



An
Bord
Pleanála

**Board Direction
ABP-301518-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2019.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the following is or is not development or is or is not exempted development:

- i. Rewiring of the house and store.
- ii. Erecting of boiler house.
- iii. Replacement of the decayed profiled metal roof on the house with profiled metal roofing.
- iv. Replacing windows and external doors with replica timber windows and doors.
- v. Altering internal dividing wall to create an internal pantry.
- vi. Dismantling of internal chimney to fit clay flue liners and rebuilding chimney after.
- vii. Removing of loose plaster and re-plastering of internal and external walls.
- viii. Relocating of internal doorways.
- ix. Erection of extension to rear (c.36sqm),
- x. Demolition of part of gable to existing store.
- xi. Improving existing driveway with additional gravel and kerbs.
- xii. Keeping or storing of caravan or campervan within the curtilage of

- house.
- xiii. Painting the interior and exterior of wall surfaces.

AND WHEREAS Tom Devine requested a declaration on this question from Longford County Council and the Council issued a declaration on the 30th day of April 2018 stating that the matter was development and was not exempted development:

AND WHEREAS Tom Devine referred this declaration for review to An Bord Pleanála on the 2nd day of May 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(2) of the Planning and Development Act, 2000,
- (c) Section 4(1) and 4(2) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the details on file regarding the proposed works to the structures on site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The acts referred to either fall within the definition of the term ‘works’

or comprise a material change of use (keeping or storing of a caravan or campervan) and, therefore, comprise development under section 3(2) of the Planning and Development Act, 2000, as amended.

- (b) The rewiring of the house and store, altering internal dividing walls, repairing/re-plastering internal walls, re-locating internal doorways, internal works to chimney, painting the interior and exterior surfaces comprise works for the maintenance, improvement or other alteration of the structure which only affect the interior of the structure and do not materially affect the external appearance of the structure, and are therefore exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended.
- (c) The replacement of metal roofing, windows and external doors, repair/replacement of external plaster and demolition of part of the gable to the existing store comprise works which have the potential to materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure, and is therefore not exempted development under section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- (d) The erection of a boiler house, extension to the rear of the structure and the keeping of a caravan on site rely, for the purpose of the exempted development provisions, on the structure being construed as a 'house'. However, there is no evidence of the residential use of the structure and the Board is satisfied, therefore, that the residential use has been abandoned. Therefore, that these acts do not fall within the provisions of Schedule 2 (Part 1) of the Planning and Development Regulations 2001 (as amended).
- (e) The works to the driveway are insufficiently detailed to demonstrate compliance with the detailed provisions of Class 13 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that:

- (i) The rewiring of the structures on site, altering of internal dividing walls, re-plastering of internal walls, relocating of internal doorways, internal works to chimney and painting of internal and external surfaces is development and is exempted development, and
- (ii) The erection of a boiler house and rear extension, replacement of metal roofing, windows and doors, re-plastering of external walls, demolition of gable, improvement to existing driveway and keeping or storing a caravan or campervan on the site is development and is not exempted development.

Board Member:

Date: 12/02/2019

Maria FitzGerald