

**ROSCOMMON COUNTY COUNCIL**

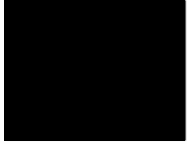
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Colin & Geraldine Webb,



Reference Number: DED 746

Application Received: 24<sup>th</sup> July, 2024

Name of Applicants: Colin & Geraldine Webb

Agent: James Lohan Consulting Engineer Ltd., Unit 5, Ballypheason House, Circular Road, Roscommon.

WHEREAS a question has arisen as to whether the following works; to "Refurbish Derelict House" under the Planning & Development Act (Exempted Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund at The Old School House, Runnamoat, Donamon, Co. Roscommon, F42 FH36, is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, (as amended)
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, (as amended)
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended).
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**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 "Refurbish Derelict House" under the Planning & Development Act (Exempted Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund, to: Strip out walls, floors and ceilings, Installation of new ceiling joists and internal stud-work, plasterboard and skim, Re-wiring of property in its entirety, Re-plumbing of the property in its entirety, Installation of new uPVC windows (white) and doors, Re-slating of the roof, Second-fix carpentry; interior redecoration, Installation of new floors, the provision of two new roof lights to the rear of the primary dwelling's gable-ended roof structure and revised rear elevation, to include the closure of two existing windows, the installation of a new external door and the provision of two new windows at The Old School House, Runnamoat, Donamon, Co. Roscommon, F42 FH36, 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: 30 August, 2024

c.c.: James Lohan Consulting Engineer Ltd.,  
Unit 5,  
Ballypheason House,  
Circular Road,  
Roscommon.

**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)**

<b>Reference Number:</b>	DED 746
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
<b>Name of Applicant:</b>	Colin & Geraldine Webb
<b>Location of Development:</b>	The Old School House, Runnamoat, Donamon, Co. Roscommon, F42 FH36
<b>Site Visit:</b>	27.08.2024

**WHEREAS a question has arisen as to whether the following works; "Refurbish Derelict House" 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 & Nature of Proposed Development**

**Site Location:**

- The subject site is situated in the townland of Lisnalegan, a rural area to the mid-western extent of county Roscommon.
- The subject site is off a local primary road, the L-1625, which traverses the northerly extent of the site and from which vehicular access is gained; the west/south-west site boundary is flanked by local secondary road, the L-6655.

**Development Description:**

- **Access:** Vehicular access is available through a gated entrance to the northern extent of the site boundary; level access is gained via a porch to the front of the property, there is also access provided to/from the kitchen to the rear of the eastern elevation.
- **Boundaries:** The site is enclosed to the northern boundary by a capped and plastered masonry block wall, therein automatic gates provide vehicular entry to the front of the property. The private amenity space to the eastern, southern and western extents of the site are bounded by mature, overgrown hedgerow.
- **Dwelling:** The dwelling is historic in nature - as evidenced by a footprint of similar siting and proportion on both the 6-inch (1830-1930) and 25-inch (1897-1913) historic maps, which also indicate that the structure was once previously an old school-house. The dwelling includes a rear hipped-roof extension, which comprises the kitchen and ostensibly appears to be under 40m<sup>2</sup>.
- **Garages/Sheds:** There is a timber shed to the mid-eastern extent of the site, this has ramped access and is in relative proximity to the dwelling, as opposed to the stone sheds, which are located to the upper mid-western extent of the site boundary; the stone sheds appear to be in-situ for a substantial period of time (as indicated by appearance, and a structure of similar proportions and siting on the historic maps). A small, detached, concrete structure with corrugated iron roof and a water tap

affixed to the eastern elevation with a capped concrete trough is centrally located on-site. These structures have not been identified on the Site Layout Plan.

#### **Nature of Proposed Works:**

The applicant has provided a 'Detail Specification of the Proposed Development'; this schedule includes the following:

- Strip out walls, floors and ceilings
- Installation of new ceiling joists and internal stud-work, plasterboard and skim
- Re-wiring of property in its entirety
- Re-plumbing of the property in its entirety
- Installation of new uPVC windows (white) and doors
- Re-slating of the roof
- Second-fix carpentry; interior redecoration
- Installation of new floors

Further to the above, existing and proposed floor plans indicate the provision of two new roof lights to the rear of the primary dwelling's gable-ended roof structure and revised rear elevation, to include the closure of two existing windows, the installation of a new external door and the provision of two new windows.

