An Coimisiún Pleanála

Inspector's Report

PL-501005-RN-26

Development	Refurbish and extend existing semi - derelict structure and install new wastewater treatment system and percolation area with all associated works.
Location	Milltown , Castleplunkett , Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2577
Applicant(s)	Aideen & Aisling Lyons
Type of Application	Permission
Planning Authority Decision	Grant Permission (11 no. conditions)
Type of Appeal	First Party (S.48(10))
Appellant(s)	Aideen & Aisling Lyons
Observer(s)	None
Inspector	Conor McGrath

1.0 Introduction

1.1. This report relates to a first party appeal under s.48(10) of the 2000 Act, as amended, against condition no. 10 of the planning authority decision to grant permission for the proposed development.

2.0 Site Location and Description

2.1. The appeal site is located in a rural area in Milltown, Castleplunkett, Co. Roscommon, c.13km east of Castlerea and c.18km northwest of Roscommon Town. The site comprises a stated site area of 0.2ha and accommodates a two-storey pitched roof structure, with single storey structure on its eastern side. This is located within an existing farmyard off the L6520. Adjoining structures in the farmyard to the west include two barns / sheds and a silage stand. The submitted plans and details indicate that the existing two-storey structure formerly comprised a dwellinghouse, with a floor area of 91-sq.m., with the adjoining single storey extension in use as stables.

3.0 Proposed Development

3.1. The proposed development is described as the refurbishment and extension of an existing semi-derelict structure (formerly dwelling), installation of a new wastewater treatment system and ancillary works and services. The site is to be separated from the adjoining farmyard, with a right of way over the shared entrance from the public road.

3.2. The plans indicate that the former dwelling will be refurbished with amendments to doors and fenestration to facilitate the development. A proposed store and utility will extend into the adjoining stable structure. The stable and tack room will otherwise be retained in the structure. A small single-storey flat-roof extension (c.13-sq.m.) on the northern elevation of the original domestic structure is also proposed.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the proposed development subject to 11 no. conditions, including:

10. A development contribution in the sum of €3,600 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) shall be paid to Roscommon County Council as a contribution towards the expenditure that was incurred or is proposed by the Local Authority in respect of providing public infrastructure and services. Payment of this contribution is subject to the provisions of the adopted Development Contribution Scheme 2014 (as amended 2020). Payment shall be made within the timeframes set out in either (i) or (ii) below, except in circumstances where an alternative timescale is agreed with the Planning Authority.

    A 10% reduction will be applied to development contributions levied on residential development in the following instances:

    (i) Where the development contributions have been paid in full prior to any works commencing on the development in question or any associated development on the same site, the payment is made within twelve months of the grant of permission, and where there is no outstanding amount due in respect of a special contribution (please note no reduction will apply to special contributions).

    Or

    (ii) Where the development contributions have been paid in full within 12 months of the date of submission of a valid Commencement Notice, and where there is no outstanding amount due in respect of a special contribution (please note no reduction will apply to a special contribution).

Reason: It is considered reasonable that the developer should contribute towards the expenditure that is proposed to be incurred by the Council in respect of the provision of public infrastructure and services.

Further Information

In considering the application the PA sought further information in relation to a number of matters, including:

- Evidence that the structure on site was used as a habitable dwelling and details of the most recent time period in which it was occupied as a residence.
- Details of water supply
- Updated site characterisation report and wwtp design.

4.2. Planning Authority Reports

4.2.1. Planning Reports

18/12/2025: The site contains a derelict structure. No planning history has been traced for the existing structure. It is concluded that it is a pre-P&D Act structure. The development was screened out for EIA and AA. The extension of an existing cottage can be assessed under Ch. 12.8 House Extensions.

It is evident from inspection that the structure would require substantial woks to render it suitable for habitation. Whilst structurally sound it does not have the appearance of a dwellinghouse and appears to have possibly last been used as an agricultural structure. There is no evidence that it has been used as a habitable dwelling in the past. FI in this regard will be requested. The proposed design solution is otherwise acceptable.

