

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

MCN Property,  


Reference Number: DED 854  
Application Received: 4<sup>th</sup> March, 2025  
Name of Applicant: MCN Property  
Agent: N/A

**WHEREAS** a question has arisen as to whether the change of use from commercial to residential at Main Street, Athleague, Co. Roscommon, F42 XN75., 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) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site


**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed change of use from commercial to form 3no. residential units as described in this case is an exempted development.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development for the change of use from commercial to residential at Main Street, Athleague, 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:

  
Brian Farragher,  
Senior Executive Planner,  
Planning.

Date: 8<sup>th</sup> April, 2025

**ADVICE NOTE**

**Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.**

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

<b>Reference Number:</b>	DED 854
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the change of use from commercial to residential.
<b>Name of Applicant:</b>	MCN Property
<b>Location of Development:</b>	Main Street, Athleague, Co. Roscommon. (F42 XN75)
<b>Site Visit:</b>	17/12/2024

**WHEREAS a question has arisen as to whether the following works;** for the change of use from commercial to residential 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) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

**Site Location & Development Description**

The site contains a derelict commercial (part public house and part residential) on ground floor and residential on 1<sup>st</sup> floor building with a gate to the west of the building accessing the rear of the building on Main street, Athleague, Co. Roscommon on the N63 road. It is proposed the change of use of the public house to residential accommodation along with the existing residential form 3no. 2 bed units.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

**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 Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.1km to the north and Lisduff Turlough PNHA/SAC (Site Code 000609), which is approximately 1.4km to the south and Ballinturly Turlough PNHA/SAC (Site Code 000588), which is approximately 1.6km to the north 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. Therefore, exclude the need for further Appropriate Assessment.

## **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history has been traced relating to the subject site.

- 19/478 - for change of use of building from previous use as public house and residential to pizzeria restaurant at premises known as The Village Inn – Conditional
- DED 791 - Change of use - Not Exempted

## **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 4 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 4 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 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 proposal includes the change of use from commercial to residential. These works have 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. From a review of the existing vs the proposed drawings provided and further information received it is proposed to make alterations to the existing front elevation comprising of the conversion of a window to form a new doorway and on the rear elevation the conversion of 2 doorways to windows. The proposed works are deemed an exempt development.

This Section 5 application relates to a building which appeared to have last been used as a pub and residential. The applicant is proposing to convert the ground floor public house as well as the existing residential space on ground floor and first floor to form 3no. 2 bed residential units. It would appear from a site inspection on the 17<sup>th</sup> of December 2024 that the building is not in use/vacant along with appendix A of the further information received for the previous DED 791 the property has been vacant for more than 2 years.

The proposal of the change of use to form 3no. residential units raises concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users under the previous DED 791 application where the proposed parking was to the rear of the property. However in this application it is stated that the proposed car parking spaces is to be provided via the existing public carpark across the road from the site. It is proposed to use this carpark as a previous planning application (19/478) had deemed this car park arrangement adequate for the proposal. For this reason the proposed works are deemed an exempt development.

The proposal of the change of use to form 3no. residential units. Following review of article 10(6) of the Planning and Development Regulations, 2001, as amended and part 4 of Schedule 2 of the Planning and Development, 2001, as amended. The proposed change of use appears to fall under Class 12 of Part 4 of Schedule 2 and therefore fall under Article 10(6) of the regulations. Following review of the drawing provided it appears the proposed works fully comply with the conditions and limitations set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended, and the requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act. For this reason the proposed works are deemed an exempt development.

## Recommendation

**WHEREAS** a question has arisen as to for the change of use from commercial to residential on Main Street, Athleague, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Part 1 and 4 of Article 6 of Schedule 2 of the Planning and Development, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

### **AND WHEREAS I have concluded that**

- The works outlined above are development.
- The proposed change of use from commercial to form 3no. residential units as described in this case is an 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 for the change of use from commercial to residential on Main Street, Athleague, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 7<sup>th</sup> April 2025

Civil Technician

Signed:



Date: 7<sup>th</sup> April 2025

Senior Executive Planner















Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



MCN Property,  


Date: 5<sup>th</sup> March, 2025  
Planning Reference: DED 854

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 under the Planning & Development Act (Exempt Development) Regulations 2018 at Main Street, Athleague, Co. Roscommon., F42 XN75.

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A Chara,

I wish to acknowledge receipt of the application which was received on the 4<sup>th</sup> March, 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/01/0/233473 dated 5<sup>th</sup> March, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 854**  
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

05/03/2025 12:00:18

Receipt No. L01/0/233473

MCN PROPERTY LTD

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED854	

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
500009

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office

March 2025

Planning Department,  
Roscommon County Council,  
Áras an Chontae,  
Roscommon.

