

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Sean Carroll,



Reference Number: DED 805
Application Received: 25th November 2024
Name of Applicants: Sean Carroll
Agent: Eamon O'Dowd

WHEREAS a question has arisen as to whether the change of use from guest accommodation building to use as accommodation building for refugees & asylum seekers at Tangier House, The Crescent, Boyle, Co. Roscommon, F42 KF60, 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 Acts 2000 (as amended);
- (b) Articles 6, 9 and 10 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 are development.
- (b) The proposed works, which are for a change of use from guest accommodation building to accommodation building for refugees & asylum seekers at Tangier House, The Crescent, Boyle, Co. Roscommon F52 KF60 does fall under Schedule 2 of Part 1; Class 14 development, however, the proposed change of use contravenes condition no.2 under PD/24/60162 and therefore is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* under 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 to change the use from guest accommodation to use as accommodation for refugees & asylum seekers at Tangier House, The Crescent, Boyle, Co. Roscommon, F42 KF60, 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: 4th February 2025

cc agent via email: Eamon O'Dowd
eamonodowd57@gmail.com

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.

Carmel Curley

From: Carmel Curley
Sent: Wednesday 5 February 2025 10:13
To: eamonnodowd57@gmail.com
Subject: DED805 - Notification of Decision
Attachments: DED805 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 805 submitted on behalf of Sean Carroll. Please note that a hard copy will be issued to the applicant via registered post.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number: DED 805

Name and Address of Applicant: Sean Carroll

AGENT: Eamonn O'Dowd

WHEREAS a question has arisen as to whether 'a change of use from guest accommodation building to accommodation building for refugees & asylum seekers' at Tangier House, The Crescent, Boyle, Co. Roscommon F52 KF60 is or is not development and is or is not exempted development:

1.0 Site Location and Description

The subject site is located at Tangier House at the Crescent, Boyle, Co. Roscommon and is located on lands zoned Core Town Centre in the Boyle Local Area Plan 2015-2021. The application site consists of a two storey building with provision for marked car parking spaces around the stated property.

The proposed accommodation within the subject property comprises of 12no. bedrooms over the two floors with associated kitchen, dining and living space and sanitary facilities.

2.0 Planning History

PD/24/60162: Permission granted (subject to 4no. conditions) for change of use from building containing eight apartments to guest accommodation building containing eight self-catering guest rooms.

PD/06/392: Permission granted to construct a single storey extension of 52sq.m. floor area to the side of the crèche (PD/04/1116).

PD/04/1116: Permission granted to construct a crèche with full day care facilities for thirty children with entrance from Carrick Road and also all associated site development works and services. The building will be single storey detached with a floor area of 244sq.m. and be situated beside Tangier House.

PD/04/1016: Permission granted to erect 2no. semi detached dormer bungalows and 1no. detached two storey dwellings on sites no's. 1-2, along with changes to site layout and connection to public services.

PD/98/924: Permission to extend and convert existing building to apartments.

PD/95/372: Permission granted to erect an extension to the front of their house, together with associated works

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, 9 and 10 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 14 Change of use 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
<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	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>of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,</p> <p>(i) 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 (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest</p>
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4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether **‘a change of use from guest accommodation building to accommodation building for refugees & asylum seekers’** at Tangier House, The Crescent, Boyle, Co. Roscommon F52 KF60 consists of a material change of use.

Hereunder, details 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 works 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, 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”. It is considered that said works constitutes development, as defined in section 3 of the said Act, due to intensification of the site.

I inspected the site on 14th January 2025 and took photographic evidence of what I observed. The two-storey building in question appeared to be vacant at time of the inspection.

I also reviewed the plans/drawings submitted as part of the DED application which illustrates a total of 12no. bedrooms within the building over both floors with the number of occupants to be accommodated not specified within the application.

The permitted use of the building under PD/24/60162 is for ‘guest accommodation’ containing eight self-catering guest rooms. This application clearly demonstrates a proposed increase in the number of rooms accommodating occupants within the building than that specified under the preceding planning permission (PD/24/60162).

