

**ROSCOMMON COUNTY COUNCIL**

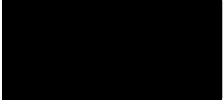
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Rachel Hastings,



Reference Number: DED801  
Application Received: 19<sup>th</sup> November, 2024  
Name of Applicant: Rachel Hastings  
Agent: N/A

**WHEREAS** a question has arisen as to whether the refurbishment of a derelict house, with works including; 1)strip out ground floors to fix rising damp; 2) place new ceiling joists and stud work internally, plaster board & skim; 3)re-wire; 4)fix plumbing & 5)second fix, paint & decorate internally at Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65, 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) 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:

- (a) The works outlined above constitute development.
- (b) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (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 refurbish a derelict house, with works including; 1)strip out ground floors to fix rising damp; 2) place new ceiling joists and stud work internally, plaster board & skim; 3)re-wire; 4)fix plumbing & 5)second fix, paint & decorate internally at Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65, 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: 1<sup>st</sup> May, 2025**

**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 801
<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>	Rachel Hastings
<b>Location of Development:</b>	Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65
<b>Site Visit:</b>	20/01/2025

**WHEREAS a question has arisen as to whether the following works; “permission to refurbish derelict house, works including 1) strip out ground floors to fix rising damp; 2) place new ceiling joists and stud work internally, plaster board & skim; 3) re-wire; 4) fix plumbing & 5) second fix, paint & decorate internally” 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 and 9 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

### **1. Site Location & Description of Development & Nature of Proposed Development**

**Site Location:** The subject site and the property thereon is located in the townland of Ballyforan, which is situated to the south-west of county Roscommon.

#### **Development Description:**

- **Access:** The subject site is positioned north of the R362, which flanks the south extent of the site. Separate gated access provisions are accommodated for both vehicular and pedestrian entry/egress.
- **Boundaries:** The subject site is bounded to the south extent by a masonry block wall with capstone finish (800mm-1.2m); this accommodates pedestrian and vehicular access. The eastern extent of the site is bounded by mature, thick hedgerow and a steel security fence (ca. 2.1m in height) with a security door which precludes unsolicited access to the rear. The western extent of the site is bounded by masonry block wall with capstone finish (800mm-1.2m) to the south-west which meets the gable-end of the property, and the north-west of the site is bounded by masonry block wall with capstone finish (ca. 2.1m)
- **Structure:** The dwelling is a detached, gable-ended, pitched-roof structure, of two-storey composition with three separate chimney flues.

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

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

- Strip out ground floors to fix rising damp
- Place new ceiling joists and stud work internally and plaster board and skim
- Re-wire
- Fix plumbing
- Second fix and paint and decorate internally

## 2. 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 the 'River Suck Callows' SPA (Site Code: 004097) which follows the path of the river and which delineates the western extent of the townland boundary is ca. 1.1km west of the subject site; Four Roads Turlough SPA (Site Code 004140) and SAC (Site Code: 001637) is located 4.8km north-west of the site and Lough Croan Turlough SAC (Site Code: 000610) and SPA (Site Code: 004139) which is located 5.4km north-east of the 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 water pump (*Record of Protected Structures: 04700526*) (*NIAH Registration no: 31821002*) located 0.2km west of the site and Saint Joseph's Catholic Church (*NIAH Registration no: 31821001*) located 0.2km north-west of the site.

## 3. 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 Use** The subject site and the property thereon is indicated on Historical (6-inc 1830-1930) maps.
- **PD/24/149** **Permission Granted:** for change of use from an existing commercial Garda Station into a residential dwelling-house along with all associated site works. Grant date - 12/03/2025.

## 4. Relevant statutory provisions

### 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 3 (3)**

In this Act, it is specified, for the avoidance of any doubt, that the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

### **Section 4 (1)**

Defines certain types of development as being 'exempted development'. Of particular 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.

## **5. 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, (i) the carrying out of any works on, in, over or under land or (ii) the making of any material change in the use of any structures or other land*".

To this end, the following matters are considered:

- As regard to 3(1)(i): the "carrying out of any works on, in over or under land", it is considered that the proposed works, as detailed in the application's "Specification of the Development Proposed", constitute "development" within the meaning of Section 3(1) of the Act, but that such works, being for "maintenance and improvement" and which ostensibly should 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" would in principle fall under the provisions for exemptions under Section 4(1)(h) of the PDA 2000 (as amended).

- As regard to 3(1)(ii): *“the making of any material change in the use of any structures”*, whilst an examination of Roscommon County Council’s GIS portal indicates that the subject site and the structure thereon is classified as commercial in use, with a non-residential address type. The applicant returned by way of Further Information, clarity as regard to the structures existing and intended use by way of correspondence from the applicant’s solicitor - *Rita Martin & Co.* - who confirms that *“the subject site and structure is classed as a derelict domestic house associated with the Garda Station, ancillary to the Garda Station. It is now a derelict dwelling house”*. Accordingly, it is determined that the works do not constitute a “material change of use” - as defined under Section 3(1) of the Act.

In accordance with the Planning and Development Act, 2000, section 3(3) explicitly states that *“the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used”*.

- The applicant returned by way of Further Information, clarity as regard to the structures existing and intended use. Therein the applicant states: *“to clarify, the proposed works does not involve the subdivision of the subject site as the site indicated on the site layout boundary has been subdivided from the pre 1963 site area. Further, planning permission has been granted, subject to six conditions - under PD/24149 - for the “change of use from an existing commercial Garda station into a residential dwelling house along with all associated site works”*. The Planner’s Report outlines that the DED (DED 801) *“relates to the adjoining portion of the structure, which is not encompassed within the identified planning unit in the current planning application”*. Accordingly, it is determined that the proposed works do not encompass the use as two or more dwellings, of a house, previously used as a single dwelling.

