



An  
Bord  
Pleanála

**Board Direction**  
**ABP-305315-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on December 31<sup>st</sup>, 2019.

The Board decided, as set out in the following Order, that the construction of a domestic shed in the south-eastern corner of a residential site at Rock Road, Blackrock, Co Louth, having regard to the conditions attached to planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291) is development and is exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the construction of a domestic shed in the south-eastern corner of a residential site at Rock Road, Blackrock, Co Louth, having regard to the conditions attached to planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291) is or is not development or is or is not exempted development.

**AND WHEREAS** Thomas and Shirley Duffy of Chapel Pass, Blackrock, Co. Louth, requested a declaration on this question from Louth County Council, and the Council issued a declaration on the 23<sup>rd</sup> day of August 2019 stating that the matter was development and was exempted development.

**AND WHEREAS** Thomas and Shirley Duffy referred this declaration for review to An Bord Pleanála, on the 2<sup>nd</sup> day of September 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,
- (c) Class 3 of Part 1 of the Second Schedule to the planning and Development Regulations, 2001, as amended,
- (d) The planning history of the subject site, including planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291), and in particular condition number 4 of that permission, and
- (e) The documentation on file, including the submissions of the referrers and of the owner/occupiers of the subject property, and the documentation provided by the planning authority in relation to compliance with condition 4 of that planning permission.

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

- (a) The construction of the subject shed constitutes the carrying out of “works” and is therefore development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended;

- (b) The subject shed is used for purposes incidental to the enjoyment of the adjacent permitted dwelling, to which planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291) relates;
- (c) The subject shed is located within the curtilage of this permitted dwelling, and comes within the scope of Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with the conditions and limitations to which this Class is subject;
- (d) The subject shed does not contravene the conditions of planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291), and in particular condition number 4 of that permission, having regard to the confirmation of that fact by the planning authority, and accordingly the restrictions on exemption under Article 9 (1) (a) (i) of the Planning and Development Regulations 2001, as amended, do not apply in this instance.

**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 construction of a domestic shed in the south-eastern corner of a residential site at Rock Road, Blackrock, Co Louth, having regard to the conditions attached to planning permission register reference number 17/392 (An Bord Pleanála reference number PL15.249291), is development and is exempted development.

**Board Member**

**Date:** 3<sup>rd</sup> January 2020

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Philip Jones