ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Seamus Croghan,



Reference Number:	DED 832
Application Received:	17 th January, 2025
Name of Applicant:	Seamus Croghan
Agent:	Smart Studio

WHEREAS a question has arisen as to whether to construct pre-existing lean to shed with extra area to previously built attached to existing barn to farm at Clooncah, Strokestown, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The construction of a lean to style extension to the side of the existing shed for the storage of farm machinery as described in this case is not an exempted development as the proposed structure is located within 10m of a public road.
- (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 construct a pre-exiting lean to shed with extra area to previously built attached to existing barn to farm at Clooncah, Strokestown, Co. Roscommon. is development that is <u>not exempted development</u> 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.

cc agent via email:

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: Sent: To: Subject: Attachments: Carmel Curley Wednesday 12 February 2025 16:30 Smart Studios DED832 - Notification of Decision DED832 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 832 for Seamus Croghan.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 Telefond: (090) 6637100 Description: MAP LOCATION ROSCOMMONCOCO.ie



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

Reference Number:	DED 832
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct pre- existing lean to shed with extra area to previously built attached to existing barn to farm under the Planning & Development Act (Exempt Development) Regulations 2018 at Clooncah, Strokesown, Co. Roscommon.
Applicants:	Seamus Croghan
Date:	12th February 2025 (Site Inspection on 10/02/2025)

WHEREAS a question has arisen as to whether to construct pre-existing lean to shed with extra area to previously built attached to existing barn to farm in Clooncah, Strokesown, Co. Roscommon 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject site is located Clooncah, Strokesown, Co. Roscommon and the land is in agricultural use. The site is accessed via the L-1425. The site consists of an existing round roofed 3 bay hay shed/store, with varies agricultural equipment and materials around a grassed area around the site. The proposed development consists of the construction of a lean to style extension to the side of the existing shed which is described in the application as 78m² and to provide additional storage for the farmyard.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development

Appropriate Assessment

The closest European sites to the site of the proposed development are Derrycanan Bog NHA (Site Code 000605) which is located circa 2km to the west and Corbo Bog SAC/PNHA (Site Code 002349/000602) which is located circa 3.9km to the south of the proposed site.

Having regard to the separation distance between the site and the closest Natura 2000 site and 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, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes 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 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. 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 3 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) applies;

Development to which article 6 relates shall not be exempted development for the purposes of 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.

The proposed shed (78m² stated):

The construction of a lean to style extension to the side of the existing shed appears to come within the scope of Class 9 of Part 3 of Article 6 - *Exempted Development Rural* of the Regulations.

PART 3 - Article 6 - Exempted Development - Rural

Column 1 - Description of Development

Agricultural Structures

Agricultural Structures	1. No such structure shall be used for any
CLASS 9	purpose other than the purpose of agriculture or
Not all a service of the subscription of any show	forestry, but excluding the housing of animals or
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not	the storing of effluent.
being of a type specified in class 6, 7 or 8 of this	2. The gross floor space of such structures
Part of this Schedule, and having a gross floor	together with any other such structures situated
space not exceeding 300 square metres.	within the same farmyard complex or complex of
	such structures or within 100 metres of that
	complex shall not exceed 900 square metres
	gross floor space in aggregate.
	3. No such structure shall be situated within 10
	metres of any public road.
	4. No such structure within 100 metres of any
	public road shall exceed 8 metres in height.
	5. No such structure shall be situated within 100
	metres of any house (other than the house of the
	person providing the structure) or other
	residential building or school, hospital, church or
	building used for public assembly, save with the
	consent in writing of the owner and, as may be
	6. No unpainted metal sheeting shall be used for
	roofing or on the external finish of the structure.
	appropriate, the occupier or person in charge thereof.6. No unpainted metal sheeting shall be used for the share the sh

Assessment:

In accordance with the Planning and Development Act, 2000, as amended Section 3. (1) development is defined as the following: "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes 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 construction of a lean to style extension to the side of the existing shed constitutes development, as defined in Section 3 of the said Act.

