

ROSCOMMON COUNTY COUNCIL

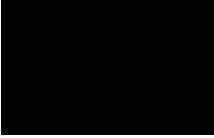
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Joseph Bruen,



Reference Number: DED 804
Application Received: 25th November, 2024
Name of Applicant: Joseph Bruen
Agent: N/A

WHEREAS a question has arisen as to whether the change of use from guest accommodation to use as accommodation for refugees & asylum seekers at Cootehall, Boyle, Co. Roscommon, F52AW68 & F52HN82, 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 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Article 6 of the Planning and Development Regulations, 2001, as amended.
- (c) Part 4 of Schedule 2 of the 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) The works outlined above is development.
- (b) The proposed works, which are for a 'change of use from guest accommodation to use as accommodation for refugees & asylum seekers' at Cootehall, Boyle, Co. Roscommon, F52AW68 & F52HN82, does fall under Schedule 2 of Part 1; Class 14 development, however, the existing use contravenes the use specified in a permission under the Act and is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) and does not constitute 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 EIAER 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 change of use from guest accommodation to use as accommodation for refugees & asylum seeker at Cootehall, Boyle, Co. Roscommon, F52AW68 & F52HN82, 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: 25th February, 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**

Reference Number: DED 804

Name and Address of Applicant: Joseph Bruen

AGENT: N/A

WHEREAS a question has arisen as to whether 'a change of use from guest accommodation to use as accommodation for refugees & asylum seekers' at Cootehall, Boyle, Co. Roscommon F52 AW68 & F52 HN82 is or is not development and is or is not exempted development:

1.0 Site Location and Description

The subject site is located off the L-1018 in the village of Cootehall. The application site consists of 2no. existing two-storey structures (F52 AW68 and F52 HN82) and has an informal car park arrangement to the rear of the buildings which is accessed to the south of the site. The site is within the Cootehall settlement boundary within the *Roscommon County Development Plan 2022-2028*.

2.0 Planning History

PD/12/172: Incomplete application to amend condition no.3 of planning file ref no PD/04/1449.

PD/04/1449: Permission granted to carry out alterations to existing building comprising of the following: Carry out alterations to existing front elevation including partially raising roof plus provision of 2 no. dormer windows; construct single storey extension to rear with roof garden over; refurbishment and fit out of, plus change of use of existing offices/store to public house and restaurant; carry out associated site development works including provision of car parking, hard and soft landscaping.

PD/99/161: Application finalised for permission to retain change of use from store into offices & septic tank.

3.0 Relevant Legislation

I have considered this question, and I have had regard particularly to –

- a) Sections 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the 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 on site.

Planning and Development Act, 2000 (as amended)**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 (2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purposes 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.

- Particular regard is had to Class 20F of Column 1 and the associated Conditions and Limitations set out under Column 2.

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 development 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,

(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,

Schedule 2 Article 6 Part 1 *Exempted Development - General*

Description of Development	Conditions and Limitations
<p><i>Change of use</i> CLASS 14 (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons</p>	<p>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</p>

4.0 Observations and Site Inspection

I inspected the site on 14th January 2025 and took photographic evidence of what I observed. It was noted during the inspection that works were carried out internally to the properties in question which includes the erecting of fire exit signs, numbered doors to self-contained rooms, carpets and laminate flooring in the corridors and rooms, walls plastered and painted, pictures hung on the wall, radiators installed in corridors and rooms, furniture, cabinets, tables and TVs.

Based on the findings from the site inspection, there is no evidence to suggest the buildings are currently used as a public house and restaurant, i.e. permitted uses under PD/04/1449.

5.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘a change of use from guest accommodation to use as accommodation for refugees & asylum seekers’ at Cootehall, Boyle, Co. Roscommon F52 AW68 & F52 HN82 is or is not development and is or is not exempted development.

I examined the plans/drawings submitted as part of the DED application which illustrates 7no. bedrooms within the development over both floors and a proposal to accommodate a total of 34 persons.