Re: Proposed change of use premises; Main Street, Athleague, Roscommon, F42 XN75

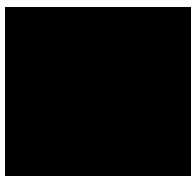
Dear Sir/Madam,

I attach herewith:

1. Notification Form exempted Development – Article 10(6) change of use exemption
2. Application for Declaration under Section 5 of the Planning & Dev. Act 2020 regarding Exempted Development together with supporting documentation.
  - a. Site location map
  - b. Site layout plan
  - c. Existing Floor plans, Elevations & Sections
  - d. Proposed Floor plans, Area plans, Elevations & Sections
  - e. Cheque for €80 euro
3. Clarification of amendments to previously submitted DED791

Please acknowledge receipt of notification. Let me know if you need anything further.

Breege McNeill,








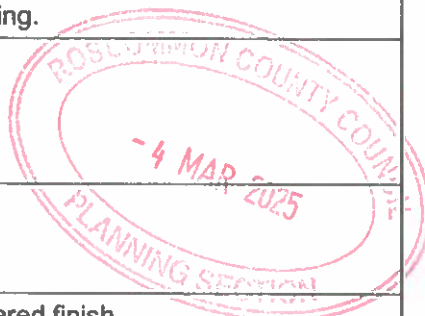
Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

**Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development**

Name:	MCN Property
Address:	
Name & Address of Agent:	N/A
Nature of Proposed Works	Change of use.
Location (Townland & O.S No.)	Main Street, Athleague, Roscommon, F42 XN75 (Map Attached)
Floor Area	241sqm
Height above ground level	Current building - 2 floors. No change to current building.
Total area of private open space remaining after completion of this development	No change in area.
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No change to current plastered finish.
Is proposed works located at front/rear/side of existing house.	N/A, Change of use only.



## Roscommon County Council

### Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	PD/19/478 - Change of use of building from previous use as public house and residential to pizzeria restaurant at premises known as The Village Inn (Never Completed). DED791 - Exempt development for change use of public house to residential use.
Existing use of land or structure	Ground Floor - Public House & Residential 1st Floor - Residential
Proposed use of land or structure	Residential use, divided into 3 separate dwelling houses.
Distance of proposed building line from edge of roadway	No Change to current building
Does the proposed development involve the provision of a piped water supply	No Change to current building
Does the proposed development involve the provision of sanitary facilities	No Change to current building

Signature:

Breage McNeill

Date:

04/03/2025

**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) Details specification of development proposed

Change of use from previously licensed premises and residential dwelling to: x3 separate, 2 bed dwelling houses. (See attached plans).



**NOTIFICATION FORM**  
**EXEMPTED DEVELOPMENT - ARTICLE 10(6) CHANGE OF USE EXEMPTION**

Name of Relevant Planning Authority: Roscommon County Council

Name of Notifier/Property Owner: MCN Property

Name of Person/Agent Acting on behalf of Notifier/Property Owner (if any):

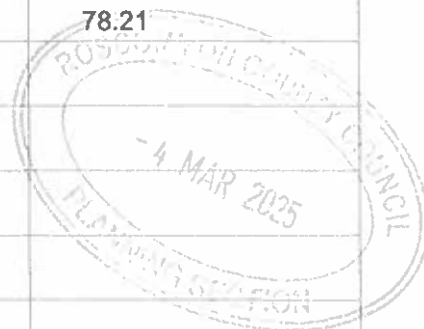
Breege McNeill

*[Note: Contact Details to be supplied at the end of this form]*

Notification of intention to avail of exempted development provisions under Article 10(6) of the Planning and Development Regulations 2001, as inserted by Article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018, at least two weeks prior to the commencement of the proposed change of use and any related works.

**Notification Details Required:**

<b>Location of structure</b>	<i>Full Postal Address</i> <b>Main Street, Athleague, Roscommon</b>	
	<i>Eircode</i> <b>F42 XN75</b>	
<b>Total number of Residential Unit(s)</b>	<b>3</b>	
<b>Total Residential Floorspace (m<sup>2</sup>)</b>	<b>241</b>	
	<b>Number of bedrooms</b>	<b>Floorspace of unit (m<sup>2</sup>)</b>
<b>Residential Unit 1</b>	<b>2</b>	<b>78.05</b>
<b>Residential Unit 2</b>	<b>2</b>	<b>85.27</b>
<b>Residential Unit 3</b>	<b>2</b>	<b>78.21</b>
<b>Residential Unit 4</b>		
<b>Residential Unit 5</b>		
<b>Residential Unit 6</b>		
<b>Residential Unit 7</b>		
<b>Residential Unit 8</b>		
<b>Residential Unit 9</b>		
<b>Date works will commence</b> (Minimum of two weeks subsequent to date of notification)		<b>21/03/2025</b>
<b>Signed (Notifier/ Agent as appropriate):</b> _____		<b>Date:</b> _____



## Clarification of Amendments

The attached application for Declaration under Section 5 of the Planning and Dev. Act 2020 is a re-submission of previously submitted DED791.

