

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Gerard Neary & Megan Lane,


Reference Number: DED 844
Application Received: 17th February, 2025
Name of Applicants: Gerard Neary & Megan Lane
Agent: N/A

WHEREAS a question has arisen as to whether the internal renovation of a dwelling house, with works including 1) plastering; 2)re-plumbing; 3)re-wiring; 4)re-flooring; 5)upgrading kitchen; 6)upgrading bathroom; 7)insulation & 8)new floor coverings at Cloonfree, Strokestown, Co. Roscommon, F42 N449, is or is not development and is or is not exempted development:

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, 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;
- (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 internally renovate a dwelling house, with works including 1) plastering; 2)re-plumbing; 3)re-wiring; 4)re-flooring; 5)upgrading kitchen; 6)upgrading bathroom; 7)insulation & 8)new floor coverings at Cloonfree, Strokestown, Co. Roscommon, F42 N449, 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,
A/Senior Planner,
Planning.

Date: 25th March, 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.

Carmel Curley

From: Carmel Curley
Sent: Tuesday 25 March 2025 15:57
To: [REDACTED]
Subject: DED 844 - Notification of Decision
Attachments: DED 844 - Notification of Decision.pdf

Hi there,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application DED 844.

Regards,

Carmel

Carmel Curley, 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 844
Re:	Permission to internally renovate a dwelling house; with works including 1) plastering 2) re-plumbing 3) re-wiring 4) re-flooring 5) upgrade kitchen 6) upgrading bathroom 7) insulation 8) new floor coverings under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Gerard Neary & Megan Lane
Location of Development:	Cloonfree, Strokestown, Co. Roscommon, F42 N449
Site Visit:	10/03/2025

WHEREAS a question has arisen as to whether the following works to internally renovate a dwelling house; with works including 1) plastering 2) re-plumbing 3) re-wiring 4) re-flooring 5) upgrade kitchen 6) upgrading bathroom 7) insulation 8) new floor coverings at the above address is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

Site Location & Development Description

The site consists of a detached storey and a half style dwelling which is in a habitable condition in Cloonfree, Strokestown, Co. Roscommon. The property is accessed off the L-6092 local secondary road. The proposed development consists of internal renovations to the existing dwelling on site including re-plumbing, re-wiring and upgrading the kitchen and bathroom.

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 in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the proposed development is Annaghmore Lough SAC (Site Code 001626) which is located circa 1.3km to the north west of the subject 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

00/202: Permission granted for refurbishing an existing dwelling house and upgrading the septic tank on 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(1) of the Act 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) 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,

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

The stated works for renovating the existing dwelling house include:

- Plastering
- Re-plumbing
- Re-wiring
- Re-flooring
- Upgrading kitchen
- Upgrading bathroom
- Insulation
- New floor coverings

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. It has been concluded that all proposed works to the interior of the dwelling are considered to be exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), 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.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment 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 Article 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to internally renovate a dwelling house; with works including 1) plastering 2) re-plumbing 3) re-wiring 4) re-flooring 5) upgrade kitchen 6) upgrading bathroom 7) insulation 8) new floor coverings as outlined above at Cloonfree, Strokestown, Co. Roscommon, F42 N449, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, 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;

- 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 to internally renovate a dwelling house; with works including 1) plastering 2) re-plumbing 3) re-wiring 4) re-flooring 5) upgrade kitchen 6) upgrading bathroom 7) insulation 8) new floor coverings as outlined above at Cloonfree, Strokestown, Co. Roscommon, F42 N449, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Smith O'Grady

