

ROSCOMMON COUNTY COUNCIL

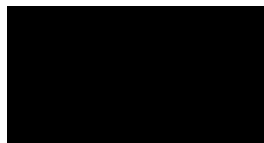
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James Cox,



Reference Number: DED 716
Application Received: 31st May 2024
Name of Applicants: James Cox
Agent: N/A

WHEREAS a question has arisen as to whether the conversion of an Old Post Office (disused) back to an existing residential dwelling at Main Street, Rooksey, 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 Act, 2000, as amended.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined as part of the development proposal for DED716, constitute development.
- (b) The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended), which provides that:
"development consisting of the carrying out of works for the maintenance, improvement or other alterations of any structure, being works which affect only the interior of the structure of 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"
- (c) Subject to the relevant conditions and limitations, Article 10 applies, which outlines that
"development which consists of a change of use within any one of the classes [Class 2(c)] of use specified in Part 4, Schedule 2, shall be exempted development for the purpose of the Act"
- (d) Under the provision of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to consist of or comprise the extension, alteration, repairs or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- (e) 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 convert an Old Post Office (disused) back to an existing residential dwelling at Main Street, Rooksey, 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: 23rd July 2024

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

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

Reference Number:	DED 716
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	James Cox
Location of Development:	Main Street, Roosky, Co. Roscommon, N41 Y990
Site Visit:	21/06/2024

WHEREAS a question has arisen as to whether the following works; "permission to convert old Post Office (disused) back to existing residential dwelling under the Planning & Development Act (Exempted Development) Regulations 2018" 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; Description of Development; Description of Proposed Development

Site Location:

The subject site is situated to the north east extent of the county, with the property being located on Roosky Main Street, to the north extent of the R371. This regional road runs through the centre of Roosky town.

Description of Development:

There is stepped access to the front of the property and wheelchair access to the side. The front of the site is unrestricted by any boundary wall, which facilitates provision for off-street vehicular parking. The side and rear of the property were inaccessible owing to locked security fencing.

Description of Proposed Development:

A detailed specification of proposed works includes the following:

"The post office is being stripped back to its original four walls and from there it will be renovated and put back into ancillary use with the existing Dwelling House. The works involved are as follows:

1. Strip out internal walls as constructed for Post Office
2. Remove/Block up external door to Post Office
3. Created (sic) new opening between existing dwelling and post office room
4. Stud work internally and plaster board and skim
5. Re-wire
6. Re-plumb
7. Second fix and paint and decorate internally/externally

GIS Review

European Sites:

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

- **Appropriate Assessment**

The closest designated sites include; "Clooneen Bog" Special Area of Conservation (SAC) (Site Code: 002348) which is located circa 2.6km south of the subject site, and "Lough Forbes" SAC (Site Code: 001818) and Ballykenny-Fishertown Bog SPA (Site Code: 004101), both of which are located circa 5km south of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, 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.

Architectural / Archaeological Heritage:

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

- **Assessment of Architectural & Archaeological Heritage**

As per a review of Roscommon County Council's Geographic Information Systems, as regard to heritage related sites/structures in proximity to the property, the 'Roosky (Ball. N. BY), original use as a water pump, (dated 1820-1860) is situated across the road from the property. Categories of special interest include 'Artistic, Social & Technical' as per the National Built Heritage Service (Re. No. 31812007).

Planning History

As per Roscommon County Council's Planning Registry, the planning history pertaining to the subject site comprises the following:

- **PD/12/243 – Part Change of Use: Granted**

- Change of Use of part of a residential house to post office and proposed extension to rear of building.

- **PD/01/1615 – Permission for Development: Granted**

- Erect extension to rear of existing premises, incorporating new restaurant and kitchen (etc.).

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 1 and/or 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 1 and/or 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.

Article 10 (1)

Development which consists of a change of use within any one of the classes of use specified in Part 4 (Exempted Development – Classes of Use) 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.*

Planning Assessment

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 (...)”. Within the meaning of the Act, the proposed development is considered to constitute the carrying out of “works”.

Under section 3(1) of the 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”. Within the meaning of the Act, the proposed works are considered to constitute “development”.

The proposal includes for the “*permission to convert old Post Office (disused) back to existing residential dwelling under the Planning & Development Act (Exempted Development) Regulations 2018*” at the site located in “*Main Street, Roosky, Co. Roscommon, N41 Y990*”. The application includes a “*Detailed Specification of Works*”. The applicant outlines that the ground-floor of the building underwent a part changes of use, from “*an existing dwelling house to a Post Office*” in 2012. A review of the sites planning history confirms same to be correct. The applicant states that the Post Office has since relocated and that the unit has been vacant for three years; a notice on the window of the unit from ‘An Post’ confirms that the Post Office has indeed relocated, and that the unit is now vacant.

As regard to the proposed “*Change of Use*”, the Planning and Development (Amendment) (No.2) Regulations 2018 - S.I. No. 30 of 2018 - provides for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises. Of particular relevance in this regard is Class 2(c) of Part 4, Schedule 2, which, under “*Exempted Development – Classes of Use*”, relates to use for the provision of “*any other services (...) where the services are provided principally to visiting members of the public*”. The Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) extends the provision of these exemptions up to the 31st of December 2025. As such, the proposed change of use, under the regulations, qualifies as exempted development, provided that the development, if carried out, would not contravene the provisions of Article 10(1)(a – d).

On foot of a request for Further Information by the Planning Authority, the applicant submitted detailed plans (existing and proposed) for the property. The materials therein, in tandem with the particulars already submitted, were reviewed, and on assessment, it is considered that the proposed works satisfy the provisions of section 4(1)(h) of the Act and that Articles 6(1) and 10(1) of the *Planning and Development Regulations* (as amended) apply.

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. As such, it is not necessary for the Planning Authority, or otherwise, to undertake an Environmental Impact Statement (EIA) or Appropriate Assessment (AA). It should be noted that any development for which an EIA or AA is required, shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of an 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; comprising of the “*permission to convert old Post Office (disused) back to existing residential dwelling*” under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located in “*Main Street, Roosky, Co. Roscommon, N41 Y990*” 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 as part of the development proposal for DED 716, constitute development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended), which provides that:
“*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*”.

- Subject to the relevant conditions and limitations, Article 10 applies, which outlines that *“development which consists of a change of use within any one of the classes [Class 2(c)] of use specified in Part 4, Schedule 2, shall be exempted development for the purposes of the Act”*
- Under the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to 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.
- 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 comprising of the *“permission to convert old Post Office (disused) back to existing residential dwelling”* under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located in *“Main Street, Roosky, Co. Roscommon, N41 Y990”* constitutes exempted development and that a declaration to that effect should be issued to the applicant.

Signed: 
 Blaithín Kinsella
 Assistant Planner
 Date: 17th of July 2024

Signed: 
 Alan O'Connell
 Senior Executive Planner
 Date: 17th of July 2024

Appendix – Site Photos



Front Elevation of Property



Confirmation of vacancy



Side Elevation of Property



Restricted Access

ENDS.

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

Re: DED 716 for property at Main Street, Rooskey, Co. Roscommon.