The proposed development is the construction of a lean to style extension to the side of the existing shed for the storage of farm machinery, is stated as having floorspace of 78m² and therefore appears to be within the criteria for consideration as exempted development under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

With regard to the compliance with the conditions and limitations of Class 9 of Part 3 of Schedule 2 (Exempted Development - Rural) the following assessment sets out how these apply to the current proposal:

- 1. As per the submitted details the proposed use is the storage of farm machinery.
- 2. The gross floor space of the structure together with any other such structures situated within 100 metres will not exceed 900 square metres gross floor space in aggregate. Existing shed for storage is 66m², this is stated and confirmed on-site inspection.
- 3. The structure is stated to be situated 6m from the public road.
- 4. The proposed structure does not exceed 8 metres in height.
- 5. Based on information provided and site inspection there are no buildings within 100m of the proposed structure apart from a dwelling house which is located on the same site and appears to form part of the farm yard.
- 6. Based on information provided, the sheeting is to be painted to match the existing shed.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a lean to style extension to the side of the existing shed for the storage of farm machinery as described in this case is considered to be not an exempted development as the proposed structure is located within 10m of a public road.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement are not required. 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 Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where a NIS is required.

Recommendation

WHEREAS a question has arisen as to whether to construct pre-existing lean to shed with extra area to previously built attached to existing barn to farm in Clooncah, Strokesown, Co. Roscommon 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) Class 9 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The construction of a lean to style extension to the side of the existing shed for the storage of farm machinery as described in this case is not an exempted development as the proposed structure is located within 10m of a public road.
- 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.

and I recommend that a declaration to that effect should be issued to the applicant.

Aan Murray

Signed:

Civil Technician

Date: 12th February 2025

Signed:

Senior Executive Planner

Date: 12th February 2025









Comhairle Contae Ros Comáin Roscommon County Council



Seamus Croghan,



Date: Planning Reference:	21 st January 2025 DED 832
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development:	Permission to construct pre-existing lean to shed with extra area to previously built attached to existing barn to farm under the Planning & Development Act (Exempt Development) Regulations 2018 at Clooncah, Strokestown, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th January 2025, 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. L01/0/232596 dated 21st January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 832 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:

Smart Studios info@smartstudios.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

21/01/2025 12 23 50

Receipt No.:::1.01/0/232596

- SEAMUS CROGHAN C/O SMART STUDIOS BOLASHISEEN • CORRANDULLA CO. GALWAY
- S REEEXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED832

Total

80 00 EUR

Tendered Credit/Debit Card 80.00 7923

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Change -

0 00

Issued By Louis Carroll From | Central Cash Office



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)	Seamus Croghan
Name of Agent	Smart Studios / Jonathon Croghan
Nature of Proposed Works	Construct preexisting Lean to shed with extra area to previously built attached to existing Barn on Farm – the new shed will be used for machinery storage such as tractor, grass cutter, bale lifter, trailers and other farm equipment.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Clooncah, Strokestown, Co.Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>66sq metres</u> b) <u>78 sq metres</u>
Height above ground level:	3.85 Metres at highest point
Total area of private open space remaining after completion of this development	N/A – Farmland - Acreage
Roofing Material (Slates, Tiles, other) (Specify)	Steel Sheeting



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Steel Sheeting – Black to match existing shed
Is proposed works located at front/rear/side of existing house.	Rear/Side of existing Barn – to the side of farm House
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	Farm Yard
Proposed use of land or structure	Farm Yard - Storage
Distance of proposed building line from edge of roadway	6 Metres
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

