

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Katherine Auker,



Reference Number: DED 723  
Application Received: 11<sup>th</sup> June 2024  
Name of Applicants: Katherine Auker  
Agent: Brendan Deeney

**WHEREAS** a question has arisen as to whether the status of an existing stable building & poultry house at Rusheen, Cloonelt, Castlerea, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Classes 6 and 7 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.
- (e) The planning history of the site.

**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works are development.
- (b) That both the stable building and poultry house with enclosed pen as described in this case are exempted developments.
- (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 clarify the status of an existing stable building & poultry house at Rusheen, Cloonelt, Castlerea, 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: 16<sup>th</sup> July 2024

cc agent via email: **Brendan Deeney**  
[badeeney@gmail.com](mailto:badeeney@gmail.com)

**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 Acts 2000 (as amended)**

**Reference Number:** DED 723

**Re:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for confirmation of planning status of an existing stable building and poultry house under the Planning & Development Act (Exempt Development) Regulations at Rusheen, Cloonelt, Castlerea, Co. Roscommon (F45 RV08).

**Applicants:** Katherine Auker

**Date:** 15<sup>th</sup> July 2024 (Inspection 11<sup>th</sup> July 2024)

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**WHEREAS a question has arisen** as the confirmation of planning status of an existing stable building and poultry house at Rusheen, Cloonelt, Castlerea, Co. Roscommon **is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Classes 6 and 7 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

**Site Location & Development Description**

The subject site is located in the townland of Rusheen, Cloonelt, Castlerea, Co. Roscommon. The site is accessed off the L-12432 Local Primary Road. The site consists of a domestic single story dwelling with a domestic garage to the rear. The site also has an agricultural shed to the side which is in use as a horse/donkey stables and a small poultry house to the rear with an outdoor run (enclosed). Both structures in question appear to be in agricultural use as stables and a poultry house.

**Archaeological and Cultural Heritage**

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

### **Appropriate Assessment**

The closest European sites to the site are Drumalough Bog PNHA/SAC (Site Code 001632/002338) which is located circa 0.7km to the north and 1.4km to the east and Carrowbeh/Caher Bog PNHA/SAC (Site Code 000597) which is located circa 1.1km to the west.

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

### **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history relating to the subject site.

- 05/1622 – To demolish existing old dwellinghouse and sheds and to erect a new dwelling house, garage, and septic tank system.

### **Assessment**

In accordance with the Planning and Development Act, 2000, as amended Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said proposed mature pit and all associated works constitutes development, as defined in Section 3 of the said Act.

#### **The existing stable building (97.27m2 stated):**

The existing stable building appears to come within the scope of Class 6 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

**Class 6 of Part 3 of Schedule 2: Exempted development - Rural**

Description of Development	Conditions and Limitations
<p><b>CLASS 6</b></p> <p><i>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</i></p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</li> <li>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</li> <li>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</li> <li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>

The existing stable building is used for the housing of horses and donkeys, it is stated as having an area of 97.27m<sup>2</sup> and therefore appears to be within the criteria for consideration as exempted development under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

With regard to the compliance with the conditions and limitations of Class 6 of Part 3 of Schedule 2 (Exempted Development - Rural) the following assessment sets out how these apply to the current proposal:

1. As per the submitted details the proposed use of the structure is agriculture.
2. The gross floor space of the structure together with any other such structures situated within 100 metres does not exceed 300 square metres gross floor space in aggregate.
3. Effluent spread on applicants land as required (stated)
4. Existing structure is stated to be more than 10 metres of the public road.

5. Existing structure is stated to be less than 8 metres in height.
6. Letter of consent submitted with the application form the neighbouring house with no objections.
7. Existing structure is painted.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the existing stable building as described in this case is considered to be exempted development.

