

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Thomas Halligan,



Reference Number: DED 819
Application Received: 18th December, 2024
Name of Applicant: Thomas Halligan
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house, with work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new UPVC windows (white) & doors; 6)re-slate the roof; 7)second fix carpentry and paint and decorate internally; 8)upgrade plumbing/ heating system; 9)upgrade electrical system & 10)install new floors at Sunrise, Knockglass, Ballinameen, Boyle, Co. Roscommon., is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (c) 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 proposal constitutes "works", which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- (b) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (c) The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) of the Planning & Development Act 2000 (as amended).
- (d) The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- (e) 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 work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new UPVC windows (white) & doors; 6)re-slate the roof; 7)second fix carpentry and paint and decorate internally; 8)upgrade plumbing/ heating system; 9)upgrade electrical system & 10)install new floors at Sunrise, Knockglass, Ballinameen, Boyle, Co. Roscommon., 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: 5th February 2025

cc agent via email:

James Lohan Consulting Engineers Ltd
james@jlce.ie

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: Thursday 6 February 2025 10:43
To: James Lohan
Cc: jack@jlce.ie
Subject: DED819 - Notification of Decision
Attachments: DED819 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 819 for Thomas Halligan. Please note that a hard copy will be issued to the applicant via registered post 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



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

Reference Number:	DED 819
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Thomas Halligan
Location of Development:	Sunrise, Knockglass, Ballinameen, Boyle (XY: 580285, 793960)
Site Visit:	27/01/2025

WHEREAS a question has arisen as to whether the following works; “refurbish derelict house” in accordance with 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, 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 is situated in the Planning North area of County Roscommon, in the townland of Knockglass, ca. 03.km south of the R370 & the L1023-64 crossroads.

Development Description:

1. **Access:** The subject site is positioned westward of the “Acres Hill” local road, some 300m south of the abovementioned crossroads.
2. **Boundaries:** The site is bounded by masonry block walls, with splayed pedestrian entry and separate vehicular access to the attached garage.
3. **Structure:** This is a single storey, gable-ended detached dwelling with a pitched roof and two central chimney stacks, timber-frame windows are set equidistant apart and a front door is centrally located.

Nature of Proposed Works:

The application states the nature of the proposed development/works comprise 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) rewire the entire property; 4) re-plumb the entire property; 5) install new windows and doors; 6) re-slate the roof; 7) second fix carpentry, paint & decorate internally; 8) upgrade plumbing and heating system 9) upgrade electrical systems; 10) Install new floors, under the Planning & Development Act (Exempted Development) Regulations 2018 at Clooneenbaun, Co. Roscommon.

2. Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the subject site is located in proximity to a European Site.

- Appropriate Assessment

The closest designated sites include; “Cloonshanville Bog” (SAC) (Site Code: 000614) which is located circa 5.2km south-west of the subject site; Lough Gara SAC (Site Code: 004048) which is located 8.5km north-west of the subject site and Bellanagare Bog (Site Code: 000592), which is located 8.9km south-west of the subject 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, the following architectural and/or archaeological heritage sites/structures are in proximity to the subject site or property thereon:

- Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Inventory of Architectural Heritage includes “Saint Attracta’s Catholic Church” (Reg No.: 31910001) which is located 0.1m north-east of the subject site and a ringfort (SMR: RO016-001---) located 0.8km south-west of the subject site.

3. Planning History

As per Roscommon County Council’s Planning Registry, a planning history assessment of the subject site and property thereon includes the following:

- **Established Status:** A review of Roscommon County Council’s GIS Datasets yielded no planning History results pertaining to the subject site. A review of the onsite planning history archives and historical (25-inch & 6-inch maps) yielded no results. Given the composition and presentation of the property, being that of rural vernacular architecture, it is likely on the balance of probability that the structure is that of a pre-1963’ construction, and thus would benefit from established status.

