



An
Bord
Pleanála

Board Direction
ABP-314121-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of an agricultural shed, is or is not development or is or is not exempted development.

AND WHEREAS Paucic Courtney, requested a declaration on this question from Monaghan Council, and the Council issued a declaration on the 30th day of June 2022 stating that the matter is development and is not exempted development.

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)(a) 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) Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The agricultural shed constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended),
- (b) The agricultural shed, based on the details submitted by the referrer, would come within the scope of exemptions set out in Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (c) The structure would contravene a condition (Condition No. 7 attached to Ref. 18/538) and would therefore be contrary to Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended);

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 shed is development and is not exempted development.

Board Member:


Mary Henchy

Date: 22/01/2024