

**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 786  
Application Received: 21<sup>st</sup> October 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 permission to utilise a shipping container as a garden/agricultural shed on a site with an active unauthorised development/structure as described in this case is not an exempted development.
- (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: 9<sup>th</sup> December 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)**

<b>Reference Number:</b>	DED 786
<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>	04/12/2024

**WHEREAS a question has arisen as to whether the following works; for permission to utilise a shipping container as a garden/agricultural shed 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> 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 and front of the existing dwelling. The steel shed has a flat roof and a door to the front. It is proposed to move the container to the north and rear of the existing dwelling and paint olive green.

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 sites to the site of the development are Tullaghan Bog NHA (Site Code 001652) which is located circa 5km to the west, Bella Bridge Bog NHA (Site Code 000591) which is located circa 6.3km to the west and Ardagh Bog PNHA (Site Code 001222) which is located circa 6.2km to the west of the subject site.

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, no planning history has been traced relating to the subject site. However there was a number of Declarations of Exempted Developments as follows;

- DED 558 - Construction of an extension to the rear of an existing cottage, extension consists of a bathroom and a utility room, single storey flat room area 17.32 sqm - Exempted development
- DED 655 - To refurbish the existing dwelling house - Exempted development
- DED 761 - Utilise shipping container as a garden/agricultural shed – Not exempted

### **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,

(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,

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

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p><b>CLASS 3</b></p> <p>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.</p>	<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 container to be moved to the rear of the house.
2. Existing container is stated at 15.6m<sup>2</sup>.
3. Based on site plan provided and site inspection this area is greater than 25m<sup>2</sup>
4. Existing container to be painted olive green and placed to the rear of the house, therefore N/A.

5. Existing container drawing indicates a height of 2.6m.
6. Existing container 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 the existing container is located to the south and front of the existing dwelling it is proposed to move/relocate this container to the north and rear of the existing dwelling as shown on the site layout drawing provided and in this case is considered an exempted development.

Although the proposed works appears to satisfy the Conditions and Limitations associated with Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, there is an active unauthorised development (UDR 2837) which is in relation the same existing container. Article 9 (1)(a)(viii) of the Planning and Development Regulations, 2001, as amended states *"Development to which article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would 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"*. Therefore the permission to utilise a shipping container as a garden/agricultural shed on an active unauthorised development/structure is not an exempted development.

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**

**WHEREAS** a question has arisen as to; for permission to utilise a shipping container as a garden/agricultural shed 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 permission to utilise a shipping container as a garden/agricultural shed on a site with an active unauthorised development/structure as described in this case is not an exempted development.
- 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.

Signed: 

Date: 09<sup>th</sup> December 2024

Civil Technician

Signed: 