It is acknowledged that existing guesthouse use of the building as granted under PD/24/60162, meets the change of use criteria under Class 14 under the Planning and Development Regulations 2001 (as amended).

Notwithstanding this, the grant of permission under PD/24/60162 was subject to 4no. conditions with Condition no.2 stating the following:

The development hereby permitted is for change of use only to 'guest accommodation' as detailed in the formal development description and as further detailed in documentation submitted on 9th August 2024. The development shall be used for short term guest accommodation only, as indicated in plans and particulars received on 9th August 2024 and for guest tenure durations not exceeding 2 calendar months. No change of use shall take place without a prior grant of planning permission, notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations, 2001 (as amended). The maximum number of guests accommodated at any time shall not exceed 24.

Reason: In the interests of the proper planning and sustainable and orderly development of the area.

Under Article 9(1) *Restrictions on exemption* within the Planning and Development Regulations 2001 (as amended) it states:

- (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,*

Given the nature of the development, the Planning Authority is satisfied that the change of use proposed in this application does contravene Condition no.2 under PD/24/60162 and therefore is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* under the Planning and Development Regulations 2001 (as amended).

5.0 Recommendation

WHEREAS a question has arisen as to whether 'a change of use from guest accommodation building to accommodation building for refugees & asylum seekers' at Tangier House, The Crescent, Boyle, Co. Roscommon F52 KF60, 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 Acts 2000 (as amended);
- b) Articles 6, 9 and 10 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 I have concluded that

- The works outlined above are development.
- The proposed works, which are for a change of use from guest accommodation building to accommodation building for refugees & asylum seekers at Tangier House, The Crescent, Boyle, Co. Roscommon F52 KF60 does fall under Schedule 2 of Part 1; Class 14 development, however, the proposed change of use contravenes condition no.2 under PD/24/60162 and therefore is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* under the Planning and Development Regulations 2001 (as amended) and does not constitute 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 which sets out to “*a change of use from guest accommodation building to accommodation building for refugees & asylum seekers*” falls under Schedule 2 of Part 1; Class 14 development. Notwithstanding this, the proposal set out in this application contravenes Condition no.2 under PD/24/60162 and therefore is not in accordance with Article 9(1)(a)(i) *Restrictions on exemption* under the Planning and Development Regulations 2001 (as amended) and does not constitute exempted development and that a declaration to that effect should be issued to the applicant.

Signed:



Shane Winters
Executive Planner

Date: 16th January 2025



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

Date: 16th January 2025

Photos taken on 14th January 2025







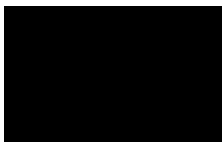




Comhairle Contae
Ros Comáin
Roscommon
County Council



Sean Carroll,



Date: 26th November 2024
Planning Reference: DED 805

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 Tangier House, The Crescent, Boyle, Co. Roscommon., F52 KF60.

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. L01/0/231725 dated 25th November 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 805**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc agent via email: Eamon O'Dowd
eamonodowd57@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
00066 37100

25/11/2024 14:08:38

Receipt No : L01/0/231728

SEAN CARROLL

AGENT: EAMONN O'DOWD

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 805	

Total	80.00 EUR
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Tendered :	
Cheque	80.00
000368	

Change :	0.00
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Issued By : Bernadine Dugnan
From : Central Cash Office

Carmel Curley

From: Carmel Curley
Sent: Tuesday 26 November 2024 15:25
To: eamonnodowd57@gmail.com
Subject: DED 805 - Sean Carroll
Attachments: DED 805 - Ack Letter & Receipt.pdf

A Chara,

Please see attached Acknowledgement Letter & Receipt for DED Application 805 for Sean Carroll.

A hard copy will issue to the applicant today.

Regards,

Carmel

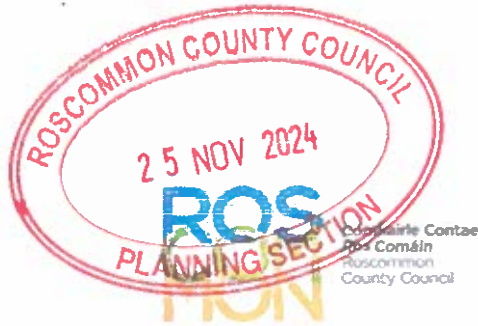
Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



DED 8.05.