**The poultry house and enclosed outdoor pen (33.5m<sup>2</sup> stated):**

The existing poultry house and enclosed outdoor pen appears to come within the scope of Class 7 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

**Class 7 of Part 3 of Schedule 2: Exempted development - Rural**

Description of Development	Conditions and Limitations
<p><b>CLASS 7</b></p> <p><i>Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</i></p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.</li> <li>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</li> <li>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</li> <li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> <li>8. Boundary fencing on any mink holding must be escape-proof for mink.</li> </ol>

The existing poultry house and enclosed outdoor pen is used for the housing of poultry, it is stated as having an area of 33.5m<sup>2</sup> and therefore appears to be within the criteria for consideration as exempted development under Class 7 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

With regard to the compliance with the conditions and limitations of Class 7 of Part 3 of Schedule 2 (Exempted Development - Rural) the following assessment sets out how these apply to the current proposal:

1. As per the submitted details the proposed use of the structure is agriculture.
2. The gross floor space of the structure together with any other such structures situated within 100 metres does not exceed 100 square metres gross floor space in aggregate.
3. Effluent spread on applicants land as required (stated)
4. Existing structure is stated to be more than 10 metres of the public road.
5. Existing structure is stated to be less than 8 metres in height.
6. Letter of consent submitted with the application form the neighbouring house with no objections.
7. Existing structure is painted.
8. Existing structure is not a mink holding.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 7 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the existing poultry house and enclosed outdoor pen as described in this case is considered to be exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement 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 a NIS is required.

## Recommendation

**WHEREAS a question has arisen as to whether as the confirmation of planning status of an existing stable building and poultry house at Rusheen, Cloonelt, Castlerea, Co. Roscommon is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Classes 6 and 7 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

### **AND WHEREAS I have concluded that**

- a) The works are development.
- b) That both the stable building and poultry house with enclosed pen as described in this case are exempted developments.
- 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.

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

  
**Signed:**  
Civil Technician

**Date:** 15<sup>th</sup> July 2024

  
**Signed:**  
Senior Executive Planner

**Date:** 15th July 2024







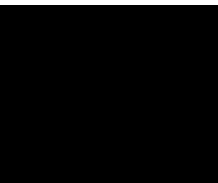




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Katherine Auker,



Date: 13<sup>th</sup> June 2024  
Planning Reference: DED 723

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Confirmation of planning status of existing stable buildings & poultry house under the Planning & Development Act (Exempt Development) Regulations 2018 at Rusheen, Cloonelt, Castlerea, Co. Roscommon, F45 RV08.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 11<sup>th</sup> June 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. L01/0/229028 dated 12<sup>th</sup> June 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 723**.  
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: Brendan Deeney  
[badeeney@gmail.com](mailto:badeeney@gmail.com)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

\*\*\*\*\*

12/06/2024 12:48:42

Receipt No : L01/0/229028

KATHERINE AUKER  
C/O BRENDAN DEENEY  
DEENEY ENGINEERING & PLANNING  
KILTOBANKS  
BALLAGHADERREEN  
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 723	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
504822

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



D&D  
723

Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

### Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	KATHERINE AUKEER
Name of Agent	BRENDAN DEENEY
Nature of Proposed Works	EXISTING STABLE BUILDING + POULTRY HOUSE.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	RUSHKEN, CLOONFEET CASTLEREA F45 RV08 OS SHEET 2155.
Floor Area: a) Existing Structure b) Proposed Structure	STABLE 97.27M <sup>2</sup> a) <del>POULTRY HOUSE</del> 33.5M b) _____
Height above ground level:	50MM
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	METAL SHEET.



# Roscommon County Council



## Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	STABLE : GREY METAL SHEET POULTRY HOUSE : RENDERED CONC
Is proposed works located at front/rear/side of existing house.	SIDE & REAR
Has an application been made previously for this site	HOUSE PD/05/1622
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	<del>BEEH</del> HORSES / DONKEYS & POULTRY
Proposed use of land or structure	HORSES / DONKEYS & POULTRY
Distance of proposed building line from edge of roadway	STABLES : 13M POULTRY HOUSE 32M
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

Signature: Brenda Deery (AGENT)

Date: 07 JUNE 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

# **DEENEY ENGINEERING & PLANNING SERVICES**

Kiltobanks Ballaghaderreen Co Roscommon

Tel/ Fax: 094 9860908 Mob: 086 2503109 email: badeeney@gmail.com

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June 07<sup>th</sup> 2024  
Roscommon County Council  
Planning Section  
Roscommon

**Re: Katherine Auker. Stable building and poultry house at Cloonelt, Castlerea.**

A Chara,

We enclose herewith an application, on behalf of Katherine Auker, for declaration under Section 5 of the Planning and Development Act 2000 regarding Exempted Development for a stable building and poultry house at Cloonelt, Castlerea.

