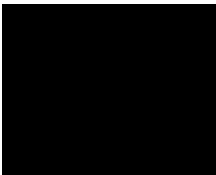


ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DETERMINATION

REGISTERED POST

James & Anika Smith,



Reference Number: DED 979
Application Received: 27th November, 2025
Name of Applicants: James & Anika Smith
Agent: Rathcroghan Designs

WHEREAS a question has arisen as to whether the construction of stables & lunging/exercise area at Cloonbony, Four-Mile-House, 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 Class 10 of Part 3 Schedule 2 Article 6 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.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The construction of the lunging/exercise area comply with the conditions and limitations attached to Class 10 Agricultural Structures Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed an exempt development.
- (c) The construction of the stables at the proposed site exceeds the conditions and limitations attached to Class 6 of Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is therefore deemed not exempted development.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development for the construction of stables & lunging/ exercise area at Cloonbony, Four-Mile-House, Co. Roscommon, is a **split decision**, with the construction of the lunging/exercise area as **exempted development** and the construction of the stables as **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

A handwritten signature in blue ink, appearing to read 'Mervyn Walsh', written over a horizontal line.

Mervyn Walsh,
Administrative Officer,
Planning.

Date: 21st April, 2026

cc agent via email: Rathcroghan Design
rathcroghandesigns@gmail.com

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 Coimisiún Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Carmel Curley

From: Carmel Curley
Sent: Tuesday 21 April 2026 14:56
To: [REDACTED]
Cc: Martin Dowd
Subject: DED 979 - Notification of Determination
Attachments: DED 979 - Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for the Section 5 Exempted Development Application – DED 979.

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 979
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development as to whether the construction of stables and lunging/exercise area is or is not development and is or is not exempted development.
Name of Applicants:	James and Anika Smyth
Location of Development:	Cloonbony, Four-Mile-House, Co. Roscommon.
Site Visit:	Yes

WHEREAS a question has arisen as to the refurbishment of a derelict house and completion of rear extension under 40m² 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 Class 10 of Part 3 Schedule 2 Article 6 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.

Site Location & Development Description

The site consists of two agricultural fields with one containing a derelict structure of pre-1963 construction. The site is accessed off the L-6166 Local Road and is located c. 4.2km east of Four-Mile-House. The proposed development consists of the construction of stables and exercising/lunging area.

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 Corbo Bog SAC (Site Code 002349) located c. 4.6km from 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

As per RCC's Planning Registry, there is no recent planning history attached 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 Schedule 2 Article 6

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 300 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 450 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 accordance with 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.

	<ol style="list-style-type: none">5. No such structure within a 100m metres of any public road shall exceed 8 metres in height.6. 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 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.7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.8. No such structure shall be within 60 metres of a public or private water source.
	<ol style="list-style-type: none">9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10 metres in the case of extensions/modifications to an existing facility.10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.11. The use of this Class of exemption requires a declaration from the relevant Planning Authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.12. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

CLASS 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
2. No such area shall be used for the staging of public events.
3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
4. The height of any such structure shall not exceed 2 metres.

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.

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

CLASS 6

1. The proposed use for the structure is organic agriculture.
2. The proposed structure plus other such structures' floor space do not aggregate to more than 300 square metres.
3. The proposed structure in question is in line with Department requirements and shall have regard to the need to avoid water pollution.
4. The proposed structure is situated more than 10 metres from a public road (25.81m).
5. The proposed structure is less than 8m in height (5.2m).
6. The proposed structure is situated more than 100m from a residential property.
7. The proposed structure is not situated in land use plans as Flood Zone A or Flood Zone B.
8. The proposed structure is greater than 60m from a public or private water source.
9. The proposed structure is **less than 50m** from a water course or water body, as there is no existing farmyard.
10. The proposed sheeting for the structure is pre-painted sheeting.
11. Yes.

12. The responsibility lies with the applicant to include as appropriate the installation of signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

CLASS 10

1. The proposed use for this structure is agriculture.
2. This application does not mention the staging of public events.
3. The structure is located greater than 10m from the public road (33m).
4. The height of the proposed structure is less than 2m (1.9m).

Having reviewed the proposed works in the context of the conditions and limitations associated with Class 10 of Part 3 Schedule 2 of the Planning and Development Regulations 2001, as amended, the proposed construction of lunging/exercise area in this case is considered to be exempted development.

It is proposed to construct stables at the subject site. It is noted that it is highlighted on the submitted site layout that there is also an underground effluent tank being installed on site. No drawings/measurements have been submitted to the Planning Authority of the above-mentioned effluent tank.

The proposed construction of stables at the subject site has been assessed under Class 6 of Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended. As per Roscommon County Councils' GIS System, it appears that there are numerous watercourses/waterbodies located in the vicinity of the subject site. Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, refers to:

9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10 metres in the case of extensions/modifications to an existing facility.