### **Geographic Information Systems [GIS]**

#### **European Sites:**

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Corliskea/Trien/Cloonfelli' Bog SAC (Site Code: 002110) which is located ca. 10.6km north-west of the subject site and 'Kilsallagh Bog' SAC (Site Code: 000285) which is located ca. 12km south-west 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

The property is not a protected structure; the closest structure listed by the National Monuments Service includes a Ringfort (SMR No.: RO0-35-047---) which is located 0.4km south-east of the site and a Moated Site (SMR No.: RO034-045001-) which is located 0.6km south-west of the subject site. In both instances the proposed works are outside the relative zone of influence.

### **Planning History**

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site and property thereon yielded the following results:

- **Established Status:** The original dwelling is evident on the 6-inch and 25-inch historic maps, as such, the original dwelling holds the benefit of exempted development owing to its established status.

## Planning and Development Acts 2000 (as amended)

### Section 2 (1)

In this Act, “works” include 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 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 opposite the mention of that class in the said column 1.

### Article 9 (1)

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

- (a) If the carrying out of such work would-
  - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
  - (viiB) Comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.
  - (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

## Planning Assessment

Hereunder 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 2(1) “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 proposed development constitute “works”, as defined in section 2 of the said Act.

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". It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been considered in the context of Section 4(1)(h) of the Act, consisting of the carrying out of works for the *"maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures"*.

The following matters have been considered:

- A proposed schedule of works was submitted as part of the application for a Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000 (as amended) and this, in tandem with scaled site plans (Site Layout Plan & Site Location Map), the provision of existing and proposed floor-plans; elevations and a section, and an on-site inspection of the property, was deemed sufficient to make a determination as to whether the proposed works constitute exempted development under the provision of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
  - While the proposed works include alterations to the existing rear elevation, they are not likely to render the appearance of the property inconsistent with the character of the structure, or of neighbouring structures. Accordingly the proposed works are deemed to fall under the provisions of Section 4(1)(h), as they primarily concern the maintenance and improvement of an existing, albeit derelict, property.
- The original dwelling structure has been fitted with a porch to the front elevation, which qualifies as exempted development under Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001. This structure appears to comply with the relevant conditions and limitations set forth in the regulations and as such, in principle, qualifies as exempted development.
- The original structure has been extended to include the provision of a kitchen, which is located to the rear of the property and is under 40m<sup>2</sup>. As noted, there is no planning-history with the subject site, however these works are considered to fall under the provisions of Class 1, of Part 1 of Schedule 2, of the Planning & Development Regulations 2001 (as amended). This structure appears to comply with the relevant conditions and limitations set forth in the regulations, including 1(a), 4(a) and 5; accordingly, these works in principle, appear to constitute 'exempted development', whilst the main dwelling, holds the benefit of exempted development owing to its established status.
- Given the presentation of the existing detached storage sheds/structures - to the eastern, western and centre portions of the site, it is evident that they have been in place for a considerable period of time, potentially bringing them under the provisions of Section 157(4)(a) of the Planning and Development Act 2000.
- 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. 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 Article 9(1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

## Recommendation

**WHEREAS** a question has arisen as to whether a proposed development; comprising the proposal to “Refurbish Derelict Dwelling” under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at “The Old School House, Runnamoat, Donamon, Co. Roscommon, F42 FH36” is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

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

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**AND WHEREAS** I have concluded that the said development comprising the proposal to “Refurbish Derelict Dwelling” at the site located in “The Old School House, Runnamoat, Donamon, Co. Roscommon, F42 FH36” under the Planning & Development Act (Exempted Development) Regulations 2018, constitute exempted development and that a declaration to that effect should be issued to the applicant.

