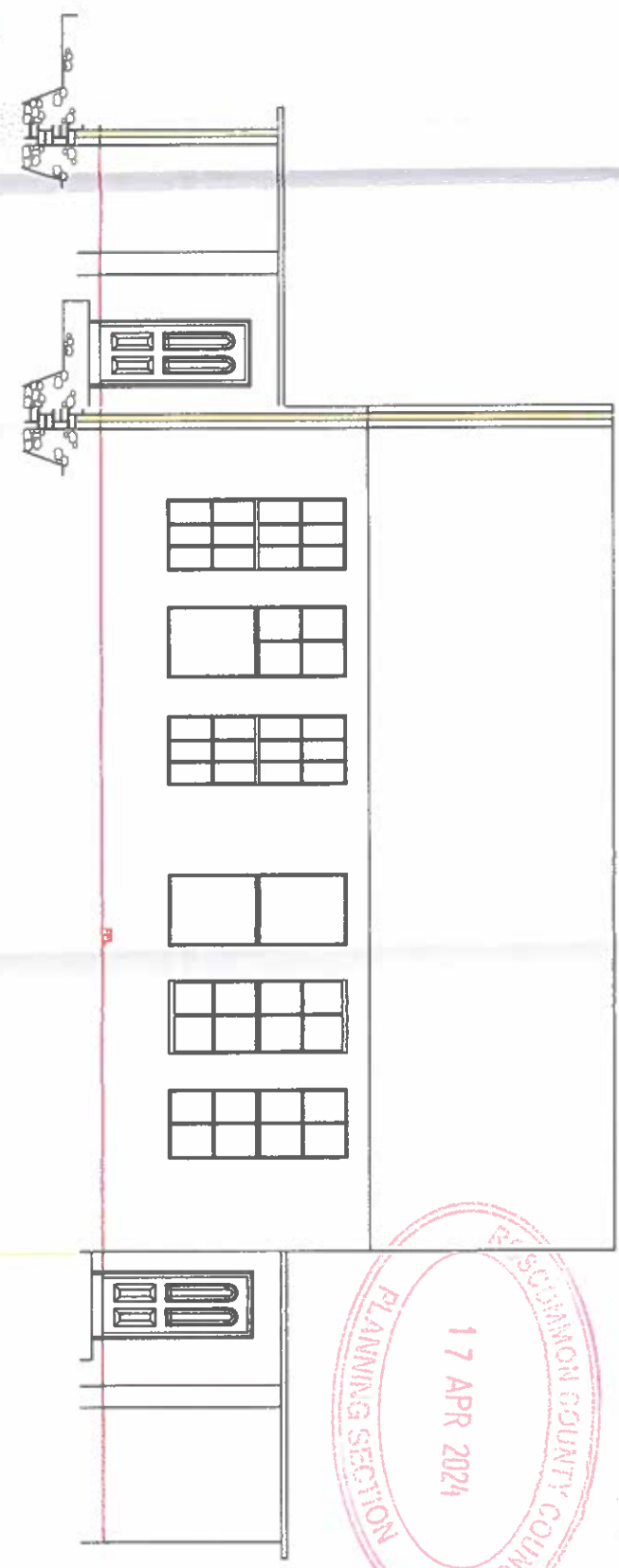
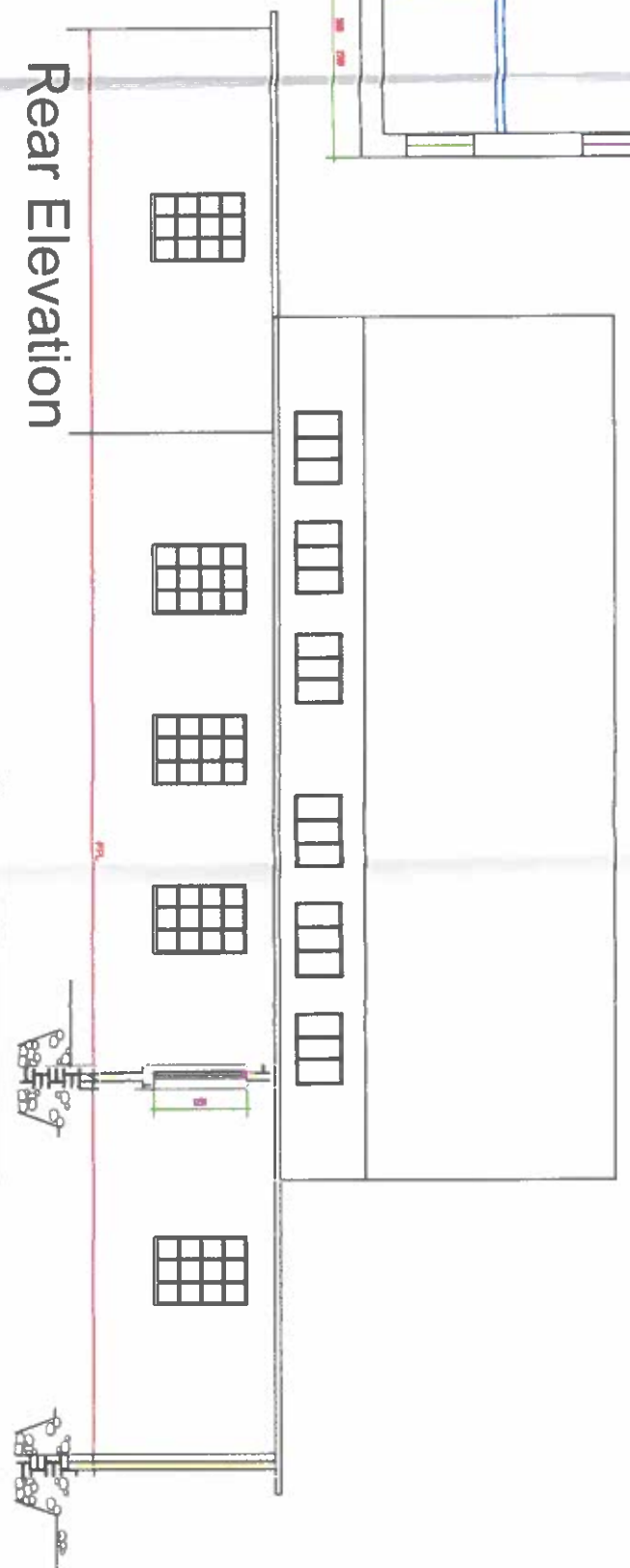
BSc ENG DIP CENG MIEI