Ms Auker purchased the property under the assumption that the structures are exempted development but now seeks confirmation from the Planning Authority that they are indeed exempt.

Please note that all manure generated from the development is spread on the applicant's land and no effluent storage is required.

Our application includes the following documents, maps and drawings:

1. Application form.
2. Site location map scale 1/2500.
3. Site Layout plan scale 1/500
4. Plans, elevations and section, scale 1/100
5. Photos of the existing buildings.
6. Copy Folio RN19779
7. Letter from neighbouring dwelling owner/occupier within 100m of the development confirming consent.
8. Application fee €80.00

Le meas,

  
Brendan Deeney B Tech.  
Deeney Engineering & Planning Services



# Planning Pack Map



**CENTRE  
COORDINATES:**  
ITM 559484, 782789

**PUBLISHED:** 05/06/2024  
**ORDER NO.:** 50404694\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 2155

**Prepared By:**  
**BRENDAN DEENEY B.TECH.**  
**KILTOBRANKS**  
**BALLAGHADDERREEN**  
**TEL: 094 9860908**  
**FAX: 094 9860621**

**COMPILED AND PUBLISHED BY:**  
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Dublin 8,  
Ireland.  
D08F6E4

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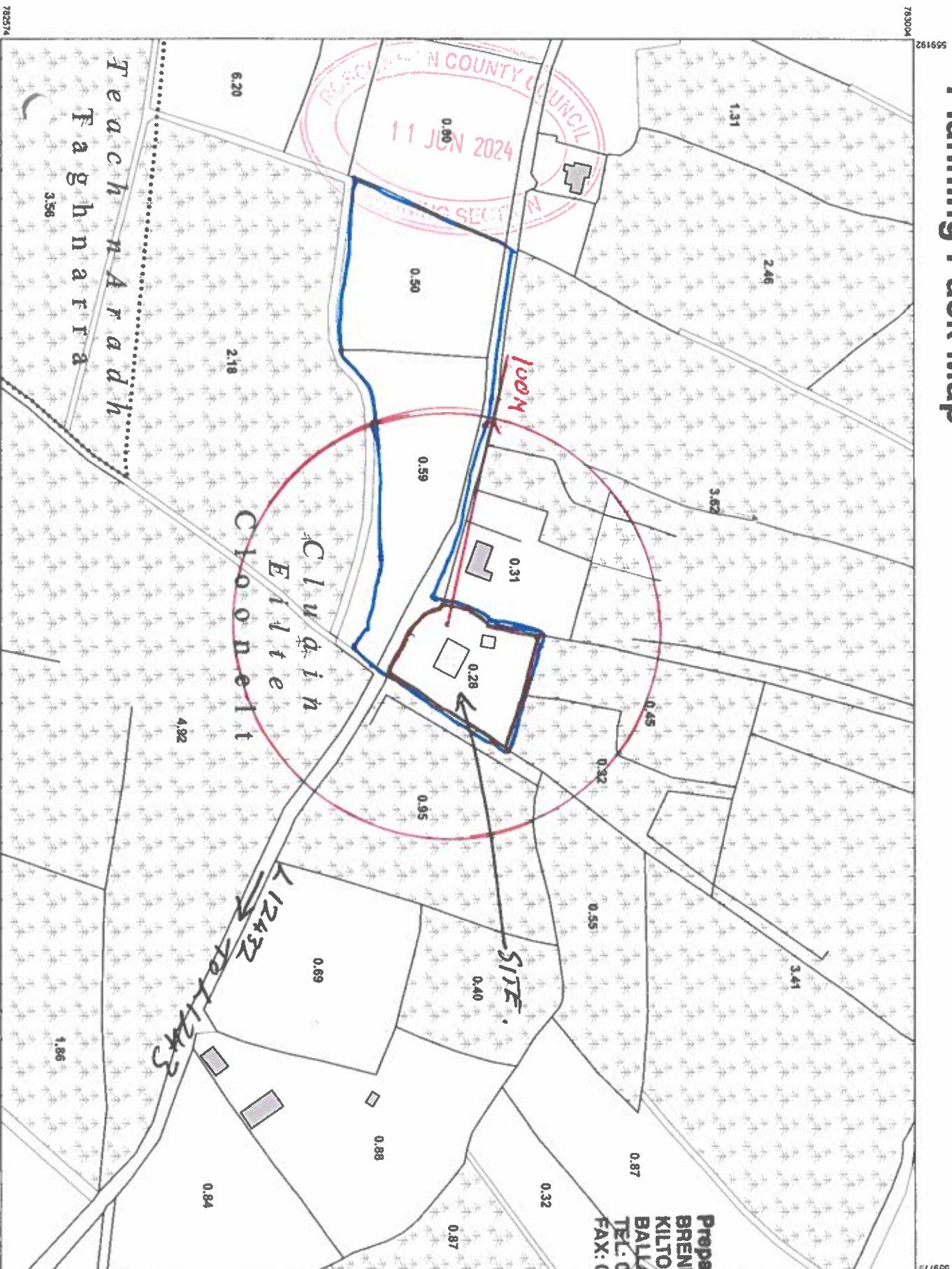
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does not show  
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Stables front elevation