Attn: Alan O'Connell

Further to the your letter dated the 27th of June 2024, please find attached a copy of floor plans and elevations relating to the existing structure and the proposed structure.

With regard to Item 2, it is emphasized that the proposed works are to re-incorporate the existing post office back into the existing dwelling (see attached floor plans). We are not proposing to carry out a change of use of the existing post office to a separate apartment, therefore I am of the opinion that the guideline for 'Sustainable Urban Housing: Design Standards for New Apartments' does not apply in this case. The exempt development application only relates to the existing post office area that is to be incorporated back into the existing house.

Trusting this is in order.

Kind Regards

James Cox

05/07/2024



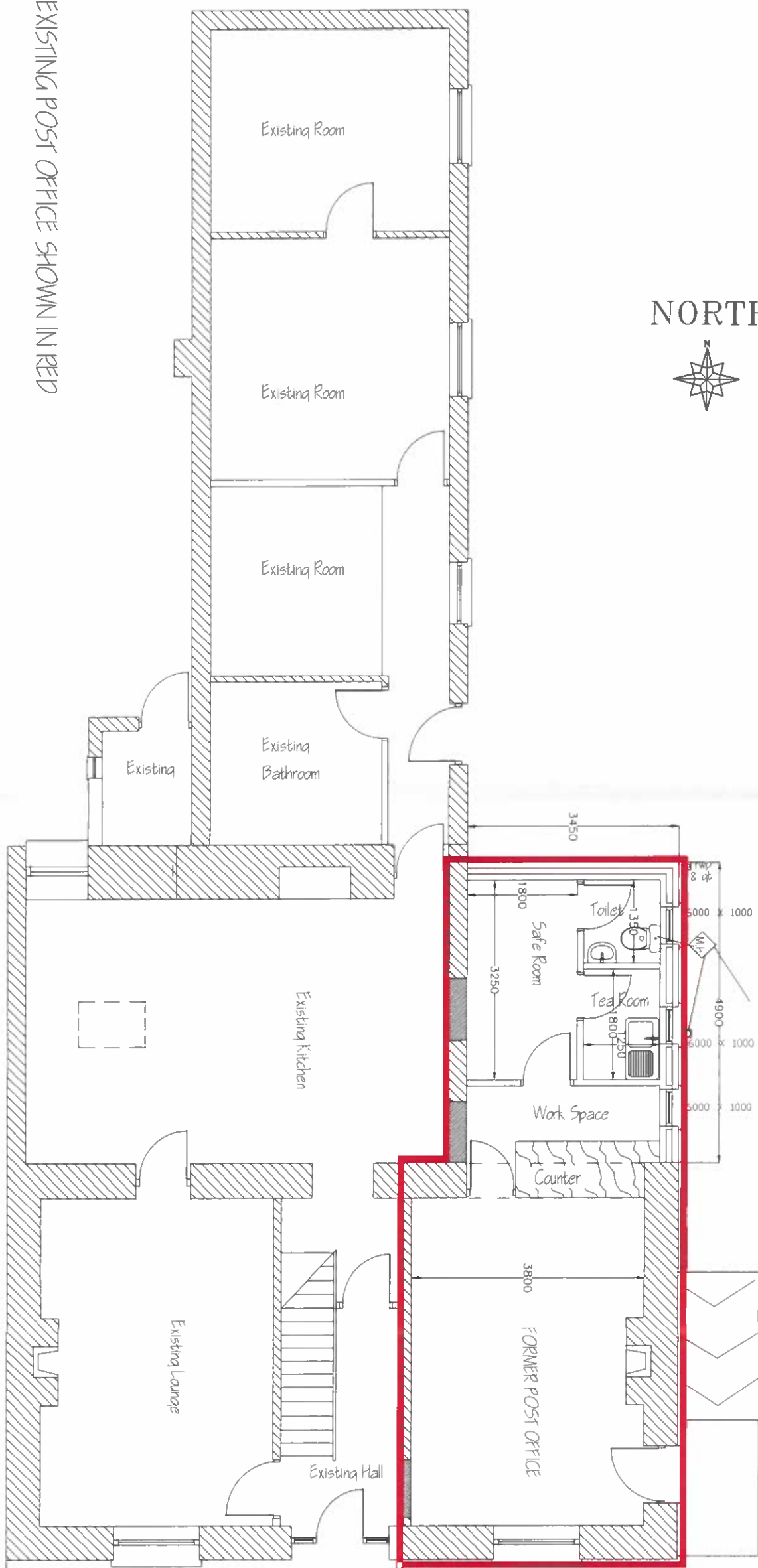
PLEASE CHECK ON-SITE ALL
DIMENSIONS & INFORMATION PRIOR
TO COMMENCEMENT OF DEMOLITION,
CONSTRUCTION OR FIT-OUT WORKS.
DO NOT SCALE FROM DRAWING.
THIS DRAWING IS TO BE READ IN
CONJUNCTION WITH THE TOTAL
PROJECT DOCUMENTATION.