Following a site inspection, it was noted that the subject site is not an existing farmyard. The proposed stables are located less than 50m from a watercourse to the southeast of the site which in this instance, exceeds the conditions and limitations attached to Class 6 Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended. Having regard to the above, it is also noted that the installation of an effluent tank adjacent to the proposed stables would also exceed the limitations of Class 6A Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, as it would be situated less than 50m from a watercourse. Therefore, the proposed construction of stables is deemed not exempt development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; the construction of stables and lunging/exercise area at Cloonbony, Four-Mile-House, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 6 and Class 10 of Part 3 Schedule 2 Article 6 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.

AND WHEREAS I have concluded that

- The works outlined above are development.
- The construction of lunging/exercise area comply with the conditions and limitations attached to Class 10 Agricultural Structures Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is deemed an exempt development.
- The construction of stables at the proposed site exceeds the conditions and limitations attached to Class 6 of Part 3 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended, and is therefore deemed not exempted development.

AND WHEREAS I have concluded that the said development for the construction of stables and lunging/exercise area at Cloonbony, Four-Mile-House, Co. Roscommon, is a split opinion. The proposed **construction of lunging/exercise area** is exempted development and the proposed **construction of stables** is not exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Graduate Planner

Date: 21/04/2026

Signed:



Senior Executive Planner

Date: 21st April 2026















Carmel Curley

From: Carmel Curley
Sent: Wednesday 10 December 2025 15:28
To: rathcroghandesigns@gmail.com
Subject: DED979 - James & Anika Smith
Attachments: DED979 - Ack Letter & Receipt.pdf

Hi Martin,

Please find attached Acknowledgement Letter & Receipt for the Section 5 Application submitted on behalf of James & Anika Smith – DED 979.

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](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council



James & Anika Smith,



Date: 10th December, 2025
Planning Reference: DED 979

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

Development: WHEREAS a question has arisen as to whether the construction of stables & lunging/exercise area at Cloonbony, Four-Mile-House, Co. Roscommon., is or is not development and is or is not exempted development.

A Chara,

I wish to acknowledge receipt of your application which was received on the 27th November, 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. **L01/0/238238** dated 10th December, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 979**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,
Administrative Officer,
Planning Department.

cc agent via email: Rathcroghan Desings
rathcroghandesings@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

10/12/2025 14 39 36

Receipt No : L01/0/238238

JAMES & ANIKA SMITH
C/O RATHCROGHAN DESIGNS
BALLINAGARE
CO. ROSCOMMON

EXEMPTED DEV

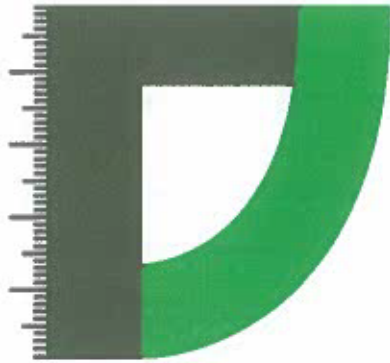
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED979	

Total : 80 00 EUR

Tendered .
Credit/Debit Card 80 00
6657

Change : 0 00

Issued By : Louis Carroll
From : Central Cash Office



Rathcroghan Designs

Building and Planning Consultant
Ballyconboy, Ballinagare
Castlerea, Co. Roscommon
Ph: 0862328484
Email: rathcroghandesigns@gmail.com

25th November 2025

Planning Dept
Roscommon Co Co
Aras An Chontae
Roscommon



Re – Exempted Development and Associated fee

Dear Sir/Madam,

Please find enclosed Exempted Development application for my client **James & Anika Smith**, [REDACTED]

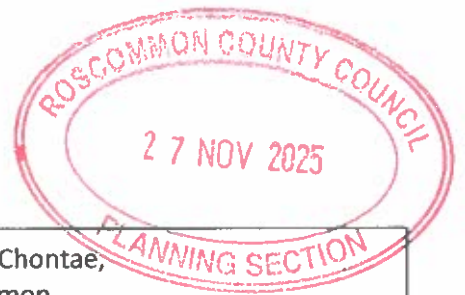
I would greatly appreciate it if you could please contact me on 086 2328484, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

*Martin Dowd AssocSCSI, Bsc Construction Management
Rathcroghan Designs, Building and Planning Consultant*



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)	JAMES AND ANIKA SMITH
Name of Agent	MARTIN DOWD % RATHERGLEN DESIGNERS LTD
Nature of Proposed Works	TO construct stables and lungip / EXERCISE AREA
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOONBONY FOUR MILE HOUSE Co. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>26m²</u> b) <u>61.2m²</u>
Height above ground level:	5.285m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED SHEETING

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
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)	
Existing use of land or structure	AGRICULTURAL
Proposed use of land or structure	AGRICULTURAL
Distance of proposed building line from edge of roadway	25.81m
Does the proposed development involve the provision of a piped water supply	Yes - EXISTING
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature: Marie Doolan (AGENT)

