

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Helen Lavin,



Reference Number: DED 866  
Application Received: 25<sup>th</sup> March, 2025  
Name of Applicant: Helen Lavin  
Agent: N/A

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including; 1)damp proofing all rooms, drylining/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9)painting & decorating all rooms at Ballaghaderreen, Co. Roscommon, F45 R597, is or is not development and is or is not exempted development:

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

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

- (a) The works outlined above are development.
- (b) The proposed refurbishment of the existing dwelling as above 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 refurbish an existing dwelling, with works including; 1)damp proofing all rooms, drylining/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9) painting & decorating all rooms at Ballaghaderreen, Co. Roscommon, F45 R597, 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: 22<sup>nd</sup> 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)**

<b>Reference Number:</b>	DED 866
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to the refurbishment of an existing dwelling, with works including; 1)damp proofing all rooms, drying/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9)painting & decorating all rooms.
<b>Name of Applicant:</b>	Helen Lavin
<b>Location of Development:</b>	Ballaghaderreen, Co. Roscommon, (F45 R597).
<b>Site Visit:</b>	19/05/2025

**WHEREAS a question has arisen as to whether the following works; to the refurbishment of an existing dwelling, with works including; 1)damp proofing all rooms, drying/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9)painting & decorating all rooms at the above address is or is not development and is or is not exempted development.**

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

**Site Location & Development Description**

The property is a single story dwelling house with what appears to be a small extension to the rear. There is a garden and small domestic shed to the rear of the property in Ballaghaderreen, Co. Roscommon. The property is accessed off the L-55115 road. The proposed development consists of the refurbishment of the existing dwelling with works including the re-wiring, replumbing, drying and damp proofing the property as well as various other internal works.

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

## **Appropriate Assessment**

The closest European site to the site of the proposed development is Tullaghanrock Bog PNHA/SAC (Site Code 002013/002354) which is located circa 1km to the east 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**

As per the Roscommon County Council's Planning Registry, no recent planning history traced to the 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 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 refurbishment of the existing dwelling with works including the re-wiring, replumbing, drying and damp proofing the property as well as various other internal works. 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 neighboring structures. The proposed works are deemed an exempt development.

With regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

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 Art 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 the refurbishment of an existing dwelling, with works including; 1)damp proofing all rooms, drying/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9)painting & decorating all rooms in Ballaghaderreen, 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) 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 refurbishment of the existing dwelling as above 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 the refurbishment of an existing dwelling, with works including; 1)damp proofing all rooms, dryling/slabbing all walls; 2)re-wiring; 3)re-plumbing; 4)replacing all floors; 5)skirting & architrave; 6)replace internal doors; 7)install new kitchen; 8)tiling & waterproof finishes to bathroom & 9)painting & decorating all rooms in Ballaghaderreen, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 22<sup>nd</sup> May 2025

Civil Technician

Signed: 

Date: 22<sup>nd</sup> May 2025

Senior Executive Planner













Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Helen Lavin,

Date: 1<sup>st</sup> April, 2025  
Planning Reference: DED 866

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

Development: Permission for the refurbishment of an existing dwelling, with works including; 1) damp proofing all rooms, drying/slabbing all walls; 2) re-wiring; 3) re-plumbing; 4) replacing all floors; 5) skirting & architrave; 6) replace internal doors; 7) install new kitchen; 8) tiling & waterproof finishes to bathroom & 9) painting & decorating all rooms under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballaghaderreen, Co. Roscommon, F45 R597.

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A Chara,

I wish to acknowledge receipt of the application which was received on the 25<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/01/0/233851 dated 26<sup>th</sup> March, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 866**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Brian Farragher,  
A/Senior Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

26/03/2025 12:55:17

Receipt No. L01/0/233851

HELEN LAVIN

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED866	

Total : 80.00 EUR

Tendered :  
Postal Order 80.00  
082533

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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:	Helen Lavin
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	complete house inside: Kitchen, painting, skirting architrave. Internal doors. Tiling/Waterproof bathroom. Flooring all rooms.
Location (Townland & O.S No.)	Ballaghaderreen F45 R597.
Floor Area	68 M <sup>2</sup>
Height above ground level	4.06 M
Total area of private open space remaining after completion of this development	68 M <sup>2</sup>
Roofing Material (Slates, Tiles, other) (Specify)	N/A
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No changes. Already plastered.
Is proposed works located at front/rear/side of existing house.	No changes.



## 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	NO
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	House + Surrounds vacant
Proposed use of land or structure	once complete house will be my permanent residence
Distance of proposed building line from edge of roadway	16.4m
Does the proposed development involve the provision of a piped water supply	Yes
Does the proposed development involve the provision of sanitary facilities	Bathroom x 1. Will have sink, toilet + shower

Signature:

Heleao Lavino

Date:

24/03/25

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



## **Specification of works proposed**

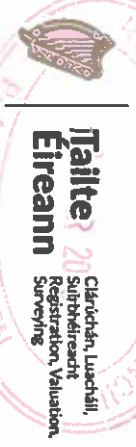
- Damp Proofing all rooms, dryling/slabbing all walls
- Electrical work for appliances; lighting for all rooms
- Plumbing work for bathroom toilet, sink & shower.  
Plumbing for kitchen appliances.
- Replacing all floors to 3 bedrooms, kitchen, sitting room and 1 bathroom
- Skirting and architrave
- Replace internal doors
- Fit new kitchen. Fit dishwasher, washing machine, cooker & sink.
- Tiling and waterproof finishes to bathroom.
- Painting and decorating all rooms.







