



An
Bord
Pleanála

Board Direction
ABP-305804-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/06/2020.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of an agricultural steel shed with paint finish corrugated panels to roof and wall 9m x 12m x 3.6m eaves height and yard in the back field; extension of access lane 3.4m wide to existing lane and existing entrance gate to road for making, crushing and bagging for agricultural and horticultural uses is or is not exempted development is or is not development or is or is not exempted development.

AND WHEREAS Emer O'Siochru requested a Declaration on this question from Westmeath County Council and the Council issued a declaration on the 4th day of October 2019 stating that the matter was development and was not exempted development

AND WHEREAS Emer O'Siochru referred this declaration for review to An Bord Pleanála on the 25th day of October, 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 5, 6 and 9 and Schedule 2 to the Planning and Development Regulations, 2001 (as amended),
- (c) The planning history of the site,
- (d) The submissions on file, and
- (e) The report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of a shed and yards, and the extension of an access lane is development,
- (b) The use of the shed and yard areas for the production and sale of biochar, as described in the documentation submitted with the referral, does not constitute an agricultural use as defined in the relevant planning legislation,
- (c) The construction of a shed to facilitate the production and sale of biochar does not comply with limitation No. 1 of Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, (as amended), as the shed would be used for a purpose other than agriculture.
- (d) The construction of yards and an access lane extension related to the production and sale of biochar, does not comply with limitation No. 1 of Class 8, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), as the yards and lane would be used for a purpose other than agriculture.
- (e) No other exemptions are available within the planning legislation for the construction and use of the shed, yards and lane extension, as described in the documentation submitted with the referral;

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 agricultural steel shed with paint finish corrugated panels to roof and wall 9 metres by 12 metres by 3.6 metres eaves height and yard in the back field, extension of access lane 3.4 metres wide to existing lane and existing entrance gate to road for making, crushing and bagging for agricultural and horticultural use at Liosúl Cottage, Gigginstown, Mullingar, County Westmeath is development and is not exempted development.

Board Member:

Date: 09/06/2020

Chris McGarry