

ROSCOMMON COUNTY COUNCIL

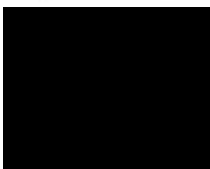
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Fergus & Adelle Fortune,



Reference Number: DED 926
Application Received: 14th July, 2025
Name of Applicants: Fergus & Adelle Fortune
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the construction of a 128sq.m roofed extension to an existing shed for the housing of sheep and the construction of a 200sq.m farm machinery storage extension onto the existing shed at Balloony, Tulsk, Castlerea, Co. Roscommon., 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 6 and 9 Part 3 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 comply with the conditions and limitations associated with Class 6 & 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (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 construct a 128sq.m roofed extension to an existing shed for the housing of sheep and to construct a 200sq.m farm machinery storage extension onto the existing shed at Balloony, Tulsk, Castlerea, 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:



Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 15th August, 2025

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.ie

ADVICE NOTE

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

Carmel Curley

From: Carmel Curley
Sent: Friday 15 August 2025 12:37
To: [REDACTED]
Cc: James Lohan; ema@jlce.ie
Subject: DED926 - Notification of Decision
Attachments: DED926 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application – DED 926.

Mise le meas,

Carmel

**Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100**

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number:	DED 926
Re:	Permission for the construction of 128sq.m roofed extension to an existing shed for the housing of sheep (exempt under Class 6) and to the construction of a 200sq.m farm machinery storage extension onto the existing shed (exempt under Class 9) under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Fergus and Adelle Fortune
Location of Development:	Balloony, Tulsk, Castlerea, County Roscommon.
Site Visit:	12 th August 2025

WHEREAS a question has arisen as to whether the following works for the construction of 128sq.m roofed extension to an existing shed for the housing of sheep and to the construction of a 200sq.m farm machinery storage extension onto the existing shed 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) Class 6 and 9 Part 3 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

Site Location & Development Description

The site consists of an existing agricultural structure/shed in Balloony Townland, Tulsk, Castlerea, County Roscommon. The subject site is located c. 3.2km north of Castleplunkett and c. 5.5km west of Tulsk. The site is accessed off the L-6058 Local Secondary Road. The proposed development consists of the construction of 128sq.m roofed extension to an existing shed for the housing of sheep and to the construction of a 200sq.m farm machinery storage extension onto the existing shed.

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 Mullygollan Turlough SAC (Site Code 000612) located c. 2.3km from the proposed development.

Other designations include Mullygollan Turlough PNHA (Site Code 000612) located c. 2.1km 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

As per Roscommon County Council Planning registry, there is no record of planning history traced to this 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 (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 3 Article 6 Schedule 2 Exempted Development - Rural

Development Description	Conditions and Limitations
<p><i>Agricultural Structures</i></p> <p>CLASS 6</p> <p>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the purpose of agriculture.2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with the Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure within 100 metres of any public road shall exceed 8 metres in height6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 9

Works consisting of the provision of any store, barn, shed glass-house or other structure, not being of a type specified in class 6,7 or 8 of this Schedule, and having a gross floor space not exceeding 300 square metres.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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

- Level and stone up site
- Excavate and pour foundations
- Erect portal frame
- Construct 2m tall block walls
- Finish walls & roof in corrugated sheeting
- Install a door
- Carry out section-fixed electrical works

With regard to the compliance with the conditions and limitations of Class 6 & 9 of Part 3 of Schedule 2 (Exempted development - Rural) the following assessment sets out how these apply to the current proposed extension to the existing dwelling:

- The construction of 128sq.m roofed extension to an existing shed

CLASS 6

1. The proposed use for the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not accumulate to more than 300 square metres.
3. N/A – Dry bedded shed.
4. The proposed structure is situated more than 10 metres from a public road.
5. The proposed structure is less than 8 metres in height.
6. The proposed structure is not situated less than 100m from any residential property (the applicant's residential property is within 100m of the proposed structure which is deemed acceptable).
7. The proposed sheeting for the structure is blue/grey corrugated sheets.