Signed:



Blaithín Kinsella

**Assistant Planner**

**Date:** 28<sup>th</sup> August 2024

Signed:



Alan O'Connell

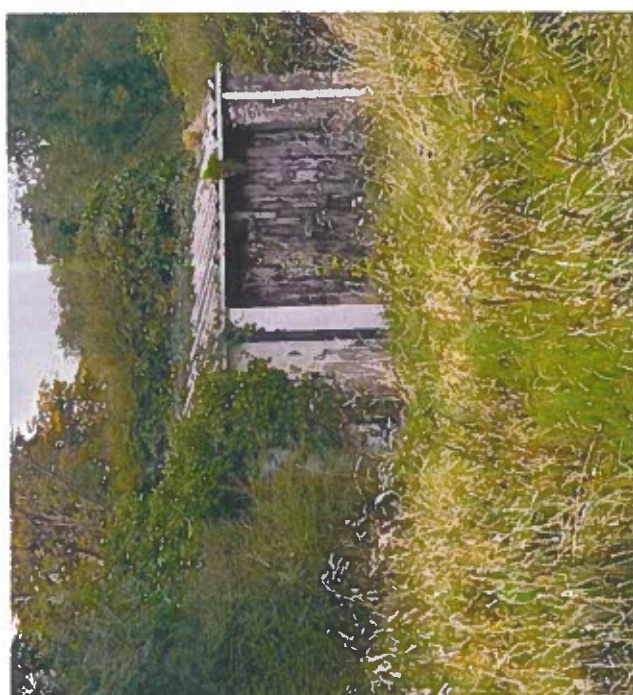
**Senior Executive Planner**

**Date:** 28<sup>th</sup> August 2024







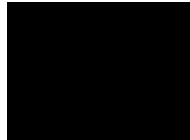




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Colin & Geraldine Webb,



Date: 25<sup>th</sup> July 2024  
Planning Reference: DED 746

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish a derelict dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at The Old Schoolhouse, Runnamoat, Donamon, Co., Roscommon, F42 FH36.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 24<sup>th</sup> July 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. **L01/0/229782** dated 25<sup>th</sup> July 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 746**.  
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: James Lohan Consulting Engineers Ltd  
[james@jlce.ie](mailto:james@jlce.ie)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

25/07/2024 10:57 25

Receipt No L01/0/229782

COLIN & GERALDINE WEBB  
C/O JAMES LOHAN CONSULTING ENGINEERS LTD  
UNIT 5 BALLYPHEASON HOUSE  
CIRCULAR ROAD  
ROSCOMMON

PLANNING APPLICATION FEES 80 00  
GOODS 80 00  
VAT Exempt/Non-vatable  
DED746

Total : 80.00 EUR

Tendered :  
Cheque 80 00  
500358

Change : 0 00

Issued By : Bernadine Duignan  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](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)	Colin & Geraldine Webb
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	The Old Schoolhouse Runnamoat Donamon Co. Roscommon F42 FH36  O.S No. 2411 XY: 579585 770959 Townland Lisnalegan
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>82.5Sqm</u>
Height above ground level:	Floor level- between 200mm – 250 mm above ground level (Ridge height existing 5094mm above ground level)
Total area of private open space remaining after completion of this development	0.279 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof

# Roscommon County Council

## Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Upgrade the windows to the same size and shape as the original. At the rear of the house, add roof windows and make minimal changes to the rear elevation
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	Existing Dwelling House
Proposed use of land or structure	Refurbish House to be lived in by applicants
Distance of proposed building line from edge of roadway	Existing -15.3m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature: 

Date: 23/07/2024

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

James Lohan  
Consulting Engineer Ltd.  
Unit 5, Ballypheason House,  
Circular Road,  
Roscommon F42 C982  
Ph: 0906634365  
Mob: 0878228529



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

**Detailed Specification Of The Development Proposed**

Ref: Colin & Geraldine Webb for Property at The Old Schoolhouse Runnamoat Donamon  
Co. Roscommon F42 FH36

**Schedule Of Works.**

The property is being stripped out back to its original walls and from there it will be renovated and put back into use as it was originally a three-bed dwelling house.

The works involved are as follows:

1. Strip out walls, floors, and ceilings.
2. Install new ceiling joists and internal stud work, plasterboard, and skim.
3. Re-wire the entire property.
4. Re-plumb the entire property.
5. Install new UPVC windows (white) and doors.
6. Re-slate the roof.
7. Second fix carpentry and paint and decorate internally.
8. Upgrade plumbing/heating system.
9. Upgrade electrical systems.
10. Install new floors.



