

An  
Bord  
Pleanála

Board Direction  
ABP-310400-21

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/05/2022.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether a raised timber deck and surrounding boundary fences and supporting pillars constructed at the front (west side) of No 41 Carrowhubbock Village, Enniscrone, County Sligo is or is not development or is or is not exempted development.

**AND WHEREAS** Kyran Hurley on behalf of Carrowhubbock Management Company CLG requested a declaration on this question from Sligo Council and the Council issued a declaration on the 7th day of May, 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** Kyran Hurley on behalf of Carrowhubbock Management Company CLG referred this declaration for review to An Bord Pleanála on the 2<sup>nd</sup> day of June, 2021.

**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,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the report of the Inspector.

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

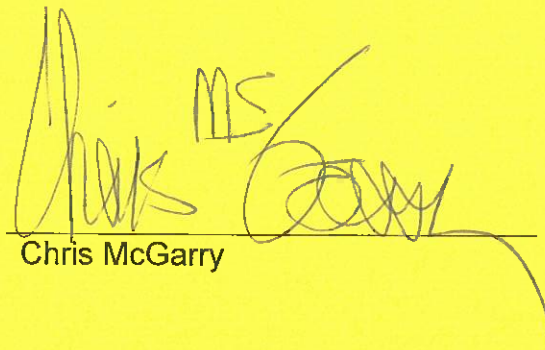
- (a) The raised timber deck and surrounding boundary fences and supporting pillars do not form part of permitted development under Planning Register Reference 15/23.
- (b) The raised timber deck and surrounding boundary fences and supporting pillars do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the overall structure constitutes a new structure adjoining the existing house.
- (c) The raised timber deck and surrounding boundary fences and supporting pillars do not come within the scope of Class 6(b)(ii) of the Planning and Development Regulations 2001, as the overall structure including fencing and supporting pillars does not constitute a hard surface.
- (d) The raised timber deck and surrounding boundary fences and supporting pillars do not fall within the scope of Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, as they constitute an overall object or structure located forward of the front wall of the house.
- (e) The raised timber deck and surrounding boundary fences and supporting pillars do not fall within the scope of Class 5 of Part 1 of the Second Schedule

to the Planning and Development Regulations 2001, as the overall height of the structure exceeds 1.2 metres in height.

- (f) There are no other available exemptions within the applicable planning legislation.

**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 raised timber deck and surrounding boundary fences and supporting pillars constructed at the front (west side) of No 41 Carrowhubbock Village, Enniscrone, County Sligo, is development and is not exempted development.

**Board Member:**

 MS  
Chris McGarry

**Date:** 17/05/2022