As part of the planner's report for DED791 there was 2 issues raised;

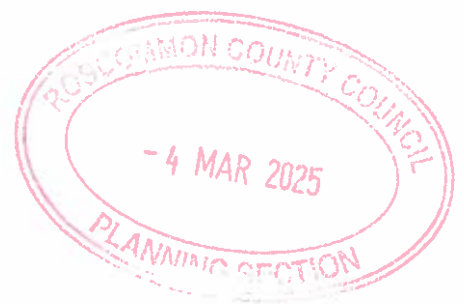
1. The proposal for vehicular parking to the rear of building raised concerns in relation to endangering public safety by reason of traffic hazard or obstruction of road users.
2. The proposed change of use from commercial to residential did not fully comply with requirements set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended and the requirements of the "Sustainable Urban Housing Design Standards for New Apartments".

This application as a follow on from DED791 has the following amendments to address the above-mentioned issues.

1. As part of previously approved planning permission Ref:19/478 (See Appendix A below), it was noted that the proposed development is in the center of the village of Athleague and is across the road from a public car park. The existing structure was previously used as a public house and did not have defined parking on site. The parking requirement for the public house would have been 16 spaces. Given the historic parking arrangement and the parking available in the village it was considered that adequate parking was provided for the proposal.

As part of this application under section 5, it is no longer propose parking to the rear of the building. It is proposed to keep to the historic parking arrangement of the building with parking being provided by the public car park across the road to the front of the building.

2. The proposed floor plans from DED791 have been amended to fully comply with requirements set out in Article 10(6)(d) of the Planning and Development Regulations, 2001, as amended and the requirements of the "Sustainable Urban Housing Design Standards for New Apartments".
  - a. Bedroom areas and Living/Dining/Kitchen areas have been amended to comply with "2 bedroom (3 person)" requirements.
  - b. Floor plans amended to comply with minimum storage space requirements for 2 bedroom (3 person) apartments.





## Appendix: A

Extract from planner's report on previously approved planning permission Ref:19/478

### **8.2.1 Road Access and Parking**

The proposed development is located in the centre of the village of Athleague. There is a public car park across the road from the proposed which is adjacent to the Community Centre but serves the village as a whole. Recent road improvement works in the village have also included a number of build outs in the

