



An  
Bord  
Pleanála

Board Direction  
ABP-310682-21

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/06/2022.

Board Order as follows:-

**WHEREAS** a question has arisen as to: -

- (i) Whether the placement of mounds of stones and soil on land within Folio DL42379F is or is not development and is or is not exempted development.
- (ii) Whether the placement of up to 7 trailers and other agricultural hardware on land within Folio DL42379F is or is not development and is or is not exempted development,

**AND WHEREAS** Anne Murray requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 11<sup>th</sup> day of June 2021, stating that the matter is development and is exempted development,

**AND WHEREAS** Anne Murray referred this declaration for review to An Bord Pleanála on the 25<sup>th</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, as amended,

- (c) Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended,
- (d) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (e) Section 4(1)(j) of the Planning and Development Act 2000, as amended,
- (f) Article 6(1) and article 9(1) of the Planning and Development Regulations 2001, as amended,
- (g) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (h) the planning history of the site,

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

- (a) The placement of soil and stone mounds on land within Folio DL42379F is consistent with the placement of debris and, in the context of Section 3(2)(b)(iii) of the Act, constitutes a material change in the use of the land,
- (b) The placement of up to 7 trailers and other agricultural hardware on land within Folio DL42379F is consistent with the placement of vehicles on land and, in the context of Section 3(2)(b)(iii) of the Act, gives rise to a material change in the use of the land,
- (c) Section 4(1)(a) does not apply as there is no evidence of ongoing agricultural activity at the site, and
- (d) Section 4(1)(j) does not apply as the site is not within the curtilage of a house and the use is not incidental to the enjoyment of a house,

**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: -



