



An  
Bord  
Pleanála

**Board Direction**  
**ABP-304385-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/05/2020.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether: (a) the display and storage of garden pods/sheds, and (b) the construction of a structure for use as a café, at Ashbrook Garden Centre, Coolfore, Ashbourne, Co. Meath is or is not development or, is or is not exempted development:

**AND WHEREAS** Alan Battersby, care of Manahan Planners, Town Planning Consultants, 38 Dawson Street, Dublin 2, requested a declaration on this question from Meath County Council, and the Council issued a declaration on the 9<sup>th</sup> day of April 2019 stating that the matter is development and is not exempted development:

**AND WHEREAS** Alan Battersby referred this declaration to An Bord Pleanála for review, on the 3<sup>rd</sup> day of May, 2019:

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended (the Act);

b) Articles 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001 as amended;

c) The planning history of the site;

**AND WHEREAS** An Bord Pleanála has concluded that:

a) The display and storage of garden pods/sheds constitutes works and material change of use, and is development in the context of Section 3 of the Planning and Development Act, 2000, as amended.

b) There are no provisions in the Planning and Development Act, 2000, as amended or in the Planning & Development Regulations, 2001, as amended, whereby such development is exempted development.

c) The construction of a structure for use as a café constitutes works and material change of use, and is development in the context of Section 3 of the Planning and Development Act, 2000, as amended.

d) There are no provisions in the Planning and Development Act, 2000, as amended or in the Planning & Development Regulations, 2001, as amended, whereby such development is exempted development.

**NOW THEREFORE** An Bord Pleanála in exercise of the powers conferred on it by Section 5(3)(a) of the Act, hereby decides that both (a) the display and storage of garden pods/sheds, and (b) the construction of a structure for use as a café, at Ashbrook Garden Centre, Coolfore, Ashbourne, Co. Meath, are development and are not exempted development.

**Board Member:**

**Date:** 27/05/2020

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John Connolly