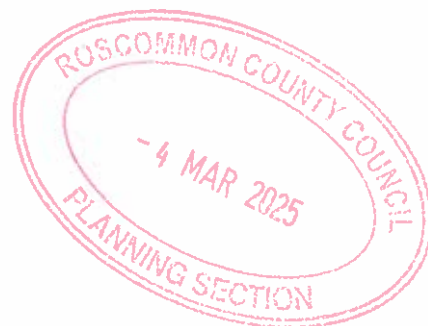
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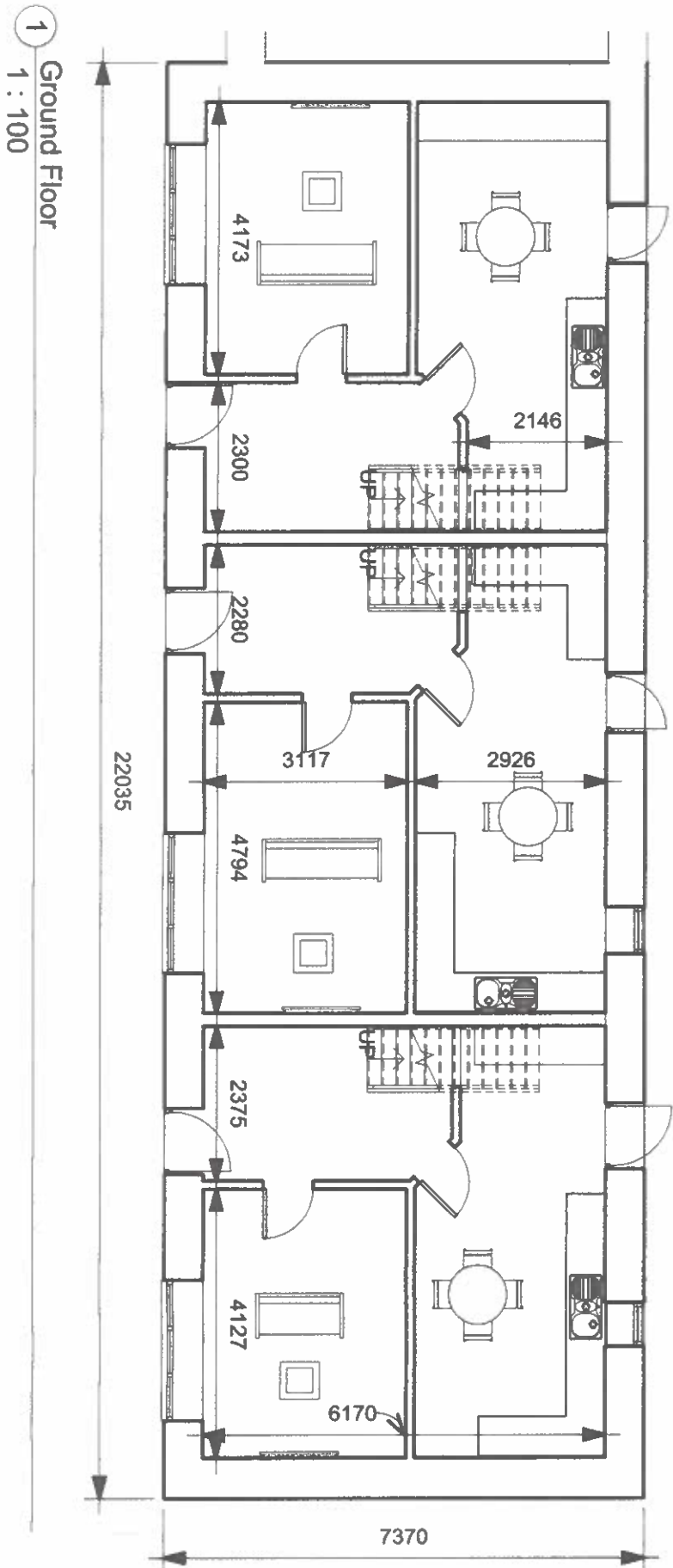
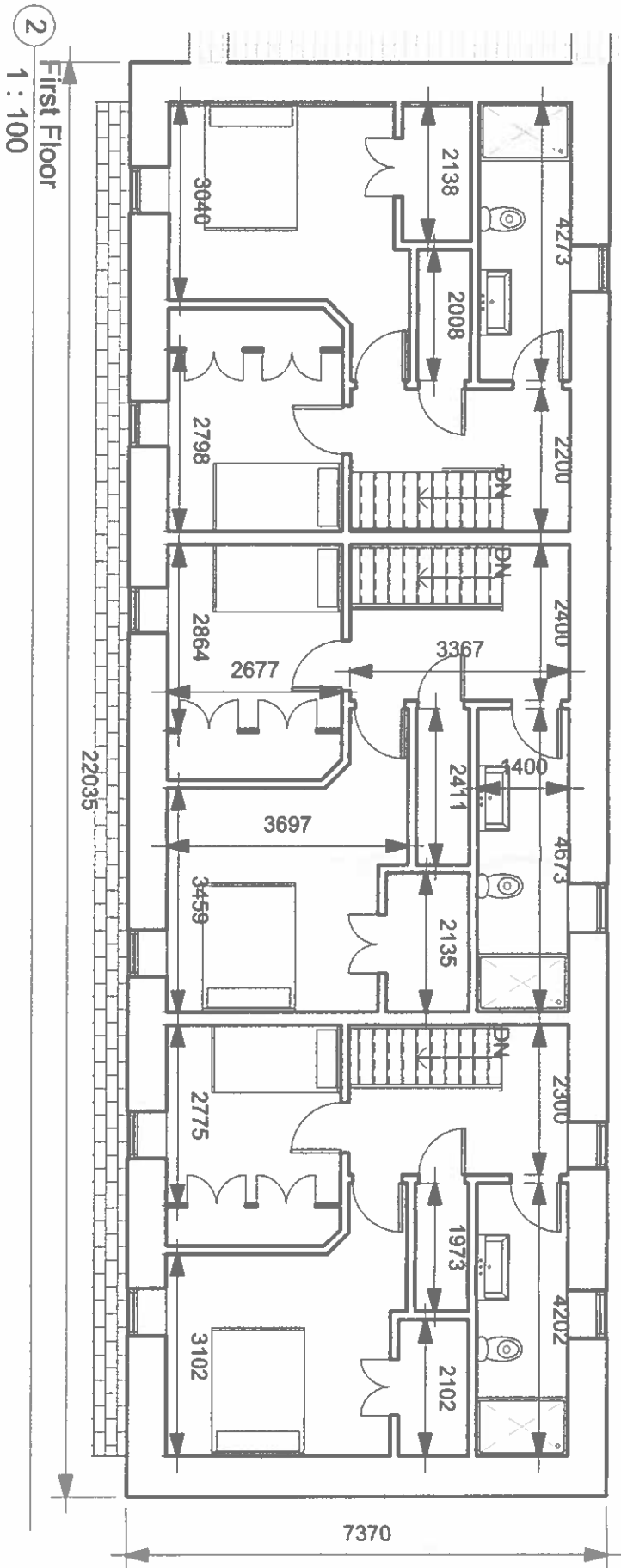
### **Roscommon County Council – Planning Report**