Having reviewed Class 14(h) of Schedule 2 Article 6 Part 1 *Exempted Development – General* of the Planning & Development Regulations 2001 (as amended), the proposed change of use from a guesthouse to use as accommodation for protected persons is considered to be exempted development, subject to meeting all the conditions and limitations.

Notwithstanding the above, it is established that the last permitted use of the subject properties was as a public house and restaurant. The plans and documents submitted for the granted planning permission under PD/04/1449 illustrates that the public house was on the ground floor and the restaurant use on the first floor.

Under Article 10(1) *Changes of use* of Planning & Development Regulations 2001 (as amended) it sets out the following:

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act,*
- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

The change of use from a public house (falls under *Class 12 – Use a Public House*) to a guest house (falls within *Class 6 – use of a guest house*) under Part 4 Article 10 *Exempted development – Classes of use* of the Planning & Development Act 2000 (as amended), are not falling within the same class of use and is therefore deemed to be a material change of use and not exempted development.

The use of a restaurant is not specified as an exempted class of use and does not fall within Class 1 – use as a shop under Part 4 Article 10 *Exempted development – Classes of use* of the Planning & Development Act 2000 (as amended). Therefore, the change of use from a restaurant to a guesthouse use (Class 6) is deemed to be a material change and not exempted development.

In addition, Class 14(h) of Schedule 2 Article 6 Part 1 *Exempted Development – General* of the Planning & Development Regulations 2001 (as amended), a structure or part of a structure in use as a ‘public house’ and ‘restaurant’ are not listed as permitted uses and cannot therefore be considered exempted development under the same Class.

The existing use, as described in documents received, is deemed to be unauthorised and is inconsistent with the last permitted uses under PD/04/1449 which is a public house and restaurant. The proposed change of use set out in this DED application falls under Schedule 2 of Part 1; Class 14(h) development, however, the existing use contravenes the use specified in a permission (PD/04/1449) under the Act and is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) and does not constitute exempted development.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: 'a change of use from guest accommodation to use as accommodation for refugees & asylum seekers' at Cootehall, Boyle, Co. Roscommon F52 AW68 & F52 HN82' is development and is not exempted development.

6.0 Recommendation

WHEREAS a question has arisen as to whether 'a change of use from guest accommodation to use as accommodation for refugees & asylum seekers' at Cootehall, Boyle, Co. Roscommon F52 AW68 & F52 HN82, 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, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the 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 on site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above is development.
- (b) The proposed works, which are for 'a change of use from guest accommodation to use as accommodation for refugees & asylum seekers' at Cootehall, Boyle, Co. Roscommon, F52AW68 & F52HN82, does fall under Schedule 2 of Part 1; Class 14 development, however, the existing use contravenes the use specified in a permission under the Act and is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) and does not constitute 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 for 'a change of use from guest accommodation to use as accommodation for refugees & asylum seeker' at Cootehall, Boyle, Co. Roscommon, F52AW68 & F52HN82, is development that is **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed:


Shane Winters
Executive Planner

Date: 21st February 2025



Signed: _____
Alan O'Connell
Senior/Senior Executive Planner.