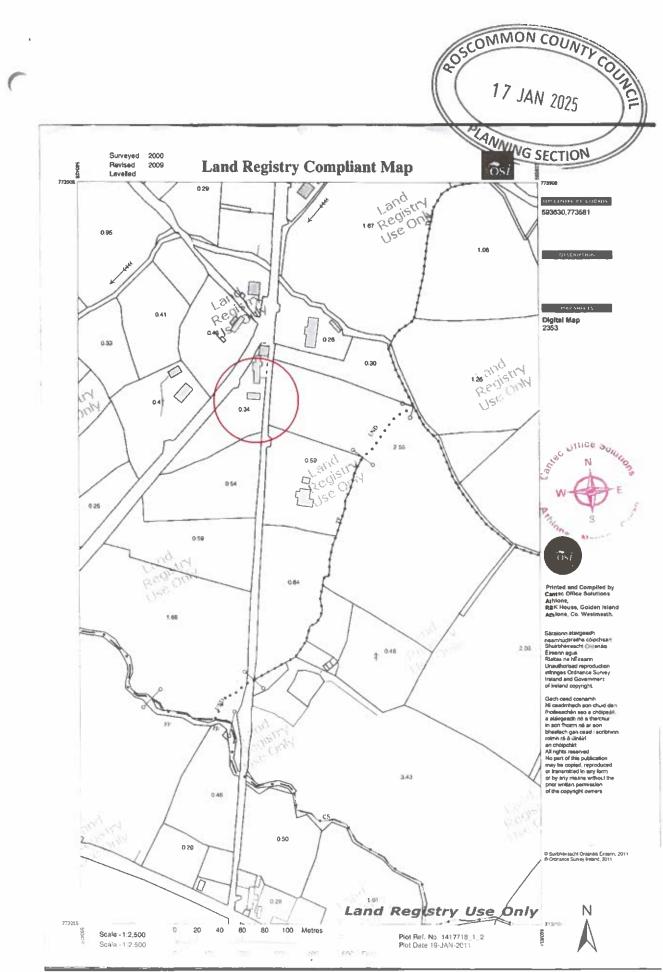
Signature:

poghan

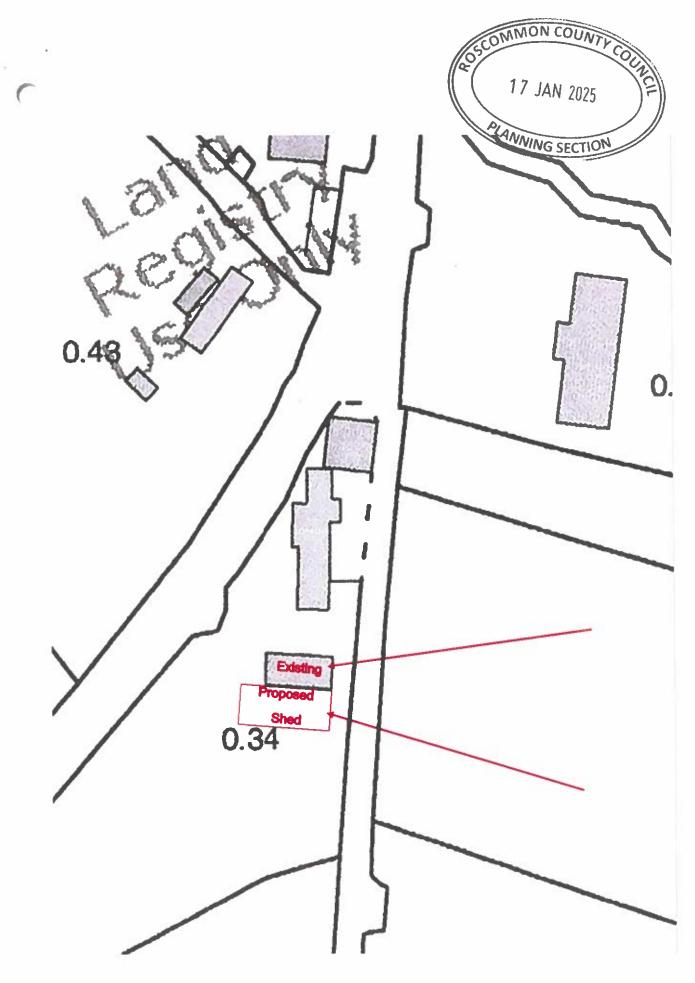
Date:

Note: This application must be accompanied by: -

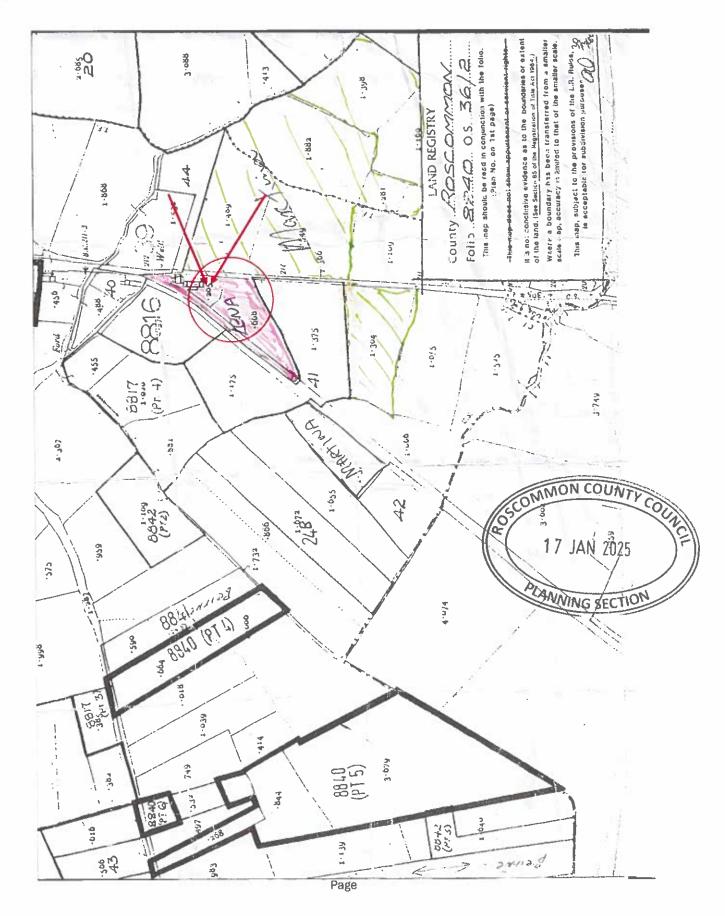
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