- The construction of a 200sq.m farm machinery storage extension onto the existing shed

CLASS 9

1. The proposed use for the structure is agriculture.
2. The proposed structure plus other such structures' floor space do not accumulate to more than 300 square metres.

3. The proposed structure is situated more than 10 metres from a public road.
4. The proposed structure is less than 8 metres in height.
5. The proposed structure is not situated less than 100m from any residential property (the applicant's residential property is within 100m of the proposed structure which is deemed acceptable).
6. The proposed sheeting for the structure is corrugated sheets.

Having reviewed the proposed works in the context of the conditions and limitations associated with Class 6 & 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the proposed construction of an extension to the rear of the existing dwelling house in this case is considered to be exempted development.

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 construction of 128sq.m roofed extension to an existing shed for the housing of sheep and to the construction of a 200sq.m farm machinery storage extension onto the existing shed as outlined above at Balloony, Tulsk, Castlerea, County 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 and 9 Part 3 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 comply with the conditions and limitations associated with Class 6 & 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- 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 construction of 128sq.m roofed extension to an existing shed for the housing of sheep and to the construction of a 200sq.m farm machinery storage extension onto the existing shed as outlined above at Balloony, Tulske, Castlerea, County Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 14th August 2025

Signed: 
Senior Executive Planner

Date: 14th August 2025











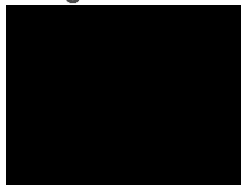




Comhairle Contae
Ros Comáin
Roscommon
County Council



Fergus & Adelle Fortune,



Date: 15th July, 2025
Planning Reference: DED 926

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

Development: Permission for the construction of a 128m² roofed extension to an existing shed for the housing of sheep (exempt under Class 6) and to the construction of a 200 m² farm machinery storage extension onto the existing shed (exempt under Class 9) under the Planning & Development Act (Exempted Development) regulations 2018 at Balloony, Tulsk, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 14th 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/01/0/235739 dated 14th July, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 926**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning Department.

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.ie

Roscommon County Council
Aras an Chontae
Roscommon
09088 37100

14/07/2025 14:50:16

Receipt No L010/235739

FERGUS&ADELLE FORTUNE
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
UNIT BALLYPHEASON HOUSE
CIRCULAR RD
ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED028	

Total	80.00 EUR
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Tendered	
Cheque	80.00
500415	

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)	Fergus & Adelle Fortune
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	To construct a 128 m2 roofed extension to an existing shed for the housing of sheep, exempt under class 6, and to construct a 200 m2 farm machinery storage extension onto the existing shed, exempt under class 9
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLOONY, TULSK, CASTLEREA, CO. ROSCOMMON O.S No. 2160 XY: 577666, 781085 Townland Balloony
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>167 Sqm</u> b) <u>328 Sqm extension</u>
Height above ground level:	Floor level- between 75 mm above ground level (Ridge height existing 4707mm above ground level)
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Blue/Grey corrugated sheeting to match existing shed in the yard.

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to 2m high and blue/grey corrugated sheets from 2m to eaves, to match existing shed in the yard.
Is proposed works located at front/rear/side of existing house.	Proposed works are to the side and rear of existing shed.
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	Agricultural farmyard & shed
Proposed use of land or structure	Agricultural
Distance of proposed building line from edge of roadway	Existing -25.2m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	N/A, there will be no sanitary facilities in the sheep & farm machinery shed

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

Signature:



Date:

09/07/2025

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



Planning Dept,
Roscommon Co. Co.
Aras An Chontae,
Roscommon.

Detailed Specification Of The Development Proposed

Ref: Fergus & Adelle Fortune for site at Balloony, Tulsk, Castlerea, Co. Roscommon

The proposed extension (328 sqm in size) to the existing agricultural shed (167 sqm in size) will be divided into two distinct areas. One section, measuring 200 m², will be used for the housing of sheep. The second section, measuring 295 m², will serve as a farm machinery and general storage area.

