



An
Bord
Pleanála

Board Direction
ABP-304094-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16th. July, 2019.

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

WHEREAS a question has arisen as to whether a proposed farm building for the housing of horses and storage of food at Knockaneroe, Kilbrittain, County Cork is or is not development or is or is not exempted development:

AND WHEREAS Peter Verdake and Mary Horgan care of D.A. Kearney of Gleann na Geall Lodge, Ballady, Belgooly, County Cork requested a declaration on this question from Cork County Council and the Council issued a declaration on the 6th day of March, 2019 stating that the said matter is development and is not exempted development:

AND WHEREAS Peter Verdake and Mary Horgan care of D.A. Kearney of Gleann na Geall Lodge, Ballady, Belgooly, County Cork referred the declaration for review to An Bord Pleanála on the 29th day of March, 2019:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 3(3), Part 1 of the Planning and Development Regulations, 2001, as amended,
- (c) Article 6(3), Part 2 of the Planning and Development Regulations, 2001, as amended,
- (d) Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (e) Article 9(1), Part 2 of the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (1) the development does not fall within the scope of Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (2) it has not been demonstrated that the structure satisfies all of the Conditions and Limitations attached to Class 6, Part 3 of the said Regulations, and
- (3) the development may come within the restrictions set out in Article 9(1)(a)(i)(ii) and (vi) 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 said proposed farm building for the keeping of horses and storage of food at Knockaneroe, Kilbrittain, County Cork is development and is not exempted development.

In not agreeing with the Inspector's recommendation, the Board is satisfied that the referral, in this instance, refers to a single roofed structure which has a gross floor space exceeding 200 square metres and accordingly is not within the scope of Class 6, Part 3 of the Second Schedule to the Planning and Development Regulations 2001, as amended, irrespective of the fact that part of the roofed structure does not have external walls.

Board Member:

Date: 16/07/2019

Terry Ó Niadh