NORTH



EXISTING POST OFFICE SHOWN IN RED

GROUND FLOOR PLAN
Plan Scale 1/75



EXISTING POST OFFICE SHOWN IN RED

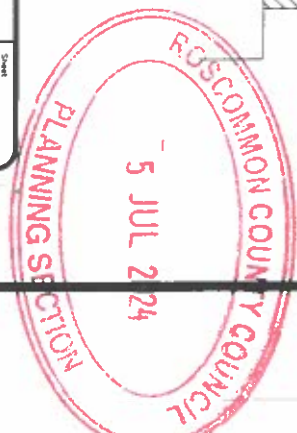
Client

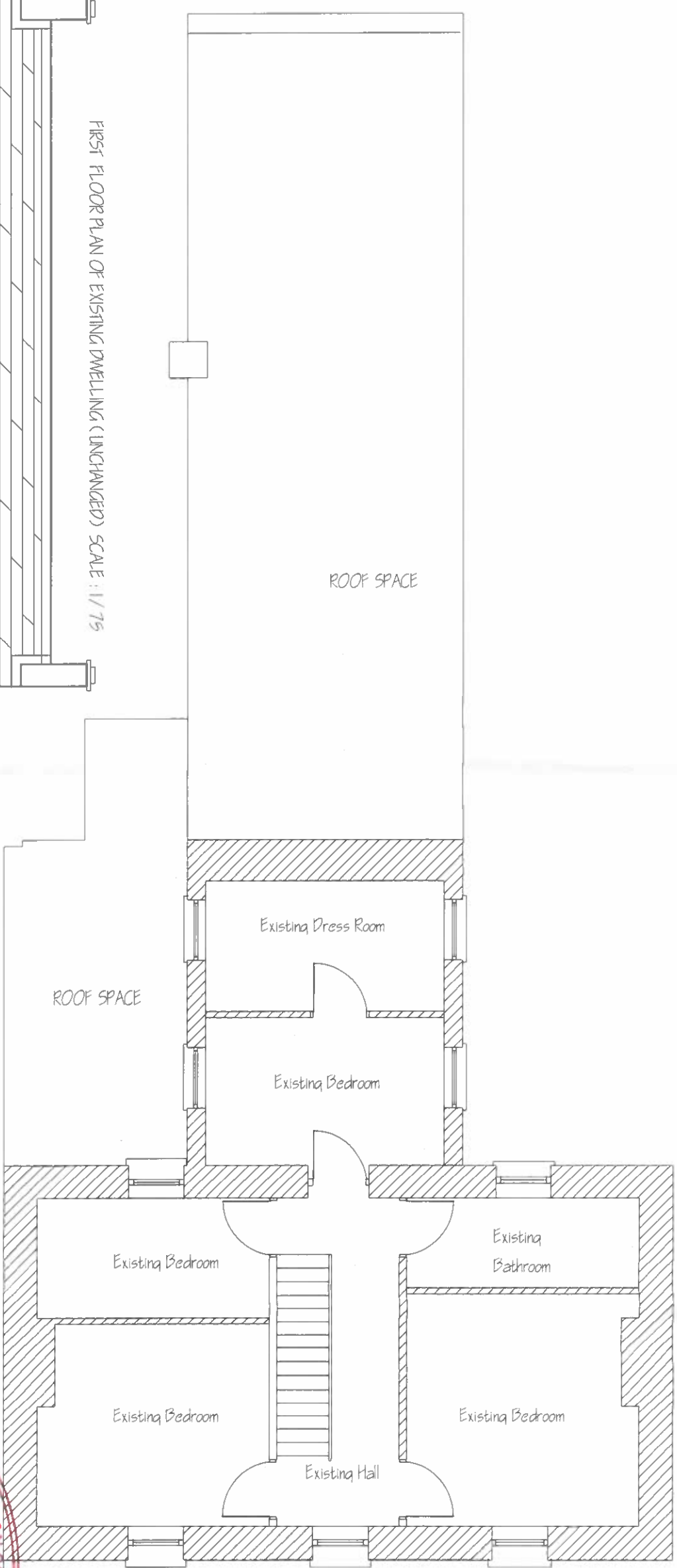
James Cox
Roosky
Co. Roscommon

PROJECT NAME AND ADDRESS
DWELLING AT MAIN STREET
Roosky Co. Roscommon
FOR
James Cox

