

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 25/81

NAME OF APPLICANT: Andy Dunne.

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the internal renovation of an existing dwelling is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: The Curragh, Cadamstown, Co Offaly, R42 A251.

WHEREAS a question has arisen as to whether or not the internal renovation of an existing dwelling is or is not development and is or is not exempted development at The Curragh, Cadamstown, Co Offaly, R42 A251.

AS INDICATED on the particulars received by the Planning Authority on the 17<sup>th</sup> June 2025.

AND WHEREAS Andy Dunne of [REDACTED] has requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- (a) Section 2(1), 3(1) and 4(1)(h), of the Planning & Development Act 2000, as amended.

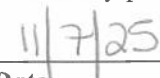
AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The proposed work consisting of the internal renovation of the existing dwelling is **development** and **is exempted development** at The Curragh, Cadamstown, Co Offaly, R42 A251.

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters include any submissions and observations received by it in accordance with statutory provisions.

PP   
Administrative Officer

  
Date

Note: Any person issued with a Declaration may on payment to An Coimisiún Pleanála 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

## Planning Report - Section 5 Declaration

File Reference:	Dec. 25/81
Question:	Whether or not the internal renovation of an existing dwelling is or is not development and is or is not exempted development
Applicant:	Andy Dunne
Correspondence Address:	
Location:	The Curragh, Cadamstown, Co Offaly, R42 A251.

### 1. Introduction

The question has arisen as whether the proposed internal renovation work (to the existing dwelling is or is not development and if so, are they exempted development.

### 2. Background

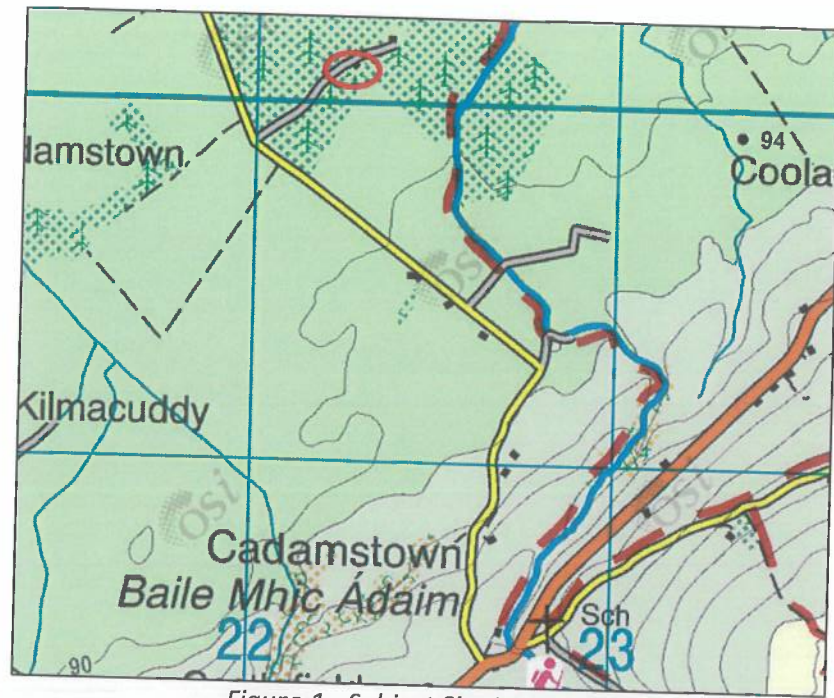
The detached dwelling is located within the open countryside, approximately 1.6km northwest of Cadamstown Sráid. The Applicant advises that they are seeking the Section 5 Declaration as a requirement for a Vacant Property Refurbishment Grant. The site is located within an area identified as having a Low Landscape Sensitivity (ref. Chapter 4 of the Offaly County Development Plan) and partially located within an area which has been identified as having a medium to high risk of flooding (Current Indicative Fluvial Extent High - Medium Probability = ref. [www.floodinfo.ie](http://www.floodinfo.ie))

### 3. Site History

- *On Site* – In accordance with the Local Authority's GIS, there is no recent planning history associated with the subject site. As part of the submitted planning documentation, the Applicant has provided a copy of a grant of planning permission (ref. PL2/1475) issued to Michael McRedmond in December 1969 for the erection of a dwelling house.
- *Enforcement* – No recent history associated with the subject site.
- *Adjoining Lands* – No recent planning history associated with adjoining lands.