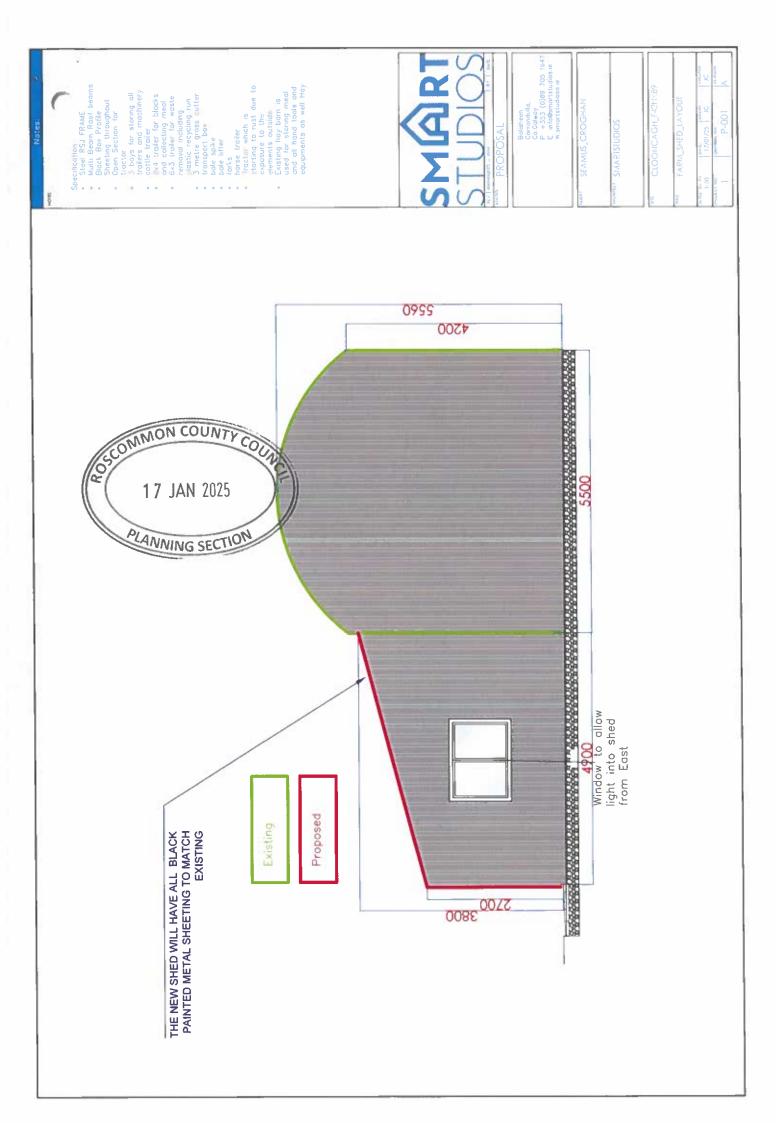
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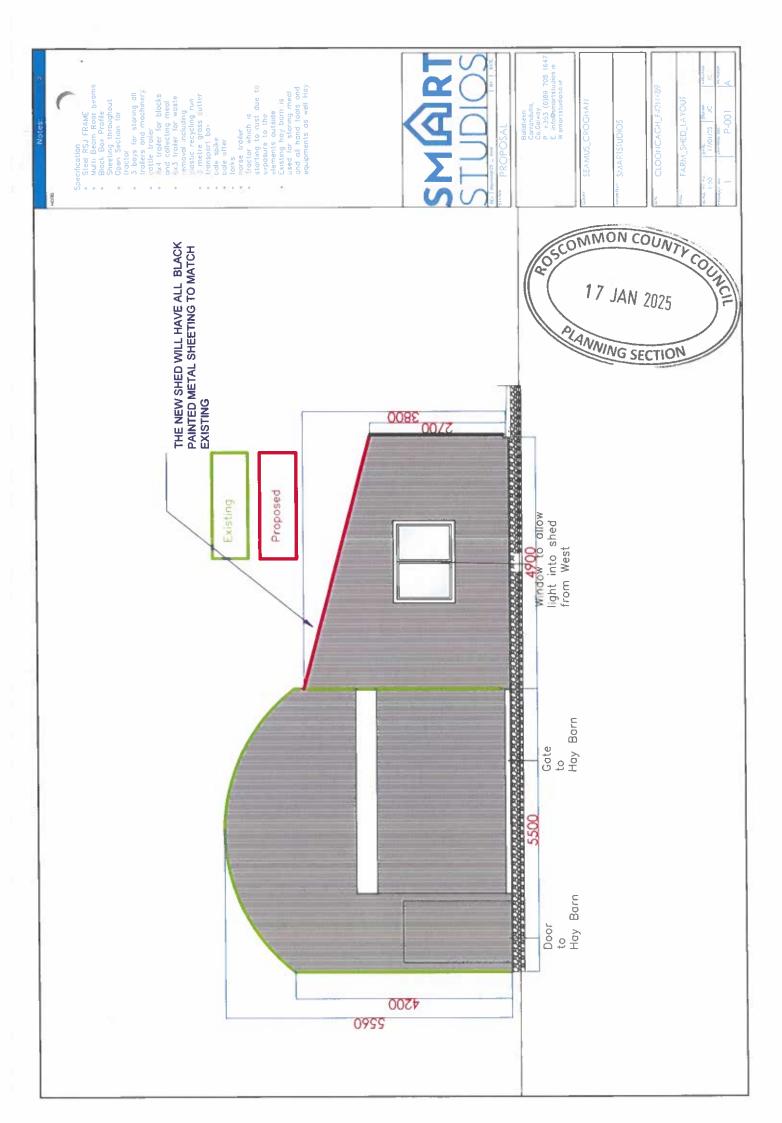