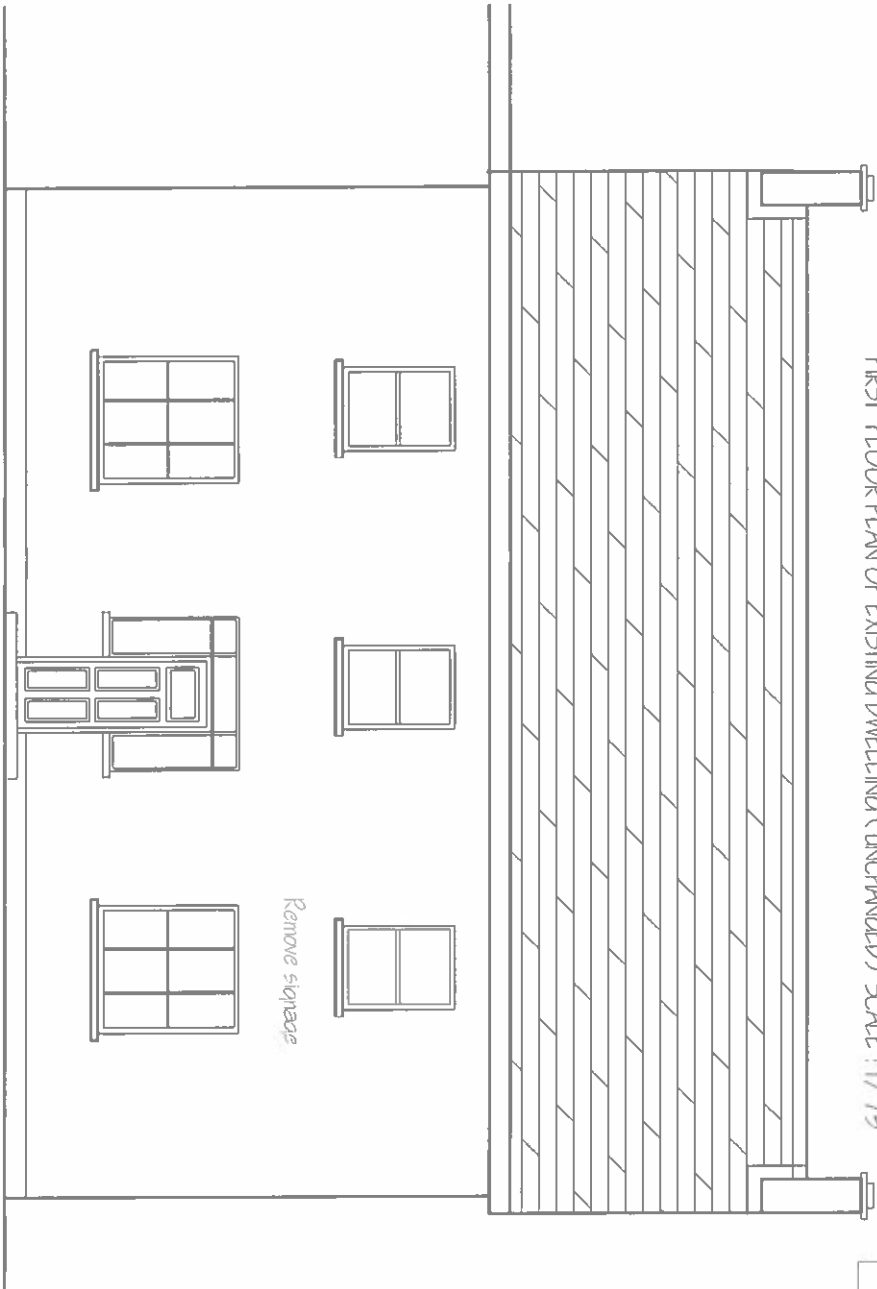
Project
A-11-PDF

Sheet	04 of 07
Issued	June 2024
Scale	1/75

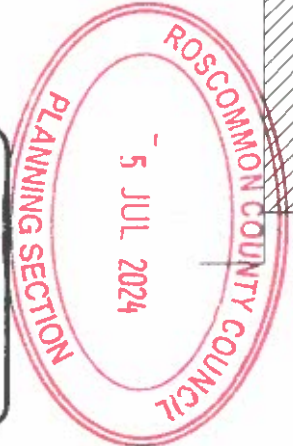




FIRST FLOOR PLAN OF EXISTING DWELLING (UNCHANGED) SCALE: 1/75



Proposed Front Elevation



Client
James Cox
Roosky
Co. Roscommon

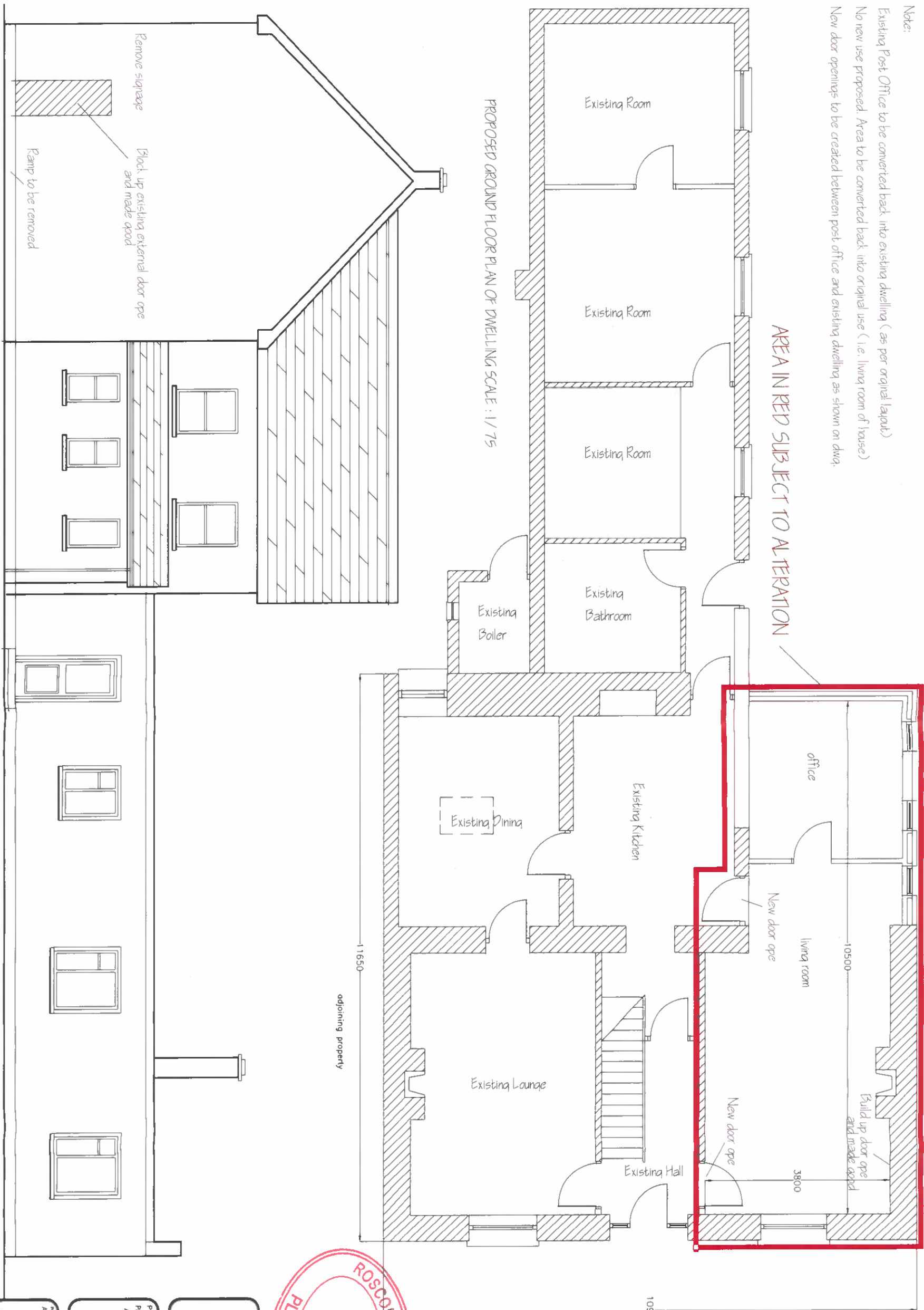
PROJECT NAME AND ADDRESS
EXISTING PLAN AND ELEVATION OF DWELLING
AT Roosky Co. Roscommon
FOR
James Cox

Project A-1PDCF	Sheet 02 of 07
	Date June 2024

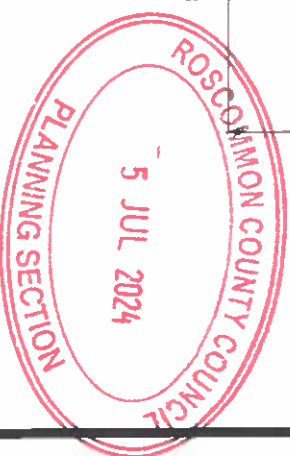
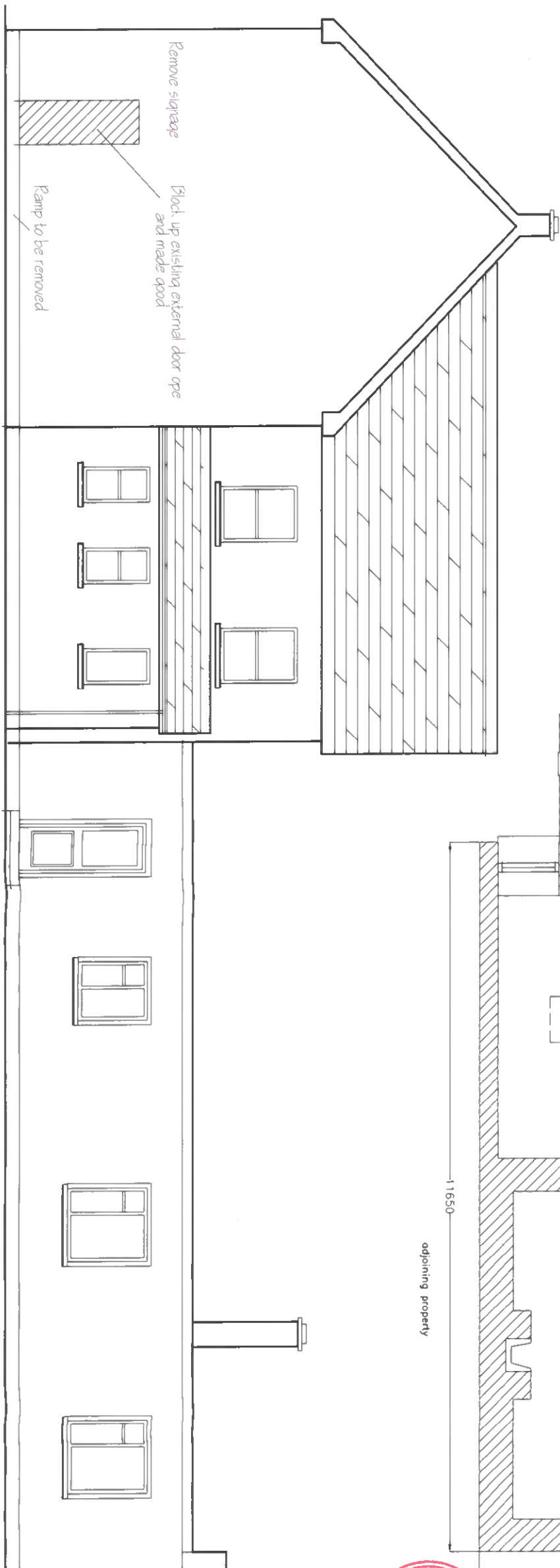
Note:
 Existing Post Office to be converted back into existing dwelling (as per original layout)
 No new use proposed. Area to be converted back into original use (i.e. living room of house)
 New door openings to be created between post office and existing dwelling as shown on dwg.

