



An
Bord
Pleanála

Board Direction
ABP-316152-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/05/2024.

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

WHEREAS a question has arisen as to whether the home office built within the property boundary of The Dunes, Seapoint, Termonfeckin, Co. Louth is or is not development and is or is not exempted development.

AND WHEREAS Valerie Keating requested a declaration on this question from Louth County Council and the Council issued a declaration on the 3rd day of March 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Valerie and Gary Keating referred this declaration for review to An Bord Pleanála on the 28th day of March 2023:

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) Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended,
- (f) the documentation on file, including submissions from the referrer and the Planning Authority.
- (g) the character and pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The home office built within the property boundary of The Dunes, Seapoint, Termonfeckin, Co. Louth, constitutes development as defined in Section 3 of the Planning and Development Act 2000, as amended.
- (b) The home office built within the property boundary of The Dunes, Seapoint, Termonfeckin, Co. Louth does not fall within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended as it has been placed forward of the front wall of the house, as the area of the structure, when taken together with other such structures previously constructed, erected or placed within the said curtilage, would likely exceed 25 square metres and as the finishes of the structure do not conform with those of the existing 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 the home

office built within the property boundary of The Dunes, Seapoint, Termonfeckin, Co. Louth, is development and is not exempted development.

Board Member:



Liam Bergin

Date: 06/06/2024