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.

## 6. Recommendation

**WHEREAS a question has arisen as to whether a proposed development;** for *“permission to refurbish derelict house, works including 1) strip out ground floors to fix rising damp; 2) place new ceiling joists and stud work internally, plaster board & skim; 3) re-wire; 4) fix plumbing & 5) second fix, paint & decorate internally”* under the Planning & Development Act (Exempted Development) Regulations 2018 at the site located at *“Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65”* is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- 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.
- The planning history of the site

**AND WHEREAS I have concluded that**

- The works outlined above constitute development.
- The proposed 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 for *"permission to refurbish derelict house, works including 1) strip out ground floors to fix rising damp; 2) place new ceiling joists and stud work internally, plaster board & skim; 3) re-wire; 4) fix plumbing & 5) second fix, paint & decorate internally"* under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at *"Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65"* constitutes exempted development and that a declaration to that effect should be issued to the applicant.

**7. Signatures**

Signed:   
Blaithín Kinsella  
Assistant Planner  
Date: 1<sup>st</sup> May 2025

Signed:   
Alan O'Connell  
Senior Executive Planner  
Date: 1<sup>st</sup> May 2025



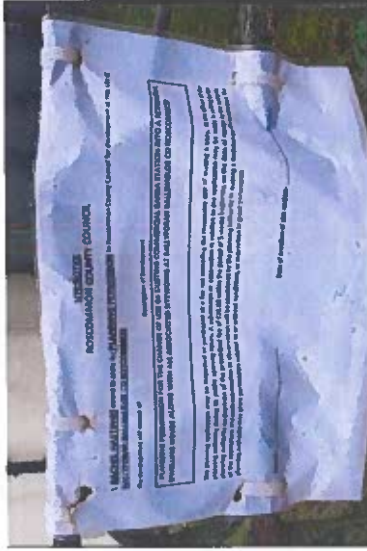
R362 – Eastward towards Dysert



Front Elevation of Subject Site



R362 – Westwards towards Muckloon



Site Notice pertaining to separate Planning Permission



Side Elevation and Boundary Conditions



Side Elevation and Boundary Conditions



Ballyforan,  
Ballinasloe,  
Co Roscommon  
16-04-2025

**Reference: DED 801**

Dear Mr O'Connell,

I am writing to you in response to your letter requesting more clarity for reference DED 801.

- (i) Please find attached supporting documentation from my solicitor Rita Martin, stating that the subject site and the structure is classed as a derelict domestic house.
- (ii) This structure was always two separate units- one was domestic, and one was commercial. Planning was received- reference no. PD/24/149 where the commercial unit received "permission for change of use from an existing commercial Garda station into a residential dwelling house along with all associated siteworks at Ballyforan, Ballinasloe, Co Roscommon". The DED refers to the domestic unit which is classed as a derelict domestic house. To clarify, the proposed works does not involve the subdivision of the subject site as the site indicted on the site layout boundary has been subdivided from the pre 1963 site area.

Yours sincerely,

Rachel Hastings



*Rita Martin and Company*  
**SOLICITORS**

Main Street, Virginia, Co. Cavan, A82 F7K3  
Tel: 049 8549940 • Fax: 049 8549941 • Email: info@ritamartin.ie  
DX 195001 Virginia

The Secretary  
Roscommon County Council  
Roscommon

Our Ref: [REDACTED]  
Your Ref:  
Date: 10th April 2025

**Property address: Former Garda Station & Residence, Ballyforan, Co Roscommon, H53 WV65**  
**Our Client Rachel Hastings**

Dear Sirs,  
We confirm that we act for Rachel Hastings who has purchased the Former Garda Station and residence at Ballyforan Co. Roscommon

We confirm that the subject site and the structure is classed as a derelict domestic house associated with the Garda station ancillary to the Garda station. It is now a derelict dwelling house and always has been a dwelling house.

Your's faithfully ,

  
\_\_\_\_\_  
**Rita Martin & Co.**



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Rachel Hastings,



Date: 21<sup>st</sup> January 2025  
Ref: DED 801

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

Development: WHEREAS a question has arisen as to whether the refurbishment of a derelict house, works including; 1)strip out ground floors to fix rising damp; 2)place new ceiling joists and stud work internally, plaster board & skim; 3)re-wire; 4) fix plumbing & 5)second fix, paint & decorate internally at Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65, is or is not development and is or is not exempted development.

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A Chara,

Further to your application received on the 19<sup>th</sup> November 2024 and in order for the Planning Authority to determine as to whether the refurbishment of a derelict house, works including; 1)strip out ground floors to fix rising damp; 2)place new ceiling joists and stud work internally, plaster board & skim; 3)re-wire; 4) fix plumbing & 5)second fix, paint & decorate internally at Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65, is or is not development and is or is not exempted development, you are requested to submit the following further information:

1. It is unclear whether the structure to which this application refers, is a distinct residential entity, separate from the adjacent former Garda Station. To this end, clarity is needed and the following further information required:
  - i. Please clarify (by way of supporting documentation) the existing class of use of the subject site and the structure thereon.
  - ii. Please clarify whether the proposed works involve the subdivision of the subject site and the structure thereon into multiple residential units.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 801**

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

Aras an Chontae, Roscommon, F42 VR98  
T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie  
W roscommon.ie RoscommonCountyCouncil @roscommoncoco



**Planner's Report on application under  
Section 5 of the Planning and Development Act 2000 (as amended)**

<b>Reference Number:</b>	DED 801
<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>	Rachel Hastings
<b>Location of Development:</b>	Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65
<b>Site Visit:</b>	20/01/2025

**WHEREAS a question has arisen as to whether the following works;** for “vacant refurbish derelict house” under the Planning & Development Act (Exempted Development) Regulations 2018 (Croí Cónaithe) **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

**1. Site Location & Description of Development & Nature of Proposed Development**

**Site Location:** The subject site and the property thereon is located in the townland of Ballyforan, which is situated to the south-west of county Roscommon.