Graduate Planner

Date: 24th March 2025

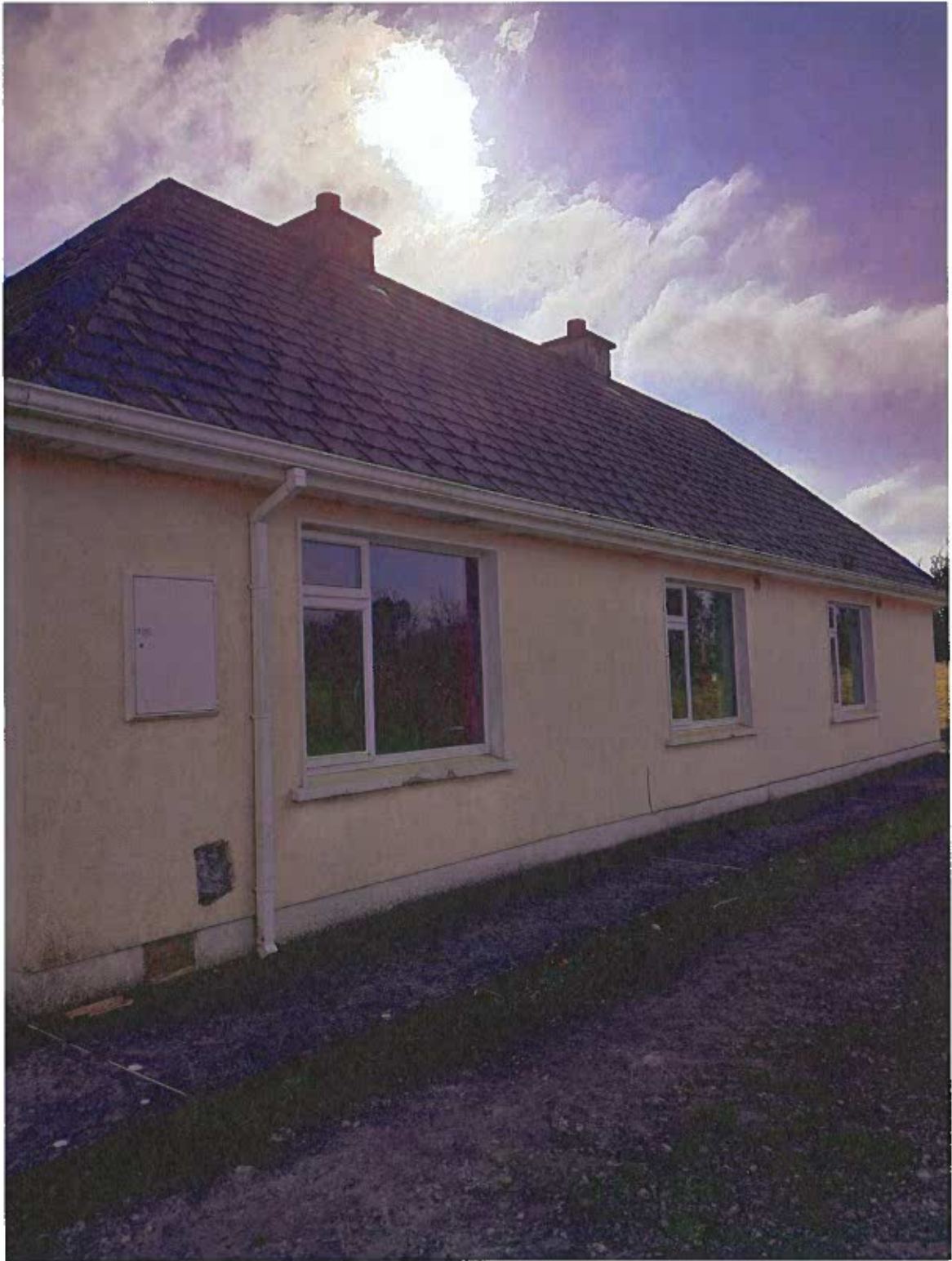
Signed:

[Signature]