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 4 (1)

Defines certain types of development as being ‘exempted development’. Of potential relevance is section 4(1)(h) which provides as follows:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

Section 4 (2)

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 3 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, 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 constitute development, as defined in section 3 of the said Act.

These works have been considered in the context of Section 4(1)(h) of the Act, 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*”.

- On review of the submission particulars, under the provision of Section 4(1)(h), it is considered that the proposed works, the particulars of which are listed under Section 1: Nature of Proposed Works, encompassing works to the interior refurbishment of the property only, which will not affect the property exterior and which are not likely to adversely impact the architectural character of the building, or neighbouring structures, are considered to fall under the provisions of section 4(1)(h).

The proposed works, falling under *Schedule 2, Part 1, Class 1* of Article 6, subject to Article 9, set out to “*refurbish (a) derelict house in accordance with the Planning & Development Act (Exempted Development) Regulations 2018*” and accordingly, is considered in principle to constitute ‘exempted development’, subject to compliance with the relevant conditions and limitations specified for this Class of development in column 2 of the said Part 1 [1-7]. Further, on review of the plans and particulars submitted as part of this section 5 referral and having regard to the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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; which sets out to “refurbish derelict house” in accordance with the Planning & Development Act (Exempted Development) Regulations 2018 at the site located in “Sunrise, Knockglass, Ballinameen, Boyle” 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

AND WHEREAS I have concluded that

- The proposal constitutes “works”, which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- The proposal constitutes “development” which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) of the Planning & Development Act 2000 (as amended).
- The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- 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 “refurbish a derelict house” in accordance with the Planning & Development Act (Exempted Development) Regulations 2018 at the site located in “Sunrise, Knockglass, Ballinameen, Boyle” is considered to constitute ‘exempted development’ and that a declaration to that effect should be issued to the applicant.

Signed: 
Blaithín Kinsella
Assistant Planner
Date: 27/01/2025

Signed: 
Alan O'Connell
Senior Executive Planner
Date: 27/01/2025



Facing northward towards R370



Facing southward



Front Elevation



Side elevation – boundary & access



Boundary & access arrangements



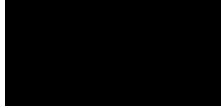
Boundary conditions



Comhairle Contae
Ros Comáin
Roscommon
County Council



Thomas Halligan,



Date: 19th December 2024

Planning Reference: DED 819

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

Development: Permission to refurbish a derelict house, work including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud works, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) install new UPVC windows (white) & doors; 6) re-slate the roof; 7) second fix carpentry and paint and decorate internally; 8) upgrade plumbing/ heating system; 9) upgrade electrical system & 10) install new floors under the Planning & Development Act (Exempt Development) Regulations 2018 at Sunrise, Knockglass, Ballinameen, Boyle, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 18th December 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. **L01/0/232204** dated 19th December 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 819**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
A/Senior Planner
Planning Department.

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.ie

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

19/12/2024 11:07:14

Receipt No: L01/0/232204

TOMMY HALLIGAN
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
UNIT 5 BALLYPHEASON HOUSE
CIRCULAR ROAD
ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 819	

Total : 80.00 EUR

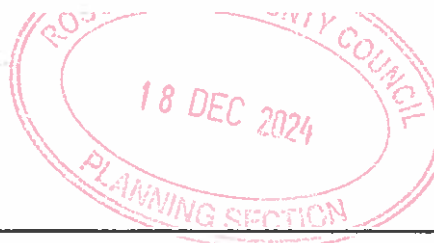
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From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council



DGD 819

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)	Tommy Halligan
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	SUNRISE, KNOCKGLASS, BALLINAMEEN, BOYLE, CO. ROSCOMMON. O.S No. 1922 Ballinameen, XY 580285, 793960
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>121 Sgm</u> b) <u>0 Sgm extension</u>
Height above ground level:	Floor level- between 180mm – 200 mm above ground level (Ridge height existing 5213mm above ground level)
Total area of private open space remaining after completion of this development	0.00 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing tiles to roof

Roscommon County Council



Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing Nap Plaster & Pebble Dash
Is proposed works located at front/rear/side of existing house.	Proposed works only include renovations to existing dwelling.
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Refurbish House
Distance of proposed building line from edge of roadway	9m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing connection to public sewer

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

Signature: JACK KEEGAN (AGENT)

Date: 16/12/2024

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

Planning Dept,
Roscommon Co.Co.
Aras An Chontae,
Roscommon.