Kind Regards

  
Camila Zen

**James Lohan Consulting Engineer Ltd,**  
**Unit 5, Ballypheason House, Circular Road**  
**Roscommon F42 C982**





**SITE ADDRESS:**  
Runnamoat,  
Donamon,  
Roscommon,  
F42 FH36

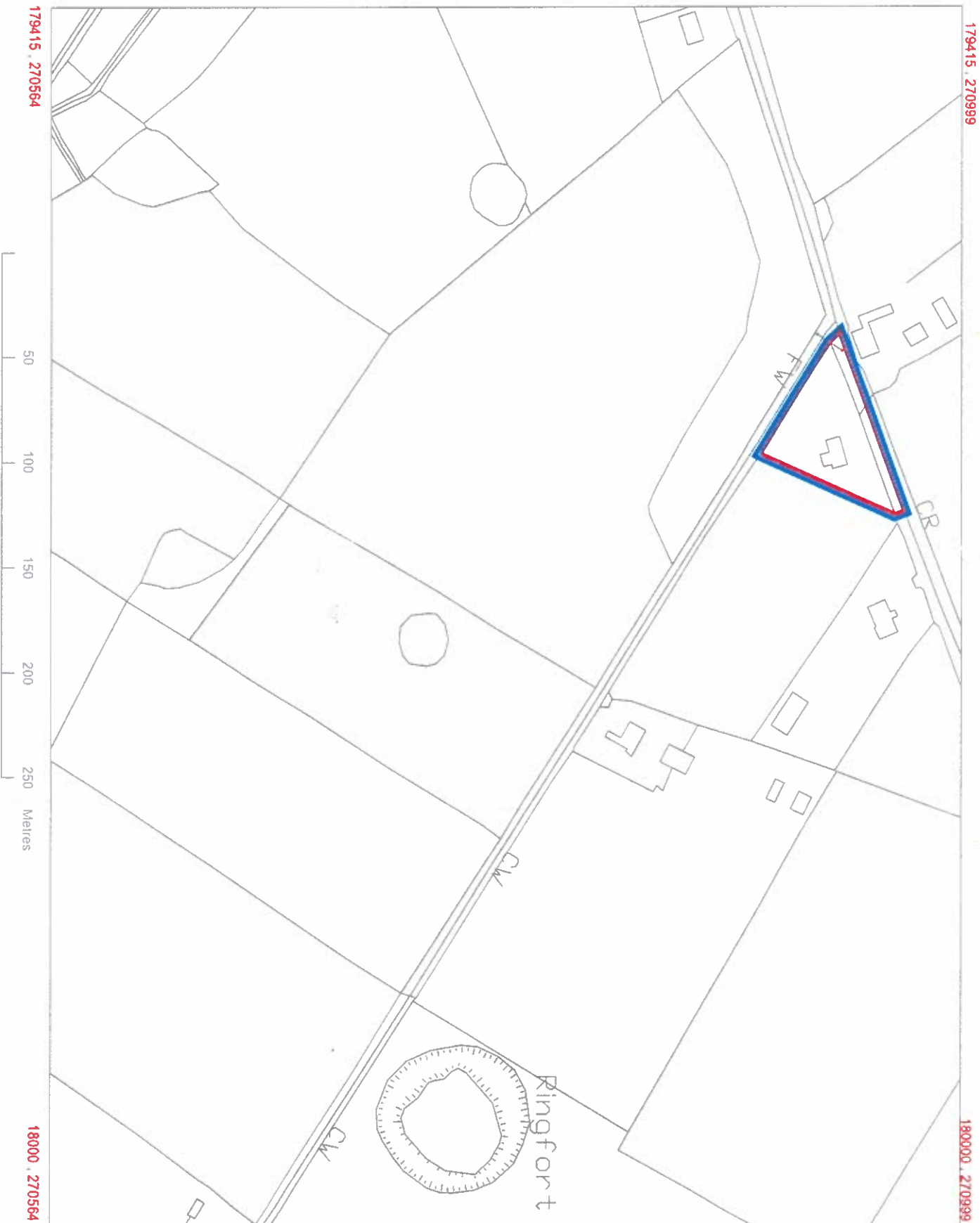
**LEGEND**

**SITE AREA OUTLINED IN RED**

**= 0.279 HECTARES**

**LAND HOLDING OUTLINED IN BLUE**

**OS MAPS: 2411**



**SITE LOCATION MAP**  
1:2500

**NATIONAL MAPPING DIVISION OF TAILTE ÉIREANN**  
**CYAL50358888**  
COPYRIGHT LICENCE