Confirmation of the feasibility of providing a water supply is required. Further information in relation to site characterisation is required.

(02/03/2026): It is asserted that the property was in residential use as recently as 1990, albeit lacking evidence in this regard. In the absence of sufficient evidence, the proposal does not constitute an extension to an existing dwellinghouse. Nonetheless, in the context of if being a proposal to refurbish and extend the subject structure to create a new dwellinghouse, it comes within the parameters of policy PPH3.18 which encourages sensitive refurbishment of existing vernacular structures and buildings. Grant of permission recommended

4.2.2. **Other Technical Reports**

Environment (06/01/2026) Conditions recommended.

4.3. **Prescribed Bodies**

None

4.4. **Third Party Observations**

None

5.0 Planning History

5.1. No relevant planning history evident.

6.0 Policy Context

6.1. **Roscommon County Development Plan 2022**

12.8 House Extensions (Urban and Rural)

Extending existing dwelling houses to meet changing family needs is an acceptable form of development which is viewed positively by the Council.

In general terms the extension shall be:

- Subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;
- Reflect the proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a distinctive high quality contemporary and innovatively designed extension is proposed.
- Avoid unacceptable loss of private open space.

Where an extension increases the potential occupancy of the dwelling, the adequacy of the on-site sewage treatment (in unserviced areas) should be demonstrated in a planning application.

Replacement Dwellings

Replacement dwellings can help to re-establish rural communities by redeveloping long established buildings. Notwithstanding this, the importance of these vernacular buildings to the character of an area means that replacement should only be considered where it is clear that the building is not capable of being made structurally sound. Replacement opportunities are beneficial in that they are normally in close proximity to existing infrastructure and also typically benefit from established mature boundaries. Where it is proposed to replace an existing dwelling, the house being replaced should clearly be recognisable as a dwelling i.e. the external walls, roof and openings are substantially intact, and it must also have been last used as a dwelling.

It is a policy objective of Roscommon County Council to:

PPH 3.18 Encourage the sensitive refurbishment of existing vernacular dwellings and buildings in order to protect the traditional building and housing stock and preserve the built heritage in the rural parts of the County.

6.2. Roscommon Rural Housing Design Guidelines

(Referenced in first party submissions)

1.3 How to use this Guide

The policies relating to Rural House Design are included in the Roscommon County Development Plan.

Section 5.0 *Re-use, re-organise, replace,* deals with how existing buildings can be used to their full advantage and how can you design top quality replacement houses.

6.3. Roscommon Development Contribution Scheme 2014

(As amended 24th February 2020 under Section 48 of the Planning & Development Act 2000.)

6. LEVEL OF CONTRIBUTIONS

Having regard to the estimated cost to the Council of providing further public infrastructure and facilities (as outlined in Table 2 in Appendix 1) in the period 2014 - 2020 and the estimated floor area of projected development (as indicated in Table 3) for the same period, it is estimated that a contribution for an urban dwelling will be €4,400 and a rural dwelling will be €3,600 per residential unit and €20.00 per m² of industrial/commercial development would be required to cover the marginal capital cost involved.

14. REDUCTIONS AND EXEMPTIONS

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The following categories of development will be considered in this regard:

(I) For redevelopment projects,

(ii) For replacement houses where the original house is currently inhabited, capable of immediate habitation or has been inhabited within the preceding 7 years;5 (100% Exemption from Development Contributions);

(t) Applications for a dwelling on the family farm holding from the inheritor of that farm holding will receive a 100% exemption from the development charge subject to …….. conditions:

(u) Applications for a dwelling from a leasee of a farm holding who is engaged in a long-term Agricultural Lease of the farm holding will receive a 100% exemption from the development charge subject to ………conditions:

(y) Applications for upgrading (including extensions) of disused dwellings i.e. uninhabited and where there are no vital service connections, for example electricity, will be treated as new residential units and will receive a 50% reduction in the development contribution.