Photo 1: Subject site.



*Figure 1 - Subject Site Location.*



*Photo 2 - Subject Site (source: Google Maps June 2025).*



*Photo 3 - Subject Site (source: submitted by Applicant)*

#### 4. Legislative Context

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

##### Statutory Provisions

**Section 2 (1) Planning and Development Act 2000, as amended, states as follows:**

*"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;*

*"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) Planning and Development Act 2000, as amended, defines development.**

*"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 - Exempted Development**

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.*

Section 4 (2) (a) - The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that -

(i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development.*

#### 5. Proposal by Applicants

The Applicant has advised that they intend to renovate the dwelling internally with no external works proposed. The Planner notes that in accordance with the Tailte Éireann online service, [www.landdirect.ie](http://www.landdirect.ie), there is an application pending for a change in ownership of the subject site.

Folio Number	OY3242
Title Level	Freehold
Plan Number	3242
Property Number	1
Area of selected plans	28.42 hectares.
Number of Plans on this folio:	1
Address	The Curragh, Cadarnstown, Birr, Co. Offaly, R42 A251
<a href="#">View Folio PDF</a> <a href="#">Request Certified Copy</a>	
The following Applications are Pending on this Folio	
D2025LR071380D	Mapping

## **6. Evaluation**

**Question: Whether the proposed works (as listed) to the existing dwelling are development and if so, are they exempted development?**

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development as it includes refurbishments to the existing dwelling.

**Question: Is this proposal considered as Exempted Development?**

With regard to the proposed works which as described in the submitted documents, the Planning Authority are satisfied that the proposed works would not result in a material alteration to the appearance of the dwelling and would not be inconsistent with the character of area. The refurbishments proposed by the applicants is harmonious with Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Given the appearance of the dwelling including the modern windows, the Planning Authority are satisfied that the residential use of the dwelling has not been abandoned.

It is therefore the opinion of the Planning Authority that these works meet the criteria of exempt development under statutory provisions.

## **7. Appropriate Assessment**

Having regard to nature of the development which comprises of the renovation of an existing dwelling at the Curragh, Cadamstown; the distance of approximately 2km from the the Slieve Bloom Mountain SPA and the lack of any pathway to a European site it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

## **8. Environmental Impact Assessment Screening**

Please refer to Appendix B; no EIA required.

## **9. Conclusion & Recommendation**

It is recommended that the Applicants be advised that the proposed development is **development** and is **exempted development**.

**Declaration on Development and Exempted Development**

**Section 5 of the Planning and Development Act 2000 (as amended)**

**WHEREAS** a question has arisen as to whether or not the internal renovation of an existing dwelling is or is not development and is or is not exempted development at The Curragh, Cadamstown, Co Offaly, R42 A251.

**AS INDICATED** on the particulars received by the Planning Authority on the 17<sup>th</sup> June 2025.

**AND WHEREAS** Andy Dunne of [REDACTED] has requested a declaration on the said question from Offaly County Council;

**AND WHEREAS** Offaly County Council, in considering this declaration request, had regard particularly to:

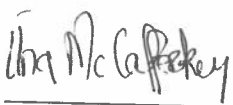
(a) Section 2(1), 3(1) and 4(1)(h), of the Planning & Development Act 2000, as amended.

**AND WHEREAS** Offaly County Council has concluded that the proposed works is development and is exempted development.

**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The proposed work consisting of the internal renovation of the existing dwelling is **development** and is **exempted development** at The Curragh, Cadamstown, Co Offaly, R42 A251.

*Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.*

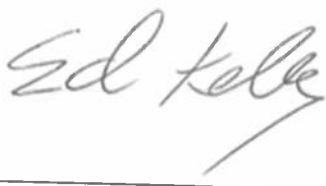


Úna McCafferkey

Executive Planner

10<sup>th</sup> July 2025

Date



Ed Kelly  
Acting Senior Executive Planner

10<sup>th</sup> July 2025

Date

## APPENDIX A

### EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/81
Development Summary:	Whether or not the renovation of existing dwelling (as detailed in the submitted documentation) is or is not development and is or is not exempted development at The Curragh, Cadamstown, Co Offaly, R42 A251.
Was a Screening Determination carried out under Section 176A-C?	<b>No, Proceed to Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	<b>Proceed to Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>



Una McCafferkey

Executive Planner

10<sup>th</sup> July 2025

Date