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)	SEAN CARROLL
Name of Agent	EAMONN O'DOWD
Nature of Proposed Works	CHANGE OF USE FROM GUEST ACCOMMODATION BUILDING TO ACCOMMODATION BUILDING FOR REFUGEES AND ASYLUM SEEKERS
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	TANGIER HOUSE, THE CRESCENT, BOYLE F52 KF60 OSMAP: 1740-11
Floor Area: a) Existing Structure b) Proposed Structure	a) 393 b) ✓
Height above ground level:	8.45m
Total area of private open space remaining after completion of this development	✓
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)	N/A
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	PD 2460162
If yes give ref. number (include full details of existing extension, if any)	CHANGE OF USE FROM APARTMENT BUILDING TO GUEST ACCOMMODATION BUILDING
Existing use of land or structure	GUEST ACCOMMODATION 1
Proposed use of land or structure	REFUGEES & ASYLUM SEEKERS ACCOMMODATION BUILDING
Distance of proposed building line from edge of roadway	10.45m
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING

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

Signature:

J. Lannoy

Date:

21.11.24

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



Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
EIM 580247.802482

PUBLISHED: 11/04/2024
ORDER NO.: 50393928_1

MAP SERIES: 1:1,000
MAP SHEETS: 1740-11

COMPILED AND PUBLISHED BY
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F0E4

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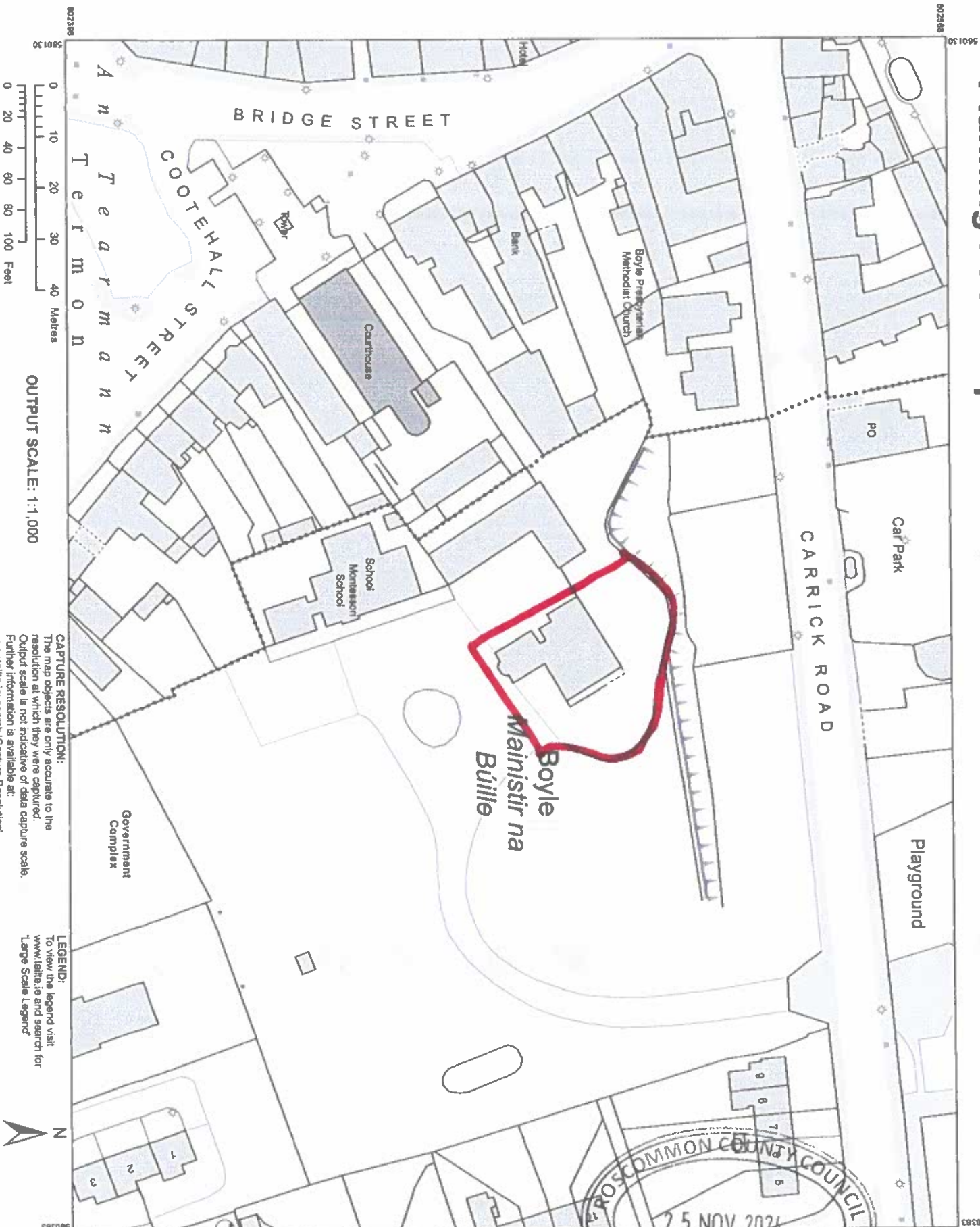
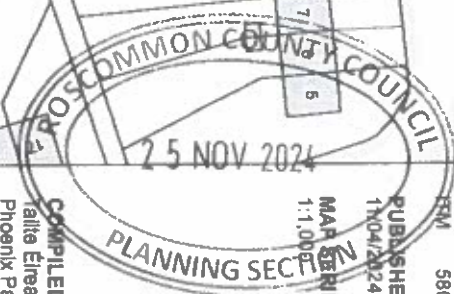
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OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:

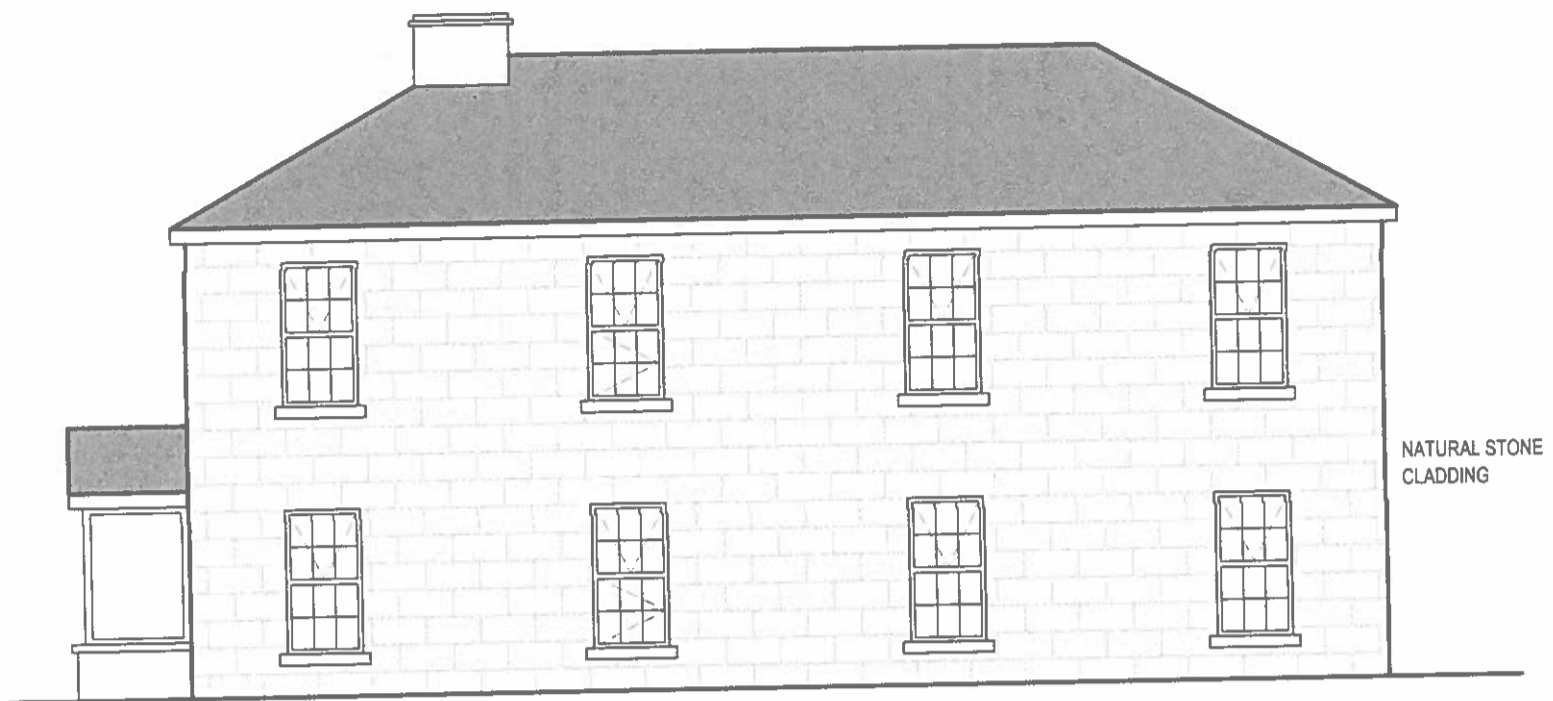
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie, search 'Capture Resolution'

