

ROSCOMMON COUNTY COUNCIL

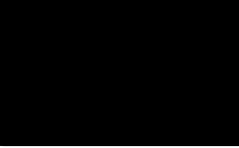
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James Harmon & Teresa Harmon,



Reference Number: DED 924
Application Received: 7th July, 2025
Name of Applicants: James Harmon & Teresa Harmon
Agent: N/A

WHEREAS a question has arisen as to whether permission to internally restore an existing dwelling, with works including 1) replace windows & doors; 2) replace internal doors; 3) new plumbing & sanitary ware to be fitted; 4) new kitchen to be fitted; 5) new flooring; 6) radiators to be replaced; 7) all walls (internal) to be insulated and dry lined; 8) attic to be insulated & 9) complete re-wiring of electrics under the Planning & Development Act (Exempted Development) regulations 2018 at Fairymount, Leitrim, Castlerea, Co. Roscommon, F45 R206, 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 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 internally restore an existing dwelling, with works including 1) replace windows & doors; 2) replace internal doors; 3) new plumbing & sanitary ware to be fitted; 4) new kitchen to be fitted; 5) new flooring; 6) radiators to be replaced; 7) all walls (internal) to be insulated and dry lined; 8) attic to be insulated & 9) complete re-wiring of electrics under the Planning & Development Act (Exempted Development) regulations 2018 at Fairymount, Leitrim, Castlerea, Co. Roscommon, F45 R206, 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: 22nd August, 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 924
Re:	Permission to internally restore an existing dwelling, with works including 1) replace windows & doors; 2) replace internal doors; 3) new plumbing & sanitary ware to be fitted; 4) new kitchen to be fitted; 5) new flooring; 6) radiators to be replaced; 7) all walls (internal) to be insulated and dry lined; 8) attic to be insulated & 9) complete re-wiring of electrics under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	James Harmon & Teresa Harmon
Location of Development:	Fairymount, Leitrim, Castlerea, County Roscommon, F45 R206.
Site Visit:	08/08/2025

WHEREAS a question has arisen as to whether the following works for the restoration of an existing dwelling 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 north facing long two storey dwelling. The subject site is accessed off the L-5564 Local Secondary Road. The subject site is located c. 1.4km northeast of the village of Fairymount and c. 4.9km southwest of the town of Frenchpark. The proposed development consists of the internal restoration of an existing dwelling, with works including 1) replace windows & doors; 2) replace internal doors; 3) new plumbing & sanitary ware to be fitted; 4) new kitchen to be fitted; 5) new flooring; 6) radiators to be replaced; 7) all walls (internal) to be insulated and dry lined; 8) attic to be insulated & 9) complete re-wiring of electrics.

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 Bellanagare Bog SPA (Site Code 004105) located c. 1.5km east of the subject site.

Other European Site Designations include Bellanagare Bog SAC (Site Code 000592) located c. 1.6km from the proposed development.

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

PD/98/238

Development Description: Permission to construct septic tank and percolation area

Applicant: John Joe Forde

Decision: Granted

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.

Extent of Works

Internal

- All internal doors to be replaced, no change to size.
- New plumbing and new sanitary ware to be fitted in original bathroom.
- New kitchen to be fitted.
- New floors in all rooms.
- Radiators to be replaced in all rooms.
- All walls (internal) to be insulated, and dry lined.

- Attic to be insulated.
- Complete re-wiring of electrics.

External

- External doors (2) to be replaced, no change to size.
- All windows to be replaced (8), no change to size.
- Painting of external walls.

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. The stated works fall under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

Environmental Considerations

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 the restoration of an existing dwelling as outlined above at Fairymount, Leitrim, Castlerea, County Roscommon, F45 R206 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 for the restoration of an existing dwelling as outlined above at Fairymount, Leitrim, Castlerea, County Roscommon, F45 R206, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: *Seán Tiernan*

Date: 08th August 2025

Planner

Signed: 
A/Senior Planner

Date: 22nd August 2025









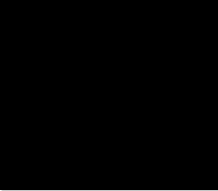




Comhairle Contae
Ros Comáin
Roscommon
County Council



James Harmon & Teresa Harmon,



Date: 15th July, 2025
Planning Reference: DED 924

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

Development: Permission to internally restore an existing dwelling, with works including 1) replace windows & doors; 2) replace internal doors; 3) new plumbing & sanitary ware to be fitted; 4) new kitchen to be fitted; 5) new flooring; 6) radiators to be replaced; 7) all walls (internal) to be insulated and dry lined; 8) attic to be insulated & 9) complete re-wiring of electrics under the Planning & Development Act (Exempted Development) regulations 2018 at Fairymount, Leitrim, Castlerea, Co. Roscommon, F45 R206.