AREA IN RED SUBJECT TO ALTERATION

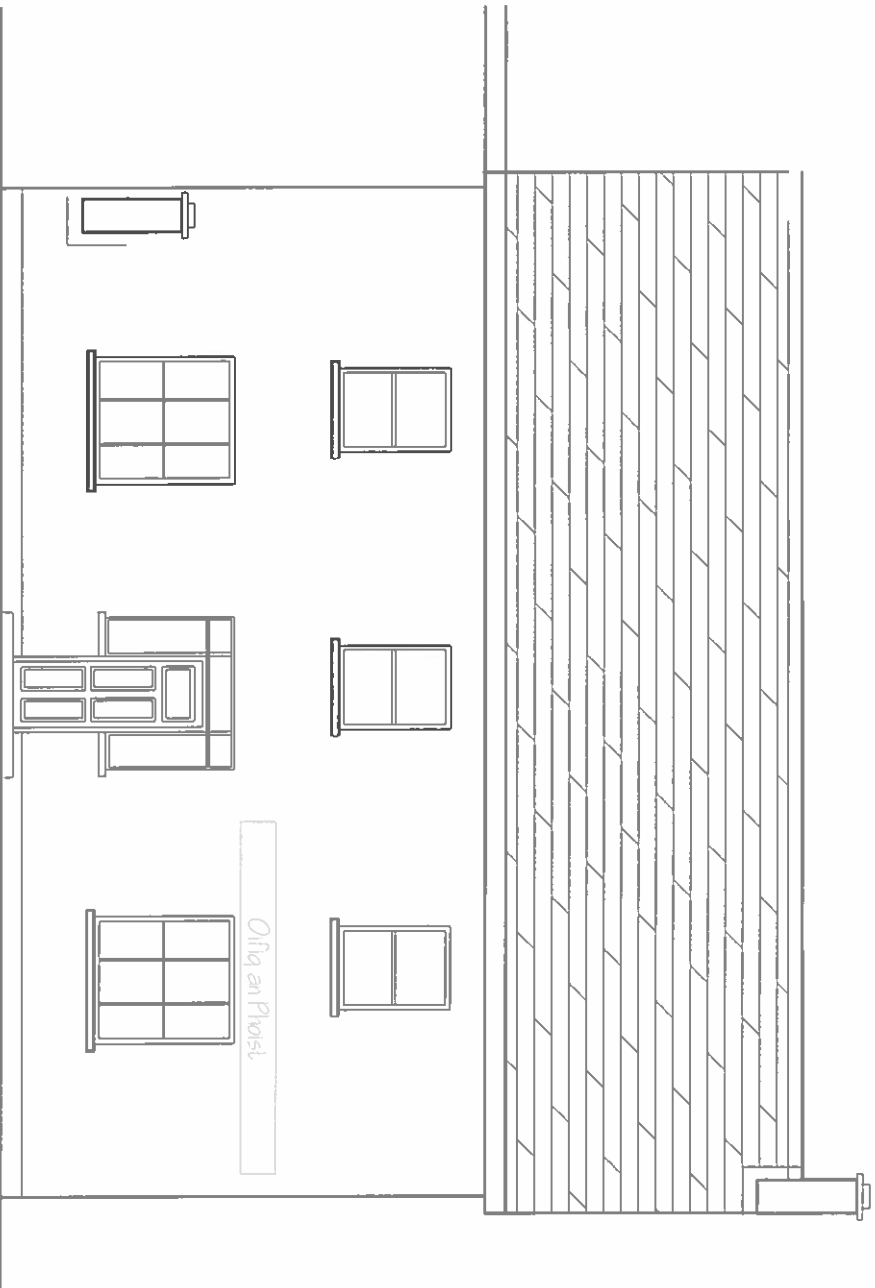
PROPOSED GROUND FLOOR PLAN OF DWELLING SCALE: 1/75



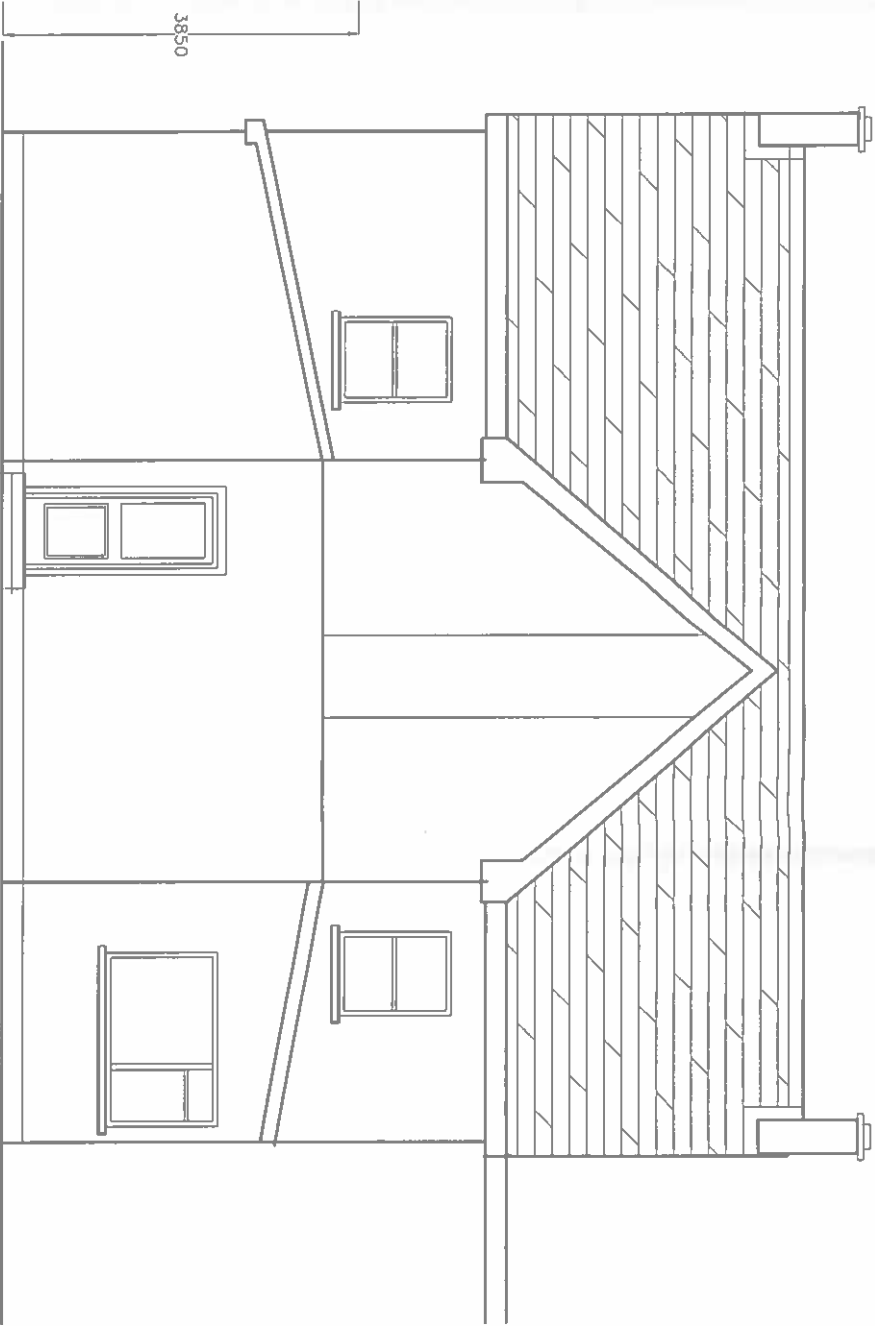
PROPOSED SIDE ELEVATION OF DWELLING SCALE: 1/75