**Development Description:**

- **Access:** The subject site is positioned north of the R362, which flanks the south extent of the site. Separate gated access provisions are accommodated for both vehicular and pedestrian entry/egress.
- **Boundaries:** The subject site is bounded to the south extent by a masonry block wall with capstone finish (800mm-1.2m); this accommodates pedestrian and vehicular access. The eastern extent of the site is bounded by mature, thick hedgerow and a steel security fence (ca. 2.1m in height) with a security door which precludes unsolicited access to the rear. The western extent of the site is bounded by masonry block wall with capstone finish (800mm-1.2m) to the south-west which meets the gable-end of the property, and the north-west of the site is bounded by masonry block wall with capstone finish (ca. 2.1m)
- **Structure:** The dwelling is a detached, gable-ended, pitched-roof structure, of two-storey composition with three separate chimney flues.

**Nature of Proposed Works:**

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

- Strip out ground floors to fix rising damp
- Place new ceiling joists and stud work internally and plaster board and skim

- Re-wire
- Fix plumbing
- Second fix and paint and decorate internally

## 2. 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 the 'River Suck Callows' SPA (Site Code: 004097) which follows the path of the river and which delineates the western extent of the townland boundary is ca. 1.1km west of the subject site; Four Roads Turlough SPA (Site Code 004140) and SAC (Site Code: 001637) is located 4.8km north-west of the site and Lough Croan Turlough SAC (Site Code: 000610) and SPA (Site Code: 004139) which is located 5.4km north-east of the 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 water pump (*Record of Protected Structures*: 04700526) (*NIAH Registration no*: 31821002) located 0.2km west of the site and Saint Joseph's Catholic Church (*NIAH Registration no*: 31821001) located 0.2km north-west of the site.

## 3. 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 Use** The subject site and the property thereon is indicated on Historical (6-inc 1830-1930) maps.
- **PD/24/149** **Ongoing Application.** Applicant is currently seeking permission for change of use from an existing commercial Garda Station into a residential dwelling house along with all associated site-works. (Decision due date: 05/02/20205). The subject site/development to which this application refers falls outside the red-line boundary of the aforementioned planning application but is adjacent to same, being historically the one commercial building, which functioned as a Garda station with ancillary living quarters.

#### 4. Relevant statutory provisions

##### **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 3 (3)**

In this Act, it is specified, for the avoidance of any doubt, that the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

###### **Section 4 (1)**

Defines certain types of development as being ‘exempted development’. Of particular 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.

## 5. 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, (i) the carrying out of any works on, in, over or under land or (ii) the making of any material change in the use of any structures or other land”*. To this end, the following matters are considered:

- As regard to the *“carrying out of any works on, in over or under land”*, it is considered that the proposed works, as detailed in the application’s *“Specification of the Development Proposed”*, constitute *“development”* within the meaning of Section 3(1) of the Act, but that such works, being for *“maintenance and improvement”* and which ostensibly should 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”* would in principle fall under the provisions for exemptions under Section 4(1)(h) of the PDA 2000 (as amended).
- As regard to *“the making of any material change in the use of any structures”*, it is considered that further clarity is required as regard to the status of this structure. It is unclear whether the structure is a distinct residential entity, separate from the adjacent former Garda Station. An examination of Roscommon County Council’s GIS portal indicates that the subject site and the structure thereon is classified as commercial in use, with a non-residential address type. This suggests that the “Residential House” may have historically formed part of ancillary accommodation associated with the Garda Station, rather than constituting a standalone residential dwelling. Should this be the case, the proposed works would result in a **material change of use** from commercial to residential, as defined under Section 3(1) of the Act and thus trigger the requirement for planning permission for the proposed change of use and associated works, in accordance with the Planning & Development Act 2000 (as amended) and the proper planning and sustainable development of the area.

In accordance with the Planning and Development Act, 2000, section 3(3) explicitly states that “the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used”.

- Historically, the site and its associated structure operated as a Garda Station. This raises the question of whether the proposed works involve the subdivision of the existing structure or whether it constitutes a continuation of its ancillary function. The applicant will be requested to provide clarity on this matter, including confirmation of the existing use of the building.

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.

## 6. Recommendation

### Recommendation

#### FURTHER INFORMATION

Further to your application, processed by the Planning Authority on the 19<sup>th</sup> of November 2024, you are requested to submit the following further information. On receipt of your information, your application will receive further attention.

- i. It is unclear whether the structure to which this application refers, is a distinct residential entity, separate from the adjacent former Garda Station. To this end, clarity is needed and the following further information required:
  - Please clarify (by way of supporting documentation) the existing class of use of the subject site and the structure thereon.
  - Please clarify whether the proposed works involve the subdivision of the subject site and the structure thereon into multiple residential units.

