



An  
Bord  
Pleanála

**Board Direction**  
**ABP-306083-19**

---

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/06/2020.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether an extension to the existing vernacular stone cottage at Townleyhall, Drogheda, Co. Louth is or is not development or is or is not exempted development:

**AND WHEREAS** Robert Kenny Consultant on behalf of Ms. Sheila Finnamore requested a declaration on this question from Louth County Council and the Council issued a declaration on the 8<sup>th</sup> day of November, 2019 stating that the matter was development and was not exempted development:

**AND WHEREAS** Robert Kenny Consultant on behalf of Ms. Sheila Finnamore referred this declaration for review to An Bord Pleanála on the 27<sup>th</sup> day of November, 2019:

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

- (a) Sections 2(1) and 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1)(a) (viiB) and (xii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of the Louth County Development Plan 2015-2021
- (e) planning history of the site, and
- (f) the documentation on file, including photographs submitted by the Referrer and the Council and the details regarding the proposed works:

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

- (a) the construction of an extension to the rear of the cottage at Townleyhall, Drogheda, Co. Louth, as per the drawings and associated documentation submitted with the referral, would constitute development,
- (b) the existing cottage structure on the site, in respect of which the works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this cottage in recent times, or for a significant period of time, 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, unserved rural area, proximate to Natura 2000 sites and the potential for the intensification of use of the access and local road network in the vicinity, and would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development, and

(c) in view of its location within Townley Hall Demesne Architectural Conservation Area, and proximate to Natura 2000 sites, the development would fall within the Restrictions on Exemption as provided by Article 9(1)(a) (xii) and (viiB) 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 an extension to the existing vernacular stone cottage at Townleyhall, Drogheda, Co. Louth the constitutes development which is not exempted development.

**Board Member:**

**Date:** 10/06/2020

---

John Connolly