

**ROSCOMMON COUNTY COUNCIL**

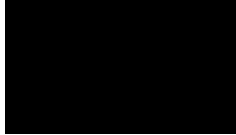
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Johnny Mee,



Reference Number: DED 761  
Application Received: 4<sup>th</sup> September 2024  
Name of Applicant: Johnny Mee  
Agent: N/A

WHEREAS a question has arisen as to whether the utilising of a shipping container as a garden/ agricultural shed at Runnaboll, Boyle N61, Co. Roscommon, F52 Y275., 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) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended.
- (d) 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.
- (e) The planning history of the site.

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

- (a) The works outlined above are development.
- (b) The existing garden shed to the side of the existing house as described in this case is not an exempted development as it does not comply with condition and limitation numbers 1 and 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).
- (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 – 2024 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 utilise a shipping container as a garden/ agricultural shed at Runnaboll, Boyle N61, Co. Roscommon, F52 Y275, is development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 26<sup>th</sup> September 2024

**ADVICE NOTE**

- The applicant has stated the proposed extension will be connecting into the existing septic tank. The existing wastewater treatment system has not been assessed. It may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.
- It was noted in the course of a site inspection that works have taken place to the entrance and a mobile home is located on the subject site, none of which have the benefit of planning permission.

**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 761
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development for permission to utilise a shipping container as a garden/agricultural shed
<b>Name of Applicant:</b>	Johnny Mee
<b>Location of Development:</b>	Runnaboll, Boyle, Co. Roscommon
<b>Site Visit:</b>	20/09/2024

**WHEREAS a question has arisen as to whether the following works; for permission to locate a garden shed on site of existing detached dwelling 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) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) 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.
- (e) The planning history of the site

#### **Site Location & Development Description**

The subject site is located at Runnaboll, Boyle, Co. Roscommon and is accessed from the N61 national Primary road. The site contains a detached dwelling house, which is a stated 45m<sup>2</sup> a mobile home and a shipping container. The site is not located within any development envelopes as per the Roscommon County Development plan 2022-2028. This application is in relation to an existing shipping container used as a shed, which is located to the south of the site. The steel shed has a flat roof and a door to the front. There was no access to the rear of the site on the day of the site inspection.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

#### **Archaeological and Cultural Heritage**

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

#### **Appropriate Assessment**

The closest European site to the site of the development are Cloonshanville Bog SAC (Site Code 000614) which is located circa 8km 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 has been traced relating to the subject site:

- DED 655 - **whether a proposed development to refurbish a** (1) Replace corrugated asbestos roof with corrugated steel roof. (2) Replace wooden windows and doors with composite windows and doors. (3) Replace failing external sand/cement render with new sand/cement render. (4) Internal upgrades, insulation, screed floors at Runnaboll, County Roscommon is or is not development and is or is not exempted development concluded that the said development to refurbish the existing dwelling house as per aforementioned schedule of works at Runnaboll, Co. Roscommon is exempted development

## 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) of the Act 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) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. 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) applies;

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

**Class 3 of Part 1 of Schedule 2: Exempted development - General**


Description of Development	Conditions and Limitations
<b>CLASS 3</b>  The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<ol style="list-style-type: none"><li>1. No such structure shall be constructed, erected or placed forward of the front wall of a house.</li><li>2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.</li><li>3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</li><li>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</li><li>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</li><li>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</li></ol>

**Assessment:**

In accordance with the Planning and Development Act, 2000 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 works constitute development, as defined in Section 3 of the said Act.

With regard to the compliance with the conditions and limitations of Class 3 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Existing shed is to the front of the house.
2. Existing shed is stated at 15.6m<sup>2</sup>.
3. Site plan provided states there is a private open space to the rear of 5369.4m<sup>2</sup>

- 
4. Existing shed finishes of the walls do not conform to that of the existing house.
  5. Existing shed drawing indicates a height of 2.9m.
  6. Existing shed is stated as a garden shed.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, while submitted plans depict the existing garden shed to the side of the dwelling house, site visit confirmed that the container is located forward of the front wall, and in this case is considered not an exempted development as it does not comply with condition and limitation numbers 1 and 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).