Date: 25/11/2025

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 Pack Map

Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlerea, Co. Roscommon



Tailte Éireann

CENTRE COORDINATES:
ITM 590514,772952

PUBLISHED: 20/11/2025
ORDER NO.: 50503635_1

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MAP SHEETS: 2352

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
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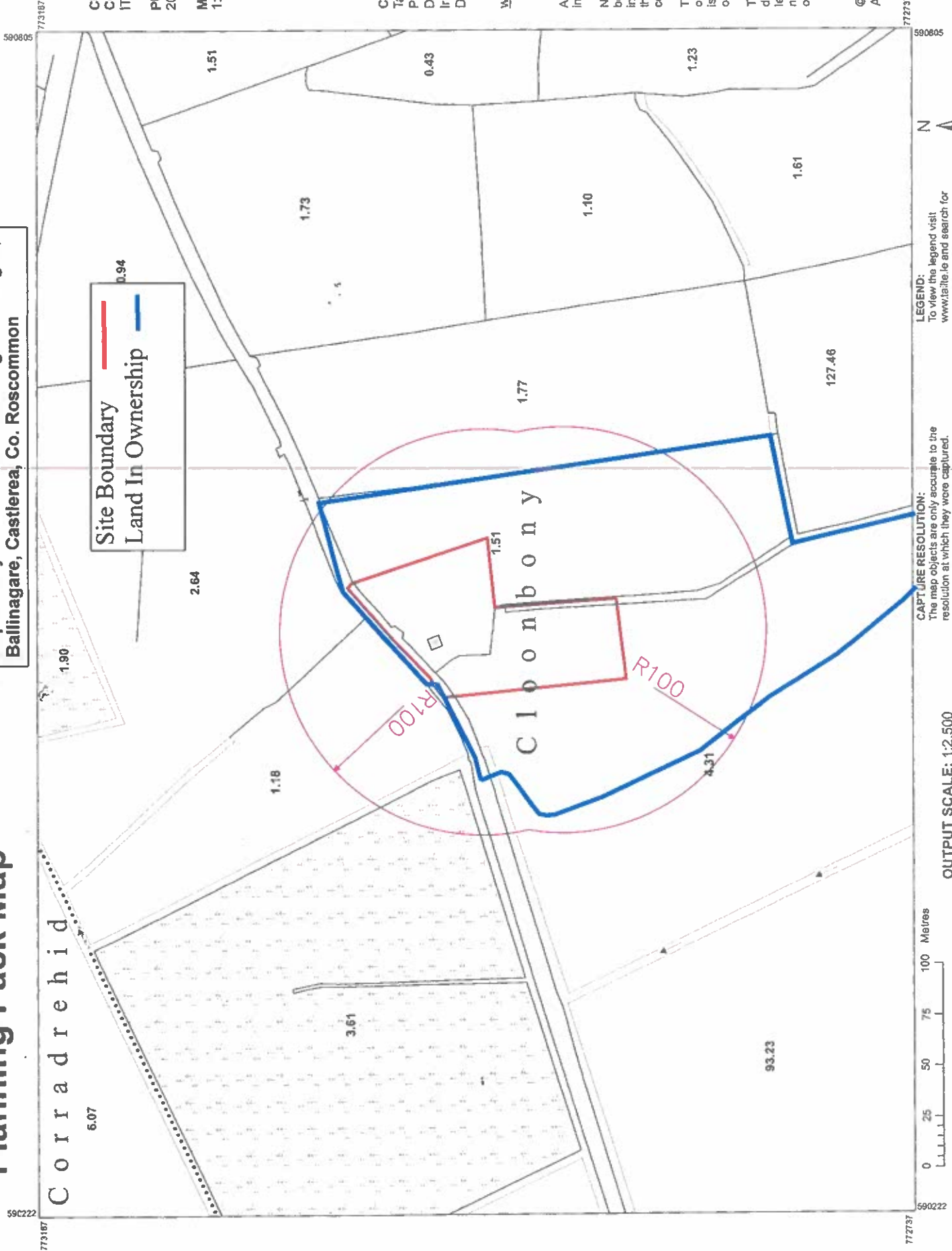
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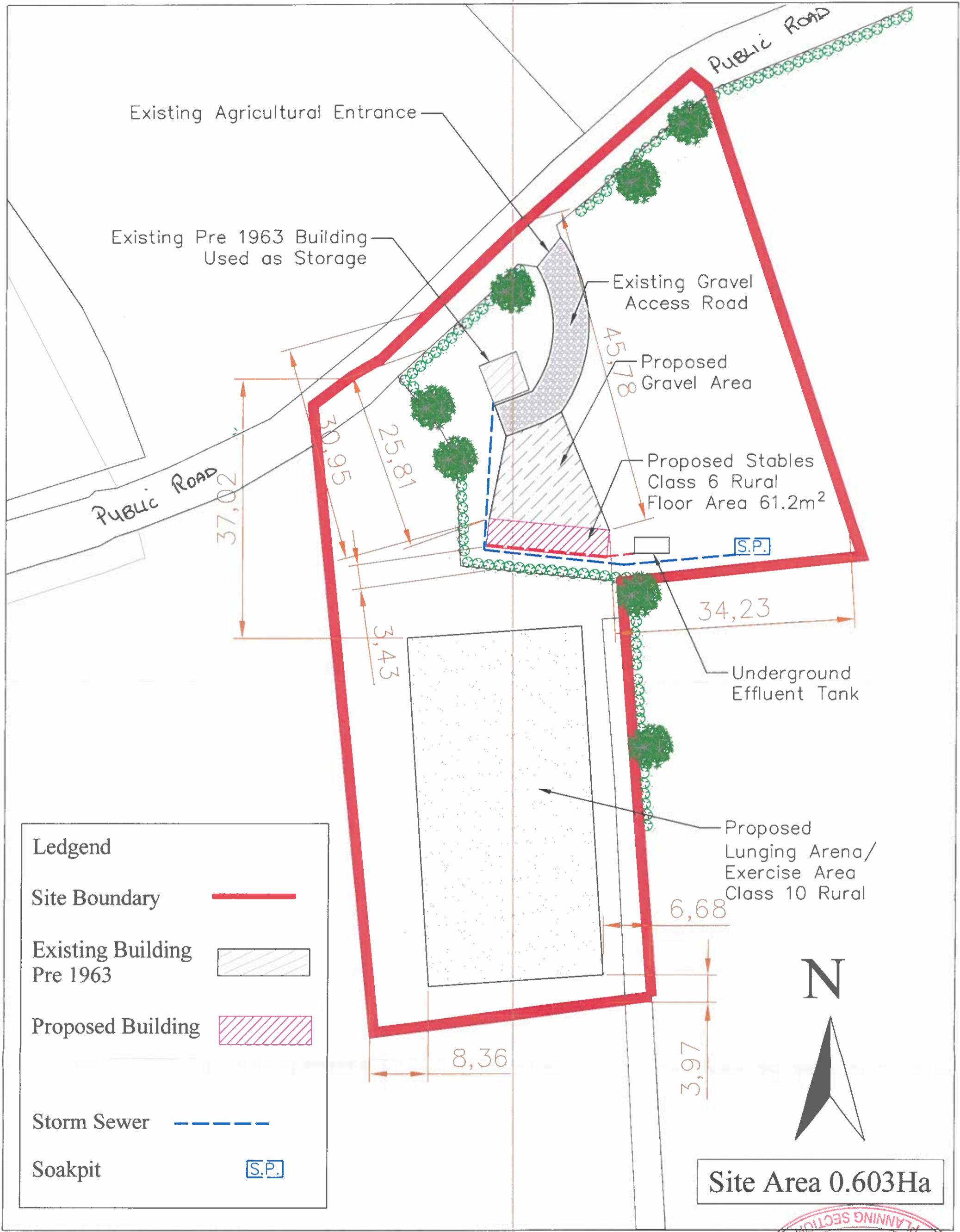