A Chara,

I wish to acknowledge receipt of the application which was received on the 7th July, 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/01/0/235719 dated 11th July, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 924**
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

11/07/2025 15:31:58

Receipt No. L01/0/235719

JAMES HANNON

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 924

Total 80.00 EUR

Tendered :
Credit/Debit Card 80.00
9900

Change : 0.00

Issued By : Aine McDermott
From : Central Cash Office

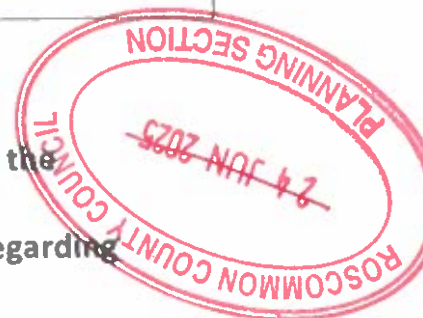


Comhairle Contae
Ros Comáin

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)	JAMES HARMON TERESA HARMON
Name of Agent	N/A
Nature of Proposed Works	Complete internal restoration including replacement of windows and doors
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	FAIRMOUNT, LEITREM, CASTLEREA, CO. ROSCOMMON B45 R206
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>72m²</u> b) <u> </u>
Height above ground level:	No change to original 6m
Total area of private open space remaining after completion of this development	The same as original structure 2.280 acres.
Roofing Material (Slates, Tiles, other) (Specify)	No change to original slate roof

Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	External walling to be painted only (white)
Is proposed works located at front/rear/side of existing house.	N/A
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	PRIVATE DWELLING
Proposed use of land or structure	PRIVATE DWELLING
Distance of proposed building line from edge of roadway	Same as original 230mts.
Does the proposed development involve the provision of a piped water supply	Same as original mains water supply
Does the proposed development involve the provision of sanitary facilities	Sanitary facilities in original dwelling only

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

Signature:

[Signature] Teresa Houghton

Date:

23-6-2025

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



Detailed specification of
Development proposed.



Complete internal restoration of
private dwelling.

External doors (2) to be replaced, no change to
size.

All windows to be replaced, (8) no change to
size.

All internal doors to be replaced, no change to size.

New plumbing and new sanitary ware to be
fitted in original bathroom

New kitchen to be fitted.

New floors in all rooms.

Radiators to be replaced in all rooms.

All walls (internal) to be insulated, and
dry lined.