TFM (Total Financial Management) ltd

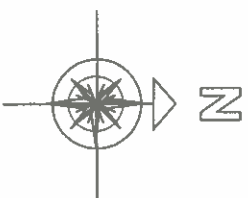




Plan of Existing Building



tfm ^(b) Ltd (Sustainable Building Design) Derryvally, Ballyboy			
Ph	00353 429748621	Ph	00353 868359922
PROJECT NO	24/04	DRAWING NO	003-2
DESCRIPTION	HOLLY LENNON & DARREN MOONEY		
SCALE	1:100	DATE	APRIL 2024
COMMENT	PLANS & ELEVATIONS OF EXISTING BUILDING		



TREES/HEDGEROW

TREES/HEDGEROW

+58.2m

+58.5m

PERCOLATION AREA

TREES/HEDGEROW

SHEDS

+58.5m

TREATMENT PLANT

+58.7m

SITE AREA 0.54ha

EXISTING SCHOOL BUILDING

+59.0m

+60.3m

+60.0m

POSITION OF ENTRANCE

GREATER THAN 250M SIGHT LINE

50M



tfm Ltd (Sustainable Building Design)
Derryvally, Ballyboy

Ph	00353 429748621	Ph	00353 868359922
PROJECT NO	24/04	DRAWING NO	SITE LAYOUT
DESCRIPTION	HOLLY LENNON & DARREN MOONEY		
SCALE	1:500	DATE	APRIL 2024
COMMENT	SITE LAYOUT PLAN		

OLD SCHOOLHOUSE, CLONFREE, STROKESTOWN, CO. ROSCOMMON

785147



ORDER NO.:
50394735_1

MAP SHEETS:
 RN022
 RN023
 RN028
 RN029

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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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CENTRE
COORDINATES:
ITM 568983,779849

PUBLISHED:
16/04/2024

ORDER NO.:
50394735_1

MAP SERIES:
1:1:2,500
1:2,500

MAP SHEETS:
2163-C
2225-A

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