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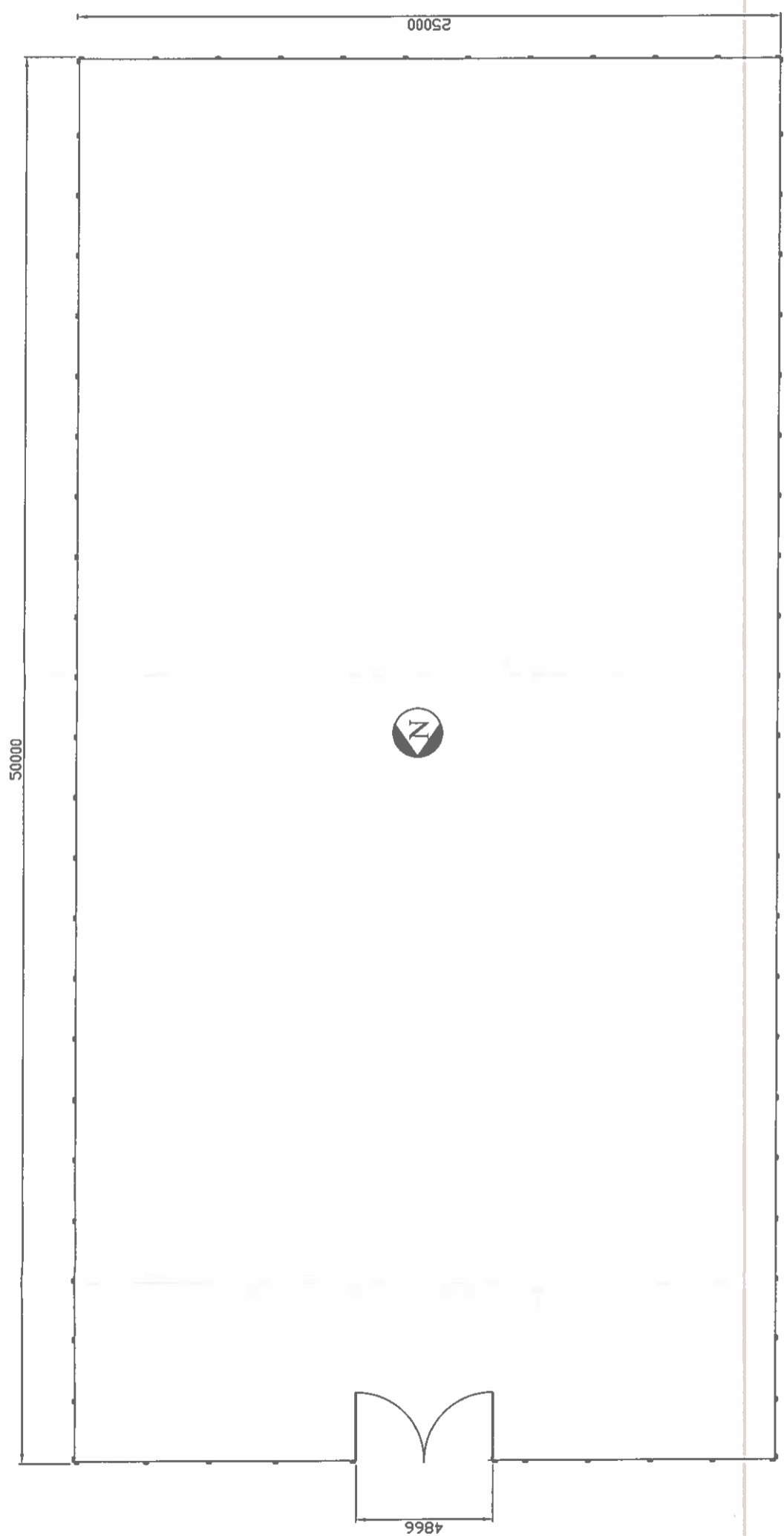
Rathcroghan Designs
 Building and Planning Consultant
 Ballyconboy, Ballinagare
 Castlesea, Co. Roscommon
 Ph: 0862328484
 Email: rathcroghandesigns@gmail.com