Date: 21st February 2025

Photos taken on 14th January 2025

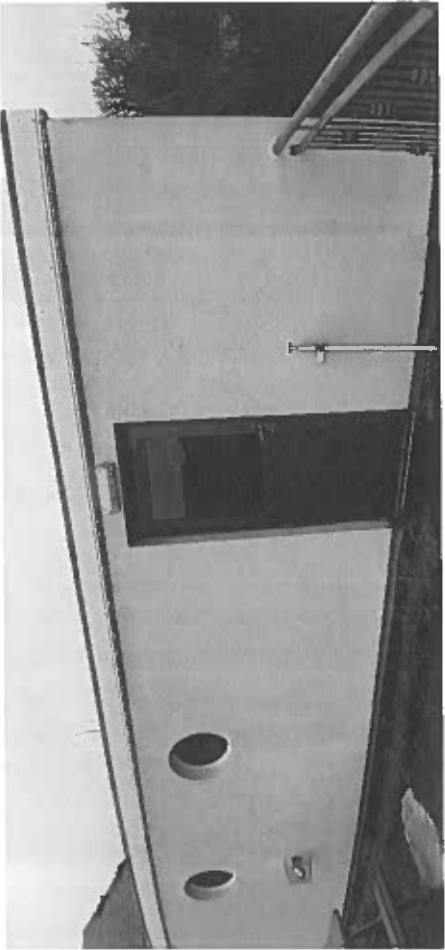










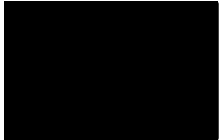




Comhairle Contae
Ros Comáin
Roscommon
County Council



Joseph Bruen,



Date: 26th November 2024
Planning Reference: DED 804

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for the change of use from guest accommodation to use as accommodation for refugees & asylum seekers under the Planning & Development Act (Exempt Development) Regulations 2018 at Cootehall, Boyle, Co. Roscommon, F52 AW68

A Chara,

I wish to acknowledge receipt of your application which was received on the 25th 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. L01/0/231726 dated 25th November 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 804**
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

25/11/2024 12:34:31

Receipt No L01/0/231726

JOSEPH BRUEN

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 804

Total 80.00 EUR

Tendered :
Credit/Debit Card 80.00
5043

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



DED 804



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: 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)	JOSEPH BRUEN
Name of Agent	
Nature of Proposed Works	2001-2024 Under Class 14(h) of P+D Reg a change of use from Guest Accommodation to use as accommodation for refugees & asylum seekers. No works are being sought in respect of change of use as set out above.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	COOTEHALL, BOYLE. Co Roscommon F52 AW68 F52 HN82
Floor Area: a) Existing Structure b) Proposed Structure	a) 515 sqm b) —
Height above ground level:	3 mts
Total area of private open space remaining after completion of this development	675 sqm
Roofing Material (Slates, Tiles, other) (Specify)	SLATES

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	
Is proposed works located at front/rear/side of existing house.	No
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	VACANT
Proposed use of land or structure	No accomade Refugees & Asylum seekers
Distance of proposed building line from edge of roadway	Roadside Building
Does the proposed development involve the provision of a piped water supply	NO, Existing
Does the proposed development involve the provision of sanitary facilities	No Existing

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

Signature:

Augh Bawa

Date:

20 Nov 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

Tailte
Éireann

CENTRE
COORDINATES:
ITM 589688.803844
PUBLISHED:
10/10/2023
ORDER NO.:
50361955_1
MAP SERIES:
1:5,000
MAP SHEETS:
1742



COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4
www.tailte.ie

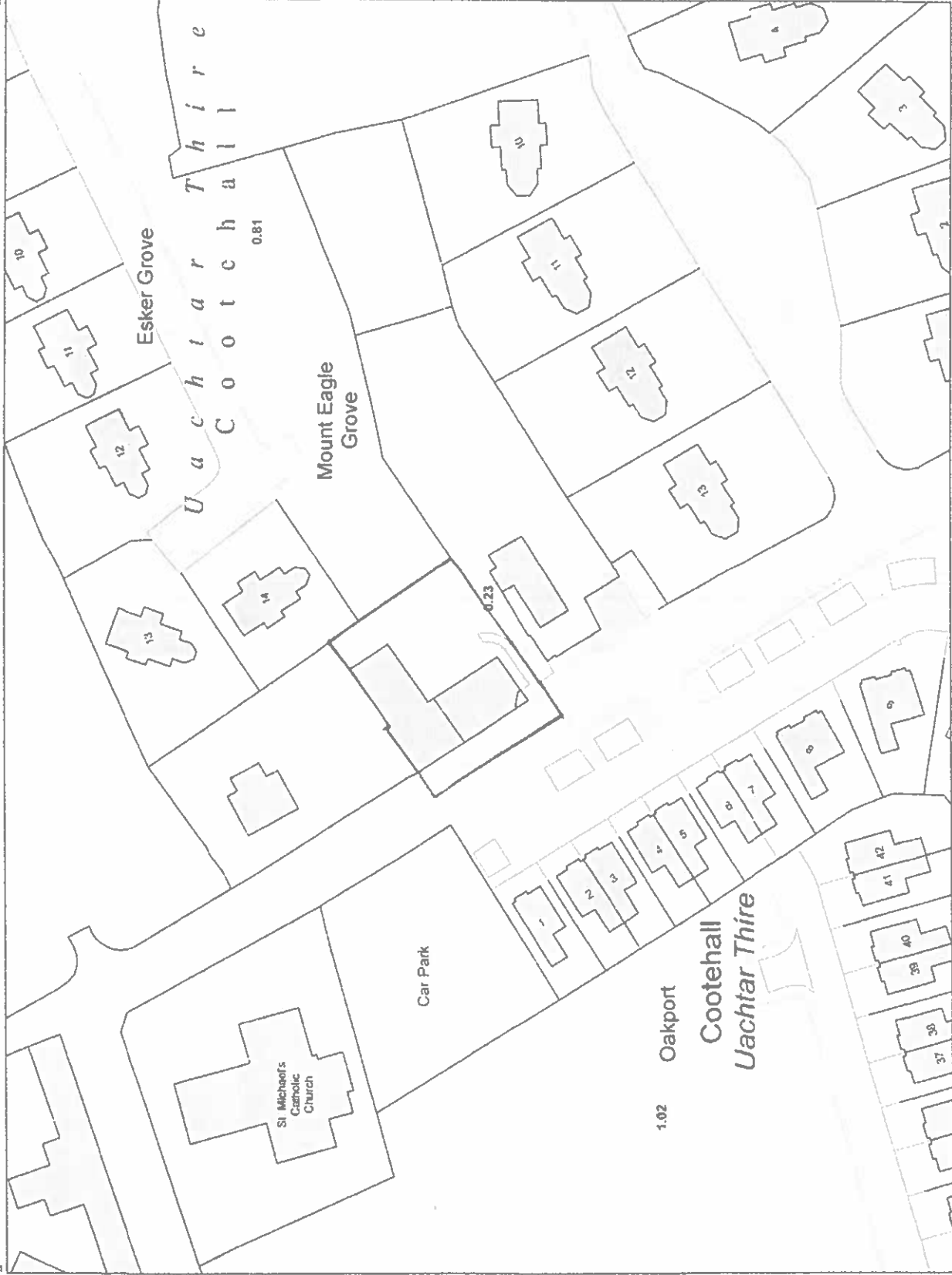
Any unauthorised reproduction
infringes Tailte Éireann copyright

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.



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

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'