This machinery and storage area will provide covered accommodation for farm equipment which is not in use during the winter months, protecting it from exposure to the elements. In addition, it will offer a dry and sheltered space for the applicant to carry out maintenance and servicing of machinery, and for the storage of straw and other essential farm materials.

The works involved are as follows:

1. Level and stone up the site,
2. Excavate and pour foundations,
3. Erect portal frame,
4. Construct 2m tall block walls,
5. Finish walls & roof in corrugated sheeting,
6. Install a door,
7. Carry out section-fixed electrical works

Kind Regards,

Ema Dzigumovic

James Lohan Consulting Engineer Ltd,

Unit 6, Ballypheason House,

Circular Road, Roscommon,

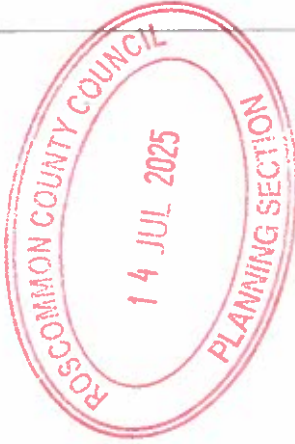
F42 T384

Web: www.jlce.ie

LEGEND

- SITE BOUNDARY OUTLINED IN RED (0.26 HECTARES)
- LAND HOLDINGS OUTLINED IN BLUE

OS NO.
RN 2160




1 SITE LOCATION MAP
1 : 2500


NO.	DATE	REVISION
1	14/07/25	ISSUED BY
2	14/07/25	REVISION
3	14/07/25	REVISION
4	14/07/25	REVISION
5	14/07/25	REVISION
6	14/07/25	REVISION
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9	14/07/25	REVISION
10	14/07/25	REVISION


