



An  
Bord  
Pleanála

**Board Direction**  
**ABP-303810-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/06/2019.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether a portal frame shed for agricultural usage, 5.07 metres in height, site boundary revisions, is or is not development or is or is not exempted development.

**AND WHEREAS** Fergus Neilon care of Green Design Build, 142 Leeson Street Upper, Dublin 4, requested a declaration on this question from Louth County Council, and the Council issued a declaration on the 31<sup>st</sup> day of January 2019 stating that the matter is development and is not exempted development (shed) and is development and is exempted development (site boundary revisions).

**AND WHEREAS** Fergus Neilon referred this declaration for review to An Bord Pleanála, on the 26<sup>th</sup> day of February 2019.

**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(1) of the Planning and Development Act 2000, as amended,
- (c) Article 6 (1) and 6(3) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (d) Class 3 and Class 5 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 has concluded that the building is a shed constructed, erected and 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, the area of the building in question exceeds 25 square metres, the external finishes and roof covering of the building do not conform with those of the house, the height of the building exceeds three metres, the building is used for a purpose other than incidental to the enjoyment of the house and, therefore, does not comply with the conditions and limitations set out under Class 3, Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended. While site boundary revisions do not constitute development as there are no works involved, the construction of a new post and rail fencing structure, would not alter the curtilage of the house as granted under planning permission Reg. Ref: 15/465, would be located within the curtilage of a house, and would therefore fall within Class 5 of Part 1 of Schedule 2, to the Planning and Development Regulations 2001, as amended, and subject to the conditions and limitations on height set out therein, would constitute exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the existing portal frame shed for agricultural use, at Coolfore, Monasterboice, County Louth, is development and is not exempted development. The proposed site boundary revisions would not constitute development. The proposed construction of new post and rail fencing within the curtilage of the house would fall within Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and subject to compliance with the conditions and limitations set out therein, would constitute development and would constitute exempted development.

**Board Member:**

**Date:** 21/06/2019

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Chris McGarry