footpath which provide for a more formalised parking arrangement in the village. The existing structure was previously used as a Public House and did not have defined parking on site. The parking requirement for a Public House and Restaurant are the same in the County Development Plan 2014-2020 and are stated as 1 per 7sqm net floor area. The net floor area is approximately 114sqm which is a requirement of 16 spaces. Given the historic parking arrangement for a similar business and the parking available in the village it is considered that adequate parking is provided for the proposal.

### **8.2.1 Development Contributions**

In terms of development contributions, it is considered that there will not be a significant extra demand on the existing infrastructure and in accordance with Section 14 (k) of the Development Contribution Scheme 2014, the proposed development is deemed to be exempted from development contributions.





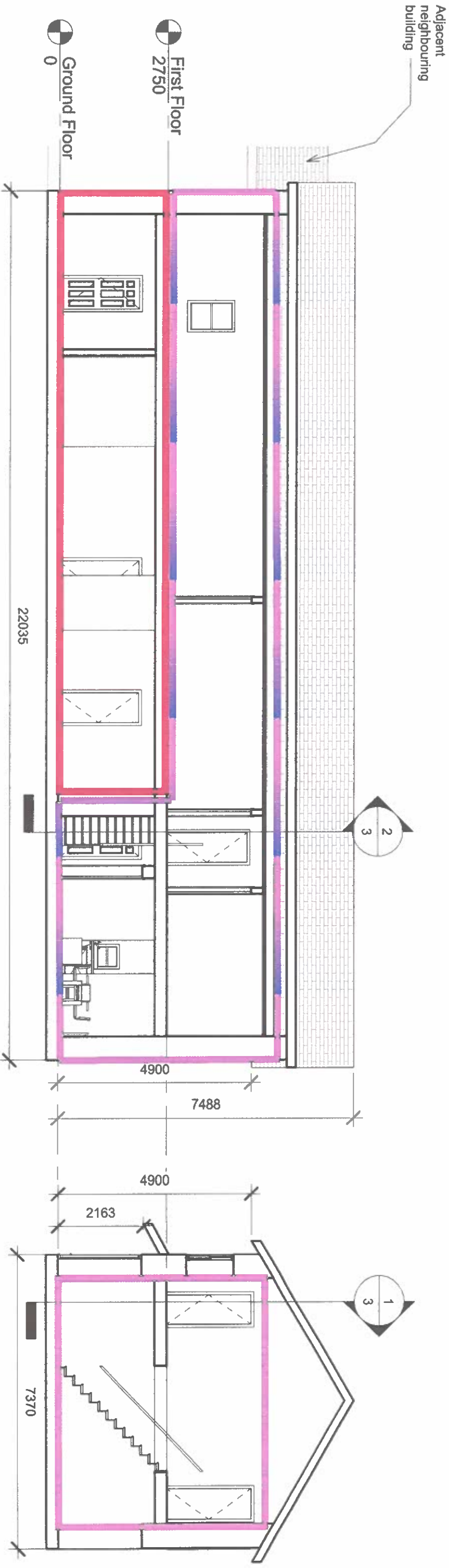
No.	Description	Date
1.0	Document Created	27/10/2024
2.0	Addition of Built-In Storage	26/02/2025

CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

PROJECT	CLIENT
Main Street, Athleague	MCN Property
SHEET	Project number
Proposed Floor Plan	1
	Scale (@ A3)
	1 : 100
	REV
	2.0