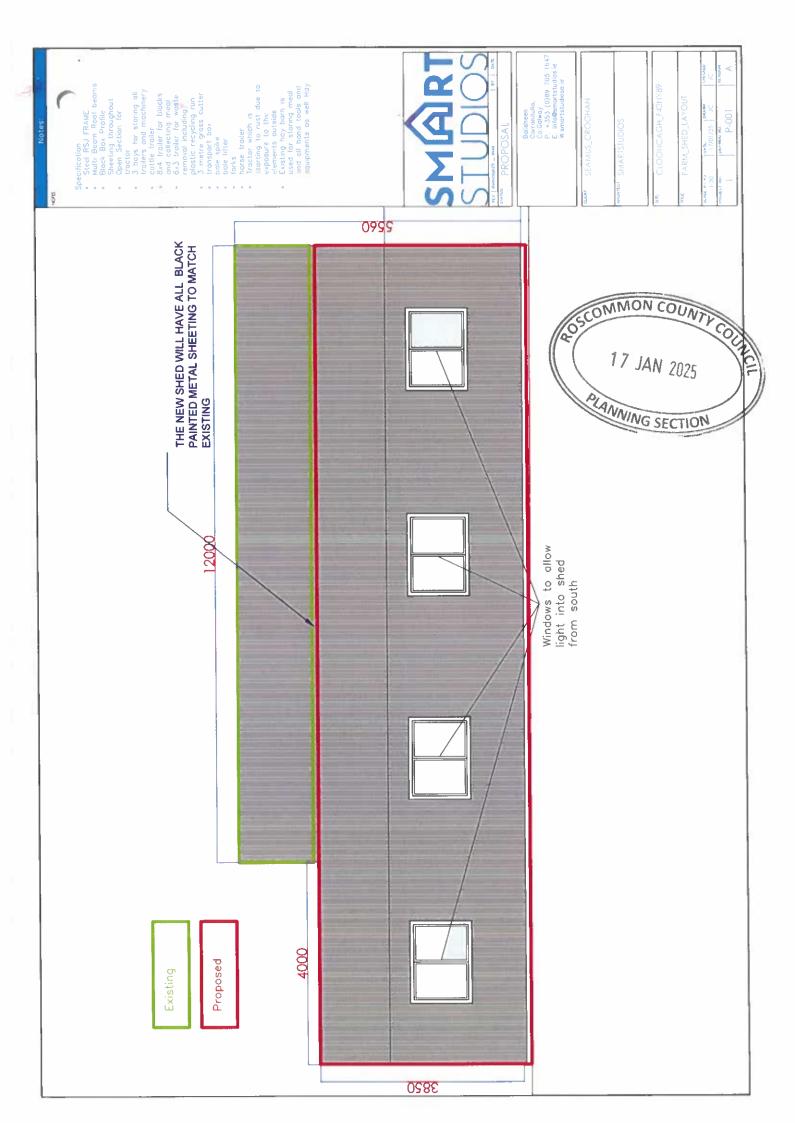
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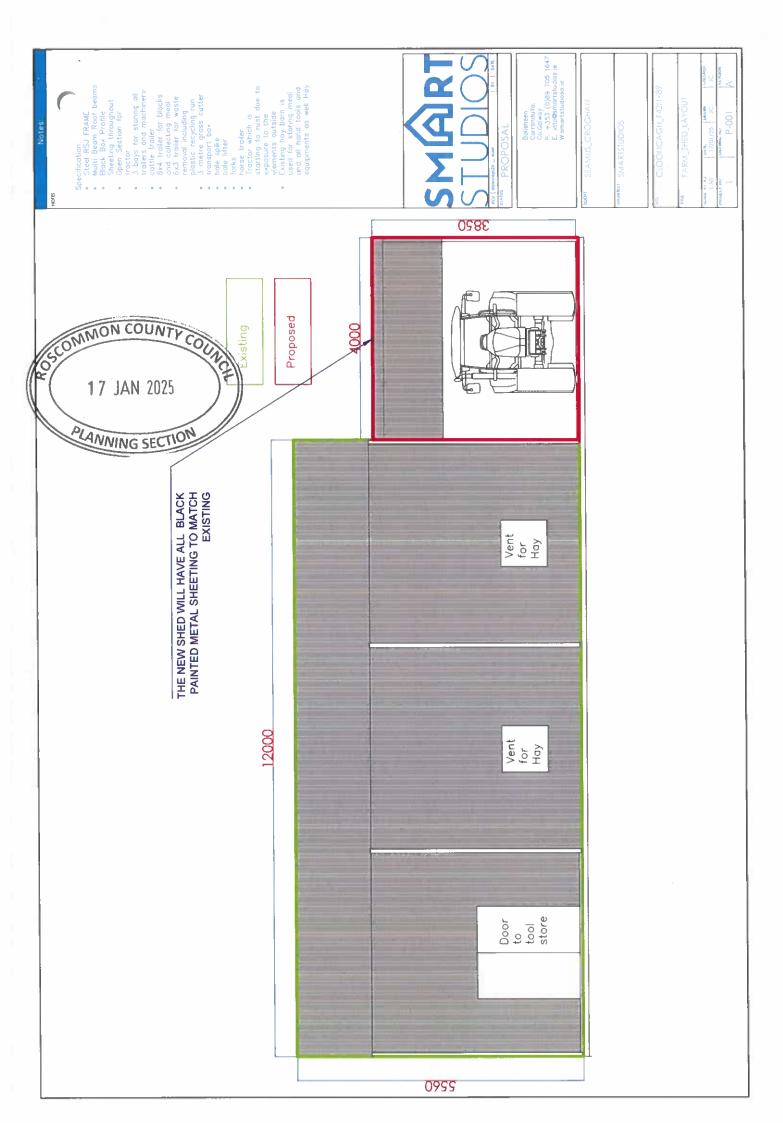