Detailed Specification Of The Development Proposed

Ref: Tommy Haligan for Property at Sunrise, Knockglass, Ballinameen, Boyle, Co. Roscommon

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a three-bed dwelling house. The works involved are as follows:

1. Strip out walls, floors, and ceilings.
2. Install new ceiling joists and internal stud work, plasterboard, and skim.
3. Re-wire the entire property.
4. Re-plumb the entire property.
5. Install new UPVC windows (white) and doors.
6. Re-slate the roof.
7. Second fix carpentry and paint and decorate internally.
8. Upgrade plumbing/heating system.
9. Upgrade electrical systems.
10. Install new floors.



Kind Regards

Jack Keegan

JACK KEEGAN (AGENT)

**James Lohan Consulting Engineer Ltd,
Unit 5, Ballypheason House, Circular Road
Roscommon F42 C982**



18 DEC 2024
PLANNING SECTION
POTOMAC COUNTY COMMISSION

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

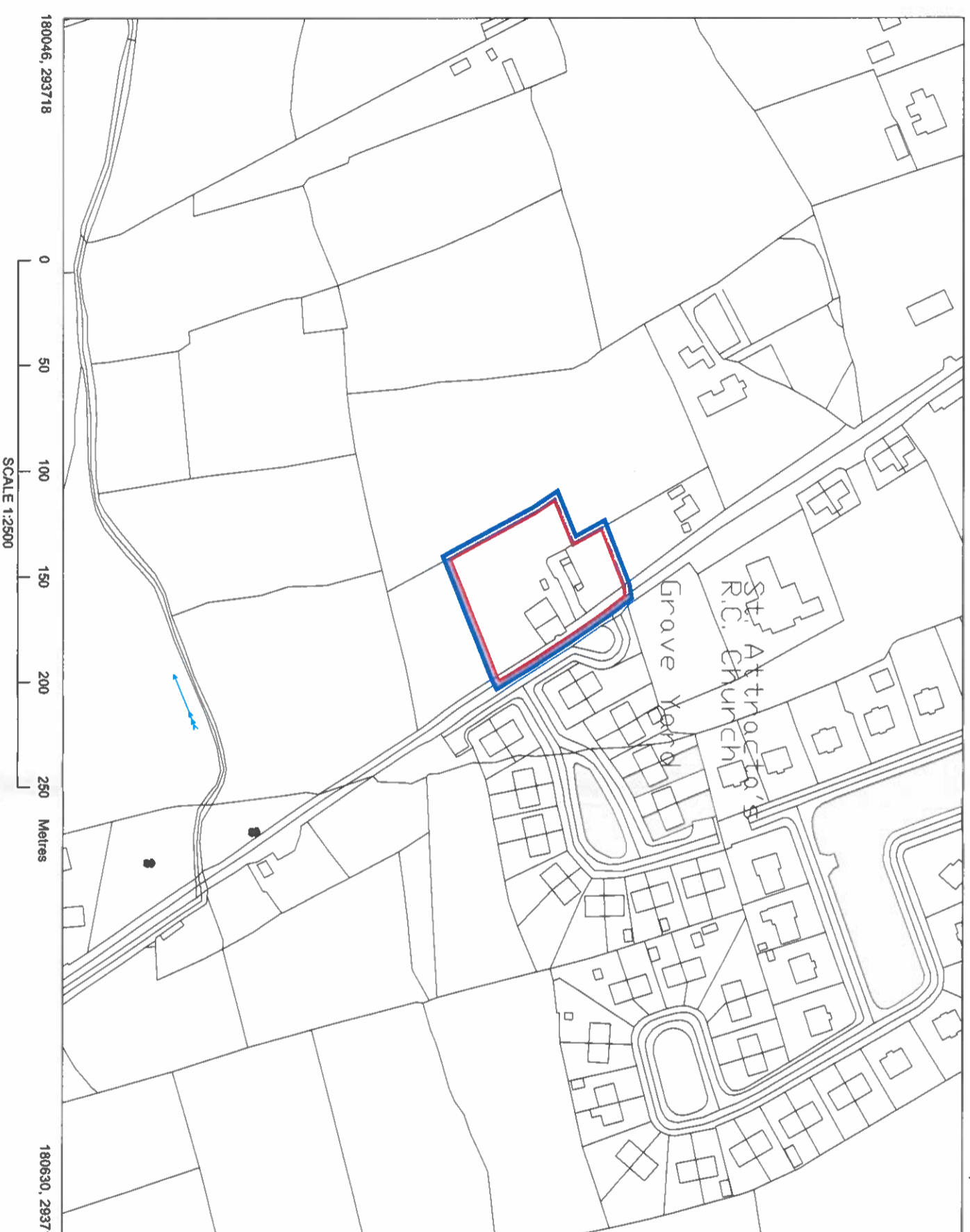
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LOCATION MAP 1:2500

