John Larkin

Ardass
Tarmon
Castlerea
Co. Roscommon
F45TP93
7th April 2026

AN COIMISIÚN PLEANÁLA
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ACP-
07 APR 2026
Fee: € 220 Type: Card
Time: 13:03 By: Hand

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

A Chara,

Re: Appeal under Section 5 of the Planning and Development Act 2000 (as amended)
Address of applicant: Ardass, Tarmon, Castlerea, Co. Roscommon F45TP93
Planning Authority: Roscommon County Council
Reference: DED 923
Nature of proposed works detailed on application form -1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)
Site Location: Termonbeg, Tarmon, Castlerea, Co. Roscommon
Date of Section 5 application submission: 8th July 2025
Date of notification of Determination: 9th March 2026

I wish to submit an appeal of the determination issued by Roscommon County Council under Section 5 of the Planning and Development Act 2000 (as amended), dated 9th March 2026, in respect of the above referenced development.

This appeal specifically relates to the second part of the split decision, wherein it was determined that the element of the development described as the construction of a wall along the eastern site boundary (outlined in green on the submitted plans) does not constitute exempted development. Please see below.

> (d) The elements of the said development described as "restore 1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)" indicated on plans and particulars received as "wall to be built along the eastern site boundary" and outlined green on the site layout plan received is deemed not exempted development for the following reasons:
>
> - It has been reported by Castlerea Area Office that should the proposed wall be constructed, sightlines would be greatly reduced, that roadside drainage would be impaired by the construction of the proposed wall in its new location by covering a grated manhole and that should the proposed wall be constructed, access would be greatly restricted to the adjacent cul-de -sac by the narrowing of the junction.
>
> - In view of the foregoing concerns set out by Castlerea Area Office the restrictions on exemption referenced under Article 9 (1) (a) (i.e. development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would (iii) endanger public safety by reason of traffic hazard or obstruction of road users) are a relevant consideration.

The Planning Authority's determination relies on concerns raised by the Castlerea Area Office, namely that the proposed wall would reduce sightlines, impair roadside drainage by covering a grated manhole, and restrict access to the adjacent cul-de-sac by narrowing the junction. On this basis, the Planning Authority considered that Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended) constituted a relevant consideration, on the grounds that the development would endanger public safety by reason of traffic hazard or obstruction of road users.

It is respectfully submitted that this conclusion is based on a misrepresentation of the physical characteristics of the site.

A detailed topographical survey with visual splay analysis have been prepared and are submitted as part of this a[al. The proposed wall, the subject of this appeal, is clearly indicated in blue on the submitted drawing. The topographical survey and visual splay demonstrate that:

- The proposed wall does not cover or interfere with any grated manhole, contrary to what is stated in the decision. The survey confirms that there is no grated manhole in the location identified in the decision. While several surface water gullies are present in the vicinity of the site, all are located at least 4 metres from the proposed wall and therefore no impact on roadside drainage arises.
- The proposed wall does not narrow the junction or restrict access to the adjacent cul-de-sac. The survey confirms that a clearance of approximately 1.6 metres is maintained between the face of the wall and the edge of the roadway.
- The sightlines at the junction are not affected by the proposed development. The submitted visual splay demonstrates the proposed wall is in compliance with a 90 metre sight distance and a 2.4 metre set-back.

Accordingly, the concerns raised by the Castlerea Area Office and referenced by the Planner are unfounded and do not reflect the actual conditions on the ground. As such, the application of Article 9(1)(a) is not justified in this instance.

It is further submitted that the proposed wall falls within the scope of Class 5, Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended), as it comprises the construction of a stone wall of appropriate height within the site boundary. In the absence of any valid restriction under Article 9, the development should be considered exempted development.

In light of the above, it is requested that An Bord Pleanála overturn the second part of the Planning Authority's decision and determine that the proposed wall along the Eastern site boundary constitutes exempted development.

Please find enclosed the following documentation in support of this appeal:

- A copy of the Notification of Determination issued on the 9th of March 2026
- A topographical survey provided by CSS Land surveys
- A land direct map showing the property boundaries of site

Please be advised that I have submitted a hardcopy of topographical survey and visual splay, the pdf of the surveys are available if a more detailed view is required.

Please also note that there was a minor error in the address used by Roscommon County Council on the Notification of Determination. The address used was Ardagh, Castlerea, Co. Roscommon; however, the correct address is Ardass, Castlerea, Co. Roscommon. This discrepancy was previously brought to the attention of Roscommon County Council by email, and a request was made for the letter to be reissued with the correct address, however, this was not possible within the timeframe for submission of this appeal. Accordingly, I would be obliged if all future correspondence could be directed to the correct address as stated above.

Yours faithfully,

John Larkin

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DETERMINATION

REGISTERED POST
John Larkin,
Ardagh,
Castlerea,
Co. Roscommon.

Reference Number:	**DED 923**
Application Received:	**8th July, 2025**
Name of Applicant:	**John Larkin**
Agent:	**N/A**

WHEREAS a question has arisen as to whether the following works: to restore 1.2m high stone wall within the boundary of site & surrounding house (lime mortar pointing) at Termonbeg, Tarmon, 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, 5 and 9 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 5 Part 1 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.
(e) The planning history of the site.
(f) The report received from Castlerea Area Office.

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 5 Article 6 Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
(c) The elements of the said development described as "restore 1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)" indicated on plans and particulars received as "reinstate wall using reclaimed stone and lime mortar pointing" and outlined red on the site layout plan received is exempted development.
(d) The elements of the said development described as "restore 1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)" indicated on plans and particulars received as "wall to be built along the eastern site boundary" and outlined green on the site layout plan received is deemed not exempted development for the following reasons:

- It has been reported by Castlerea Area Office that should the proposed wall be constructed, sightlines would be greatly reduced, that roadside drainage would be impaired by the construction of the proposed wall in its new location by covering a grated manhole and that should the proposed wall be constructed, access would be greatly restricted to the adjacent cul-de -sac by the narrowing of the junction.
- In view of the foregoing concerns set out by Castlerea Area Office the restrictions on exemption referenced under Article 9 (1) (a) (i.e. development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would (iii) endanger public safety by reason of traffic hazard or obstruction of road users) are a relevant consideration.

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 following works; to restore 1.2m high stone wall within the boundary of site & surrounding house (lime mortar pointing) at Termonbeg, Tarmon, Castlerea, Co. Roscommon, is a split decision as follows:

- The said development described as "restore 1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)" indicated on plans and particulars received as "reinstate wall using reclaimed stone and lime mortar pointing" and outlined red on the site layout plan received at Termonbeg, Tarmon, Castlerea, Co. Roscommon, is **exempt development.**
- The said development described as "restore 1.2m high stone wall within the boundary of site & surrounding house (lime & mortar pointing)" indicated on plans and particulars received as "wall to be built along the eastern site boundary" and outlined green on the site layout plan received at Termonbeg, Tarmon, Castlerea, Co. Roscommon, is **not exempt development**.

as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Mervyn Walsh,
Administrative Officer,
Planning.

Date: 9th March, 2026

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.

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.