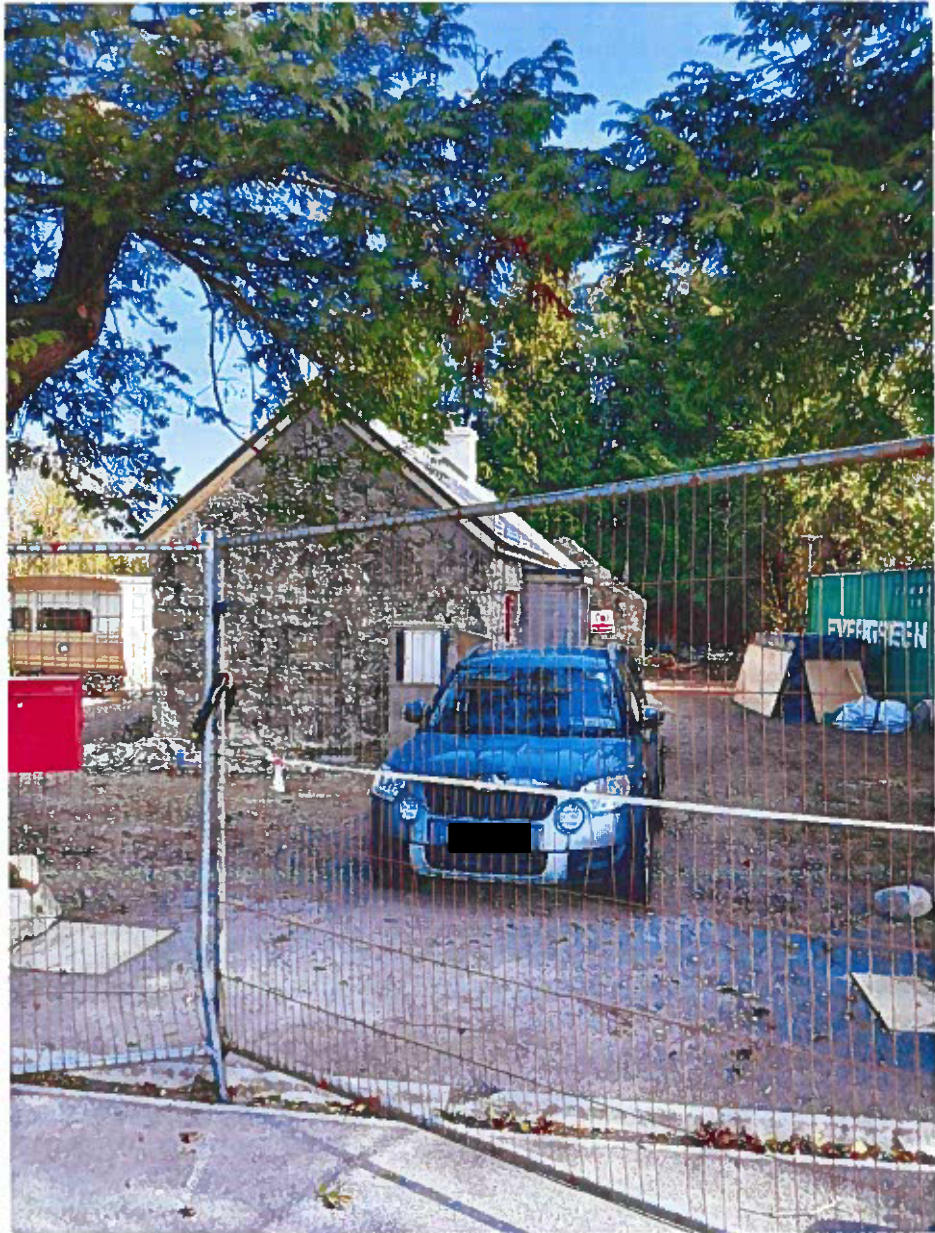
Date: 09<sup>th</sup> December 2024

Senior Executive Planner







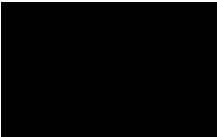




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Johnny Mee,



Date: 23<sup>rd</sup> October 2024  
Planning Reference: DED 786

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to utilise 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 21<sup>st</sup> October 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. L01/0/231195 dated 22<sup>nd</sup> October 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 786**.  
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  
09066 37100

22/10/2024 14:12:32

Receipt No . L01/0/231195

JOHNNY MEE

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 786

Total : 80.00 EUR

Tendered  
Credit/Debit Card 80.00  
6787

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office

**Sharon Kelly**

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**From:** J. [REDACTED]  
**Sent:** Monday 21 October 2024 08:00  
**To:** Planning Department  
**Subject:** Section 5, declaration regarding exempted developments  
**Attachments:** DED P3 OCT.jpg; DED P2 OCT.jpg; DED P1 OCT.jpg; Site Layout Plan.jpg; B-JM SLM 1.pdf; Detailed Spec of Development Proposed.pdf

Hello

Please find attached,

1) Application for declaration of exempted development  
/ documents - DED P1 OCT.jpg, DEDP2 OCT.jpg, DED P3 OCT.jpg

2) Site location map to scale 1:2500  
/ document - B-JM SLM 1.pdf

3) Site layout plan to scale 1:500  
/ document - Site Layout Plan.jpg

4) Specification of proposed development  
/ document - Detailed Spec of Development Proposed.pdf



Regarding the €80 fee, I will call tomorrow and pay by credit card over the phone.

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, DED 763
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	28meters
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:

18/10/2024

**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





## SITE LAYOUT PLAN

scale 1:500  
site edged red-area 1.342 ac (0.543 ha)



Edge of Carnage-way

Edge of Carnage-way

C.L. of Road

Road Level  
10.493

Exist. Conc.  
Channel

Exist. Cottage  
m 10.01

Exist.  
Entrance

Location of proposed  
development: m 9.6

5.5m

28m

To Tulsk

To Boyle

notes:		1. Figured dimensions only to be taken from this drawing		2. Do not scale true dimensions of this drawing		3. Any dimension discrepancies to be reported immediately to P&L		4. This drawing to be read in conjunction with any other project drawings, schedules & documentation	
project:		Johnny Mee-Cottage Renovation		project no.:		<div></div>			
site:		Runnaboll Td, Co. Roscommon		drg no.:					
site IRIA				stage:					
co-ordinates:		E 583553 N 793209		Design					
drg title:		See Layout Plan		drg by:		date:			
scale		1:500				checked by			
date		16.07.2023				initials:			