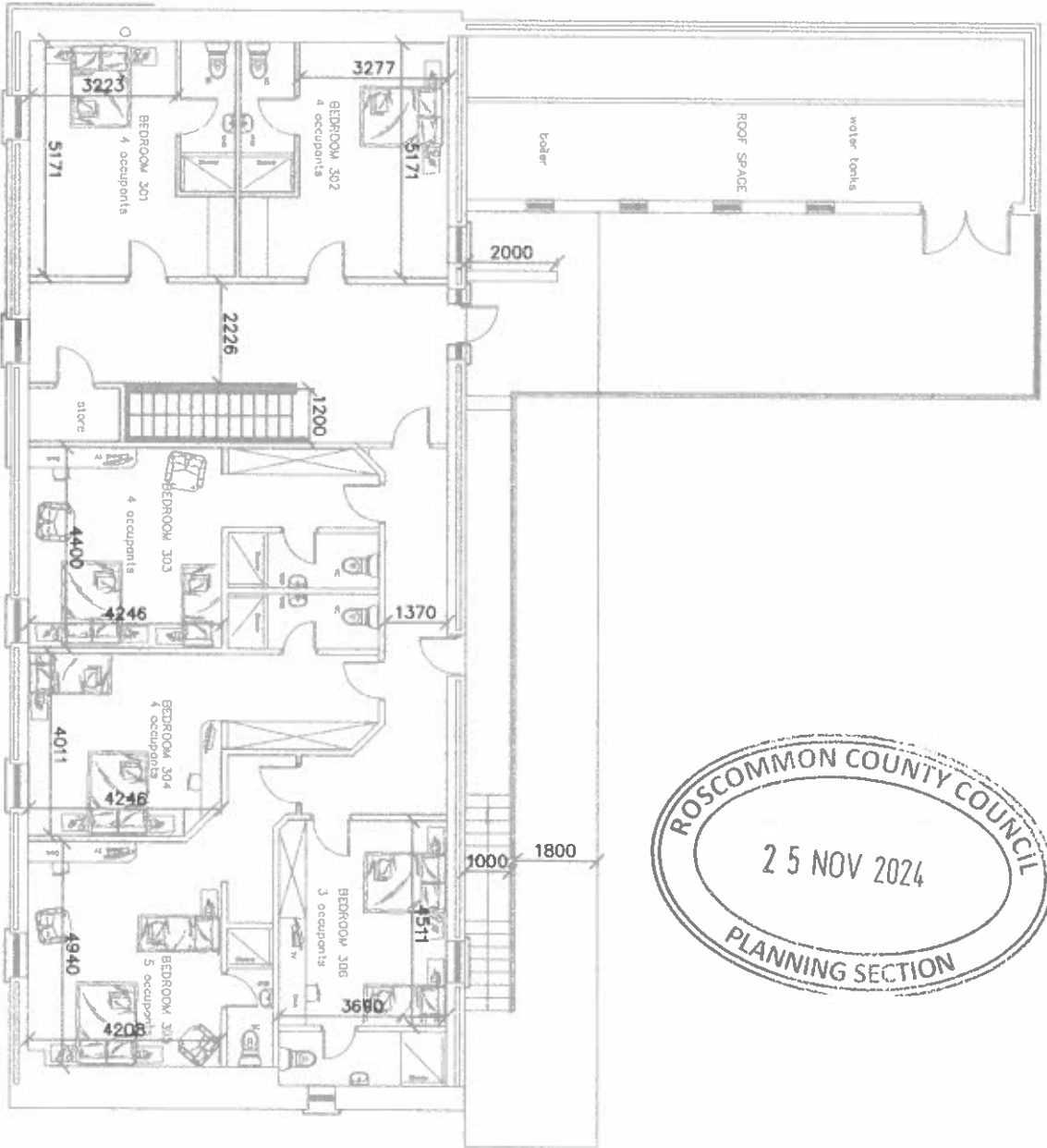
OUTPUT SCALE: 1:1,000





Site Layout Plan scale 1:500
S5 02

FIRST FLOOR PLAN



CLIENT O'NEILL, E. & S. O'NEILL Carrigrohane, Dromedary, Co. Limerick		ARCHITECT 16/07/2024/19 email: h.boddy@mcgill.co.uk	
DATE 1:100 DATE Nov 2024 DATE 2024	SCALE 1:100 DATE Nov 2024 DATE 2024	PROJECT ECON PROJECT ECON PROJECT SS 04	PROJECT ECON PROJECT ECON PROJECT SS 04

OSi PLACE Map

Tailte
Éireann

CENTRE
COORDINATES:
ITM 589688.803844

PUBLISHED:
10/10/2023

MAP SERIES:
1:5,000

ORDER NO.:
50361955_1

MAP SHEET:
1742

25 NOV 2023

PLANNING SECTION

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann
Phoenix Park
Dublin 8,
Ireland
D08F8E4

Any unauthorised reproduction
infringes Tailte Éireann copyright

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.