Client
James and Anika Smyth

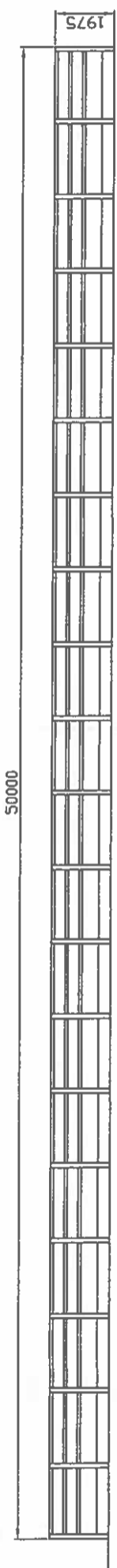
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 Drawn: MARTIN DOND
 Date: 28-10-2025
 Sheet: 1 OF 1
 Draw. No.: 23-257

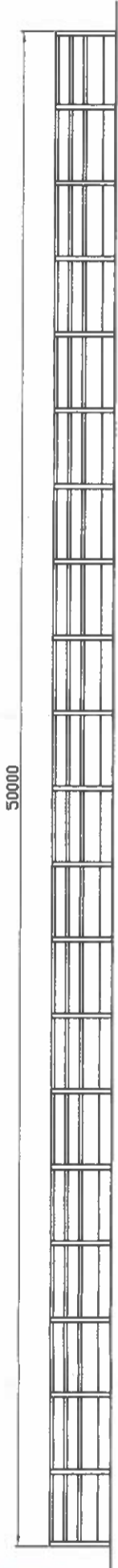
PLANNING SECTION
 27 NOV 2025
 ROSCOMMON COUNTY COUNCIL



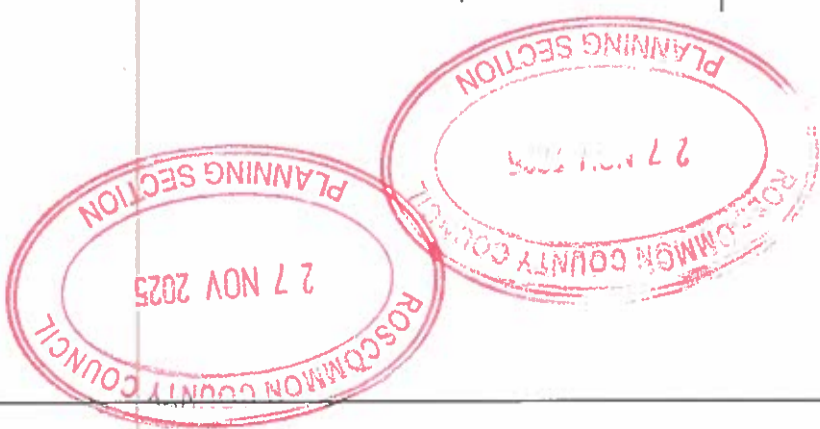
Sectional Plan




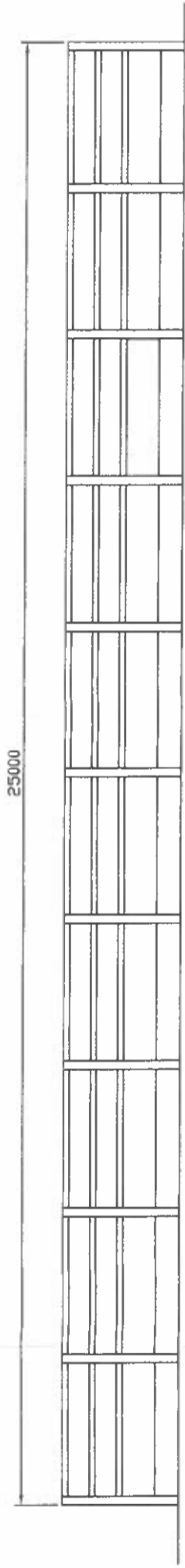
West Elevation



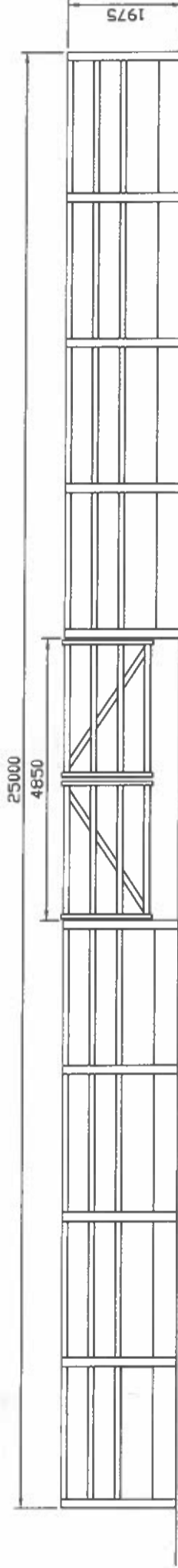
East Elevation



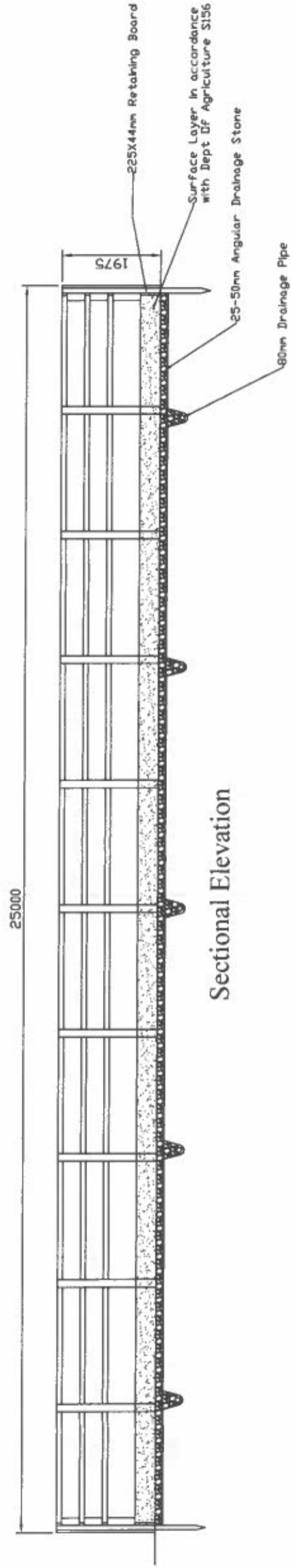
 RATHCROGHAN DESIGN Ballyconboy, Ballynagore, Castlereagh, Co. Roscommon Ph: 086 2328494 E-mail: rathcroghan@eir.com.net	Client	James and Anika Smyth	Title	Lunging Arena/Exercise Area	Scale: 1:200 UNLESS NOTED	Drawn: MARTIN DONOHO	Date: 25-11-2025	Sheet	1 OF 2	Drawg. No.	25-258



South Elevation



North Elevation



Sectional Elevation



RATHCROGHAN DESIGN
 Ballyconboy, Ballynagore, Castlereagh, Co. Roscommon
 PH: 086 2328484 E-MAIL: rathcroghan@rathcroghan.net