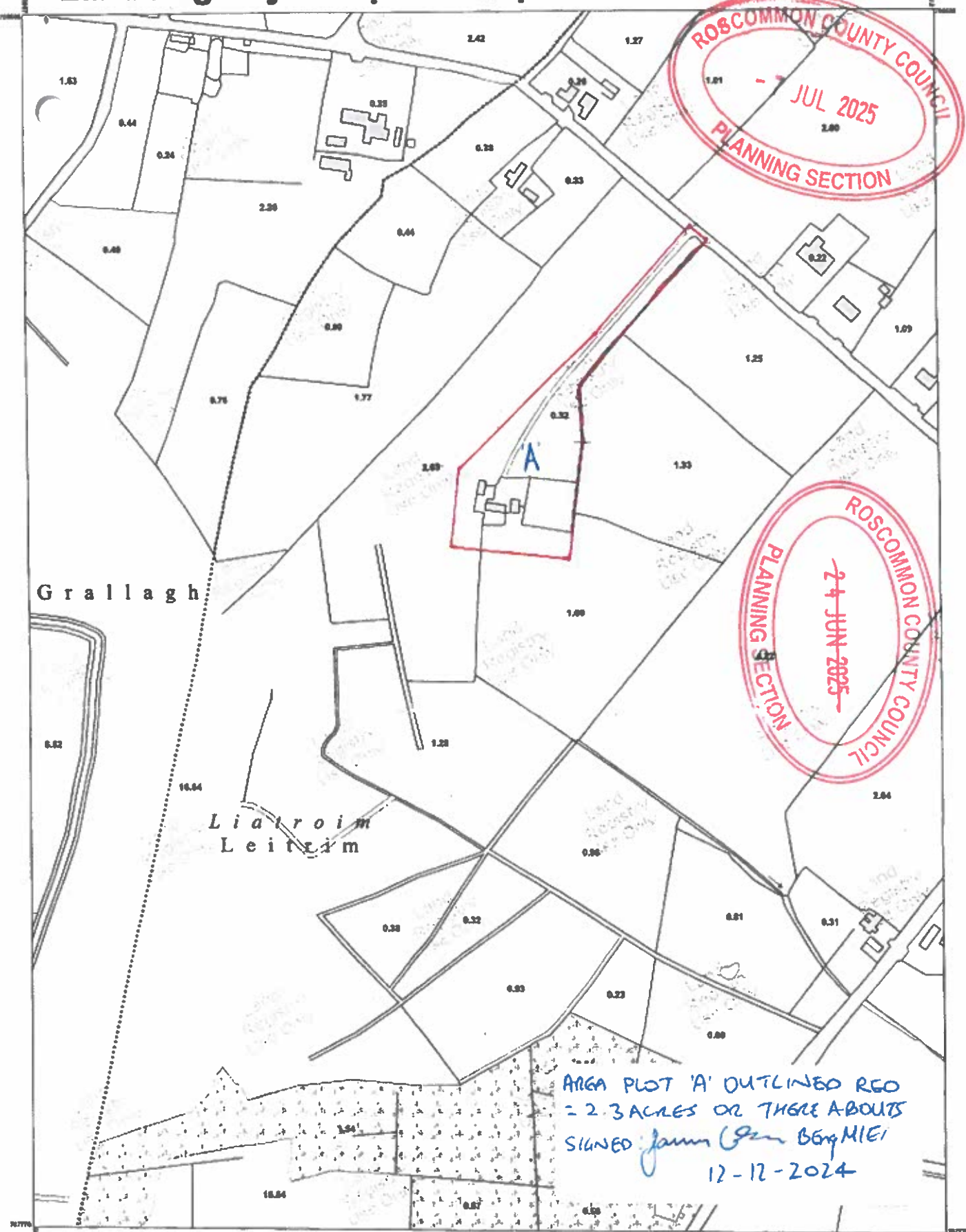
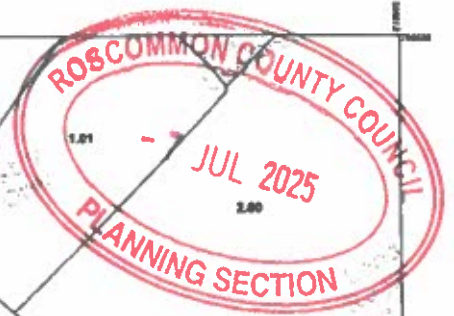
Attic to be insulated.

Complete re-wiring of electrics.

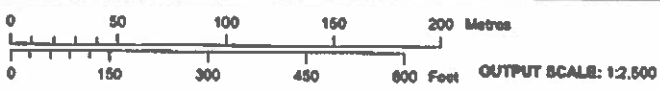


Apart from painting the external walls
and replacing the windows (8) and external doors,
there is no work being carried out on the
exterior of the dwelling.

Land Registry Compliant Map



AREA PLOT 'A' OUTLINED RED
 = 2.3 ACRES OR THERE ABOUTS
 SIGNED *James O'Brien* BEM/MEI
 12-12-2024



COMPILED AND PUBLISHED BY:
 Tailte Éireann,
 Phoenix Park,
 Dublin 8,
 Ireland.
 D06F8E4

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CENTRE COORDINATES:
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ORDER NO.:
 50438085_1