LEGEND:

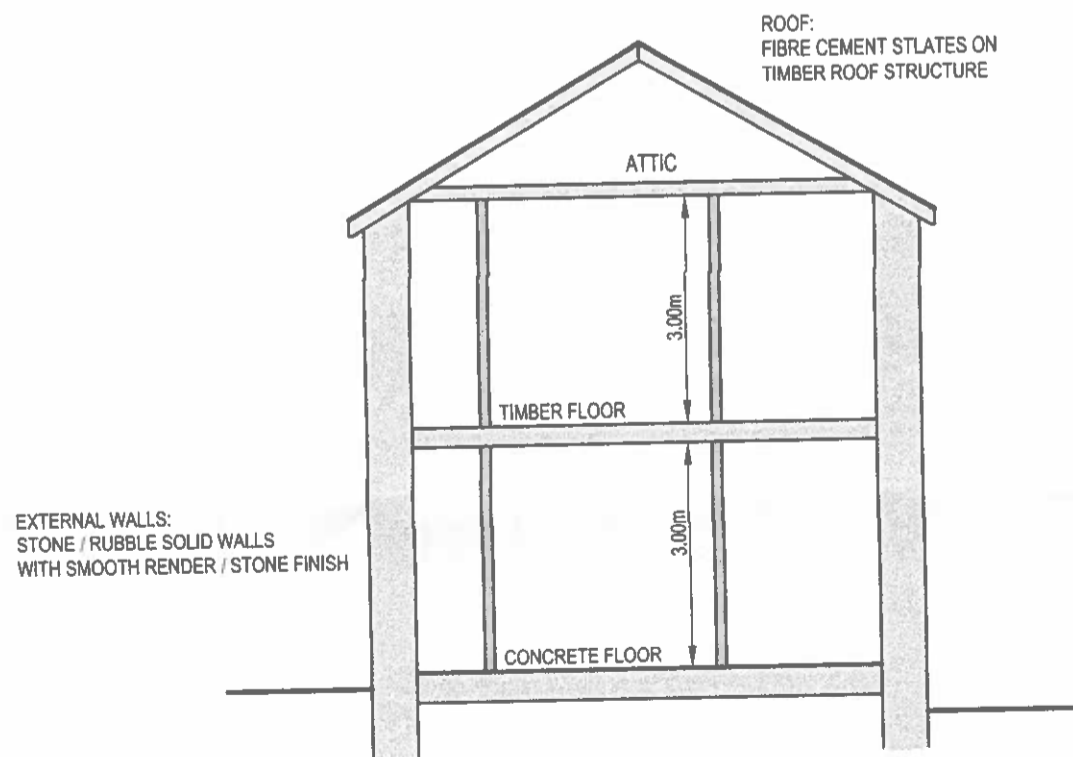
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