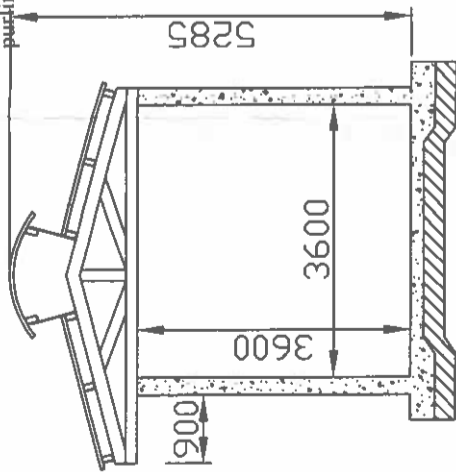
Client
James and Anika Smyth

Title
Lunging Arena/Exercise Area

Scale: **AS UNLESS NOTED**
 Drawn: **MARTIN DODD**
 Date: **06-01-2020**

Sheet
2 OF 2
 Drawg. No.
25-258

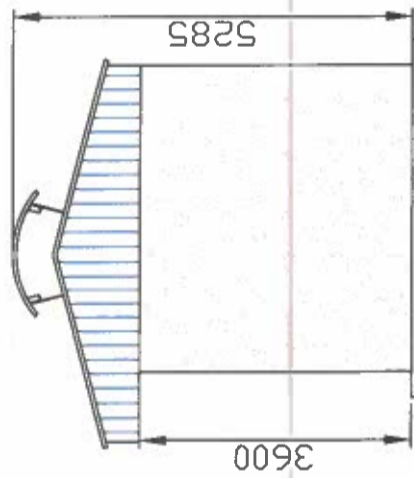
Roof constructed from pre-painted corrugated sheeting fixed to timber purlins secured to timber rafters



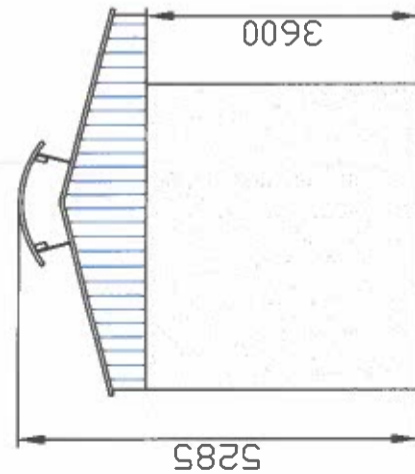
Roof constructed from 225mm blockwork finished with nap plaster on the external face with plaster on the internal face with a steel trowel finish

Sectional Elevation

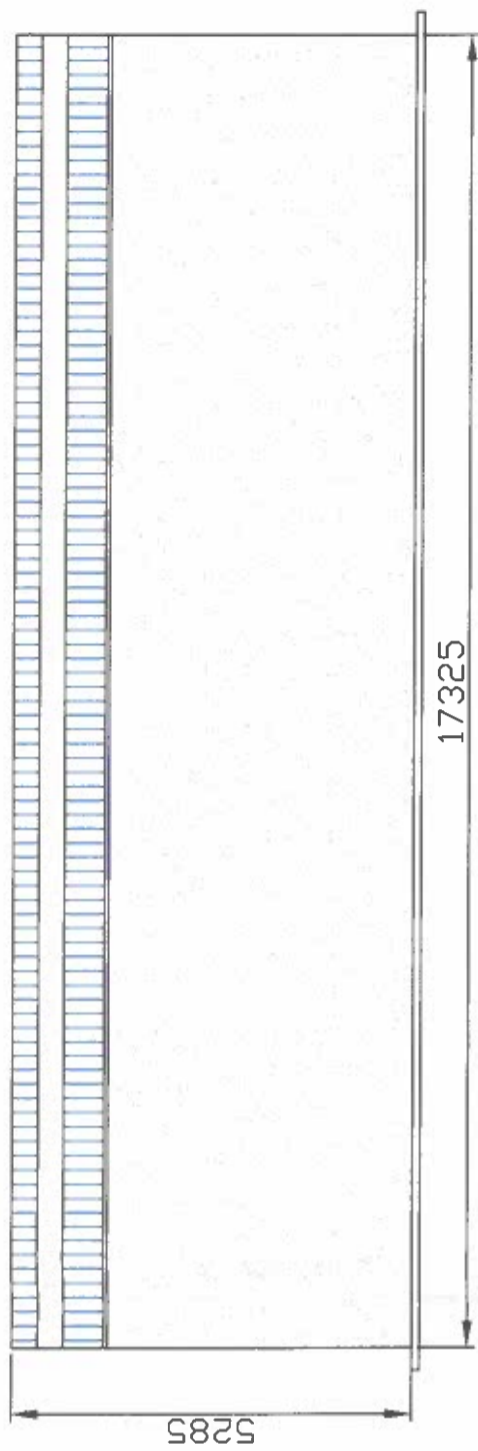
Foundation constructed from 125mm concrete slab deepened to 300mm under the walls with A393 mesh reinforcing steel