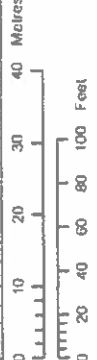
This data was first held by
the National Mapping Division
of Tailte Éireann
Copyright © 2023



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

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.osire.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000





Site Layout Plan scale 1:500
S5 02

OSi PLACE Map

Tailte
Éireann

CENTRE
COORDINATES:
ITM 589688.803844

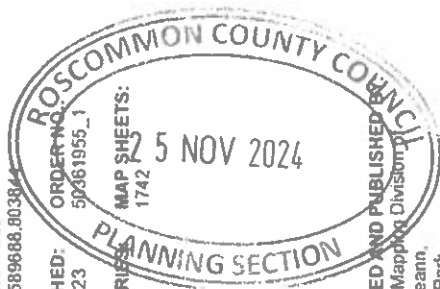
PUBLISHED:
10/10/2023

MAP SERIES:
1:5,000

ORDER NO:
50861955_1

MAP SHEETS:
1742

5 NOV 2024



COMPILED AND PUBLISHED BY
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.



This map was produced by
the National Mapping Division
of Tailte Éireann, formerly
Ordnance Survey Ireland 2023



803758

589684



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

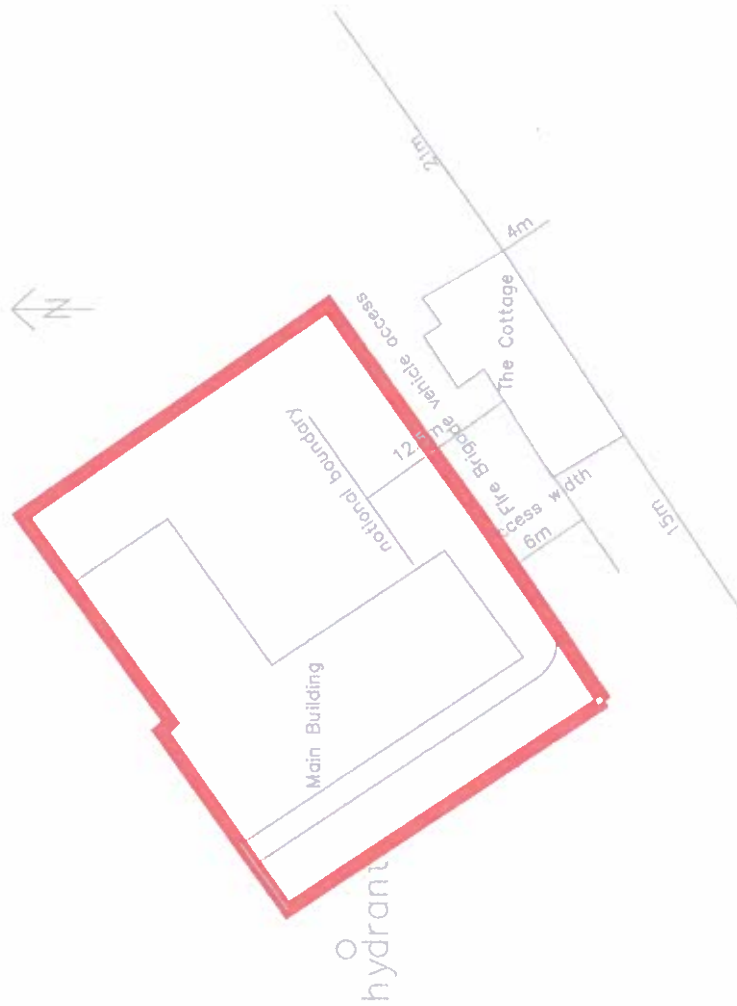
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at
www.osi.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