Signed:



Blaithín Kinsella  
Assistant Planner  
Date: 20th January 2025

Signed:



Alan O'Connell  
Senior Executive Planner  
Date: 20th January 2025





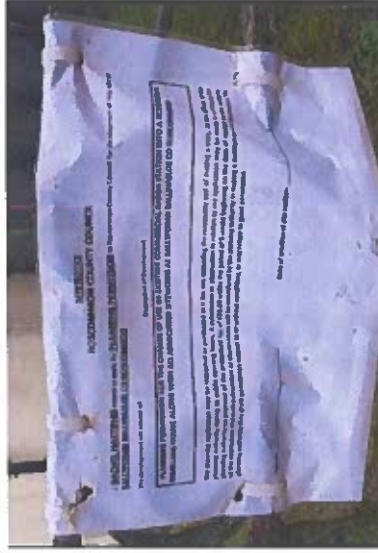
R362 – Eastward towards Dysert



Front Elevation of Subject Site



R362 – Westwards towards Muckloon



Site Notice pertaining to separate Planning Permission



Side Elevation and Boundary Conditions



Side Elevation and Boundary Conditions



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Rachel Hastings,



Date: 22<sup>nd</sup> November 2024  
Planning Reference: DED 801

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish derelict house works including 1) strip out ground floors to fix rising damp; 2) place new ceilings joists and stud work internally, plaster board & skim; 3) re-wire; 4) fix plumbing & 5) second fix, paint & decorate internally under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballyforan, Ballinasloe, Co. Roscommon, H53 WV65.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 19<sup>th</sup> November 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. L01/0/231652 dated 20<sup>th</sup> November 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 801**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
A/Senior Planner,  
Planning Department.

Roscommon County Council  
Ara an Chontae  
Roscommon  
00066 37100

20/11/2024 11 16 57

Receipt No. : L01/0/231652

RACHEL HASTINGS

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 801

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
5347

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



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)	RACHEL HASTINGS
Name of Agent	/
Nature of Proposed Works	Internal fit out, with repairs to external walls, see list of proposed works attached to this document as part of Vacant Rebuildish derelict house in accordance with the planning develop
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLYFERAN, BALLINASLOE, Co. ROSCOMMON M53 WV65
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>100m<sup>2</sup></u> b) <u>n/a</u>
Height above ground level:	0.150mm
Total area of private open space remaining after completion of this development	/
Roofing Material (Slates, Tiles, other) (Specify)	Natural slates

Act  
(Exempt  
Development  
Regulator  
2018  
(Crot  
Cm. the

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No change, existing map Plaster finish
Is proposed works located at front/rear/side of existing house.	No structural changes (see sep. document).
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	—
Existing use of land or structure	Residential house
Proposed use of land or structure	Residential house
Distance of proposed building line from edge of roadway	9m
Does the proposed development involve the provision of a piped water supply	Yes using existing.
Does the proposed development involve the provision of sanitary facilities	Yes using existing

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

Signature:

*[Handwritten Signature]*

Date:

19-11-24

**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



## SECTION 5 DECLARATION

RE: Planning & development Act 2000 (as amended), regarding Exempted Development

Development at Ballyforan, Ballinasloe, Co. Roscommon

FOR Vacant Refurbish derelict house in accordance with the Planning and Development Act ( Exempt Development) Regulations 2018-(Croí Cónaithe)

### **Detailed Specification Of The Development Proposed**

Schedule Of Works.

The property is being stripped out internally and leaving the external as is.

- 1) Strip out ground floors to fix rising damp
- 2) Place new ceiling joists and stud work internally and plaster board and skim
- 3) Re-wire
- 4) Fix plumbing
- 5) Second fix and paint and decorate internally.

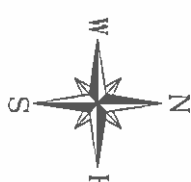
Kind Regards,



Rachel Hastings







EXISTING SERVICES



SITE LAYOUT MAP  
1:500

# Ballyforan

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE PROVIDED TO THE PROJECT.  
THIS DRAWING TO BE USED BY CONTRACTOR WITH REFERENCE TO THE DRAWING.

REV	DATE	BY	CHK
1	19/11/2024	JL	JL
2	19/11/2024	JL	JL
3	19/11/2024	JL	JL
4	19/11/2024	JL	JL
5	19/11/2024	JL	JL
6	19/11/2024	JL	JL
7	19/11/2024	JL	JL
8	19/11/2024	JL	JL
9	19/11/2024	JL	JL
10	19/11/2024	JL	JL

Unit 5 Ballyforan House  
Circular Road,  
Roscommon R42 C962

CLIENT	RACING HASTINGS	JOB	CEPTIC FLOW 12H	DATE	13/11/2024
SITE	BALLYFORAN	DRAWING	SITE LAYOUT	REV	24-639-001
DESIGNED BY	CO. ROSCOMMON HAS	SCALE	1:500		