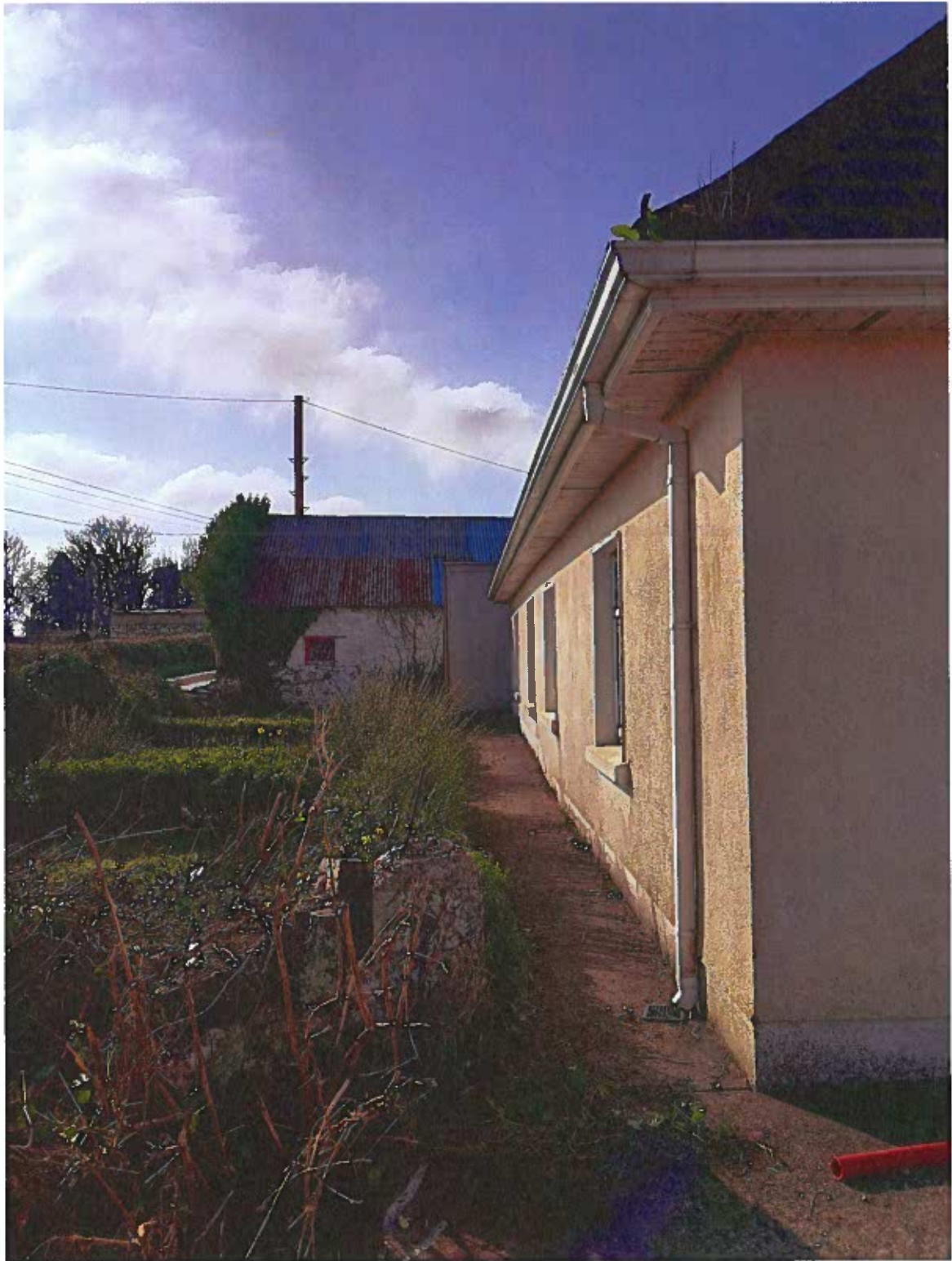
A/Senior Planner

Date: 25-03-25











Comhairle Contae
Ros Comáin
Roscommon
County Council



Gerard Neary & Megan Lane,


Date: 19th February, 2025
Planning Reference: DED 844

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

Development: Permission to internally renovate an dwelling house; with works including 1)plastering 2)re-plumbing; 3)re-wiring; 4)re-flooring; 5)upgrading kitchen; 6)upgrading bathroom; 7)insulation & 8)new floor coverings under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonfree, Strokestown, Co. Roscommon, F42 N449

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th February, 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. L/01/0/233138 dated 18th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 844**
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

18/02/2025 10.25.12

Receipt No : L01/0/233138

GERARD NEARY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 844	

Total : 80.00 EUR

Tendered :
Credit/Debit Card
7235 80.00

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

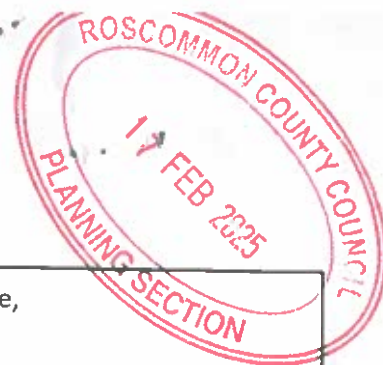


Comhairle Contae
Ros Comáin
Roscommon
County Council

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)	Gerard Heary + Megan Lane
Name of Agent	N/A
Nature of Proposed Works	Internal Renovations to dwelling house - Plastering update of plumbing / wiring, taken up old floors to lay new ones, kitchen bathroom upgrades, insulation, new floor coverings.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Cloonfree Strokesstown Co Roscommon F42 N449
Floor Area: a) Existing Structure b) Proposed Structure	a) 1972 Square feet b) N/A
Height above ground level:	400mm
Total area of private open space remaining after completion of this development	1972 Square feet
Roofing Material (Slates, Tiles, other) (Specify)	slates (not changing)