Stables internal



Open pen at rear of poultry house.





To whom it may concern,

I [REDACTED] am the registered owner and occupier of the property comprised in [REDACTED]

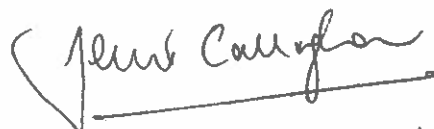
I confirm that I have no objection to the agricultural building/horse stables and poultry house contained within the neighbouring folio [REDACTED] at Cloonelt [REDACTED]

The property of Katherine Auker.

Signed [REDACTED]

Dated 23-5-2024

Declared before me by [REDACTED] @ The Square, Carrineo, Co. Roscommon this 23<sup>rd</sup> day of May 2024 and the declarant is personally known to me



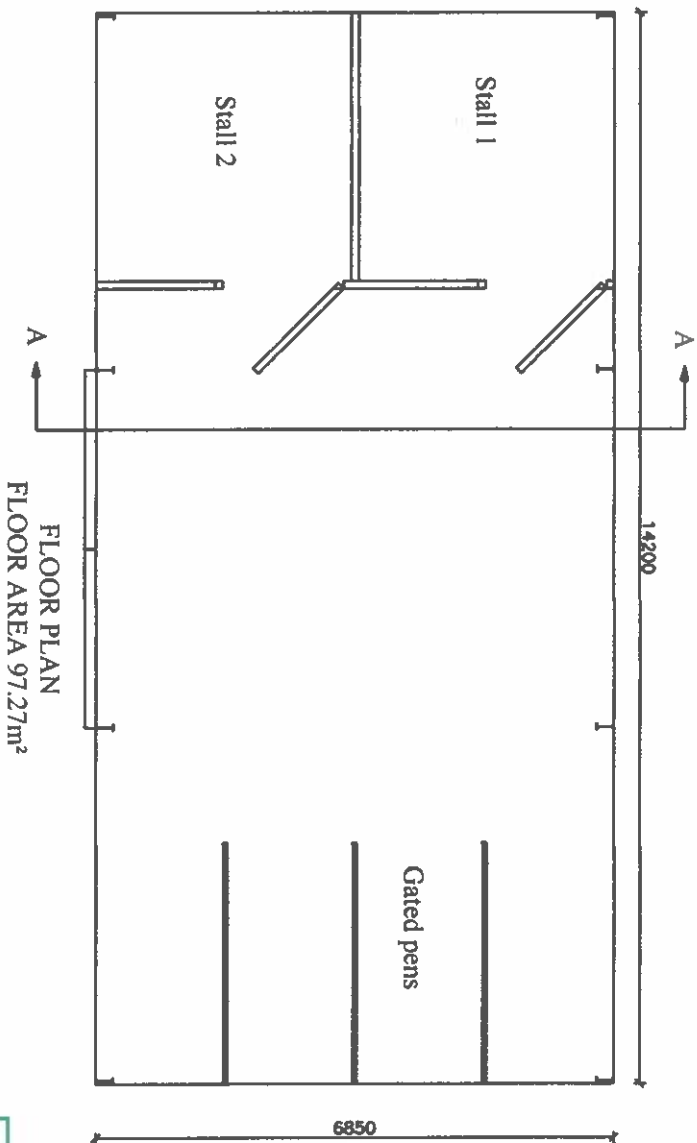
JOHN CALLAGHAN

Commissioner for OATHS

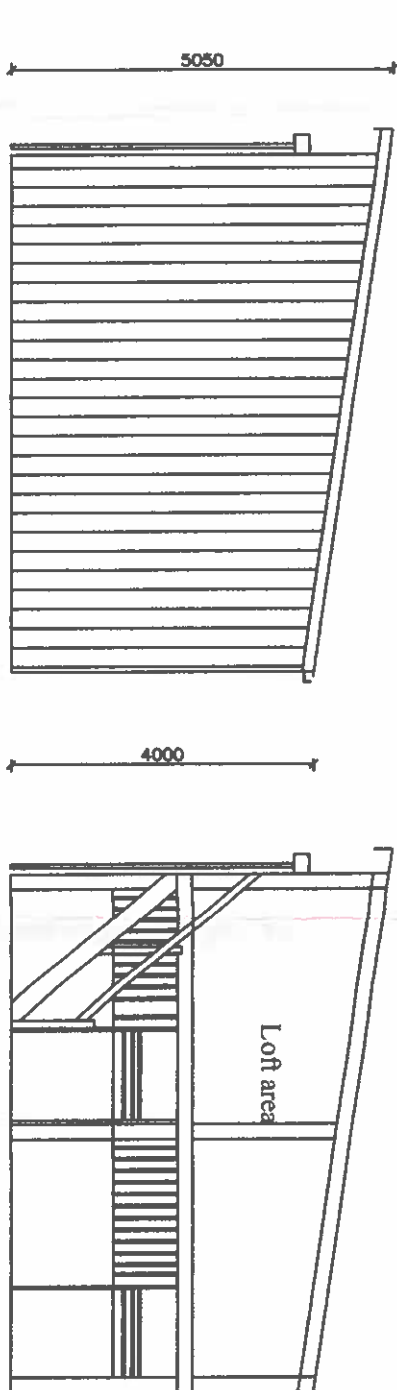
**CONFIDENTIAL  
INFORMATION  
REMOVED**





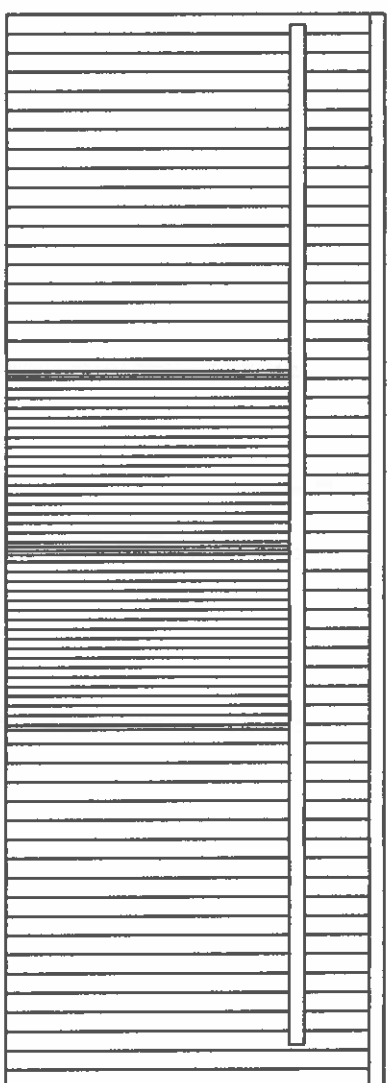


- Stable Building Notes:**
- ROOF AND SIDE SHEETING SINGLE SKIN CORRUGATED SHEETING
  - EFFLUENT SPREAD ON APPLICANT'S LAND (As required)
  - STEEL SLIDING DOORS TO FRONT OF BUILDING
  - FFL 50mm OVER EXISTING G/L
  - STRUCTURAL STEEL TO ENGINEER'S SPECIFICATION
  - NO SIGNAGE ON BUILDING OR YARD