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) (viiiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

#### **Recommendation**

**WHEREAS a question has arisen as to; for permission to locate a garden shed on site of existing single-storey detached dwelling at Runnaboll, Boyle, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) 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.
- (e) The planning history of the site

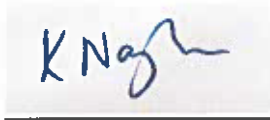
#### **AND WHEREAS I have concluded that**

- The works outlined above are development.
- The existing garden shed to the side of the existing house as described in this case is not an exempted development as it does not comply with condition and limitation numbers 1 and 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).
- 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 of permission to utilise a shipping container as a garden/agricultural shed is not an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

#### **ADVICE NOTE**

- The applicant has stated the proposed extension will be connecting into the existing septic tank. The existing wastewater treatment system has not been assessed. It may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.
- It was noted in the course of a site inspection that works have taken place to the entrance and a mobile home is located on the subject site, none of which have the benefit of planning permission.



Signed:

Date: 24<sup>th</sup> September 2024

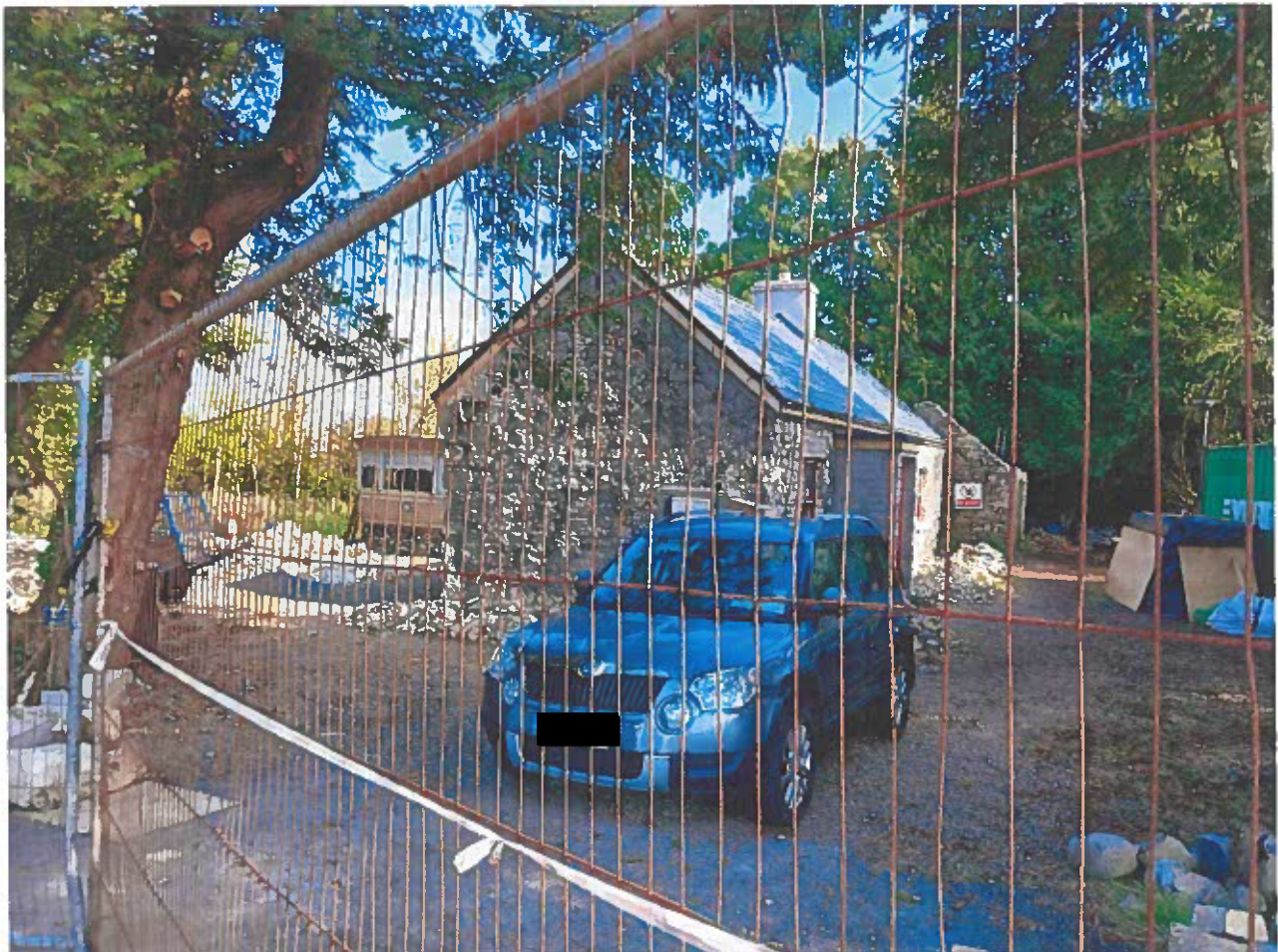
Kirsty Naughton  
Executive Planner



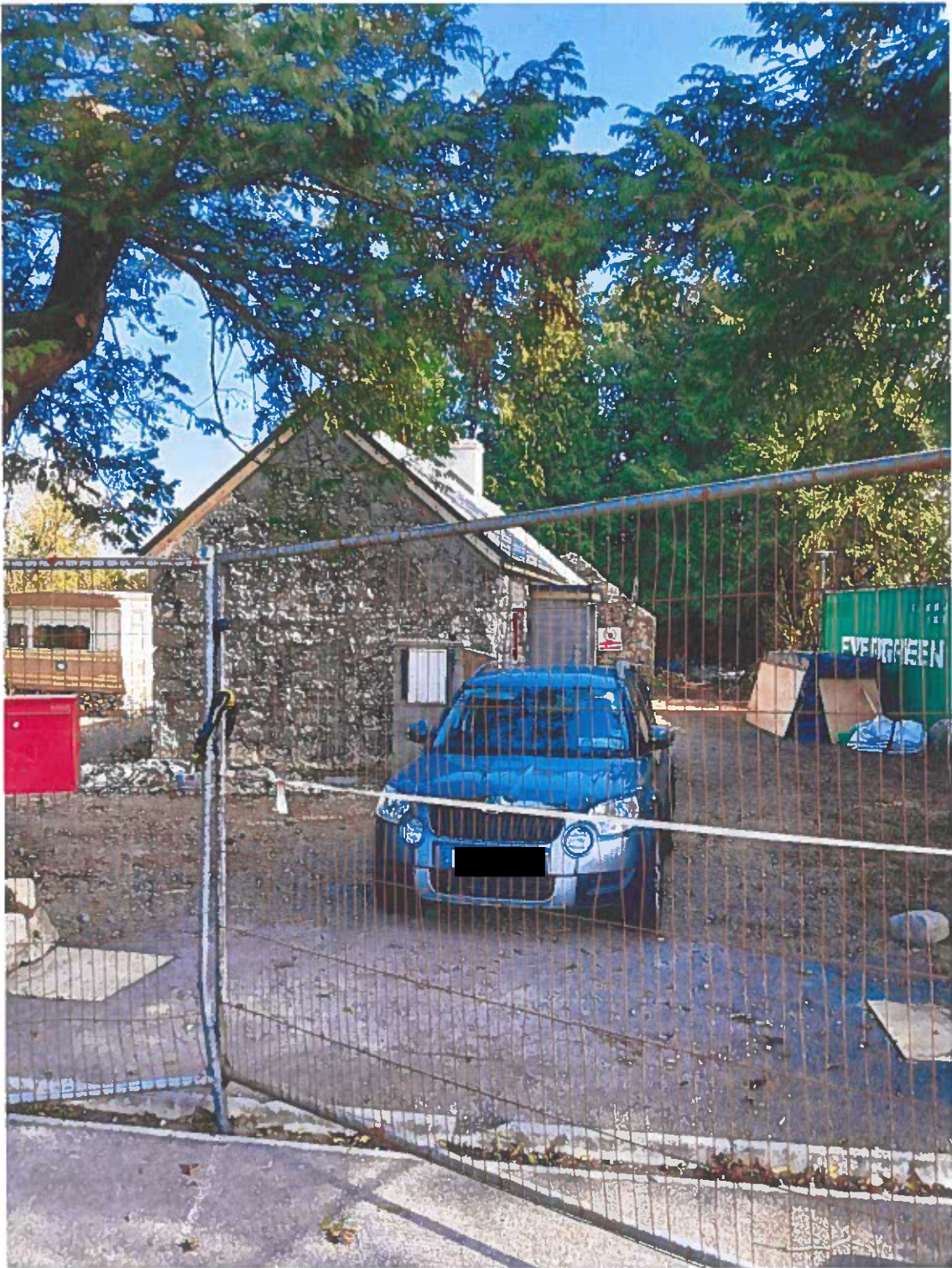
Signed:

Date: 24<sup>th</sup> September 2024

Senior Executive Planner











Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Johnny Mee,



Date: 5<sup>th</sup> September 2024

Planning Reference: DED 761

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: Permission to utilise a shipping container as a garden/agricultural shed under the Planning & Development Act (Exempt Development) Regulations 2018 at Runnaboll, Boyle N61, Co. Roscommon, F52 Y275.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 4<sup>th</sup> September 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. **L01/0/230375** dated 4<sup>th</sup> September 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.