# OSi PLACE Map

JOHNNY MEE  
SITE LOCATION MAP



Taite  
Éireann

R a t a i l l e n

R a t a i l l e n

CENTRE  
COORDINATES:  
ITM 583535 793909

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

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

COMPILED AND PUBLISHED BY:  
National Mapping Division of  
Taite Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
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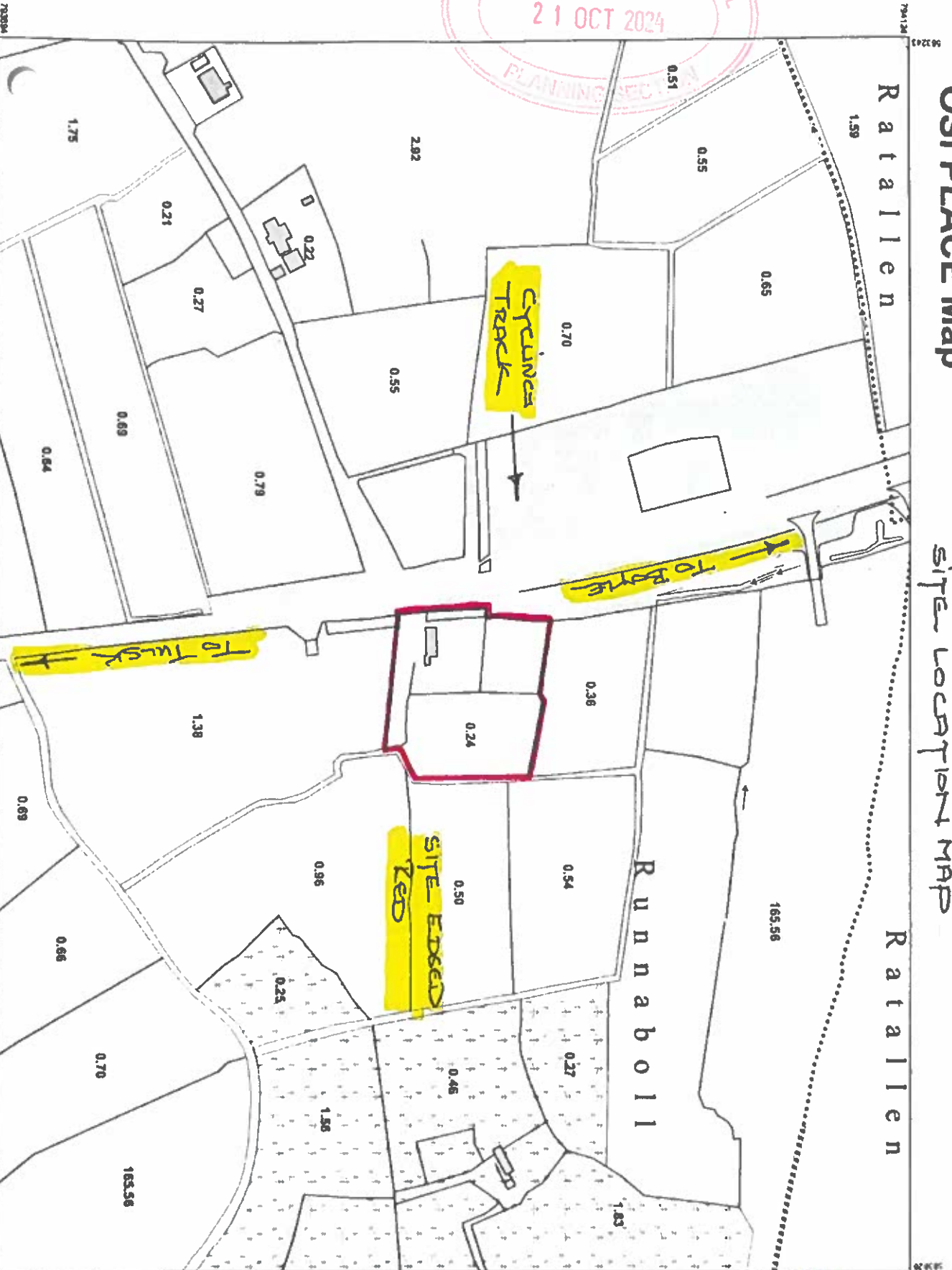
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OUTPUT SCALE: 1:2,500

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, search 'Capture Resolution'