**SITE ADDRESS:**

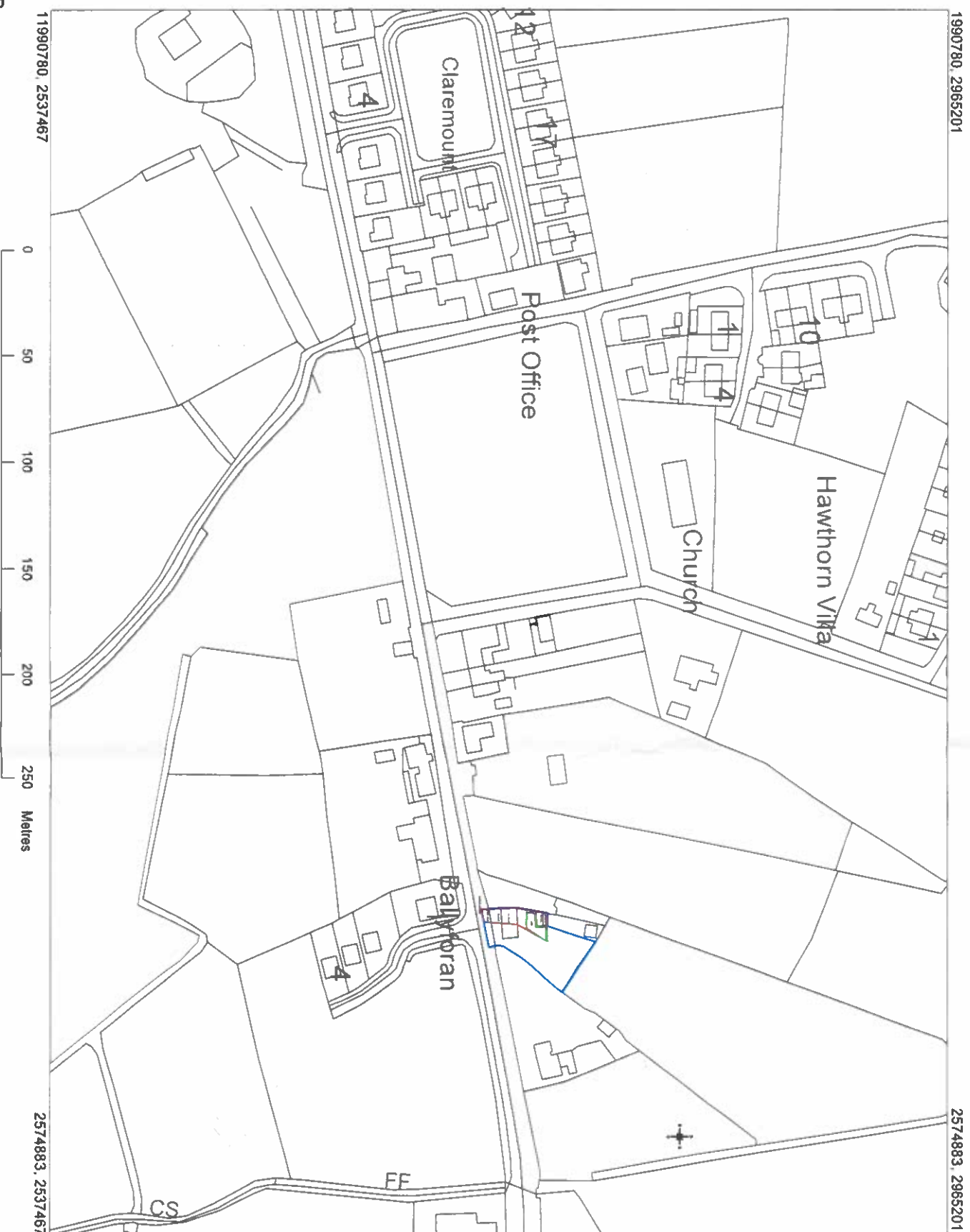
**BALLYFORAN  
BALLINASLOE  
CO. ROSCOMMON  
H53 WV65**

**LEGEND**

**SITE AREA OUTLINED IN RED**  
= 0.261 HECTARES

**LAND HOLDING OUTLINED IN BLUE**

**OS MAPS: RN 2960**



## SITE LOCATION MAP

1:2500

DO NOT SCALE FROM THE DRAWING. WORK ONLY FROM REQUIRED DIMENSIONS  
ALL EFFECTS AND DIMENSIONS TO BE REPRODUCED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANTS' DRAWINGS.

	/	/	IC
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	/	/	I B
SIA	PALF	REV	

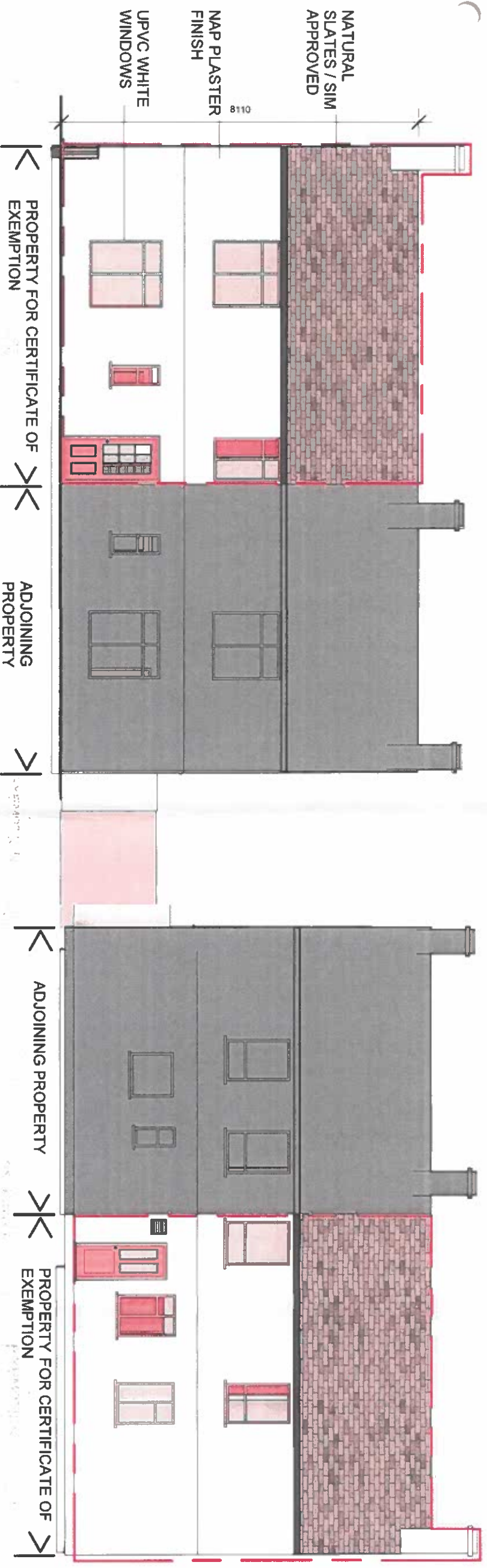
Unit 5 Ballypheason House  
Circular Road,  
Roscommon F42 C982.