6.4. **Natural Heritage Designations**

The closest natural heritage sites are

- Castleplunket Turlough pNHA, located c.670m northwest.
- Carrowreagh Turlough pNHA located c.1km to the south.

- Brierfield Turlough pNHA, located c.2.6lm northeast.

7.0 EIA Screening

7.1. This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the appeal does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

8.0 The Appeal

8.1. Grounds of Appeal

The first party appeal, against condition no. 10 of the decision to grant permission is summarised as follows:

- Previous decisions to grant permission for similar developments in recent years were not subject to such contributions.
- The development was treated as a single occupancy unit attracting a development charge of €3,600.
- The original structure was a dwelling house and was used as such, occupied by the applicants’ great grandparents and grandparents. (Folios submitted).
- The semi-derelict structure has been in use as a store associated with the farm as occupied by the applicants’ parents.
- The original structure was used as a dwelling (fireplace and stairs intact).
- The planning application fee was submitted and acknowledged for refurbishment and extension of the dwelling not for a new residence.
- There was no entitlement to impose a development contribution.
- The dwelling has not lost its use as a dwelling, despite use as a store.
- Since the introduction of the Vacant Home Scheme, permission has been granted for similar developments where no contributions were charged.

- Regard should be had to Page 35 of the Roscommon Co. Co. Rural Design Guide – Guidelines for New and Refurbishing works.

8.2. Planning Authority Response

No response to the grounds of appeal was received and a s.132 request was issued to the planning authority on 05/05/2026, seeking a breakdown of the development contribution calculations. The Planning Authority Response was received on 21/05/2026, which makes the following points:

- The contribution required under condition no. 10 is the amount payable under the Roscommon Development Contribution Scheme, as amended.
- The contribution is appropriate having regard to the fact that the structure, located within an existing farmyard and utilised for agricultural storage, does not constitute a dwelling house.
- The proposed development would therefore give rise to the create of a new residential unit in the rural area.

8.3. Observations

None received

8.4. Further Responses

The first party make the following comments in response to the planning authority S.131 submission:

- Contributions are applied to dwellings and commercial units, but not to refurbishment works and extension to existing old dwellings. This has been the case over the years.
- The old farmhouse was used and occupied as a dwelling, as documented.
- Survey shows existing fireplace, stairs and first floor fully intact. Original windows were replaced with louvers for ventilation to preserve the fabric of the dwelling.

- The PA are not entitled to apply condition no. 10 based on the fact that the old farm house in its present state is still a dwelling.
- The present use as an agricultural store is temporary and may be cleared out in short period of time.
- Reliance is placed on the Roscommon Co. Co. Rural Design Guidelines for Rural Houses, section 5.1 Reuse, Reorganise.
- There is no doubt structure was occupied as a dwelling. A house is always a house, despite recent use as a store on ground floor.

9.0 **Assessment**

9.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 10) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c), this report confines its consideration to whether the terms of the development contribution scheme were properly applied by the planning authority, and will not consider the merits or otherwise of the scheme itself.

9.2. Key to this question is the current and historic nature of the use of the structure on the site. The first party argue that having regard to the historic use of the structure, a contribution should not be payable. The planning application describes the development as the refurbishment and extension of an existing semi-derelict structure (formerly dwelling). This semi-derelict state is evidenced in the photographs accompanying the applicants FI response (and appeal). At FI stage the applicants indicated that the structure was occupied as a dwelling by the applicant's family up to 1990.

9.2.1. It is evident, and not in dispute, that the subject structure was formerly in use as a dwellinghouse, and that it has most recently been used for storage, associated with the adjoining farm. The concerns of the planning authority expressed at further information stage arose in terms of clarifying the relevant policy context against which to assess the development. Following receipt of further information, it was determined that the development was acceptable under policy objective PPH3.18.

9.2.2. While the first party refer to section 5.4 of the Roscommon Rural Design Guidelines, I note that adherence with the Guidelines is not central to this appeal and they are not referenced in the Development Contribution Scheme. The provisions of the guide are reflected in Development Plan Policy Objective PPH 3.18, cited in the planning authority assessment, which encourages refurbishment of existing vernacular structures and buildings.

