



An
Bord
Pleanála

Board Direction
BD-017437-24
ABP-312933-22

The submissions on file and the inspector's report were considered at a Board Meeting held on the 11/09/2024.

The Board decided that:

WHEREAS a question has arisen as to whether is or is not development or is or is not exempted development:

AND WHEREAS Robert Mullins and John Gibbons requested a declaration on this question from Carlow County Council on the 7

th day of February 2022 stating that the

matter was development and was not exempted development: AND WHEREAS Carlow County Council referred this to An Bord Pleanála on the 3rd day of March 2022 for a determination:

ANDWHEREAS 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 of the Planning and Development Act, 2000,
- (c) Section 4 of the Planning and Development Act, 2000, as amended,
- (d) articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Part 4 of the Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

(a) the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship and the improvement of existing gravel way and construction of a private footpath not exceeding 3 metres constitutes development as defined under section 3(1)(a) of the Planning and Development Act 2000 (as amended),

(b) that the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship it is not exempted development as it does not come within the ABP312933-22 Inspector's Report Page 17 of 17

scope of Section 4 or the provisions stated in the Regulations which would exempt the construction of a place of worship or the erection or placement of a temporary type structure all year round on a site without the benefit of a planning permission

(c) there are no exemptions provided for in the said Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended), and

(d) that the improvement of existing gravel and construction of a private footpath not exceeding 3 metres is development is exempted development as it comes within the scope of Class 13 Part 1 of Schedule 2 in the Planning and Development Regulations (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (1) (a) of the 2000 Act (as amended), hereby decides that

1. the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship is development and is not exempted development and that

2. the improvement of existing gravel way and construction of a private footpath not exceeding 3 metres is development and is exempted development

Board Member



Peter Mullan

Date: 11/09/2024