SITE LAYOUT PLAN scale 1/500



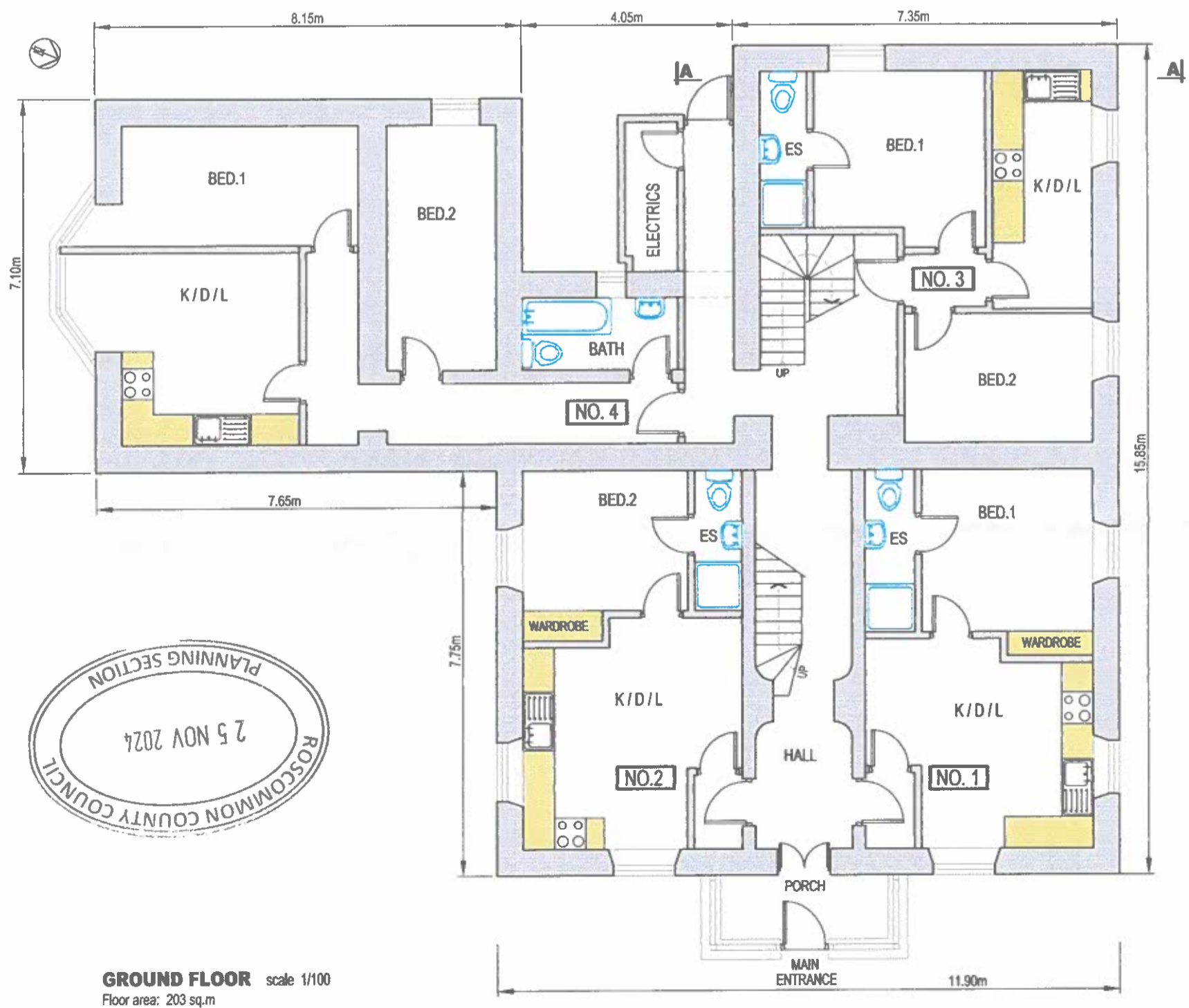
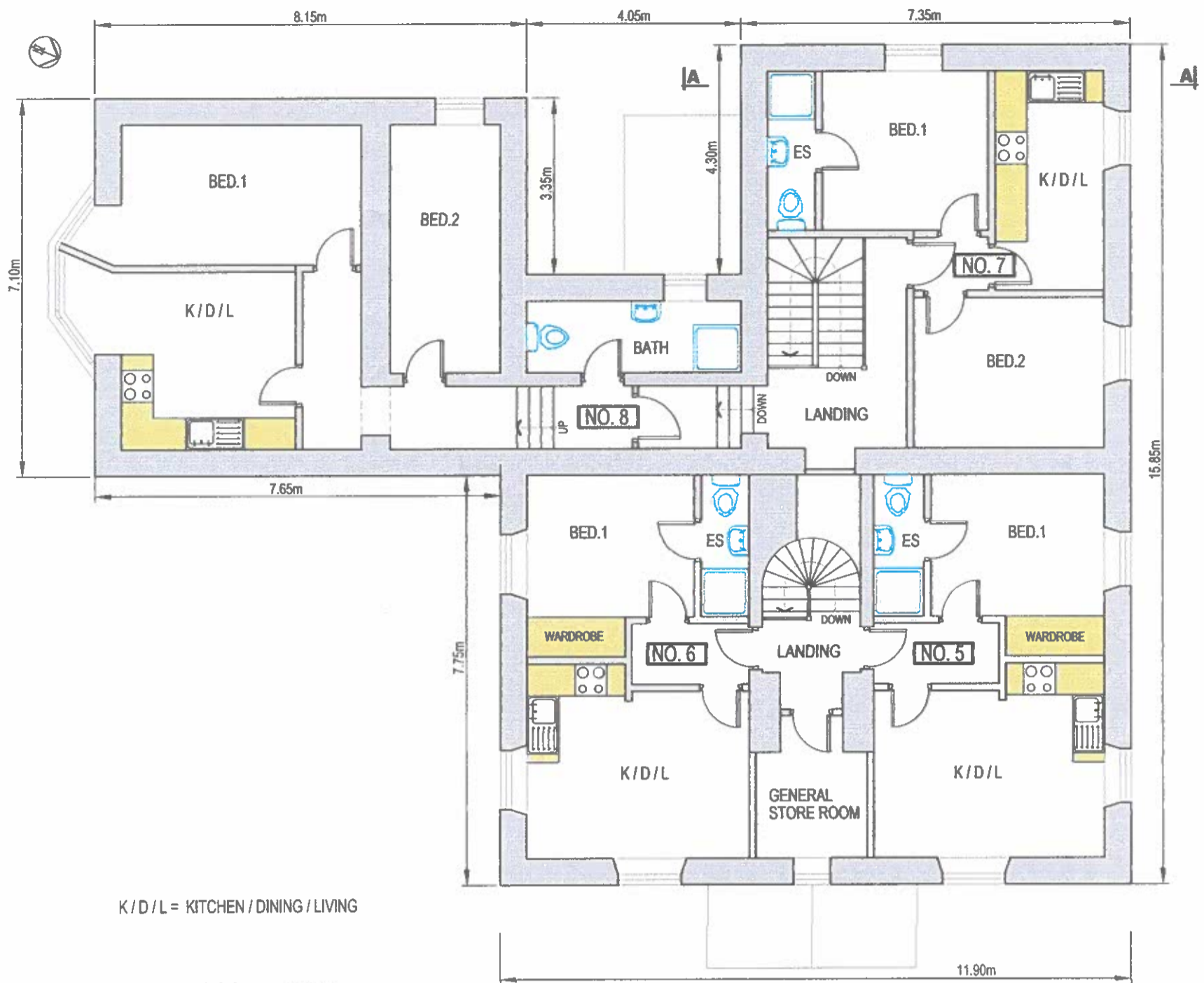


SIDE ELEVATION (north)
scale 1/100



SECTION A-A - scale 1/100







FRONT ELEVATION (east)
scale 1/100

PVC WINDOWS / DOOR



SIDE ELEVATION (south)
scale 1/100



REAR ELEVATION (west)
scale 1/100

PVC WINDOWS