**EXEMPT  
DEVELOPMENT**

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

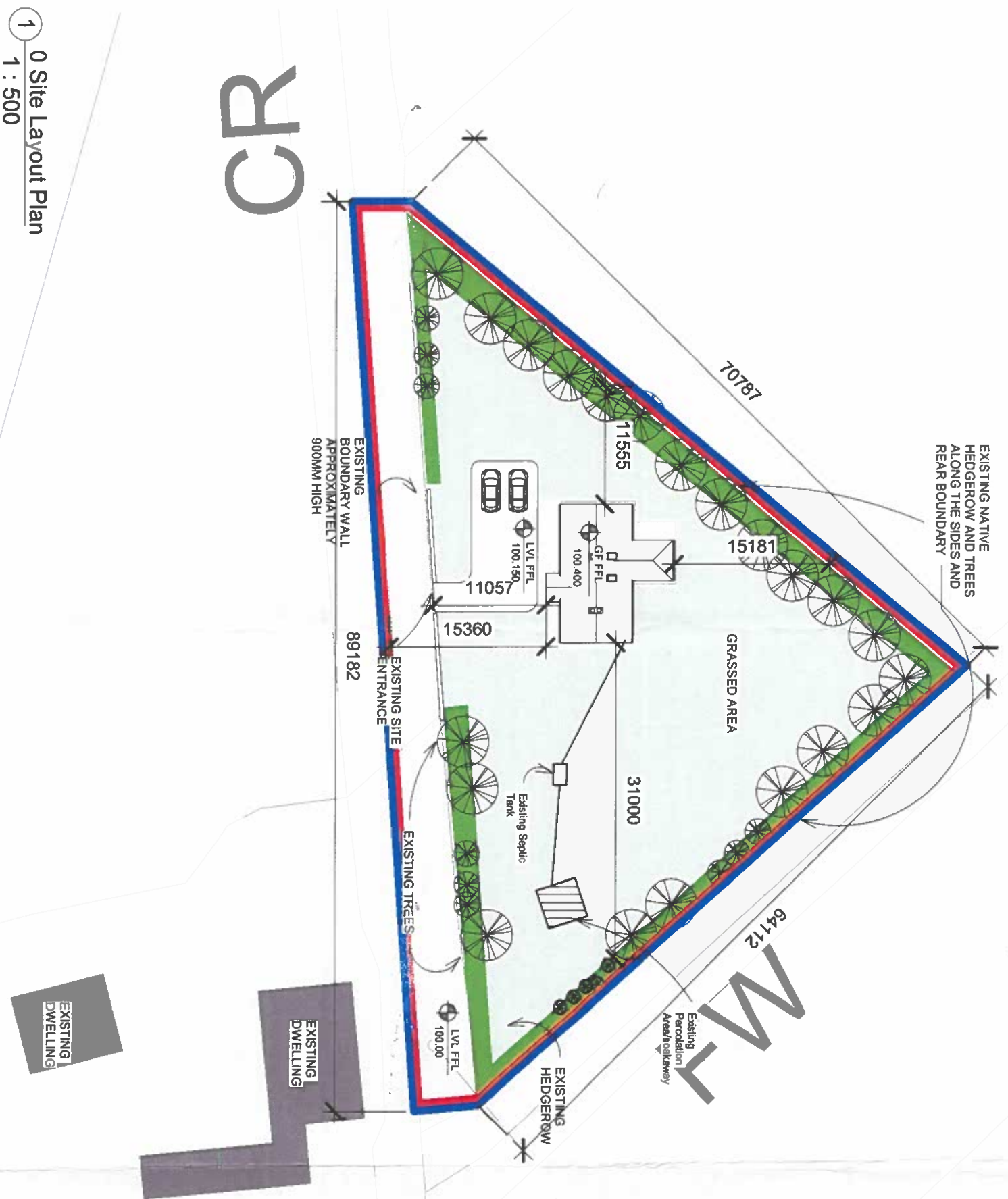
PROJ. NO.	SIA	DATE	REV

<b>Unit 5 Ballyphoeon House</b> <b>Circular Road,</b> <b>Roscommon F42 C982.</b>		<b>James Lohan</b> Planning & Design Consulting Engineers	
CLIENT COUNCIL & COUNCIL MEMBERS	JOB EXEMPT DEVELOPMENT DRAWING HOUSE SITE LOCATION MAP	108 No 24-342 0/116 19/07/2024 REV 01 SCALE 1:2500	