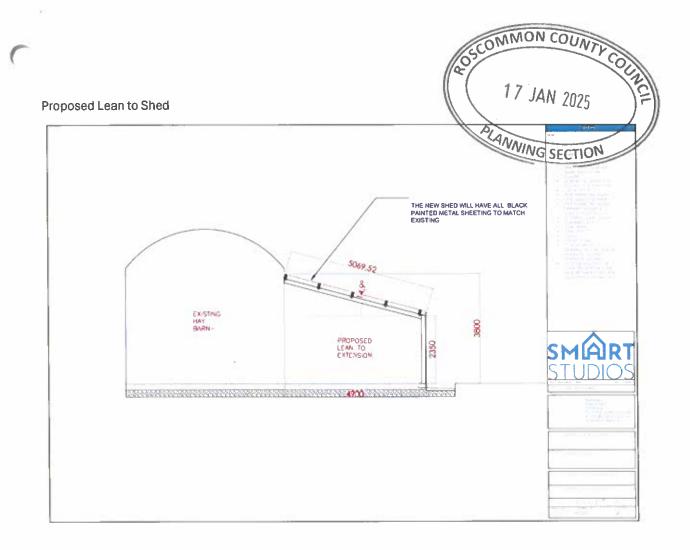
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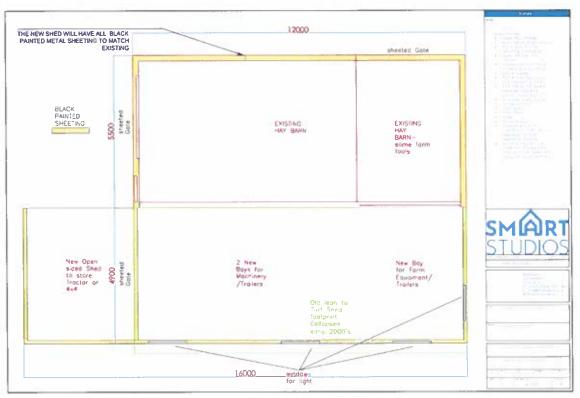














View from Road 2

1



Page



The Existing Shed was previously attached to lean to but the lean to collapsed after a storm in the early 2000's.

The shed was previously painted black galvanise along and the front side with gate was re-sheeted with black galvanise previously.



List of Farm Equipment/ machinery that needs to be stored inside as often as possible to prevent exposure to the elements and to prevent depreciation.

