



An
Bord
Pleanála

Board Direction
ABP-307002-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/09/2020.

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

WHEREAS a question has arisen as to whether the construction of a wall, blocking a historic side gate to the Old School House, Blarney, is or is not development or is or is not exempted development.

AND WHEREAS Charles Colthurst care of McCutcheon Halley requested a declaration on this question from Cork County Council and the Council issued a declaration on the 9th day of March, 2020, stating that the matter was development and was exempted development

AND WHEREAS Charles Colthurst referred this declaration for review to An Bord Pleanála on the 25th day of March, 2020

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 81 of the Planning and Development Act, 2000, as amended,
- (d) Section 82 of the Planning and Development Act, 2000, as amended,

- (e) Class 5 and Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (g) The location of the wall beyond the existing boundary of the Old School House,
- (h) The submissions on the file,
- (i) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the wall comprises works which constitute development;
- (b) The construction of the wall falls within the scope of Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, being the construction of a wall, other than within or bounding the curtilage of a house;
- (c) The construction of the wall is de-exempted by reason of the limitation set out at Class 11, namely that the height of any new structure shall not exceed 1.2 metres;

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 wall, blocking a historic side gate to the Old School House, Blarney, is development and is not exempted development.

Board Member:

Date: 17/09/2020

Chris McGarry