



An
Bord
Pleanála

Board Direction
ABP-304512-19

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

The Board decided, as set out in the following Order, that the works proposed involving the provision of an extension and a boiler house to an existing cottage structure at Ballagh, Newtownforbes, Co Longford, and the keeping or storing of a caravan or campervan within the curtilage of this structure are development and are not exempted development, and that the works proposed for the re-plastering of this structure are development and are exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the erection of an extension of c. 29 square metres, the erection of a boiler house, the keeping or storing of a caravan or campervan within the curtilage of a house and the re-plastering of existing masonry in lime mortar to match original finish of this house, at Ballagh, Newtownforbes, Co. Longford is or is not development or is or is not exempted development.

AND WHEREAS Tom Devine c/o Liam Madden of Convent Road, Longford, requested a declaration on this question from Longford County Council, and the

Council issued a declaration on the 14th day of May 2019 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 21st 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,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Classes 1, 2 and 8 of Part 1 of the Second Schedule to those Regulations,
- (c) The planning history of the site, and
- (d) The documentation on file, including photographs submitted by the referrer and the details regarding the proposed works on site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposal that are the subject matter of the referral fall either 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 existing cottage structure on the site, in respect of which the works are proposed and within whose curtilage the keeping of the caravan or

campervan is proposed, is not in residential use and, on the basis of the documentation submitted (which indicated that it ceased to be used / inhabited in the 1980's), there is no evidence on file of any residential use of this cottage structure for a significant period of time. The Board is, therefore, satisfied that the residential use of this structure has been abandoned, and the resumption of such residential use of the subject building would now constitute a change of use that is material, having regard to the potential for consequences in planning terms, including the potential for implications in terms of wastewater, the provision of services in an unzoned, unserviced rural area, and the potential for the intensification of use of the local road fronting the site, and would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development.

- (c) The erection of an extension to the existing structure, the provision of a boiler house as part of the heating system of this structure, and the keeping of a caravan or campervan within the curtilage of this structure rely, for the purpose of the exempted development provisions, on the structure in question 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. Accordingly, the developments in question do not come within the scope of Classes 1, 2 and 8 respectively of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and are not exempted development.
- (d) The re-plastering of existing masonry in lime mortar to match the original finish of the structure would come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, and is therefore 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 that the works proposed involving the provision of an extension and a

boiler house to an existing cottage structure at Ballagh, Newtownforbes, Co Longford, and the keeping or storing of a caravan or campervan within the curtilage of this structure are development and are not exempted development, and that the works proposed for the re-plastering of this structure are development and are exempted development.

Board Member

Date: 20th September 2019

Philip Jones