Client	
James Cox Rosky Co. Roscommon	
PROJECT NAME AND ADDRESS PROPOSED PLAN AND ELEVATION OF DWELLING AT Rosky Co. Roscommon	
FOR James Cox	
Project A-11P&F	Sheet 01 of 07
Date June 2012	Scale 1/75



Existing Front Elevation



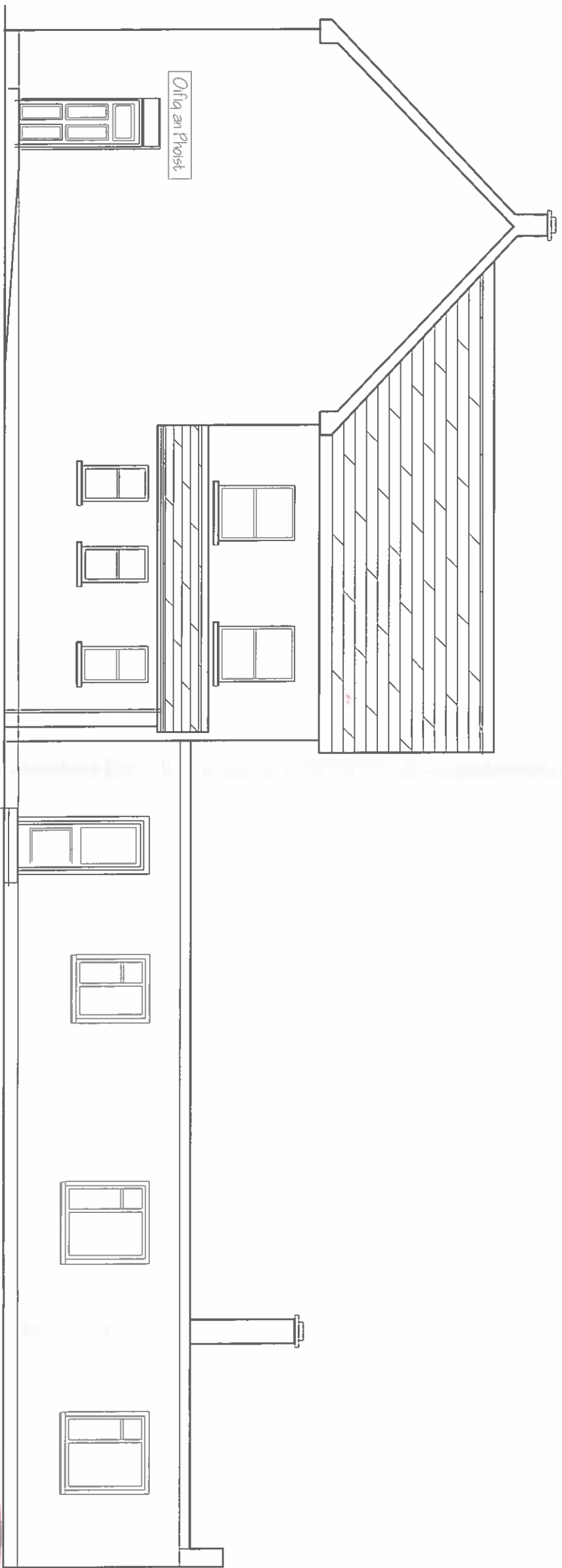
Existing Rear Elevation

Client
James Cox
Roosky
Co. Roscommon

PROJECT NAME AND ADDRESS
ELEVATIONS OF EXISTING DEVELOPMENT
AT Roosky Co. Roscommon
FOR
James Cox

Project
A-1FPGF

Sheet
05 of 07
Date
June ' 2024
Scale
1/75



Existing Side Elevation



Prepared P Byrne, Cloonlower, Lanesboro, Co. Longford

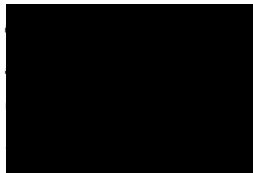
Client	
James Cox Rosky Co. Roscommon	
PROJECT NAME AND ADDRESS	
ELEVATIONS OF PROPOSED OFFICE AT Rosky Co. Roscommon FOR James Cox	
Sheet A-11 PDF	Sheet 06 of 07 Date June 2024 Scale 1/75



Comhairle Contae
Ros Comáin
Roscommon
County Council



James Cox,



Date: 27th June 2024
Ref: DED 716

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 an old Post Office (disused) back to an existing residential dwelling at Main Street, Rooskey, Co. Roscommon. is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 31st May 2024 and in order for the Planning Authority to determine as to whether the conversion of an old Post Office (disused) back to an existing residential dwelling at Main Street, Rooskey, Co. Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Following a review of the plans and particulars issued on foot of your application for a declaration under section 5 of the Planning & Development Act 2000 (as amended), regarding exempted development, you are requested to submit the following information:
 - a. Floor Plans & Elevations of the Existing Structure
 - b. Floor Plans and Elevations of the Proposed Structure
2. The Planning Authority should be satisfied that due regard to Article 10(6)(d)(vi) of the Planning & Development Regulations, 2001, has been demonstrated. As such, your plans and particulars should reflect the following:
 - a. That dwelling floor areas and storage spaces 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".

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 716**.

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

Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning.

Aras an Chontae, Roscommon, F42 VR9B

T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie

W roscommon.ie RoscommonCountyCouncil @roscommoncoco



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

Reference Number:	DED 716
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	James Cox
Location of Development:	Main Street, Roosky, Co. Roscommon, N41 Y990
Site Visit:	21/06/2024

WHEREAS a question has arisen as to whether the following works; "permission to convert old Post Office (disused) back to existing residential dwelling under the Planning & Development Act (Exempted Development) Regulations 2018" 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

Site Location:

The subject site is located at "*Main Street, Roosky, Co. Roscommon, N41 Y990*". The property, for which a section 5 referral has been made, is situated to the north extent of the R371; this regional road runs through the centre of Roosky town.

Description of Development:

There is stepped access to the front of the property and wheelchair access to the side. The front of the site is unrestricted by any boundary wall, which facilitates provision for off-street vehicular parking. The side and rear of the property were inaccessible owing to locked security fencing.

Description of Proposed Development:

A detailed specification of proposed works includes the following:

"The post office is being stripped back to its original four walls and from there it will be renovated and put back into ancillary use with the existing Dwelling House. The works involved are as follows:

1. Strip out internal walls as constructed for Post Office
2. Remove/Block up external door to Post Office
3. Created (sic) new opening between existing dwelling and post office room
4. Stud work internally and plaster board and skim
5. Re-wire
6. Re-plumb
7. Second fix and paint and decorate internally/externally

GIS Review

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

As per a review of Roscommon County Council's Geographic Information Systems, as regard to heritage related sites/structures in proximity to the property, the 'Roosky (Ball. N. BY), original use as a water pump, (dated 1820-1860) is situated across the road from the property. Categories of special interest include 'Artistic, Social & Technical' as per the National Built Heritage Service (Re. No. 31812007).