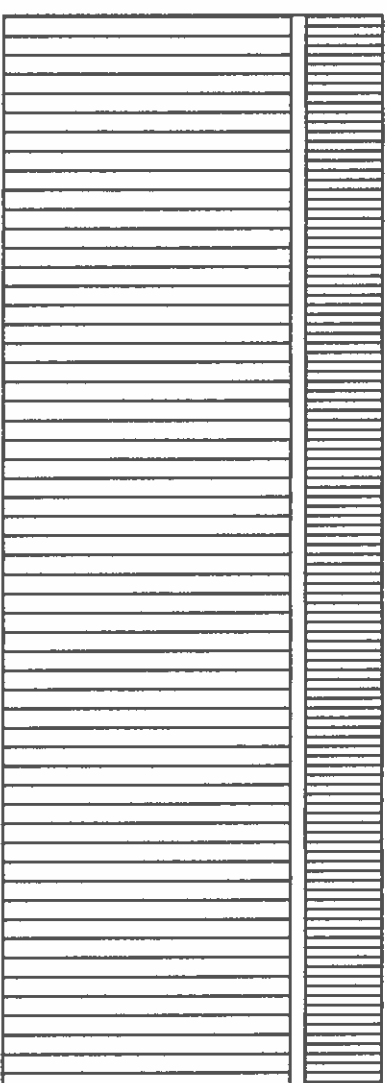


END ELEVATION

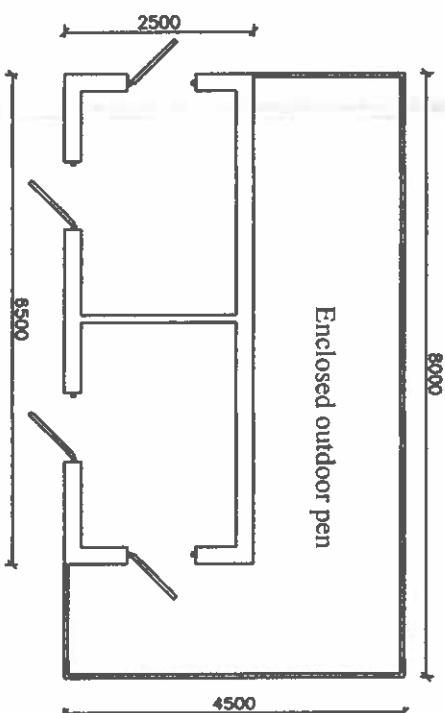
SECTION A A



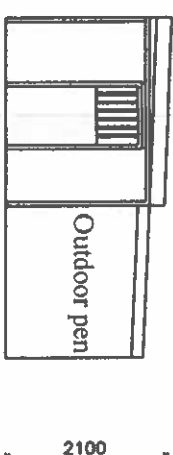
FRONT ELEVATION



REAR ELEVATION

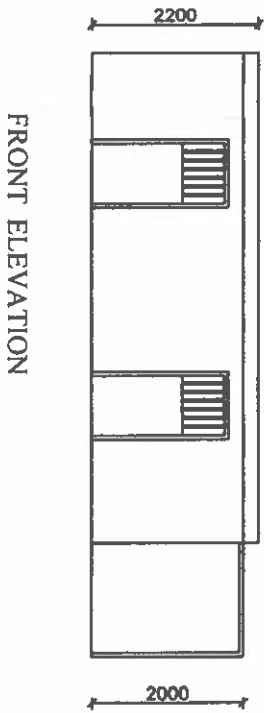


END ELEVATION



POULTRY HOUSE

- Poultry House Notes:**
- ROOF CORRUGATED SHEETING
  - WALLS RENDERED BLOCKWORK
  - EFFLUENT SPREAD ON APPLICANT'S LAND (As required)
  - FFL 50mm OVER GROUND LEVEL
  - NO SIGNAGE ON BUILDING OR YARD