**JAMES LOHAN CONSULTING ENGINEER**

Ph: 090 6634365 / 0878228629  
email: james@jce.ie / cdonof@jce.ie  
web: www.jce.ie

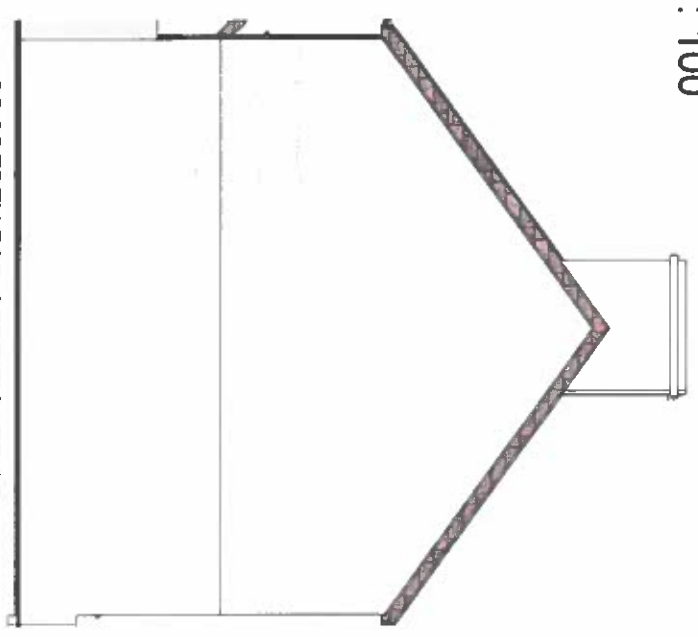
[illegible]





