



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301570-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2018.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether an existing portal framed shed for agricultural use is or is not development or is or is not exempted development.

**AND WHEREAS** Fergus Neilon requested a declaration on this question from Louth County Council and the Council issued a declaration on the 12<sup>th</sup> day of April, 2018 stating that the matter was development and was not exempted development.

**AND WHEREAS** the owner/occupier referred this declaration for review to An Bord Pleanála on 8<sup>th</sup> day of May, 2018.

**AND WHEREAS** An Bord Pleanála in considering this referral had particular regard to –

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

- (c) Article 6(3) and Article 9(1) of the Planning and Development Regulations 2001, as amended.
- (d) Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended and the conditions and limitations attached thereto.

**AND WHEREAS** An Bord Pleanála concluded that the building is a shed constructed, erected or placed within the curtilage of a house and therefore falls within Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and the area of the building in question alone exceeds 25 square metres, and the external finishes and the roof covering of the building do not conform with those of the house, and the height of the building exceeds 3 metres, and the building is used for a purpose other than incidental to the enjoyment of the house, and therefore does not comply with all the conditions and limitations set out under Class 3, Part 1 of Schedule 2 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 the existing portal framed shed for agricultural use is development and is not exempted development.

In deciding not to accept the Inspector's recommendation that the building in question falls within Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and is development and is exempted development, the Board considered that the building has been constructed within the curtilage of the house permitted under Reg. Ref. 15/456 and, more specifically, within the rear garden of that house, as clearly delineated on Drawing No. 1503-301, and therefore falls within Class 3 of Part 1 of Schedule 2.

**Note:** The Board also noted that written consent is necessary in the case of Condition 6 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

**Board Member:**

**Date:** 06/11/2018

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John Connolly