LEGEND


- SITE BOUNDARY OUTLINED IN RED (0.26 HECTARES)
- LAND HOLDINGS OUTLINED IN BLUE


LEGEND

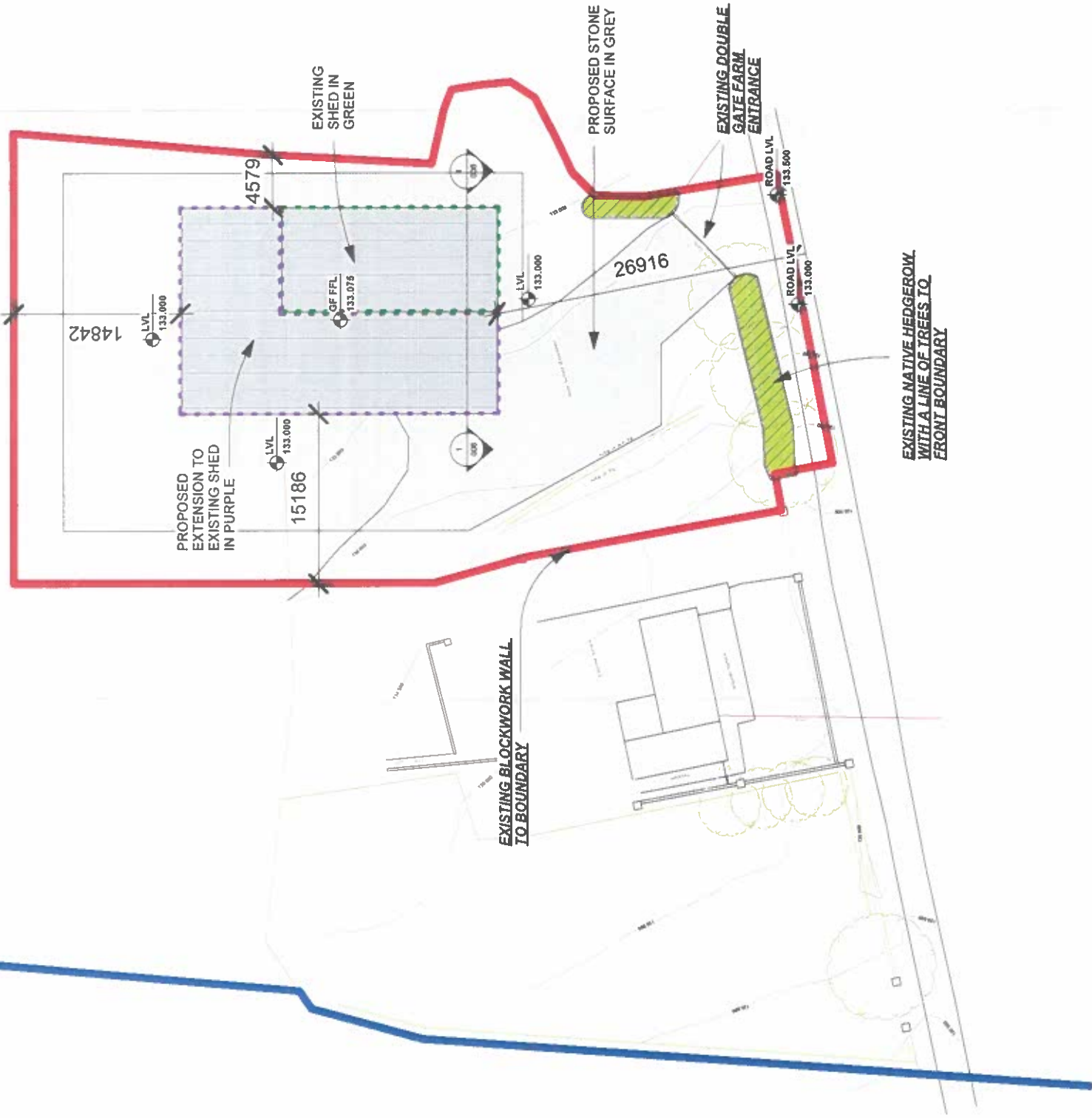
Existing Trees

Existing Native Hedgerow Mix to be retained

Proposed Stone Surface

Existing Shed

Proposed Shed Extension



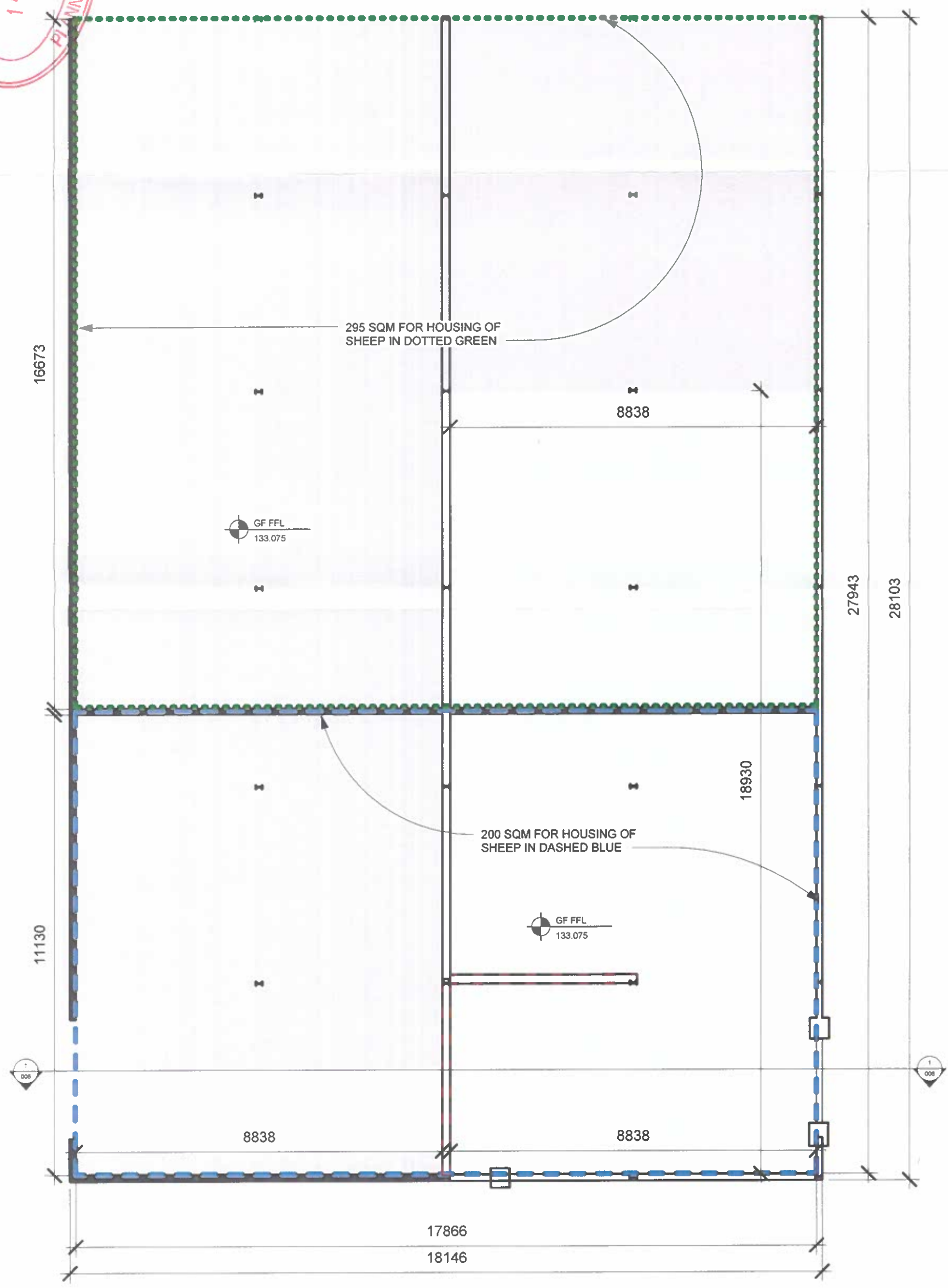
1 SITE LAYOUT PLAN
1 : 500

NO.	DATE	REV.
1	14 JUL 2025	1

ROSCOMMON COUNTY PLANNING SECTION
14 JUL 2025

EXISTING SHED AREA: 167 sqm
AREA OF PROPOSED EXTENSION: 328 sqm
TOTAL SHED AREA: 495 sqm

- EXISTING WALLS
- PROPOSED WALLS
- PROPOSED EXTENSION
- EXISTING SHED
- DEMOLITION
- PROPOSED MACHINERY & FARM STORAGE (295 sqm)
- PROPOSED HOUSING OF SHEEP (200 sqm)



James Lohan
Planning & Design Consulting Engineers

100% SCALE FROM THIS DRAWING. ONLY FROM REQUIRED DIMENSIONS
ALL EFFORTS AND DIMENSIONS TO BE REPORTED TO THE ARCHITECT
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS
STATUS: A/D - SK - SKETCH DESIGN - PR - PRELIMINARY - TT FOR TENDER - TC FOR CONSTRUCTION - SS SUPERSEDED

Client	Fergus & Adele Fortune
Job No	25-181
Job Name	Baloney, Tuohy, Castlerea, Co. Roscommon, F45 AP00
Job Date	08/09/25
Job Scale	1:100 @ A3
Job Drawn By	E. Doyle

