



An  
Bord  
Pleanála

Board Direction  
ABP-311139-21

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/04/2023.

The Board decided, as set out below:

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

- (a) the carrying out of repairs and alterations to an existing unoccupied piggery building and its re-use for housing pigs is or is not development or is or is not exempted development,
- (b) the re-opening of the pig farm is or is not development or is or is not exempted development, and
- (c) the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is or is not development and is or is not exempted development,

all at Killaghy, Mullinahone, County Tipperary,

**AND WHEREAS** the Mullinahone Piggery Action Group requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 21<sup>st</sup> day of July, 2021 stating that the carrying out of repairs to an existing unoccupied piggery building and its re-use for housing pigs is development and is not exempted development, the re-opening of the pig farm is not development, and the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is development and is not exempted development,

**AND WHEREAS** the Mullinahone Piggery Action Group care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny referred the question for review to An Bord Pleanála on the 16<sup>th</sup> day of August, 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 4(1)(a) and Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) the planning history of the site, and
- (e) the report and recommendation of the Inspector,

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

- (a) The repairs and alterations works undertaken in 2020 is development and is not exempted development.

- (b) The shed has been used as an agricultural shed since 1982 and is an established agricultural use and there is no evidence that the shed is unauthorised.
- (c) The use of the shed and the land has not been abandoned.
- (d) The use of the agricultural shed for the storage of pigs is an agricultural use which is not a material change of use and is not development.
- (e) The alterations to the building so as to reinstate an open passageway returning it to its previous layout and gross floor area is development and is exempted development.

**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:

- (1) the carrying out of repairs and alterations to an existing unoccupied piggery building and its re-use for housing pigs is development and is not exempted development,
- (2) the re-opening of the pig farm is not development, and
- (3) the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is development and is exempted development.

The Board noted the inspector's conclusion that the works undertaken in 2020 are development and are exempted development. The Board considered however, that the past works carried out to the building in 2020 included the covering of a throughway between two buildings (par 8.2.2 and 8.3.1 to 8.3.5 of the inspector's report) to form one larger building and agreed with the inspector's assessment that these works, comprising the alterations are development. However, the Board did

not share the view of the inspector that the works are exempted development on the basis put forward that they benefit from Section 4(1)(h) of the Act. The Board noted that the alterations comprised the formation of one large building where previously two smaller buildings existed and were of the view that these alterations materially affect the external appearance of the shed so as to render the appearance inconsistent with the character of the structure and could not benefit from this section of the Act. Accordingly, the Board concluded in its decision in (1) above that these works comprising repairs and alterations are not exempted development.

**Board Member:** Patricia Calleary **Date:** 05/04/2023  
Patricia Calleary