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 proposed development.

Appropriate Assessment

The closest designated sites include; "Clooneen Bog" Special Area of Conservation (SAC) (Site Code: 002348) which is located circa 2.6km south of the subject site, and "Lough Forbes" SAC (Site Code: 001818) and Ballykenny-Fishertown Bog SPA (Site Code: 004101), both of which are located circa 5km south of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, 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 planning history pertaining to the subject site comprises the following:

- **PD/12/243 – Part Change of Use: Granted**
 - Change of Use of part of a residential house to post office and proposed extension to rear of building.
- **PD/01/1615 – Permission for Development: Granted**
 - Erect extension to rear of existing premises, incorporating new restaurant and kitchen (etc.).

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.

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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.

Article 10 (1)

Development which consists of a change of use within any one of the classes of use specified in Part 4 (Exempted Development – Classes of Use) 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.*

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 includes for the “*permission to convert old Post Office (disused) back to existing residential dwelling under the Planning & Development Act (Exempted Development) Regulations 2018*” at the site located in “*Main Street, Roosky, Co. Roscommon, N41 Y990*”. The application included a “*Detailed Specification of Works*”, outlined in detail under heading “*Site Location & Development Description*”.

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. On review of the case-specific particulars, under the provision of Section 4(1)(h) the proposed works are deemed to constitute exempted development.

As regard to the proposed “Change of Use” and permission sought “to convert old Post Office (disused) back to existing residential dwelling”, the Planning and Development (Amendment) (No.2) Regulations 2018 - S.I. No. 30 of 2018 - provides for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, including vacant areas above ground floor premises, to residential use.

Of particular relevance in this regard is Class 2(c) which relates to use for the provision of “any other services (...) where the services are provided principally to visiting members of the public”. The Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) extends the provision of these exemptions up to the 31st of December 2025. As such, I am satisfied that the proposed change of use, and the works entailed, under the regulations, qualifies as exempted development provided that the development, if carried out, would not contravene the provisions of Article 10(1)(a – d).

The application outlines that the ground-floor of the building underwent a part changes of use, from “an existing dwelling house to a Post Office” in 2012; a review of the sites planning history confirms same. The applicant states that the Post Office has since relocated and that the unit has been vacant for three years; a notice on the window of the unit from ‘An Post’ confirms that the Post Office has indeed relocated, and that the unit is now vacant. The applicant outlines that the ‘Nature of the Proposed Works’ is to “Convert old Post Office (Disused) back to existing residential use”. The applicant does not provide existing elevations or floor plans (save for a rudimentary floor plan as part of the ‘Site Layout Plan’) of the dwelling, nor do they provide proposed elevations or floorplans for the building. This is problematic as the nature and scope of ‘residential use’ - as regard to occupancy - cannot be determined. Further, the applicant states that, for the “Proposed Use of the Land or Structure” that the building is to be an “Occupied Dwelling”; the applicant does not state whether it is for multi-person occupancy, or otherwise.

For clarity, it is advised that the applicant furnish the planning authority with further information, namely the appropriate plans and particulars, to include: existing and proposed floor plans and elevations for the building to which this section 5 referral relates. It is further advised that the applicant have regard to Article 10(6)(d)(vi) of the Planning & Development Regulations, 2001, in that the plans and particulars should demonstrate that the:

“Dwelling floor areas and storage spaces (...) 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”.

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

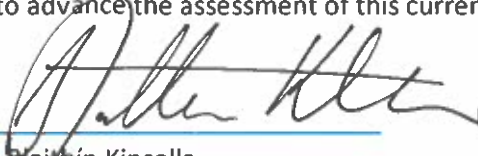
Further Information

Further to your application received by the Planning Authority on the 31st of May, you are requested to submit the following further information. On receipt of your information, your application will receive further attention.

1. Following a review of the plans and particulars issued on foot of your application for a declaration under section 5 of the Planning & Development Act 2000 (as amended), regarding exempted development, you are requested to submit the following information:
 - a. Floor Plans & Elevations of the Existing Structure
 - b. Floor Plans and Elevations of the Proposed Structure
2. The Planning Authority should be satisfied that due regard to Article 10(6)(d)(vi) of the Planning & Development Regulations, 2001, has been demonstrated. As such, your plans and particulars should reflect the following:
 - a. That dwelling floor areas and storage spaces (...) 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".

These enumerated matters will need to be satisfactorily addressed prior to the Planning Authority being in a position to advance the assessment of this current application.

Signed:



Date: 24th June 2024

Bláithín Kinsella

Assistant Planner

Signed:



Date: 24th June 2024

Alan O'Connell

Senior Executive Planner

Appendix – Site Photos



2. Front Elevation of Property



1. Confirmation of vacancy



4. Side Elevation of Property



3. Restricted Access

ENDS.



Comhairle Contae
Ros Comáin
Roscommon
County Council



James Cox,



Date: 4th June 2024
Planning Reference: DED 716

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to convert old Post Office (disused) back to existing residential dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Rooskey, Co. Roscommon., N41 Y990.

A Chara,

I wish to acknowledge receipt of your application which was received on the 31st May 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. L01/0/228867 dated 31st May 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.

Note: Please note your Planning Reference No. is **DED 716**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Brian Farragher,
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

31/05/2024 14:17:27

Receipt No : L01/0/228867

JAMES COX

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED716	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
3304

Change : 0.00

Issued By : Louis Carroll
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 (as amended), regarding Exempted Development

Name of Applicant(s)	James Cox
Name of Agent	
Nature of Proposed Works	Convert old Post Office (Disused) back to existing residential use.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Main Street, Roosky, Co. Roscommon N41 Y990
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>42m2</u> b) <u>42m2</u>
Height above ground level:	2.4m
Total area of private open space remaining after completion of this development	190m2
Roofing Material (Slates, Tiles, other) (Specify)	Traditional Roof Construction with Slates

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastered Block Wall
Is proposed works located at front/rear/side of existing house.	Front of Existing House
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	Unoccupied dwelling.
Proposed use of land or structure	Occupied Dwelling
Distance of proposed building line from edge of roadway	8m
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: _____

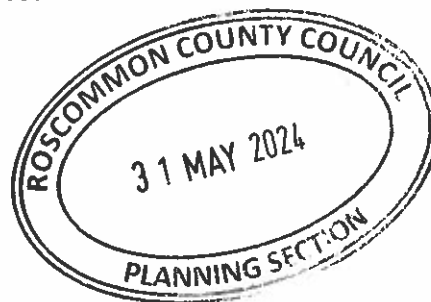
James Con

Date: _____

30/05/2024

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 Planning Authority,
Aras on Chontae,
Ardnanagh,
Co. Roscommon

Re: Exempted Development Application for premise on Main Street, Rooskey, Co. Roscommon.