9.2.3. Section 6.0 of the Roscommon Development Contribution Scheme 2014 (updated 2020) identifies the levels of contributions payable in respect of:

- An urban dwelling - €4,400 per residential unit
- **A rural dwelling - €3,600 per residential unit**
- Industrial / commercial development - €20.00 per m²

9.2.4. Section 14 of the scheme provides for reductions and waivers in respect of specified classes of development, including:

(I) For redevelopment projects,

(ii) For replacement houses where the original house is currently inhabited, capable of immediate habitation or has been inhabited within the preceding 7 years (100% Exemption from Development Contributions);

(y) Applications for upgrading (including extensions) of disused dwellings i.e. uninhabited and where there are no vital service connections, for example electricity, will be treated as new residential units and will receive a 50% reduction in the development contribution.

9.2.5. Based on the documentation on the file, I am of the view that:

- The structure was formerly a dwellinghouse.
- That it is no longer in use as a dwelling / is uninhabited.
- That the structure is no longer habitable. While the first party refer to intact first floor, annotated photographs accompanying the appeal show “*Front store with first floor removed*”. There is no current wastewater services available to serve such use.

9.3. I conclude that the development is a new residential unit in a rural area, as defined in the development contribution scheme. A full exemption from contributions, as argued by the first party, would only be available in the case where the structure is currently inhabited / habitable, which is not the case in this instance. To reflect the historic use of the structure as a dwelling, the contribution scheme makes specific provision for a reduction under section 14(y) above. I am of the view that this current scenario is that which the scheme is intended to address in this regard.

9.4. While other exemptions are available in the Scheme for houses in rural areas, these have not been sought or argued for by the first party, and there is no evidence to support their application in this case. Further, while the first party refer to the non-application of development contributions in other similar cases, this report can only assess the application of the terms of the scheme to the facts of this case.

Conclusion:

9.5. The proposed development comprises the reinstatement of residential use into this structure, last used for storage purposes. While the structure did formerly comprise a dwellinghouse, that use has ceased and the development comprises a new residential unit. Contributions would be payable under the terms of the development contribution scheme, however, the scheme provides for a reduction in respect of such development.

9.6. While the planning authority recognised that the development comprises a new residential unit, they have misapplied the terms of the scheme by not providing for a reduction to reflect the historic use of the structure.

10.0 AA Screening

10.1. I note the screening determination of the planning authority and the finding of no significant effect in respect of the proposed development.

10.2. This first party appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 Water Framework Directive

11.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

12.0 Recommendation

12.1. I conclude, in accordance with section 48 of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area have not been properly applied in respect of condition number 10, and recommend that Roscommon County Council be directed to amend said condition and the contribution payable thereunder for the reasons stated.

12.2. **Condition**

10. The developer shall pay to the planning authority a financial contribution of €1,800 (one thousand, eight hundred euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

12.3. **Reasons and Considerations**

The Roscommon County Development Contribution Scheme 2014 (as amended 2020) sets out the levels of contribution payable per residential unit. Section 14 thereof, sets out Reductions and Exemptions from payment of such contributions in respect of certain categories of development. In particular, Section 14(y) provides for a reduction in respect of applications for upgrading (including extensions) of disused dwellings. Such development are to be treated as new residential units but are to receive a 50% reduction in the development contribution payable.

The subject structure was previously in residential use, comprising a dwellinghouse, but has been disused for some considerable period and no longer constitutes a habitable dwelling. While the development comprises a new residential unit, the proposed works qualify for a reduction under section 14(y). It is concluded that the terms of the Development Contribution Scheme were not properly applied in this instance and the planning authority are therefore directed to amend the condition.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Conor McGrath ADP

16/06/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP-501005-RN
Proposed Development Summary	Refurbish and extend existing semi -derelict structure and install new wastewater treatment system and percolation area with all associated works.
Development Address	Milltown , Castleplunkett , Co. Roscommon.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2. ☒ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: __Conor McGrath_________ Date: _________________