Date	Drawn by	Checked by
26/02/2025		





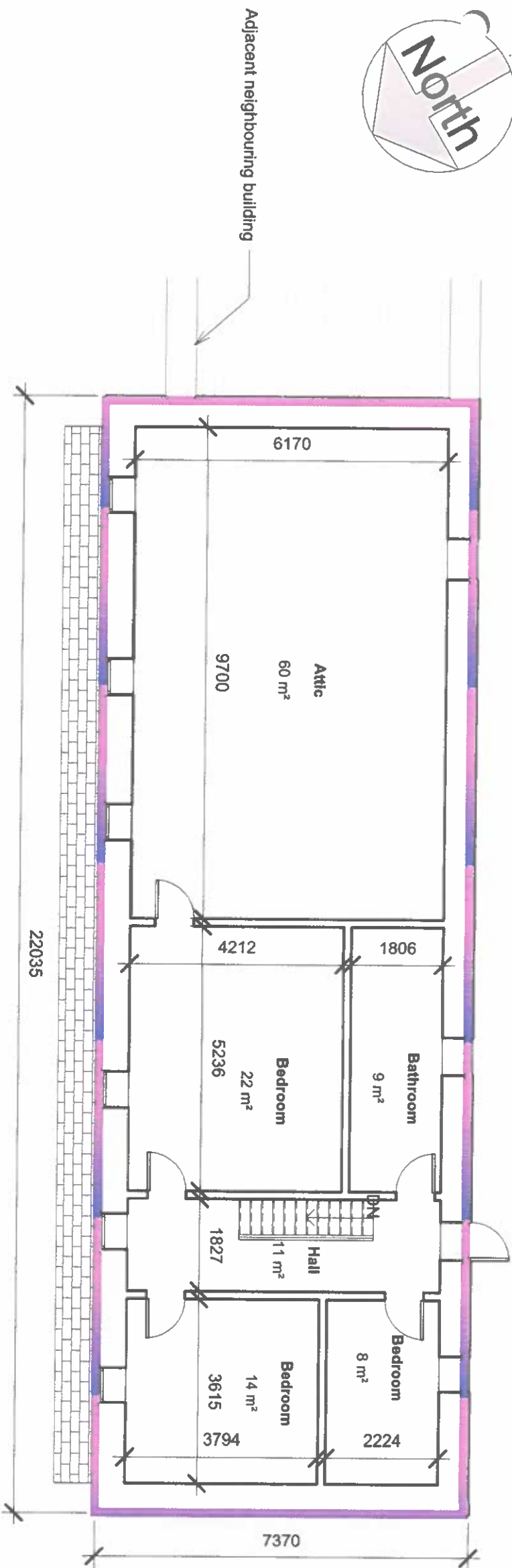
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			PROJECT Main Street, Athleague		CLIENT MCN Property			
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE	SHEET	Date 27/10/2024	Project number 1	Scale (@ A3) 1 : 100	REV
				Existing Sections	Drawn by	DRAWING NUMBER		
					Checked by	3		1.0

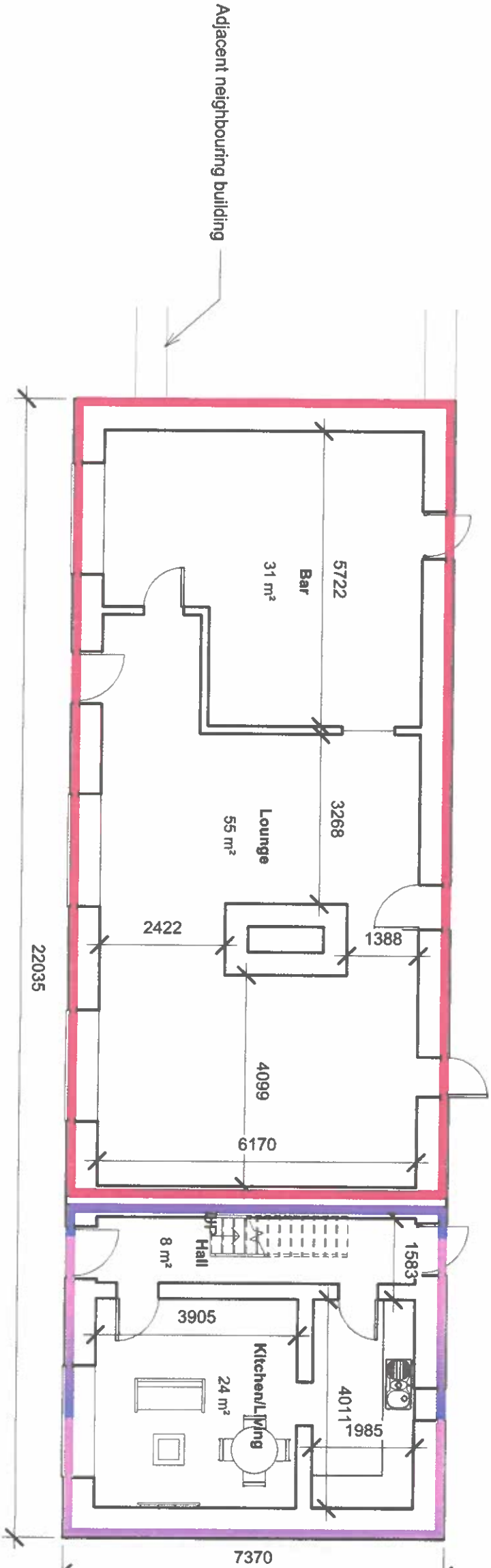




1 First Floor  
1 : 100



2 Ground Floor  
1 : 100



☐ Use as public house  
☐ Residential use

No.	Description	Date
1.0	Sheet Created	27/10/2024



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CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