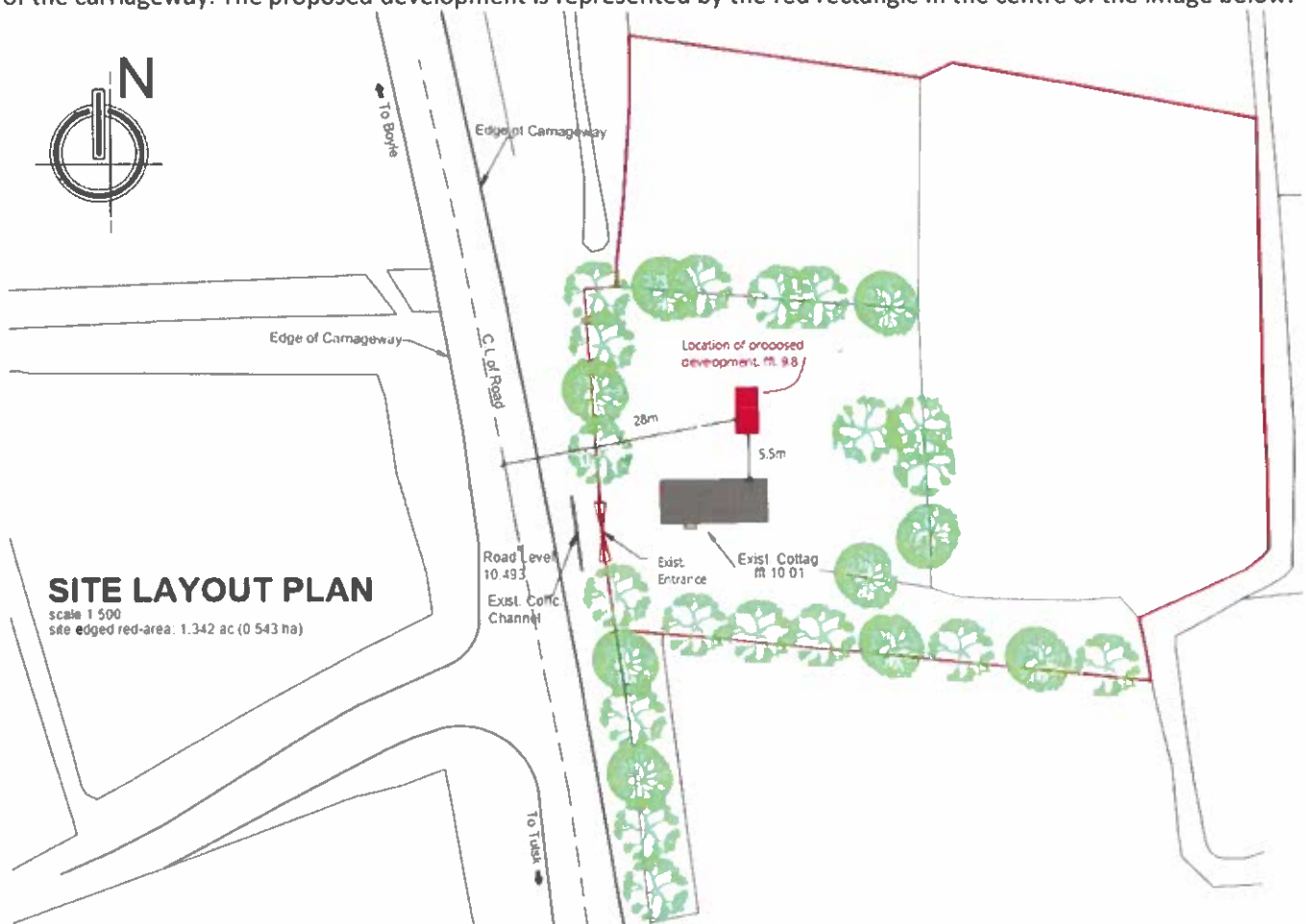
LEGEND:  
To view the legend visit  
www.taite.ie and search for  
'Large Scale Legend'

# **Detail specification of development proposed:**

I propose to use a 20ft steel shipping container as a garden shed. Unlike most sheds that require a concrete slab the proposed development requires no footings. The proposed development requires no services. The proposed development is easily removed if no longer required.

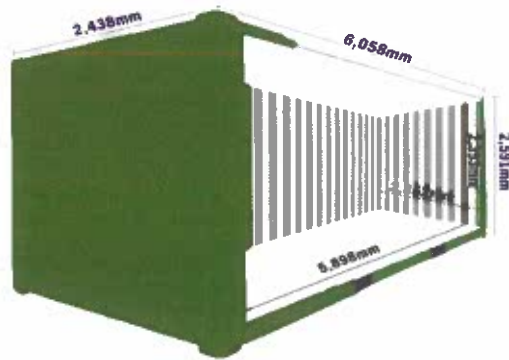
## **Proposed development - location;**

The location of the proposed development is 5 meters to the rear of the existing cottage, 28 meters from the centre of the carriageway. The proposed development is represented by the red rectangle in the centre of the image below.





**Proposed development - dimensions;**



**Proposed development - exterior finish and roof covering;**

The proposed development will be painted a solid olive green colour on all sides.  
There will be no numbers and marking on the proposed development.

Olive Green colour swatch:



**Olive Green**

**IMPORTANT NOTE-**

There is currently a shipping container located to the front of the property, this is a temporary structure for builder storage and NOT THE DEVELOPMENT proposed in this DED application.