MMON COUNTY 17 JAN 2025 LANNING SECTIO

Page



4x4 and Tractor – visible signs of rust on tractor and seals and everything need replacing due to exposure to the elements. Rear Window of Tractor and Side door of tractor have broken due to the seals being damaged by the elements.



Trailers with timber floors all rotting dure to the rain exposure and steel frame starting to rust Cattle trailer sides have rusted, and ball hitch has rusted to the point where it needs replacing





Power box off tractor hydraulic pipes have corroded due to be left outside, grass cutter has been exposed to rain and sunlight to much that the motor needs replacing and the PTO bar has corroded and needs replacing the holding frame for Attaching to the tractor has started to rust, the sheer bolts have rusted shut, lots of expensive repairs needed. Horse Box trailer sides have corroded through, and fertiliser spreader is corroded.

Old timber sided trailer destroyed due to being left outside.





Galvanised trailer has been exposed for too long that the coating has worn away and the steel frame of the trailer is beginning to rust badly. Timber floor trailer has started to rust all over tow frame and the floor and sides needs replacing.

This machinery shed would allow a space to store machinery once washed down and be able to carry out all maintenance in a dry environment, it would also allow repair of all of these costly items to be carried out in a safe environment inside and prevent unnecessary depreciation of all farm equipment. It would also tidy up the farmyard a lot and improve the local area.

l



rmel Curley

From:	Smart Studios <info@smartstudios.ie></info@smartstudios.ie>
Sent:	Monday 13 January 2025 12:27
То:	Carmel Curley
Subject:	Application for a Declaration under Section 5 of the Planning & Development Act
	2000 (as amended), regarding Exempted Development
Attachments:	Application for Planning Exemption for Machinery Shed on Farm - Seamus Croghan.pdf

Hi Carmel,

I was chatting to you last year about the Ballagh Community Hub Application,

Hope your well, and Happy new year,

Please find attached Application for a Declaration under Section 5 of the

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

This is for a machinery shed to be constructed for Seamus Croghan in Clooncah, Strokestown, Co.Roscommon,

Can Pay any time for the Application,

Look Forward to hearing from you, Cheers, Jonathon Croghan

Owner



(353)89-7051647

Smart Studios, Strokestown, County Roscommon www.smartstudios.ie





Carmel Curley

From: Sent: To: Subject:

Smart Studios <info@smartstudios.ie> Friday 17 January 2025 10:07 **Carmel Curley** Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development Proposed Shed-East Elevation.pdf; Proposed Shed-West Elevation.pdf; Proposed Shed-South Elevation.pdf; Proposed Shed-North Elevation.pdf

Hi Carmel,

Attachments:

Sorry for the delay,

please find attached elevations of proposed shed as requested,

Thanks again,

Jonathon Croghan

Owner





(353)89-7051647

Smart Studios, Strokestown, County Roscommon www.smartstudios.ie

On Tue, 14 Jan 2025 at 10:44, Carmel Curley <<u>CCurley@roscommoncoco.ie</u>> wrote:

Hi Jonathon,

I wish to acknowledge receipt of your email & the Section 5 Application submitted.

However, in order to deem the application valid we require elevations of proposed shed.

On receipt of same, your application will be considered further.



102 101-25

Carmel Curley

From: Sent: To: Subject:

Carmel Curley Tuesday 21 January 2025 12:03 Smart Studios RE: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development

Hi Jonathon,

Please note that the application for a Section 5 Declaration submitted for Seamus Croghan has now been validated and assigned a reference number **DED832**.

Please call the cash desk on 090-6637108 to pay the €80 fee and please quote the reference number.

I will forward over an acknowledgement and receipt on receipt of same from the cash desk.

Regards,

Carmel



From: Smart Studios <info@smartstudios.ie> Sent: Friday 17 January 2025 10:07 To: Carmel Curley <CCurley@roscommoncoco.ie> Subject: Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development

Hi Carmel,

Sorry for the delay,

please find attached elevations of proposed shed as requested,

Thanks again,

Jonathon Croghan

Owner