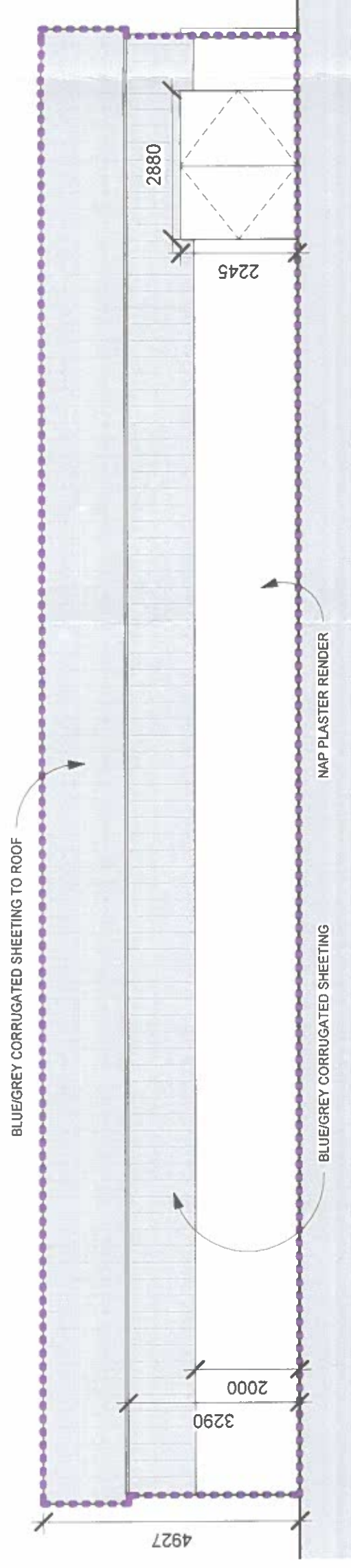


PROPOSED EXTENSION

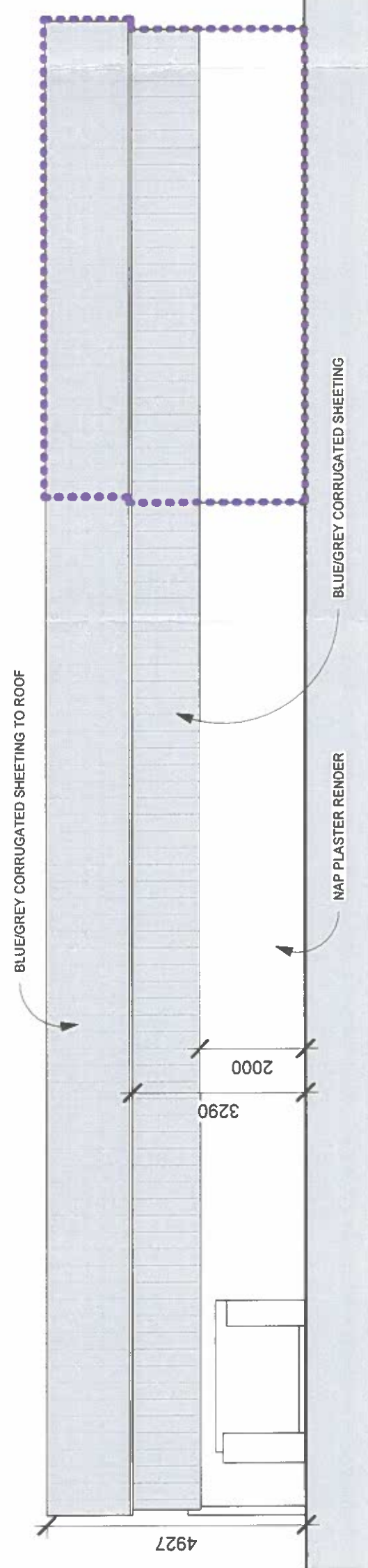


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Figure 1



1 Side Elevation (West) 1 : 100

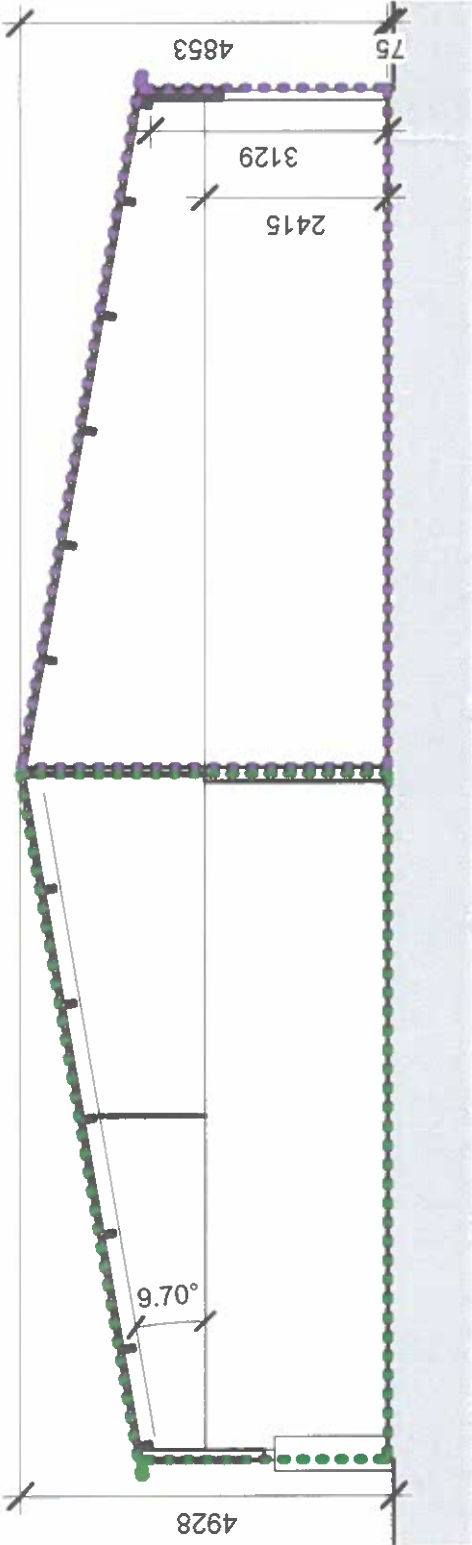


