

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

CHIEF EXECUTIVE'S ORDER

Order No: PL/187/25

Reference Number: DED 792

Name of Applicant: Noel Whelan

Agent: N/A

WHEREAS a question has arisen as to whether the following works 'Permission for Class 20F Exemption to accommodate people seeking International Protection at The Corner House Guesthouse, Main Street, Ballinagare, Co. Roscommon, F45 DD28, 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 3, 4 and 39 of the Planning and Development Act, 2000, as amended.
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (c) Classes 14(h) and 20F Part 1, 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 Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) Having regard to the definition of a 'shop' as set out under Article 5(1) of the Planning and Development Regulations 2001 (as amended), it is considered that the proposed change of use from a coffee shop/bakery does not fall within the scope of exempted development under Class 20F of Part 1, Schedule 2 of the said Regulations. Accordingly, the ground-floor proposal constitutes "development" which is material, coming within the scope of section 3(1) of the Planning & Development Act 2000 (as amended) and is development that is not exempt.
- (b) Having regard to Section 39(1) of the Planning and Development Act, 2000, (as amended) it is considered that the ground-floor area, so highlighted in red by the applicant, does not represent or constitute an exempted class of use under Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 (as amended). Accordingly, the ground-floor proposal constitutes "development" which is material, coming within the scope of section 3(1) of the Planning & Development Act 2000 (as amended) and is development that is not exempt.
- (c) Having regard to the provisions of Article 10(4) of the Planning & Development Regulations, 2001, as amended, the Planning Authority considers that the conversion of the residential element of the premises to IPA accommodation does not constitute a material change in use and is not considered "development" within the meaning of Section 3(1) of the Planning & Development Act 2000, as amended. The conversion of the remaining B&B bedrooms to IPA accommodation, does constitute a material change in use and is considered "development" within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended), but is development that is exempted under Class 14(h) of Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended.
- (d) 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 for the following works 'Permission for Class 20F Exemption to accommodate people seeking International Protection at The Corner House Guesthouse, Main Street, Ballinagare, Co. Roscommon, F45 DD28, is a **split decision** as follows:

- 1.) The ground-floor area of the said development, for which "*Permission for Class 20F (and subsequently Class 14(h)) Exemption to accommodate people seeking International Protection under the Planning & Development Act (Exempt Development) Regulations 2018*" at the site located at "*The Corner House Guesthouse, Main Street, Ballinagare, Co. Roscommon. F45 DD28*" is development within the meaning of section 3(1) of the Act, 2000 (as amended) and is development that is **not exempted development**;
- 2.) The first-floor area of the said development, for which "*Permission for Class 14(h) Exemption to accommodate people seeking International Protection under the Planning & Development Act (Exempt Development) Regulations 2018*" at the site located at "*The Corner House Guesthouse, Main Street, Ballinagare, Co. Roscommon. F45 DD28*" is "development" within the meaning of section 3(1) of the Act, 2000 (as amended) and 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:

Signed: _____



Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 13 February, 2025

ROSCOMMON COUNTY COUNCIL
Chief Executive's Order requesting Further Information
on Section 5 of the Planning & Development Act 2000 (as amended)

Order No: PL/72/25

Subject: Planning & Development Act 2000 (as amended).
Planning & Development Regulations 2001 (as amended).

Applicant: Noel Whelan

Agent: N/A

Ref No.: DED 792

RE: WHEREAS a question has arisen as to whether the permission for Class 20F Exemption to accommodate people seeking International Protection at The Corner House Guesthouse, Main Street, Ballinagare, Co. Roscommon, F45 DD28, is or is not development and is or is not exempted development.

ORDER: By virtue of the powers vested in me by the Local Government Acts 1925 - 2024 and the Planning & Development Act 2000 (as amended), it is hereby ordered that **Further Information** in relation to the request for a Declaration on development and exempted development (Reference No. DED 792) be requested from the Applicant.

Signed on the 17th January 2025



Alan O'Connell,
Senior Executive Planner,
Planning.