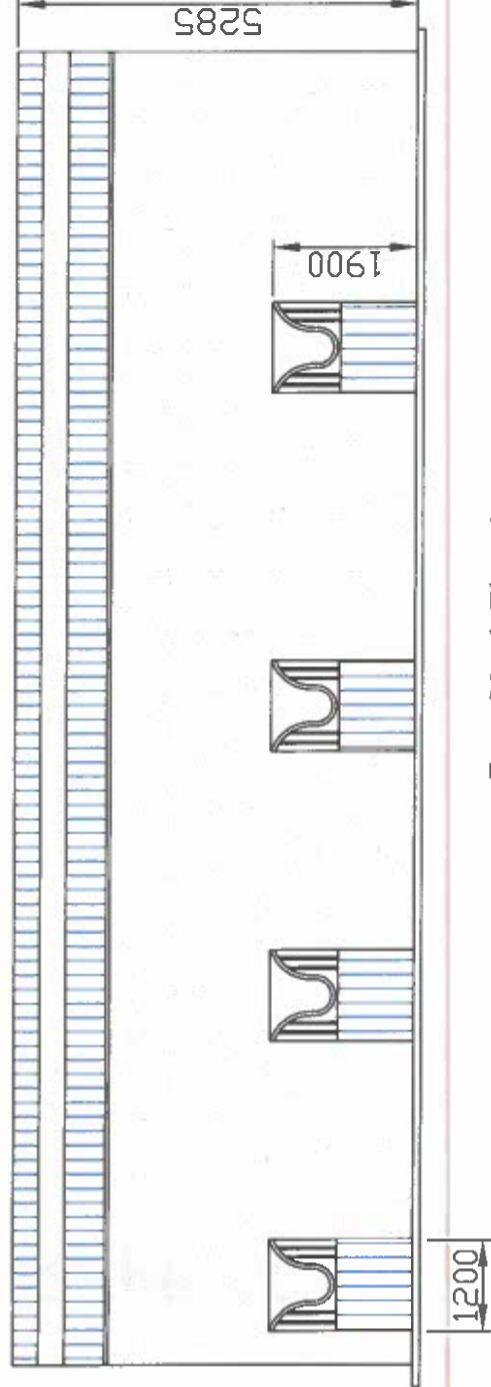
End/West Elevation



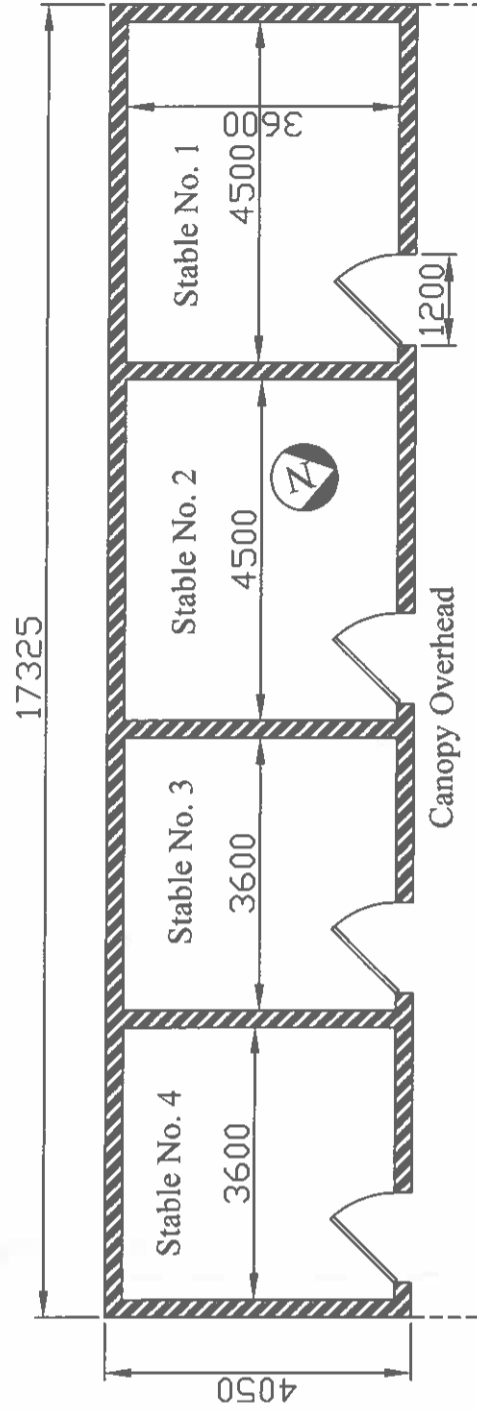
End/East Elevation



Rear/South Elevation



Front/North Elevation



Sectional Floor Plan



Rathcroghan Designs
 Building and Planning Consultant
 Ballyconby, Ballynagare
 Castlebar, Co. Roscommon
 Ph: 086232844
 Email: rathcroghan@rathcroghan.com

Client
James and Anika Smyth

Title
Proposed Stables

Scale: 1:100 UNLESS NOTED
 Drawn: MARTIN DENNY
 Date: 26-10-2025

Sheet
 1 OF 1

Drawg. No.
 25-103