2 Side Elevation (East)
1 : 100

EXISTING SHED

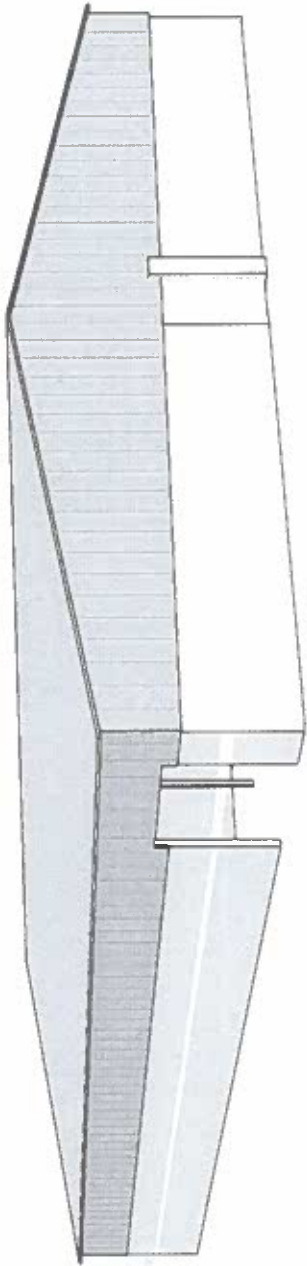


PROPOSED EXTENSION

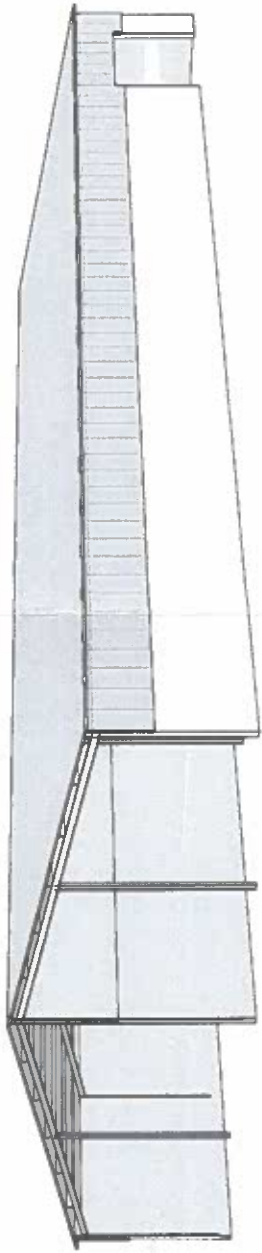


1 Section 1
1 : 100

2 3D View 1



3 3D View 2



STA	DATE	REV	BY	CHK