An application for a declaration under Section 5 of the Planning and Development Act is made in relation to the above development. In 2012, the building underwent a part change of use on the ground floor of an existing dwelling house to a Post Office (Eircode N41 Y990). The Post Office in the village has relocated elsewhere(+ 3 years ago). The former Post Office is no longer in use and it is proposed to convert this area of the building back into the existing dwelling as it was originally was. Attached along with this submission is a photo of the front elevation of the building. Please also find attached a copy of the following documents in support of the application;

- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- Receipt of fee for €80.00

If you require any additional information, please do not hesitate to contact me.

James Cox





Rural PLACE Map



ITEM CENTRAL PT COORDS

004582/17000

DESCRIPTION

PLP 6460 16

12500
A4C

business, it's not a hard sell. You
just go to a friend to make it be
your responsibility. You have
one friend to help you.

1. **የጥራት ማረጋገጫ ስርዓት**
 2. **የጥራት ማረጋገጫ ስርዓት**
 3. **የጥራት ማረጋገጫ ስርዓት**
 4. **የጥራት ማረጋገጫ ስርዓት**

1. **အသုံးပြုမှု** - ဤစာချုပ်ကို အောက်ဖော်ပြပါ အချက်အလက်များအရ အသုံးပြုရန် ဖန်တီးထားပါသည်။
 2. **အကျဉ်းချုပ်** - ဤစာချုပ်ကို အောက်ဖော်ပြပါ အချက်အလက်များအရ အသုံးပြုရန် ဖန်တီးထားပါသည်။
 3. **အကျဉ်းချုပ်** - ဤစာချုပ်ကို အောက်ဖော်ပြပါ အချက်အလက်များအရ အသုံးပြုရန် ဖန်တီးထားပါသည်။

It is possible to say a little more about the
apparent lack of consistency in the
results of the studies. It is suggested that the
lack of consistency is not explained by the
lack of a

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

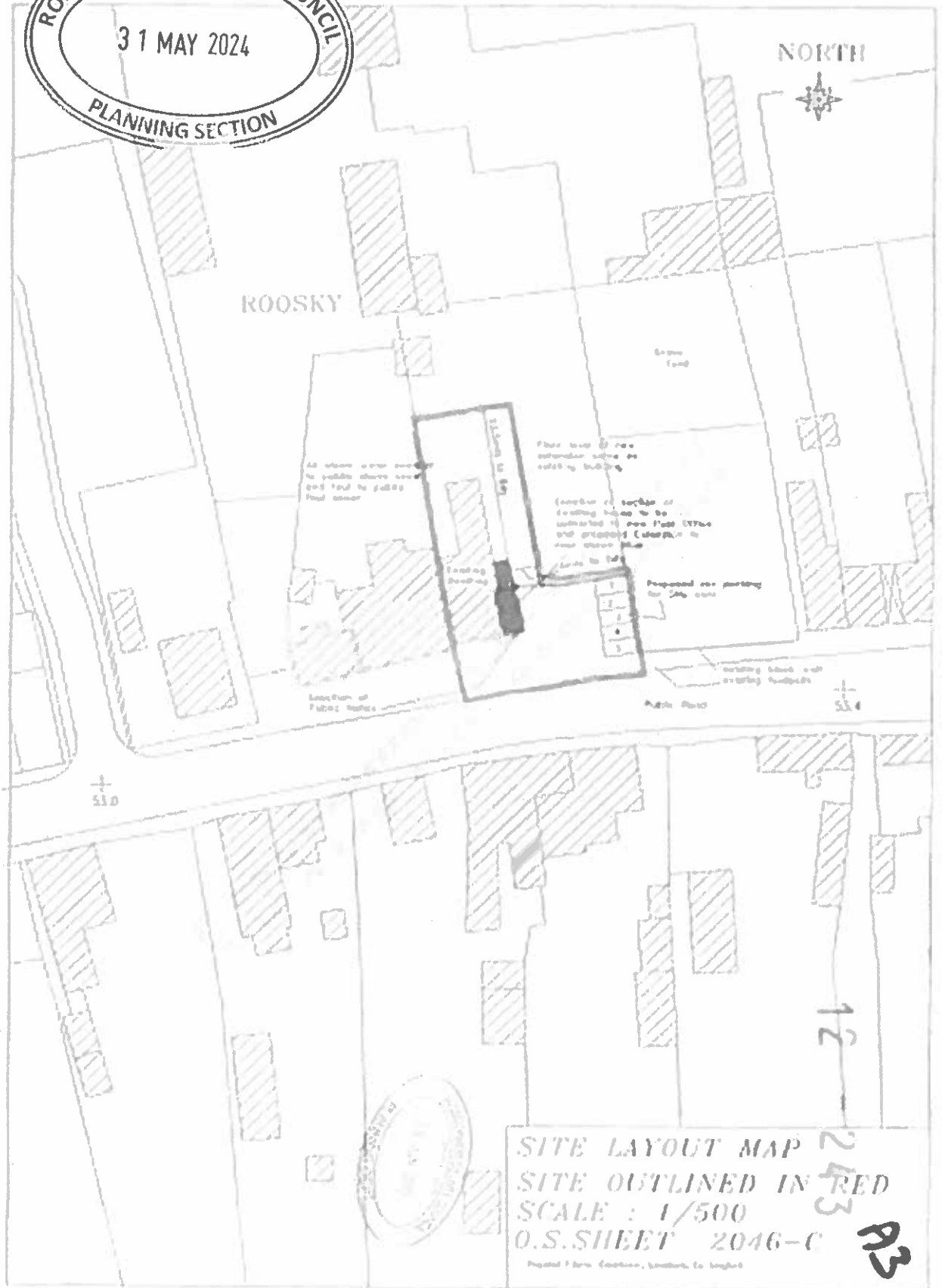
[illegible]

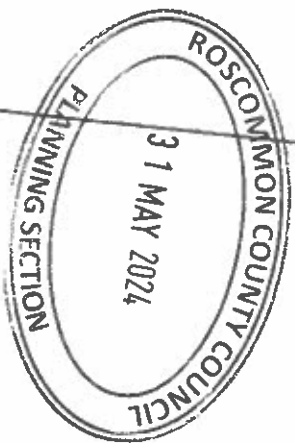
6 Exposed to Colorado (near N.Y.)
6 Captured by my father, 1972

SITE LOCATION MAP
SITE OUTLINED IN RED
O.S. Sheet Rascommon 2046-C
SCALE : 1/2500.

DATE: June' 2012.

Proprietor: Thyng, Charles Lewis (in England)





SITE OUTLINED IN RED
PROPERTY LEASED BY
APPLICANT OUTLINED IN BLUE
SITE AREA - 0.04HA

Internal concrete wall construction giving C in accordance with T1 minimum fire resistance with the requirements TGD B.

NORTH



POSITION OF NEAREST
FIRE HYDRANT

Public Road

SITE LAYOUT
SCALE 1/250

Carmel Curley

From: Carmel Curley
Sent: Tuesday 4 June 2024 10:20
To: [REDACTED]
Subject: Declaration of Exempted Development

Dear James,

I refer to your Declaration of Exempted Development submitted to our office on 31st May 2024. Please note that there was no detailed specification of development proposed included with your application, please submit same.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION