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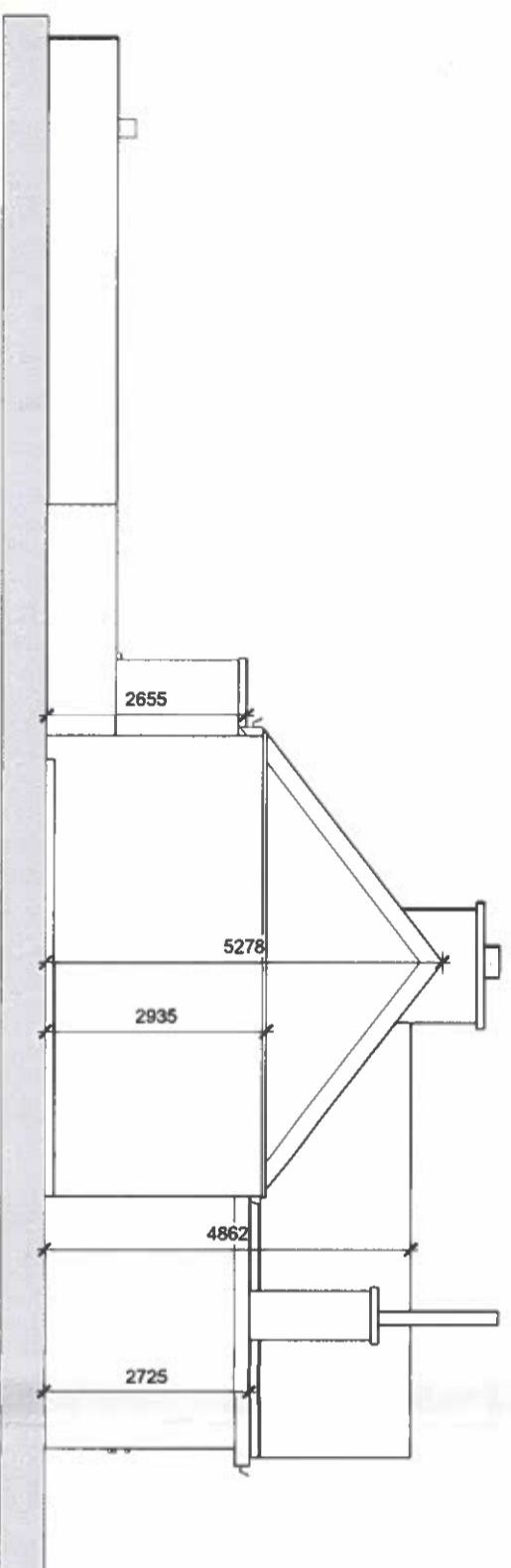
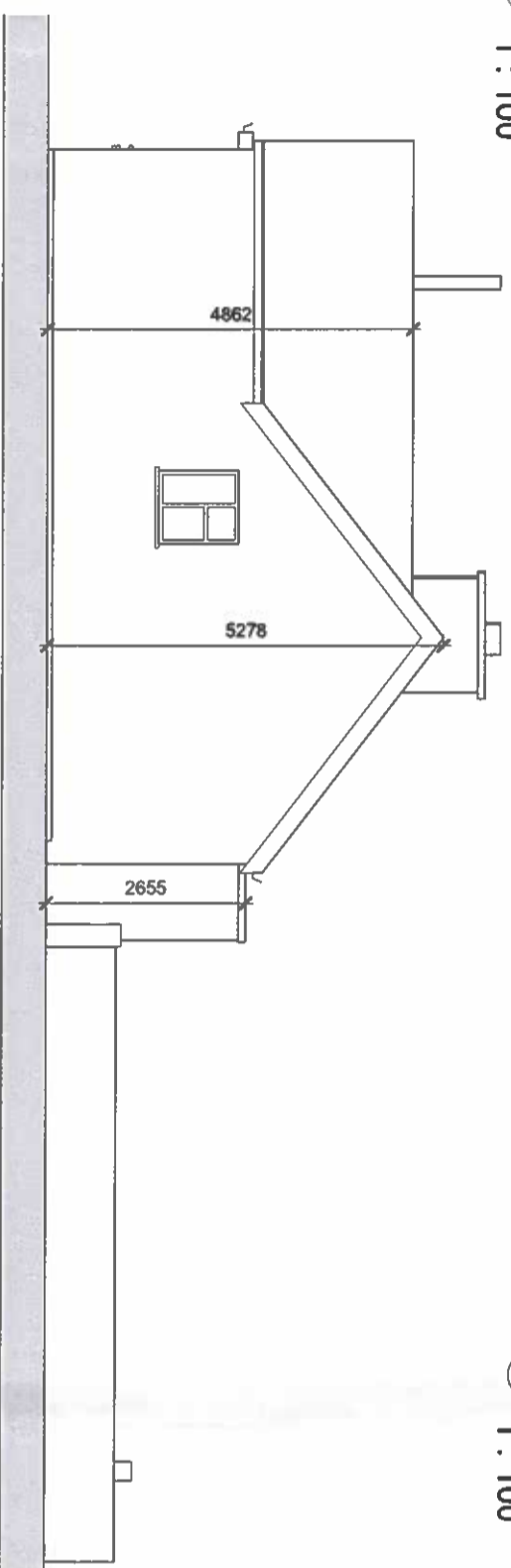
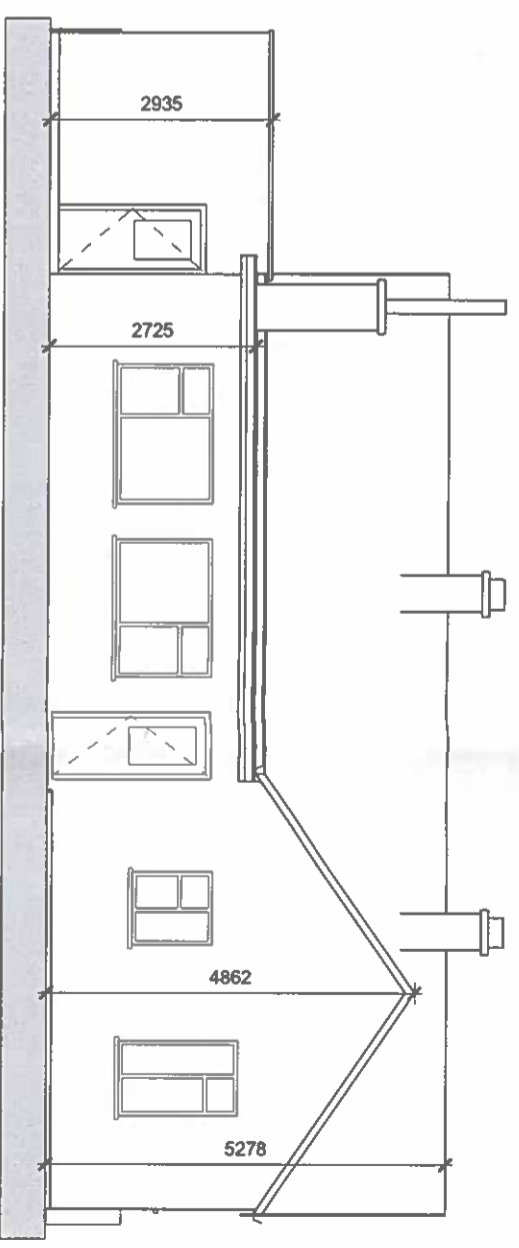
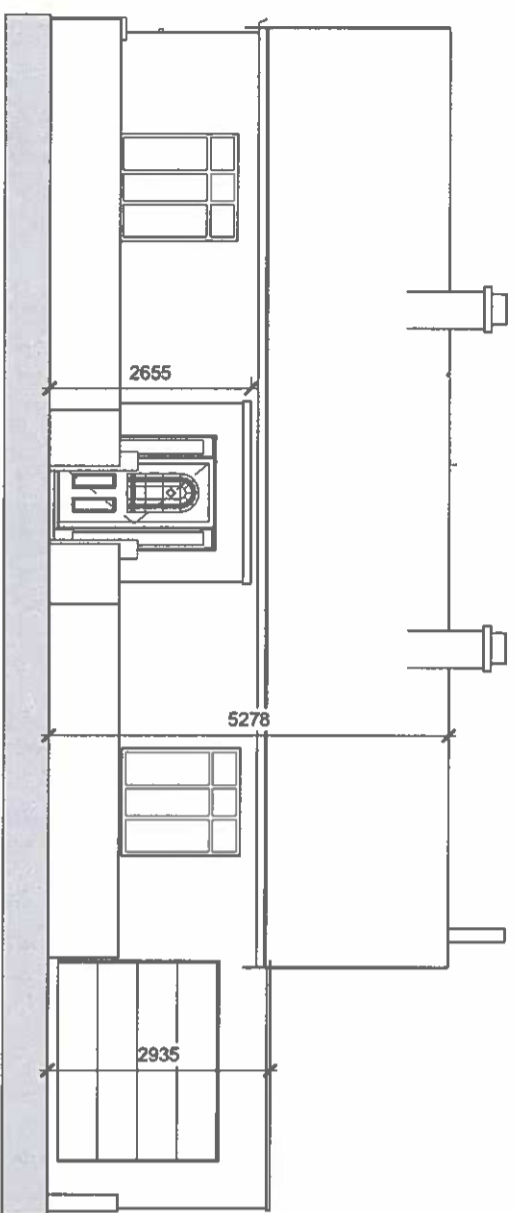
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JAMES LOHAN CONSULTING ENGINEER

CLIENT	108 No 24-680	DATE	14/12/2024
Tommy Hedgren	Job Of Remington		
SITE	DRAWING	DRG No	REV
Surfex, Kockijest, Baltanowes, Byrk, Cz, Rozdomrow	SM Layout	001	A
	SCALE	1:500	

Ph: 090 6634365 / 0678228529	
email: james@jalic.ie / oconnor@jalic.ie	
web: www.jalic.ie	
JOE No 24-680	DATE 16/12/2024
DRG No 001	REV A
SCALE 1:500	





DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM NOTED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STANDARD A/E/S SKETCH DESIGN PRELIMINARY FOR TENDER FOR CONSTRUCTION SUPERSEDED

Cert Of Exemption

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

[illegible]