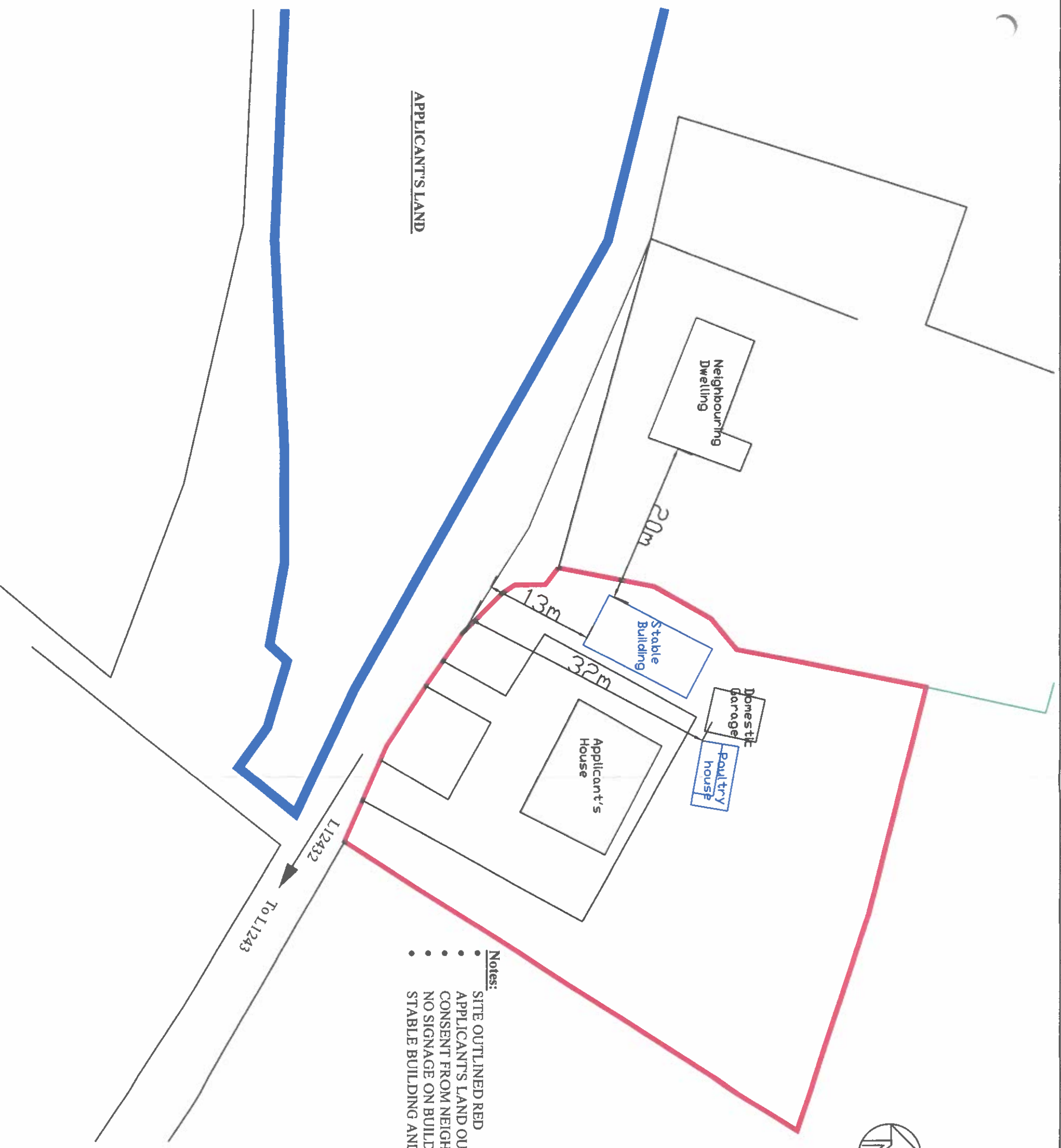


FRONT ELEVATION

Existing stables and poultry house at Cloonelt	
CLIENT: Katherine Auker	SCALE: 1:100
REF. NO.	DATE: June 2024
TITLE: Plan and Elevations	DRG. NO. L 01
Drawn by:	
DEENEY ENGINEERING & PLANNING SERVICES BRENDAN DEENEY B.TECH. KILTOBRANKS, BALLACHADERREEN, CO. ROSCOMMON. Tel/Fax: 094-9860908 Mob: 086-2503109 email: badeeneay@gmail.com.	



- Notes:**
- SITE OUTLINED RED
  - APPLICANT'S LAND OUTLINED BLUE
  - CONSENT FROM NEIGHBOURING HOUSEHOLDER REQUIRED
  - NO SIGNAGE ON BUILDING OR YARD (SAFETY NOTICES ONLY)
  - STABLE BUILDING AND POULTRY HOUSE SHOWN BLUE



Existing stables and poultry house at Cloonelt	
CLIENT: Katherine Auker	SCALE: 1:500
REF. NO.	DATE: June 2024
TITLE: Site Layout	DRG. NO. L 02
Drawn by:	
DEENEY ENGINEERING & PLANNING SERVICES BRENDAN DEENEY B.TECH. KILTOBRANKS, BALLACHADERREEN, CO. ROSCOMMON. Tel/Fax: 094 - 9860908 Mobile 086 - 2503109 email: badeeneey@gmail.com.	