FRONT ELEVATION SOUTH

1  
1 : 100



SIDE ELEVATION WEST

3  
1 : 100

PROPERTY FOR CERTIFICATE OF EXEMPTION

REAR ELEVATIONS NORTH

2  
1 : 100

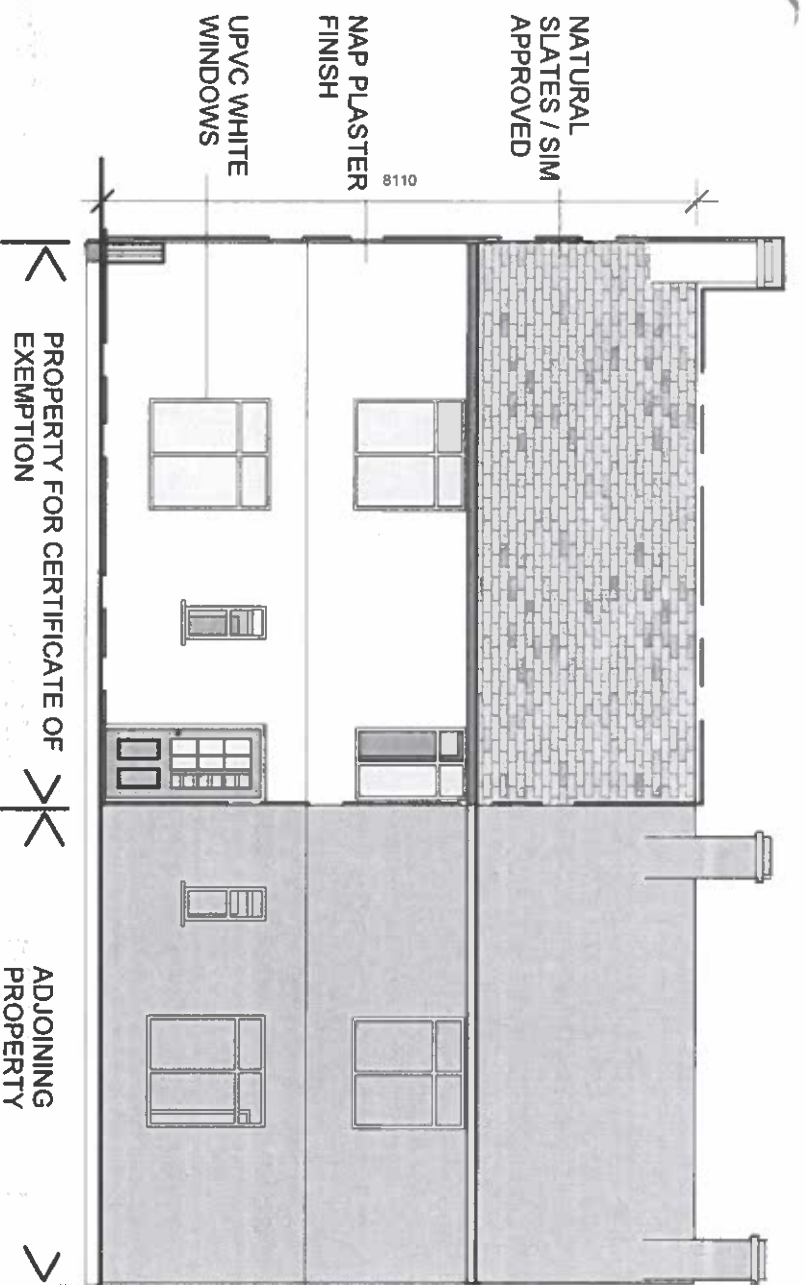


SIDE ELEVATIONS EAST

4  
1 : 100

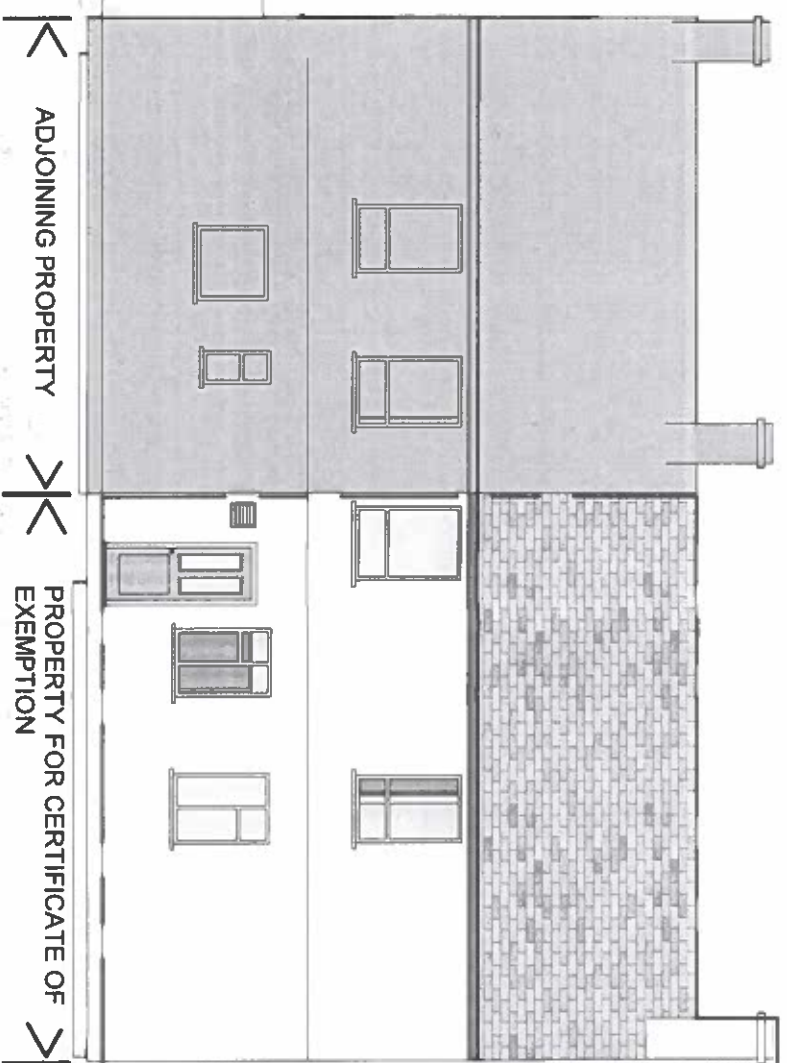
ADJOINING PROPERTY





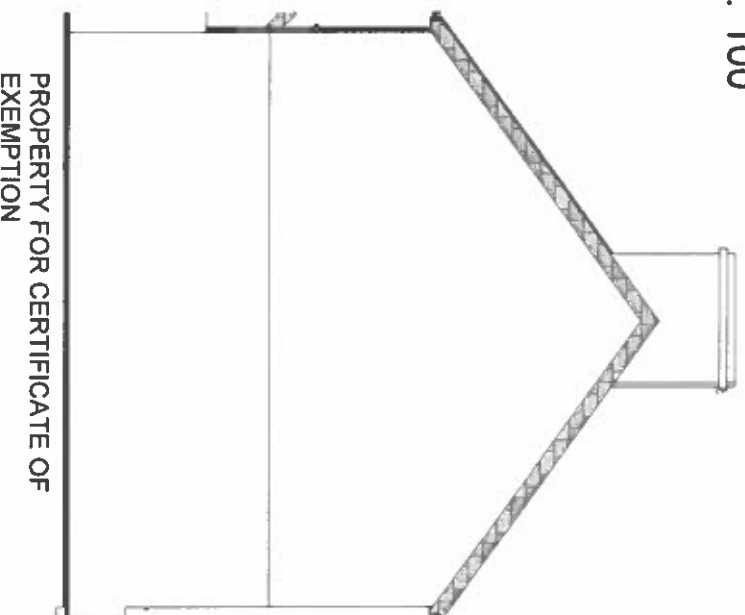
## FRONT ELEVATION SOUTH

1  
1 : 100



## REAR ELEVATIONS NORTH

2  
1 : 100



## SIDE ELEVATION WEST

3  
1 : 100

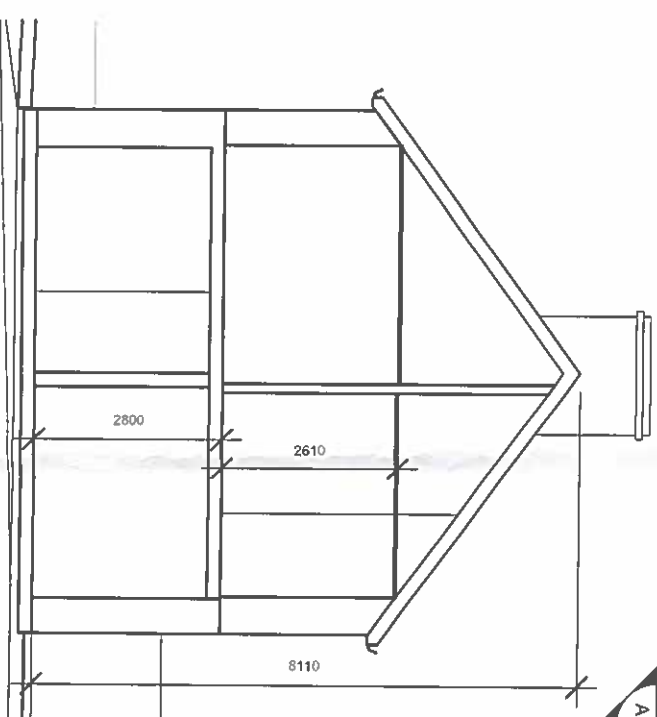