563480 mE, 796020 mN



Official Tailte Éireann Registration Map  
This map should be read in conjunction with the folio.

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

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- (centre-line of parcels/judged)
- Freehold
  - Leasehold
  - Subleasehold
  - 'S' Register
- 25 MAR 2025  
COMMON COUNTY COUNCIL  
PLANNING SECTION

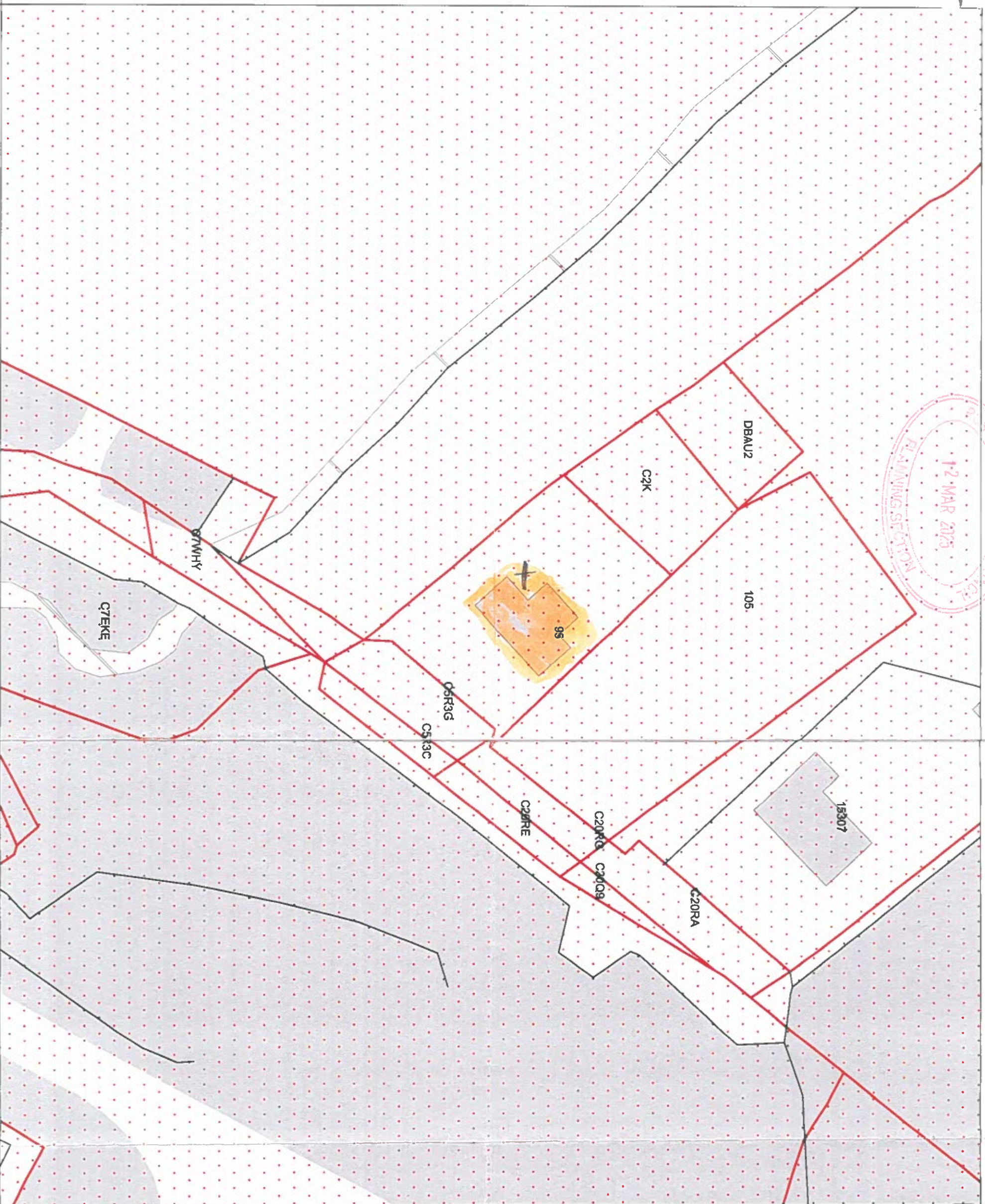
(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

- 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](http://www.landdirect.ie)

**Tailte Éireann Registration operates a non-conclusive boundary system.**  
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ 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.

1:500



563320 mE, 795890 mN

Creation Date: 6 March 2025 07:56:47

Application Number: S2025LR003789Q



25 MAR 2025  
ANNING STATION  
COUNTY DUBLIN

Official Tailte Éireann Registration Map  
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- (centre-line of parcel(s) edged)
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- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

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