MAP SERIES:
 1:5,000

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MAP SHEETS:
 2037

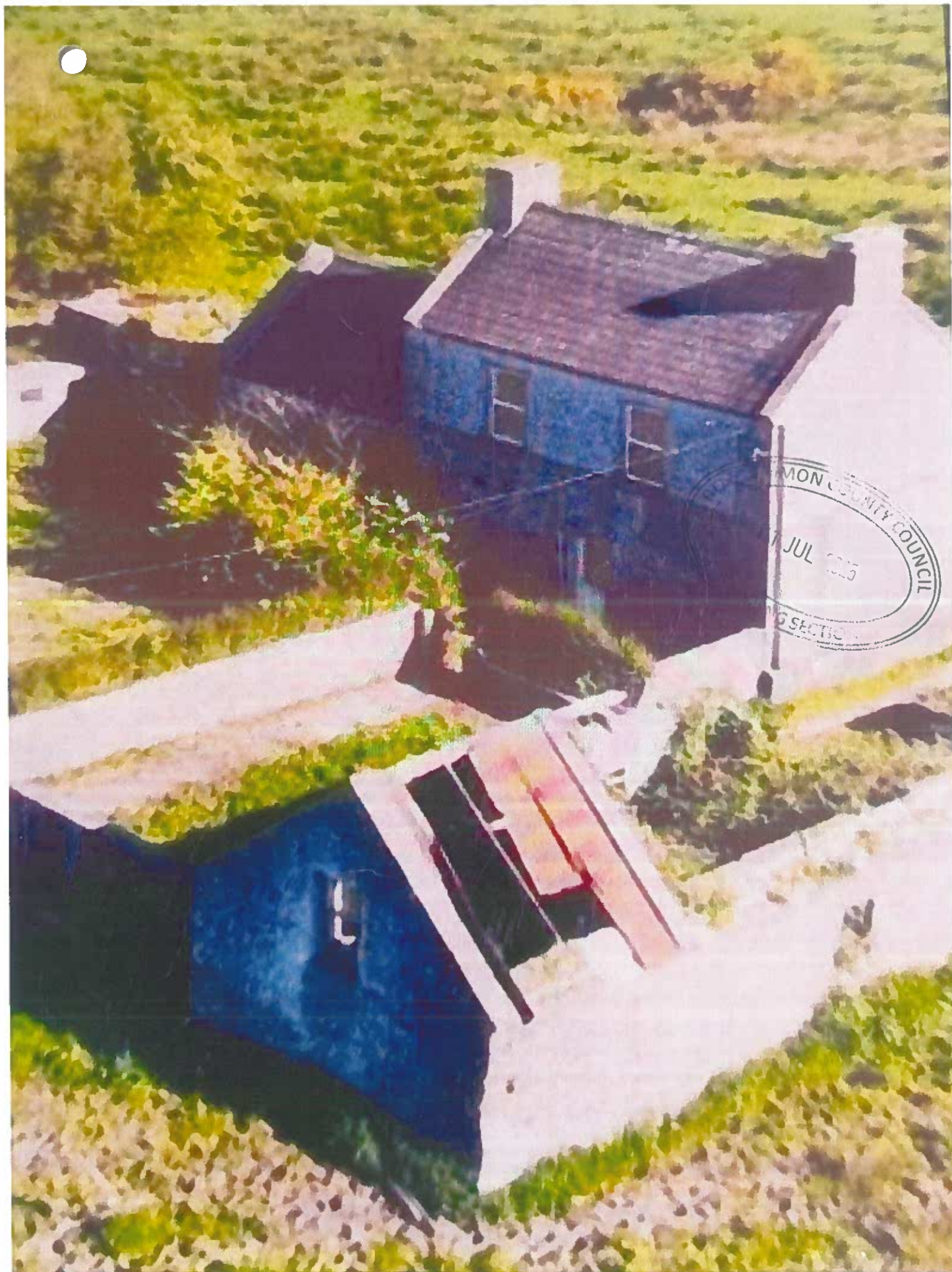
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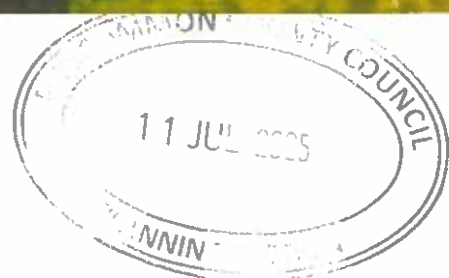
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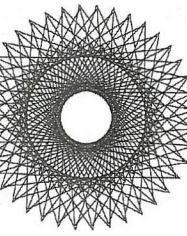


General Notes

1. All dimensions are in millimeters unless otherwise noted.
2. Any discrepancies are to be brought to the attention of the engineer.
3. No changes are to be made without the engineers approval.
4. All construction must conform to the Building Regulations & TGD.
5. Read this drawing with conjunction with other drawings.
6. This drawing is copyright.©

No.	Revision/Issue	Date
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COSGROVE CONSULTS.
Civil & Structural Engineers
Business Development.
Ballyhaunis Road
Claremorris.
Co Mayo
F12 YN53
cosgroveconsults@gmail.com



Client Name & Address:
James & Teresa Harmon
Leitrim
Fairymount
Co Roscommon
F45 R206

Project:
Renovation of Existing House

Existing Site Layout



Project:	Sheet:
Date: 1st July 2025	No P01
Scale: 1:500	