**Note:** Please note your Planning Reference No. is **DED 761**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09086 37100

04/09/2024 15:07 52

Receipt No. : L01/0/230375

JOHNNY MEE



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 781	

Total : 80.00 EUR

Tendered	
Credit/Debit Card	80.00
6787	

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office

**Sharon Kelly**

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**From:** J. [REDACTED]  
**Sent:** Wednesday 4 September 2024 08:00  
**To:** Planning Department  
**Subject:** DED  
**Attachments:** Container DED P1.jpg; Container DED P2.jpg; Container DED P3.jpg; B-JM SLM 1.pdf; Detailed specification of development proposed.docx; Site Layout Plan.pdf

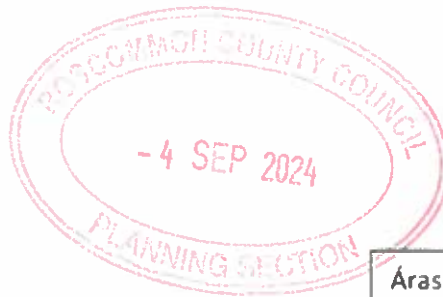
Hi, please see attached DED application.  
I will call and make payment by credit card later today.

Regards,  
Johnny Mee.





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)	Johnny Mee
Name of Agent	N/A
Nature of Proposed Works	Utilise shipping container as a garden/agricultural shed.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Runnaboll, Boyle N61, Co. Roscommon. F52 Y275 RUNNABOLL, E 583535 - N 793909
Floor Area: a) Existing Structure b) Proposed Structure	a) Cottage 44.85 sq.m b) Shed 15.6 sq.m
Height above ground level:	2.6 meters
Total area of private open space remaining after completion of this development	5369.4 sq.m
Roofing Material (Slates, Tiles, other) (Specify)	Steel, flat roof





## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Steel, painted olive green.
Is proposed works located at front/rear/side of existing house.	Rear
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	DED 655, no existing extension
Existing use of land or structure	Residential & agriculture
Proposed use of land or structure	Residential & agriculture
Distance of proposed building line from edge of roadway	32.3 meters
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:

Date:

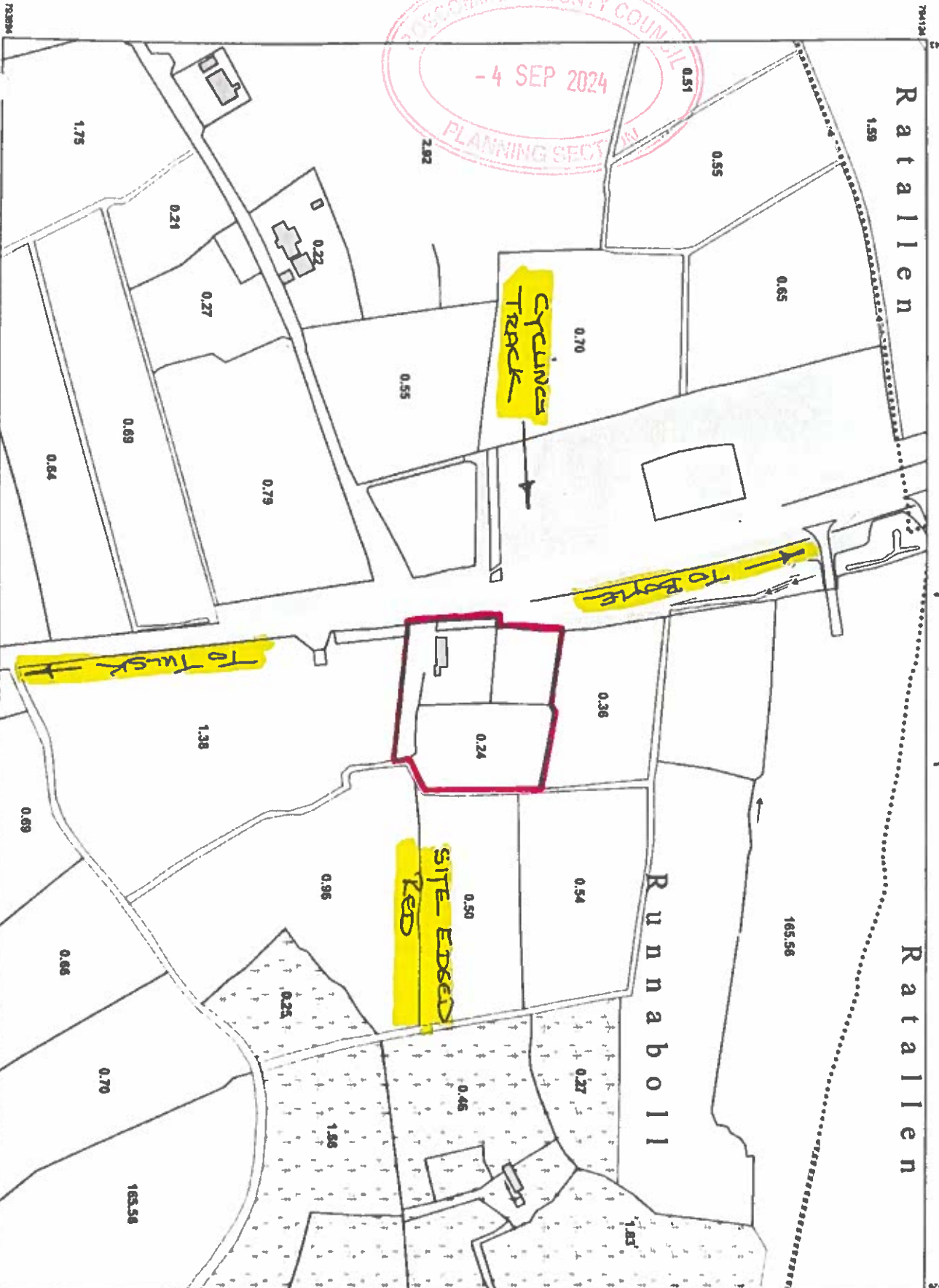
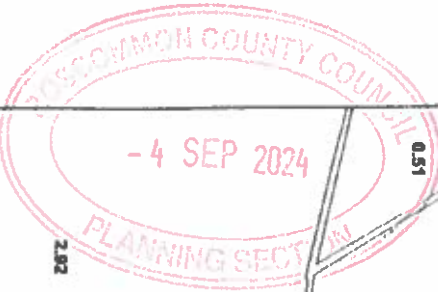
03/09/2024

**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

# OSi PLACE Map

JOHNNY MEE  
SITE LOCATION MAP



**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.osi.ie](http://www.osi.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'



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ITM 583535 793909

**PUBLISHED:** 22/04/2023 **ORDER NO.:** 50330362\_1

**MAP SERIES:** 1:5,000 **MAP SHEETS:** 1922

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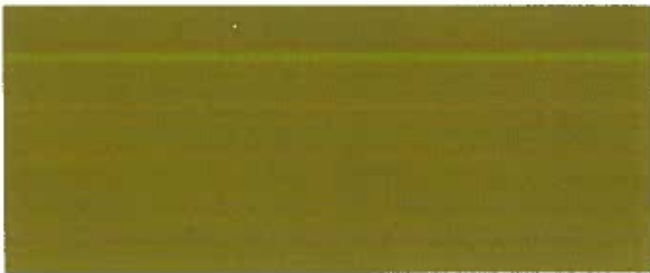
Detailed specification of development proposed:

I propose to use a 20ft steel shipping container as a garden shed. The container will be painted an olive green colour on all sides. The container will be situated 7 meters to the rear of the cottage from the perspective of the road. The location is flanked by mature evergreen trees to the north, east and south. The container requires no foundations or services.

Container dimensions:



Olive Green colour swatch:



**Olive Green**



notes:		1. Figures dimensions only to be taken from this drawing. 2. Do not scale ruler dimensions off this drawing. 3. Any dimension discrepancies to be reported immediately to PMAN. 4. This drawing to be read in conjunction with any other project drawings, schedules & documentation.	
project:	Johnny Mee-Cottage Renovation	project no.:	2023/JW01
site:	Runnaball Td, Co. Roscommon	drg no.:	2023/10/113
site (TM) co-ordinates:	E 583535 N 793809	stage:	Design
 P M A N Civil Engineering Technology SAC Draughting Land Surveying & Mapping		drg title:	Site Layout Plan
		scale:	1:500
		drg by:	P.F.
		checked by:	P.F.
		date:	19/07/2023
		revision:	
		suffix:	
		date:	00/00/00
		initials:	