## LEGEND

**SITE BOUNDARY OUTLINED IN RED (0.279 HECTARES)**

**LAND HOLDINGS OUTLINED IN BLUE**




1 0 Site Layout Plan  
1:500

**J**ames Lohan  
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING. RDK ONLY FROM PLOTTED DRAWINGS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS: KAY SK SKETCH DESIGN PRELIMINARY FOR TENDER PC FOR CONSTRUCTION SS SUSPENDED

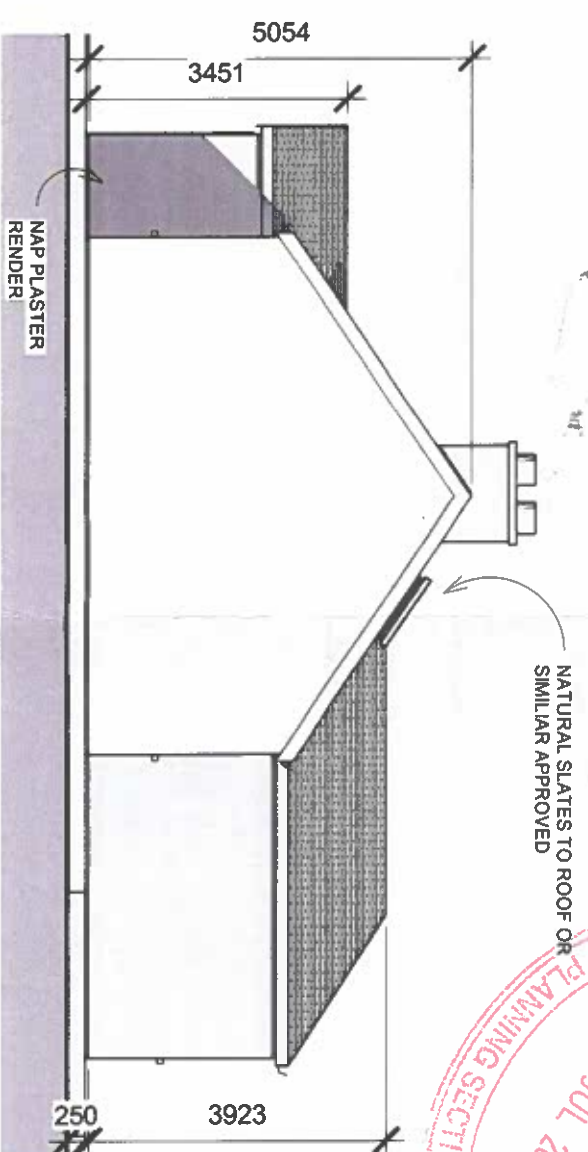
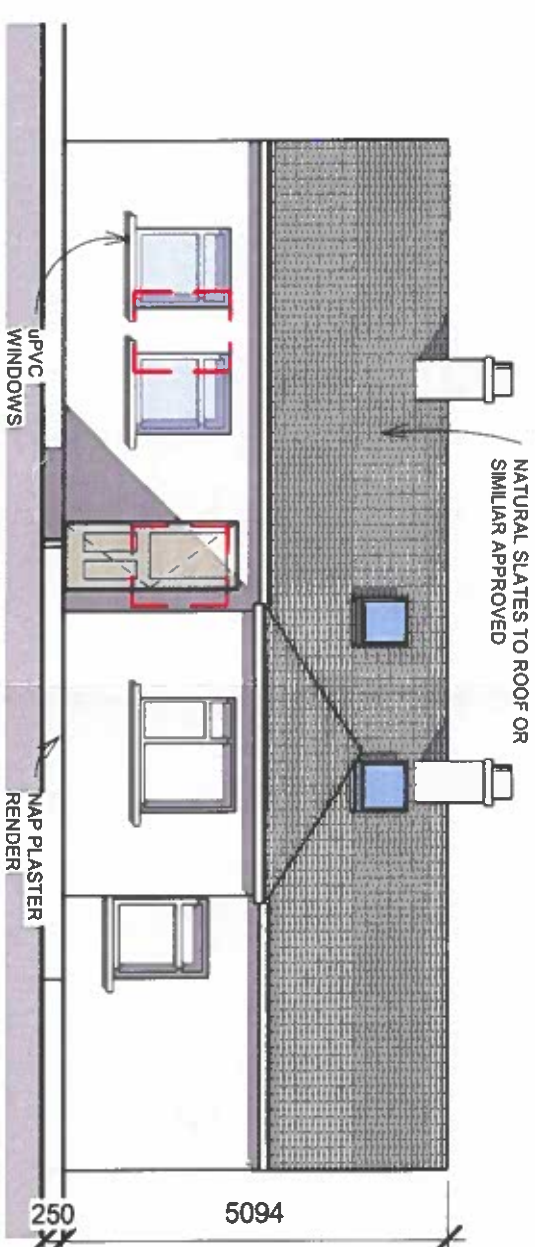
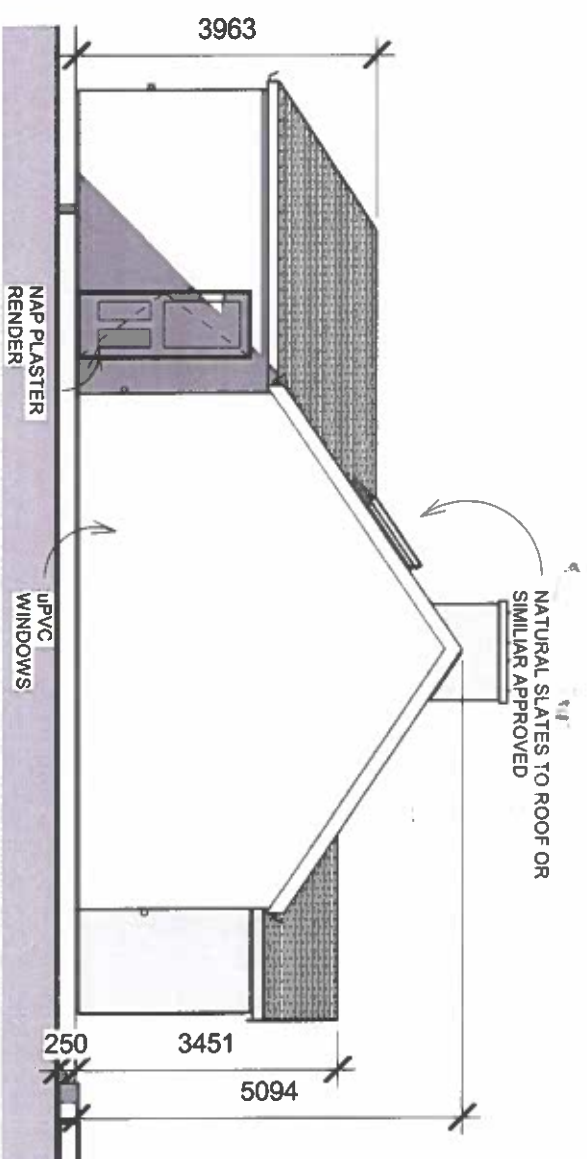
EXEMPT  
DEVELOPMENT









 <b>James Lohan</b> Architects & Design Collaborative Inc.		Civil Engineering Mechanical Design Architectural Surveying		Unit 5 Robinson House, 1000 Robinson Road, Rossmore NSW 2156		E-mail: jlohan@jli.com.au Tel: (02) 858-3435	
CLIENT	Colin & Geraldine Webb	JOB	DRAFT	TOB	N/O	DATE	12/20/23
SITE	THE OLD SCHOOLHOUSE	DRAWING	Site Layout Plan	DWG	N/O	REV	06/5/2024 BY
RUNNWAY	CO. ROSCOMMON	SCALE	As indicated	AS	C. Zani		







- | LEGEND  |   |
|---|---|
|  | ORIGINAL WALLS OF EXISTING HOUSE                  |
|  | PROPOSED NEW WALLS TO BE BUILT                    |
|  | PROPOSED NEW WINDOWS                              |
|  | PROPOSED NEW DOOR REPLACED THE WINDOWS            |
|  | PROPOSED VELUX ROOF LIGHTS OR SIMILAR             |
|  | PREVIOUS LOCATIONS OF WINDOWS AND DOORS INDICATED |