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	plaster (not changing)
Is proposed works located at front/rear/side of existing house.	All internal works
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	dwelling house
Proposed use of land or structure	dwelling house
Distance of proposed building line from edge of roadway	25 metres
Does the proposed development involve the provision of a piped water supply	already connected
Does the proposed development involve the provision of sanitary facilities	already on site Ref: CSQ655Z3

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

Signature: Megan Lane + Gerard Neary

Date: 16/02/2025

Note: This application must be accompanied by: -

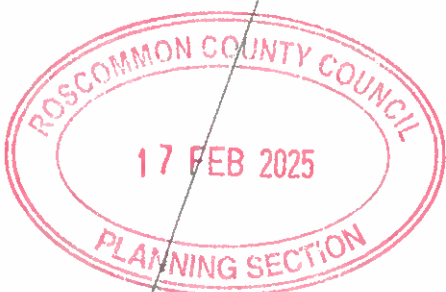
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



SITE LOCATION MAP Scale 1:2,500



AREA OF SITE (IN RED)
0.1300 Ha
0.321 Acres



Centre Point Co-ordination

X, Y = 590920, 780427

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LEGEND

Folio R33554F
PLAN No. CHA8R (RED)

Title:

Site Location Map 1:2,500

Scale:

As Shown @ A4

Date:

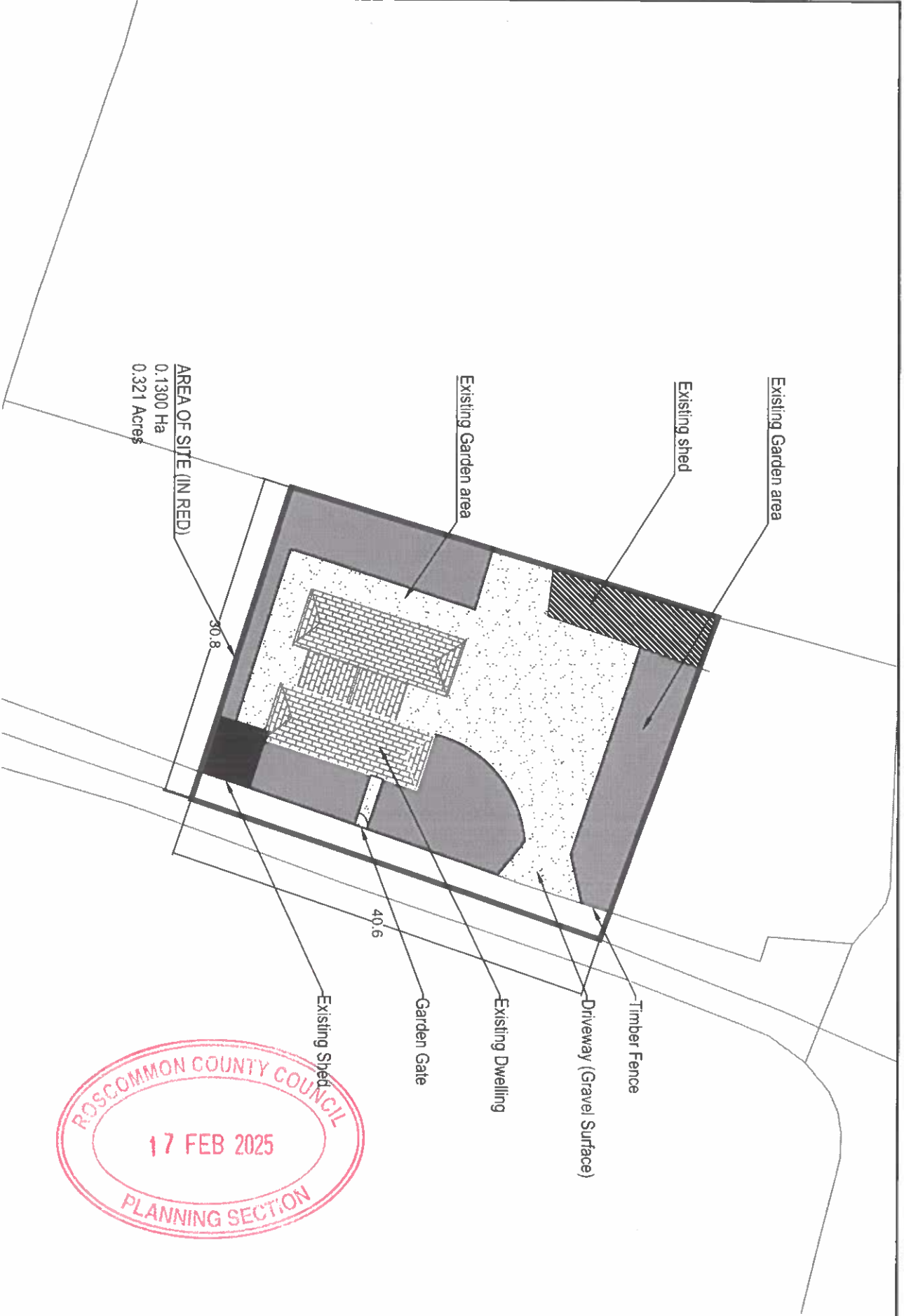
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Drawing No.:

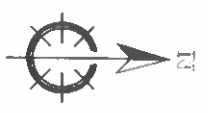
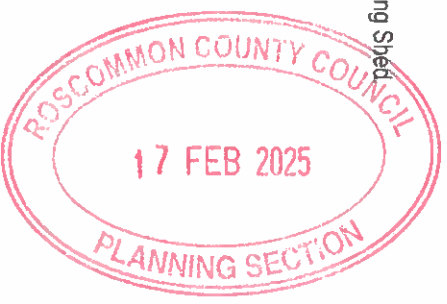
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Checked:



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Centre Point Co-ordination
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X, Y = 590920, 780427
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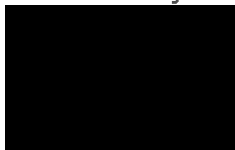
ORDNANCE SURVEY MAPS NEVER SHOW LEGAL PROPERTY BOUNDARIES NOR DO THEY SHOW OWNERSHIP OF PHYSICAL FEATURES

LEGEND
Folio RN35554F
PLAN NO. CHA8R (RED)

Title: Site Layout Map 1:500			
Scale: As Shown @ A4	Date:	Drawn:	Checked:
Sheet:	Drawn:	Checked:	Drawn:
Drawing No: []			



Gerard Neary



CERTIFICATE OF REGISTRATION

Reference ID



Registration number:	
Date of registration:	21/01/2025
Registered to:	Gerard Neary
Registered address:	Cloonfree , Strokestown , Co. Roscommon, F42 N449
Water services authority:	Roscommon County Council

Issued under the Water Services Act 2017.

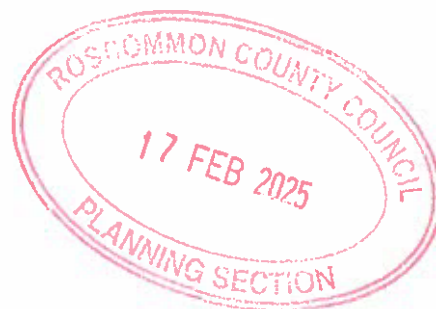
This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.




Gerard Neary



DEIMHNIÚ CLÁRÚCHÁIN

Tagairt ID: 

Uimhir chlárúcháin: 
Dáta clárúcháin: 21/01/2025
Cláraithe chuig: Gerard Neary
Seoladh cláraithe: Cloonfree , Strokestown , Co. Ros Comáin, F42 N449
Údarás seirbhísí uisce: Comhairle Contae Ros Comáin

Arna eisiúint den Acht um Sheirbhísí Uisce 2017.

Deimhnítear sa chaipéis seo gur cuireadh an córas cóireála fuíolluisce tí atá ceangailte le réadmhaoín ag an seoladh réamhluaite, agus atá cláraithe chuig an úinéir réamhluaite, ar an gclár um Chórais Cóireála Fuíolluisce Tís.

Coinnigh an chaipéis seo le do thoil.

- D'fhéadfadh sé go n-iarrfaí ort é seo a thabhairt do dhuine údaráithe arna cheapadh ag an údarás seirbhísí uisce.
- Nuair a dhíolann nó nuair a aistríonn tú úinéireacht do réadmhaoine tabhairt cóip den deimhniú seo le do thoil don úinéir úr. Beidh an t-úinéir úr freagrach as athruithe ar an úinéireacht a chur in iúl don údarás seirbhísí uisce. Níos mó eolas faoi athrú úinéara ar fáil ag www.protectourwater.ie.