PROJECT

Main Street, Athleague

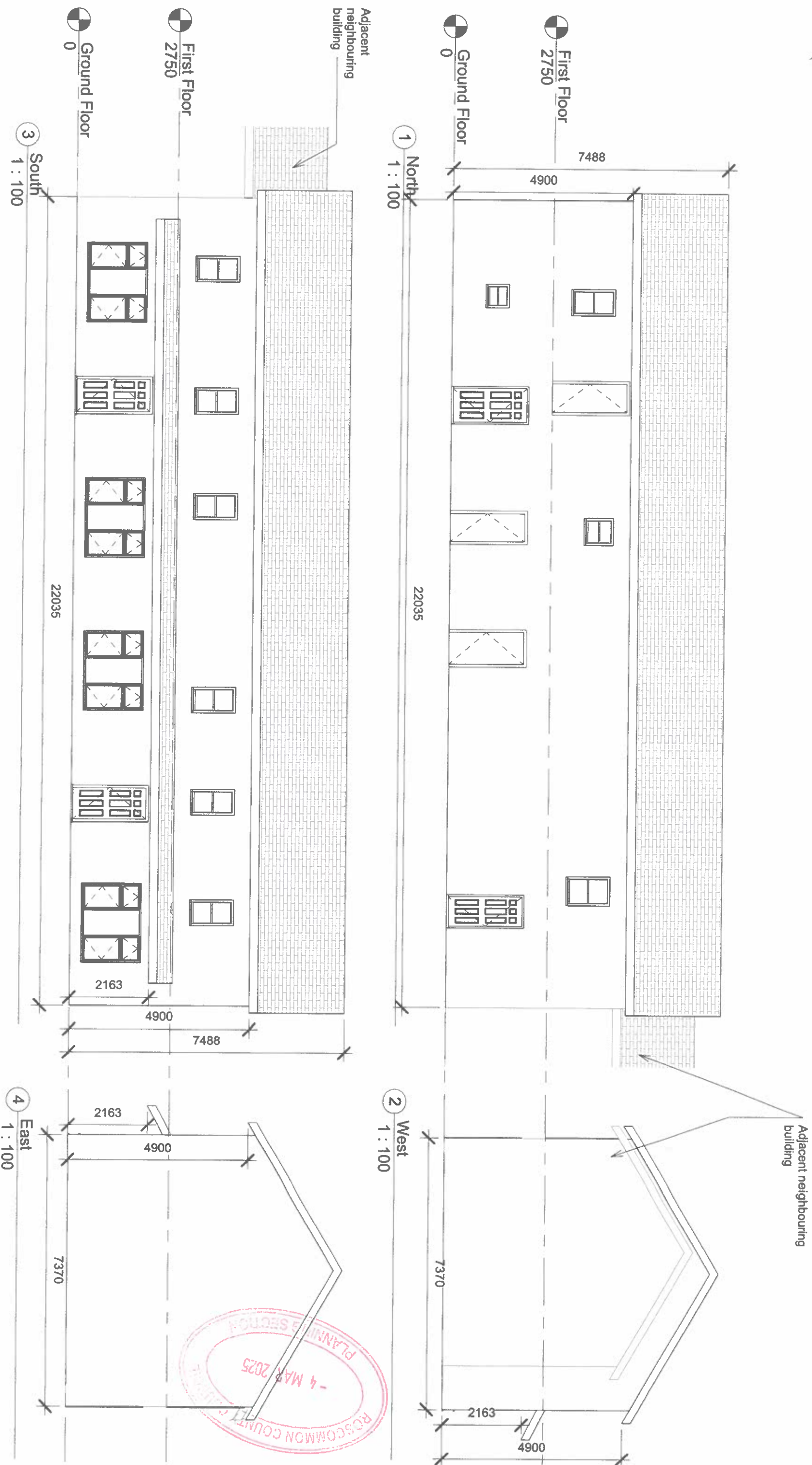
SHEET

Existing Floor Plan


CLIENT

MCN Property

Date	27/10/2024	Project number	1	Scale (@ A3)	1 : 100
Drawn by		DRAWING NUMBER		REV	1.0
Checked by					