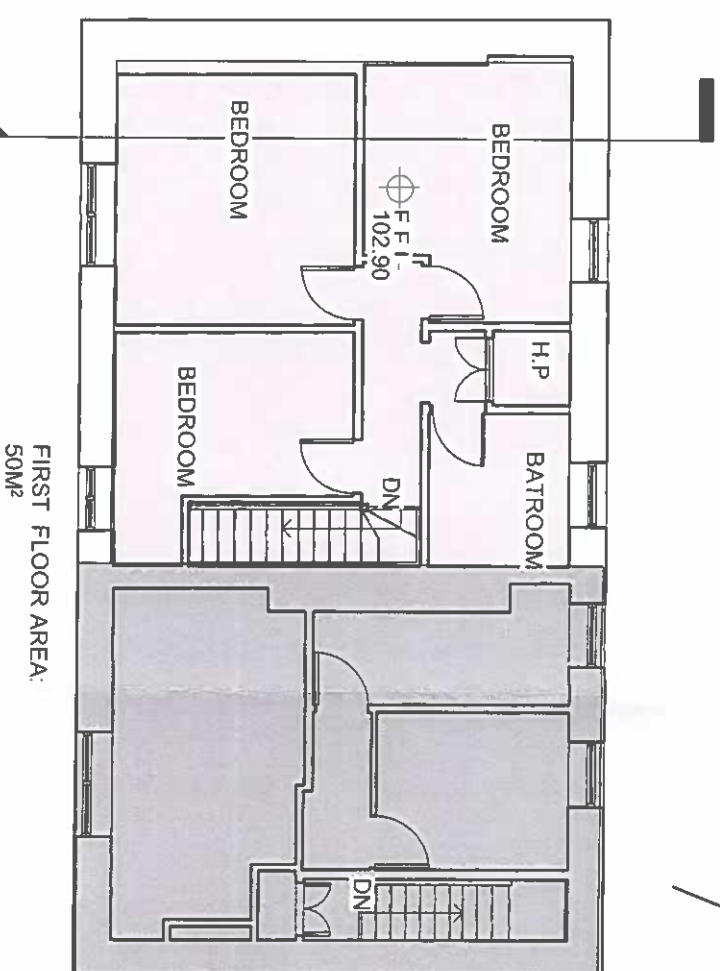
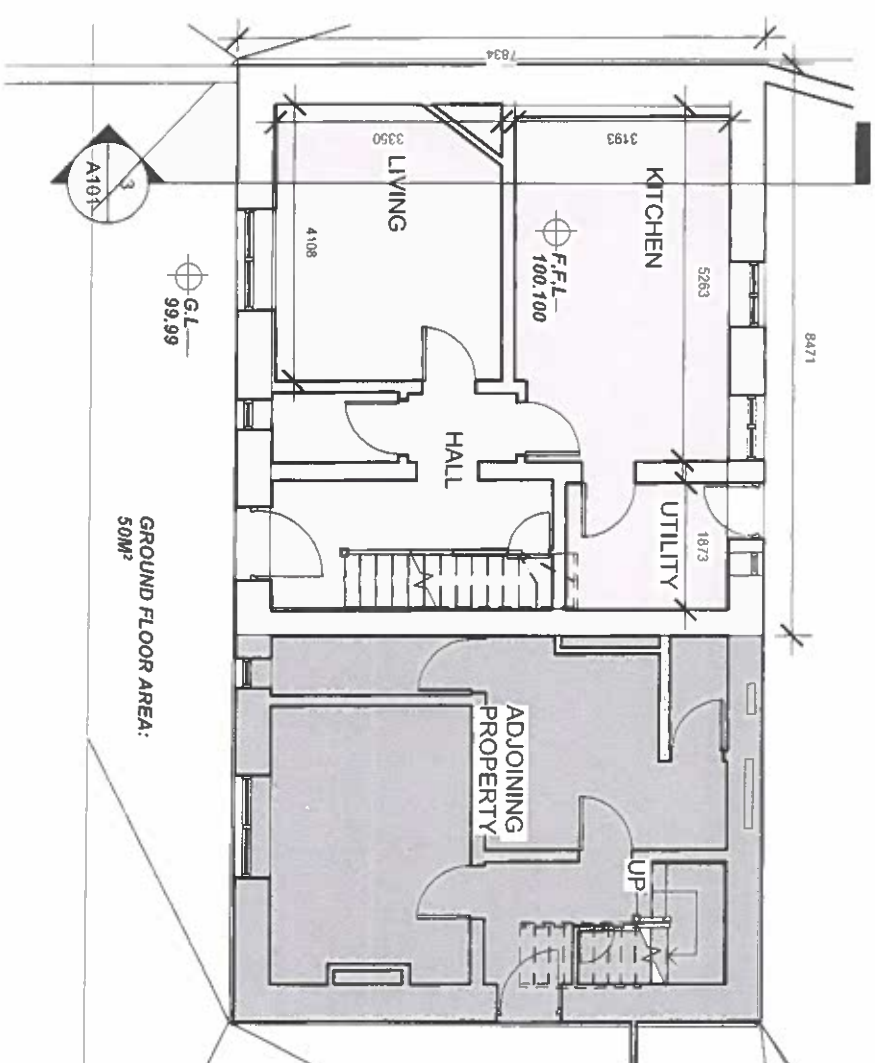


## SIDE ELEVATIONS EAST

4  
1 : 100







Civil Engineering & Mechanical Design 30' Ceiling		30' x 30' x 30' 30' x 30' x 30' 30' x 30' x 30'	30' x 30' x 30' 30' x 30' x 30' 30' x 30' x 30'
CLIENT	RACEL HAYTHOS	JOB	CENT OF CLEARANCE
SITE	BULL HORN CO ROCCO CASSION 100 YEARS	DRAWING	FLOR PLANS
JOB NO.	2443	DATE	12/21/2024
DATE	1/10	SCALE	1:100
DESIGNED BY	CHEN	CHECKED BY	CHEN

