

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Padraic Cryan & Helen Moran,



Reference Number: DED 862
Application Received: 18th March, 2025
Name of Applicants: Padraic Cryan & Helen Moran
Agent: N/A

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing garden fence at 18 Green Hill, Ballinameen, Boyle, Co. Roscommon, F52 CF96, 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 5 of Part 1 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 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 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 fence meets the conditions and limitations set out under Class 5 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and is therefore considered to be an exempt development.
- (d) 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 an existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing garden fence at 18 Green Hill, Ballinameen, Boyle, Co. Roscommon, F52 CF96, 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: 9th May, 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)**

Reference Number:	DED 862
Re:	Permission for refurbishment of existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing of garden fence under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Padraic Cryan & Helen Moran
Location of Development:	18 Green Hill, Ballinameen, Boyle, Co. Roscommon F52 CF96
Site Visit:	07/04/2025

WHEREAS a question has arisen as to whether the following works for refurbishment of existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing of garden fence 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 two storey dwelling located in Green Hill Housing Estate, Ballinameen, Boyle, Co. Roscommon. The property is accessed off the L-56513 local tertiary road. The proposed development consists of internal renovations to the existing dwelling on site with external alterations including replacing the windows and doors and replacing the garden fence.

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 Cloonshanville Bog SAC (Site Code 000614) which is located circa 5km 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 can, therefore, be excluded.

Planning History

03/999: Permission granted for the modification to site layout together with change of design of house type for site no.'s 21 to 34 inclusive and to replace with 11 no. pairs of semi-detached houses no.'s 21 to 42 inclusive this increasing overall no of houses from 34 to 42, together with associated changes to site services from original application granted under PD/03/176.

03/176: Permission granted for the construction of 33 no. detached dwelling houses together with detached garages and outline planning permission for 1 no. dwelling house together with all ancillary site works and services.

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,

PART 1 - Article 6 - Exempted Development – General

Development within the curtilage of a house

Column 1 Description of Development	Column 2 Conditions and Limitations
Class 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	<ol style="list-style-type: none">1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.3. No such structure shall be a metal palisade or other security fence.

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:

- Replacing windows and doors;
- Painting wardrobes and house exterior;
- Installing two stoves;
- Installing new bath, sink and toilet;
- Replacing garden fence.

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 the proposed works are considered to be exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

With regard to the garden fence that is proposed to be replaced, the applicant has stated this will consist of wooden panels with concrete posts and will be 1.5 metres high. The fence will bound the north of the site separating the subject site and the neighbouring dwelling. The proposed fence meets the conditions and limitations set out under Class 5 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and is therefore considered to be an exempt development.

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; for refurbishment of existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing of garden fence as outlined above at 18 Green Hill, Ballinameen, Boyle, Co. Roscommon F52 CF96, 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 5 of Part 1 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 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 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 fence meets the conditions and limitations set out under Class 5 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and is therefore considered to be an exempt 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 refurbishment of existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing of garden fence as outlined above at 18 Green Hill, Ballinameen, Boyle, Co. Roscommon F52 CF96, is development and 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: 9th May 2025

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves.

Signed:

Senior Executive Planner

Date: 9th May 2025













Comhairle Contae
Ros Comáin
Roscommon
County Council



Padraic Cryan & Helen Moran,

Date: 25th March, 2025
Planning Reference: DED 862

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

Development: Permission for refurbishment of existing dwelling, with works including 1) replacing windows & doors; 2) painting wardrobes & house exterior; 3) installation of 2 stoves; 4) installation of new bath, sink & toilet & 5) replacing of garden fence under the Planning & Development Act (Exempt Development) Regulations 2018 at 18 Green Hill, Ballinameen, Boyle, Co. Roscommon, F52 CF96.

A Chara,

I wish to acknowledge receipt of the application which was received on the 18th 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/01/0/233769 dated 20th March, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 862**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell,
A/Senior Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

20/03/2025 14:15:09

Receipt No L01/0/233769

PADRAIC CRYAN

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 862	

Total	80.00 EUR
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Tendered :	
Credit/Debit Card	80.00
3009	

Change :	0.00
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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)	PADRAIC CRYAN & HELEN MARRAN
Name of Agent	N A
Nature of Proposed Works VACANT PROPERTY REFURBISHMENT GRANT WORKS	REPLACING WINDOWS & DOORS PAINTING OF WARDROBES & HOUSE EXTERIOR INSTALLATION OF 2 STOVES NEW BATH, SINK & TOILET REPLACING OF GARDEN FENCE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	18 GREEN HILL BALLINAMARR BOYLE ROSCOMMON Y52CF96
Floor Area: a) Existing Structure b) Proposed Structure	a) 198 m ² b) N/A
Height above ground level:	~ 8m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	SLATES



Roscommon County Council

Application for a Declaration under Section 5 of the

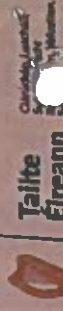
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N/A - INTERNAL WORKS APART FROM GARDEN FENCE
Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	FAMILY HOME
Proposed use of land or structure	FAMILY HOME
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature: P. G. Haden Moran
Date: 12/3/25 12/3/25

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



Folio: RN25680F

This map should be read in conjunction with the folio.

Tailte Éireann (TE) Registration mapping is based on TE Surveying mapping. Where TE Registration maps are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

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(centre-line of parcel(s) edge)

Freehold

Leasehold

SubLeasehold



Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500 Scale
Page 6 of 6



Carmel Curley

From: padraic Cryan [REDACTED]
Sent: Tuesday 18 March 2025 16:30
To: Carmel Curley
Subject: Re: Section 5 Planning Exemption Form - Padraic Cryan
Attachments: Image.jpeg

Hi Carmel,

The replacement fence is to the side of the house (as shown in attached). It will consist of wooden panels with concrete posts and will be 1.5m high.
Any further questions just let me know.

Kinds Regards
Padraic Cryan

Sent from [Outlook for iOS](#)

From: Carmel Curley <CCurley@roscommoncoco.ie>
Sent: Tuesday, March 18, 2025 14:24
To: [REDACTED]
Subject: FW: Section 5 Planning Exemption Form - Padraic Cryan

Hi Padraic,

I refer to your application submitted on Thursday, 13th march, 2025, for the Section 5 Declaration of Exempted Development, please note that we require the following information in order to deem your application valid;

1. Specifications of replacement fence – location, height, materials, etc

On receipt of the above information, the request will be considered further.

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



From: padraic Cryan [REDACTED]
Sent: Thursday 13 March 2025 17:56

To: Planning Department <Planning@roscommoncoco.ie>
Subject: Fw: Section 5 Planning Exemption Form - Padraic Cryan

Sir/Madam,

I have applied for the vacant home renovation grant to Roscommon County Council and all the documents have been submitted. I was recently informed by the Vacants Homes department that I need to complete a Section 5 planning exemption form and have it approved by Roscommon County Council Planning Department. I have this completed (see attached, along with the site map)

Please bear in mind the all works are internal anyway, apart from painting the outside of the house and replacing a garden fence! None the less, I was still told the Section 5 form had to be submitted.

I have not submitted the €80 fee yet, buy can do so over the phone if that is suitable?

If you have any questions on the above, please don't hesitate to contact me on [REDACTED] or by phone [REDACTED]

Kind Regards
Padraic Cryan

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

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ACRES

ACRES

Fence

ARDCOLLAGH