No.	Description	Date
1.0	Sheet Created	27/10/2024



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CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

PROJECT

Main Street, Athleague

CLIENT

MCN Property

SHEET

Existing Elevations

Date

27/10/2024

Project number

1

Scale (@ A3)

1 : 100

Drawn by

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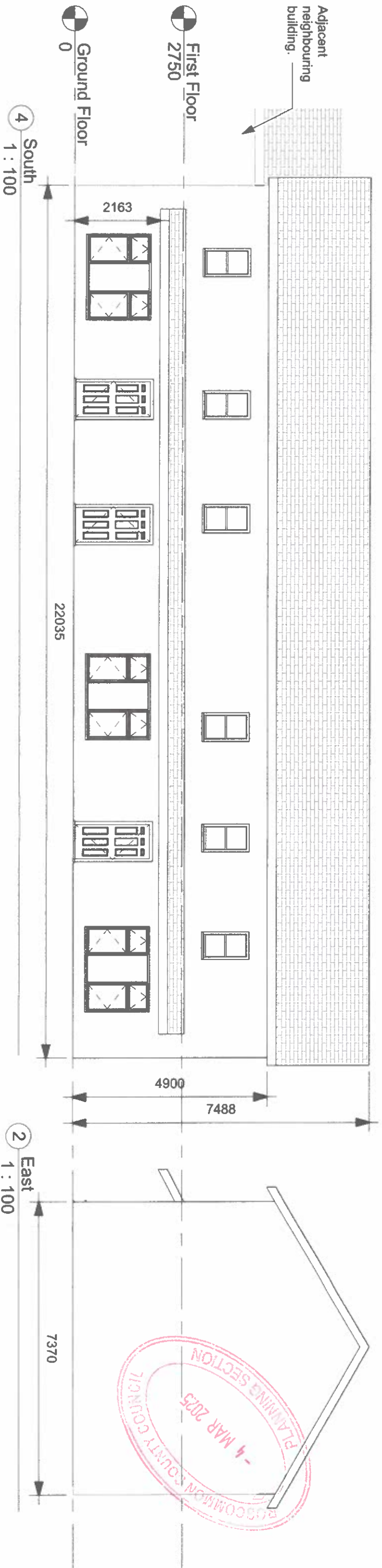
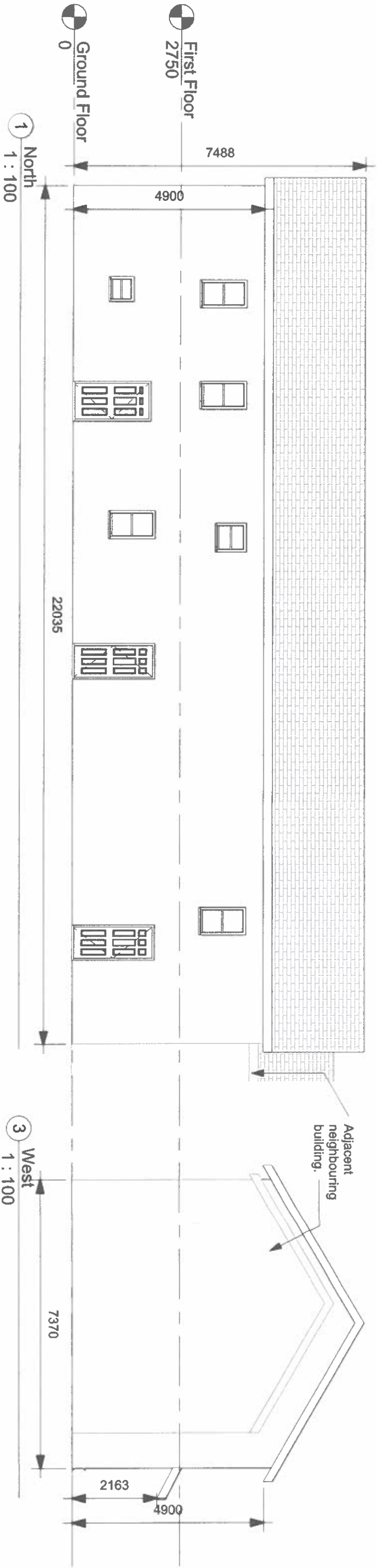
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REV

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No.	Description	Date	
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CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE
PROJECT Main Street, Athleague			
SHEET Proposed Elevations			
CLIENT		MCN Property	
Date	26/02/2025	Project number	1
Drawn by		DRAWING NUMBER	1 : 100
Checked by		3	REV
			1.0





Site location Map:



DS NO.  
RN2686



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Scale 1:2500