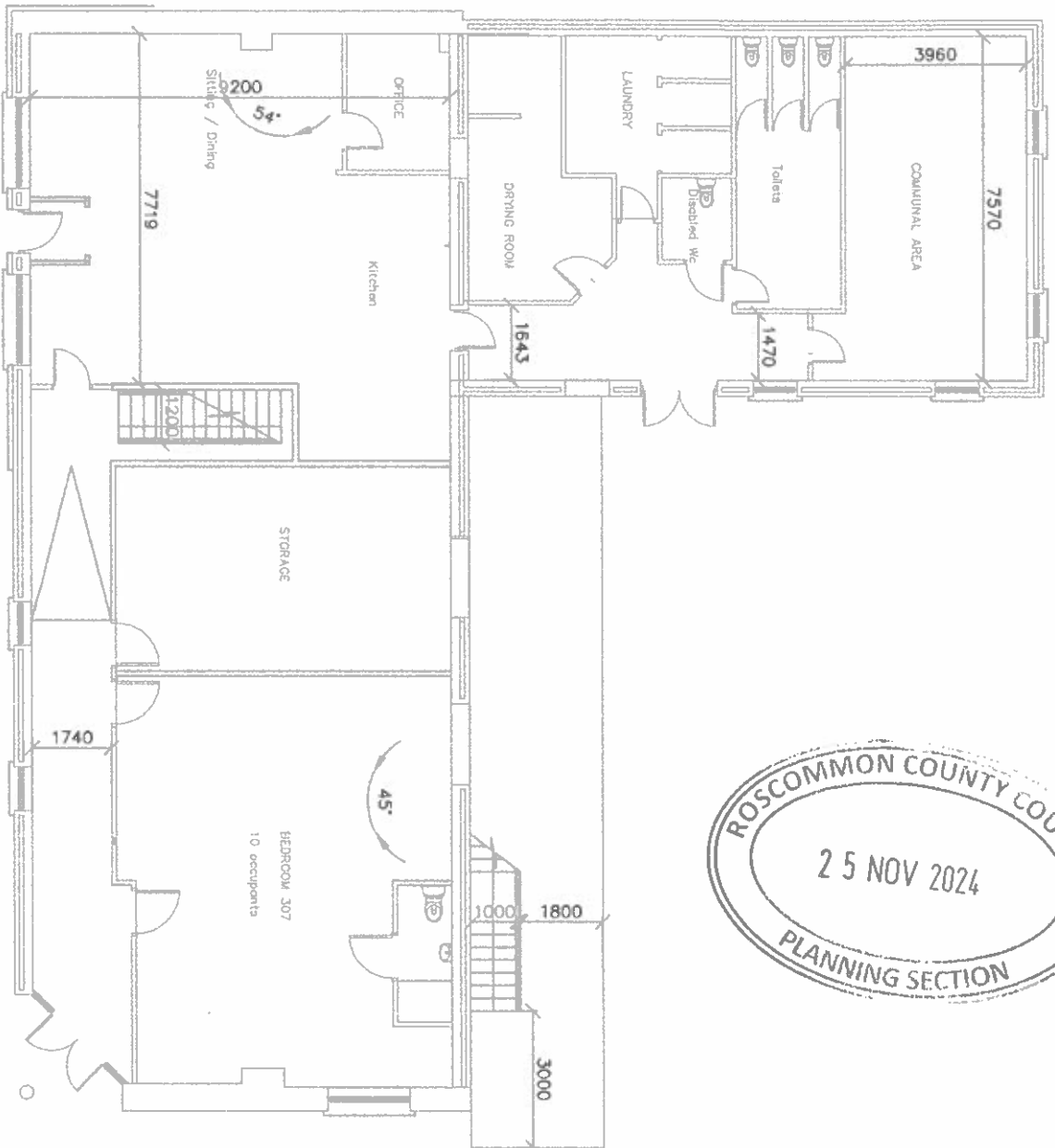


803758

589571



Site Layout Plan scale 1:500
S5 02



name	description	date
EMERIE O'NEIL BUNCH, MURAL Correspondent, Democrat, Ga. Letters	ARCHITECT 141.057 25.46178 email: hlo@alum.wisc.edu	
editor Joe Bruen	scale 1:100	present EON
major Guest Accommodation at Coolteahall	date Nov 2024	desired EON
present Ground Floor Plan Main Building	add vol.	present SS 03