



An  
Bord  
Pleanála

**Board Direction**  
**ABP-316296-23**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/09/2024.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the siting of a timber shed at Cloonkeen Townland, Castlerea, Co. Roscommon, is or is not development, and is or is not exempted development.

**AND WHEREAS** Andrzej Szelag requested a declaration on this question from Roscommon County Council who issued a declaration on the 20<sup>th</sup> day of March 2023 stating that the matter was development and was not exempted development:

**AND WHEREAS** Andrzej Szelag referred this declaration for review to An Bord Pleanála on the 12<sup>th</sup> day of April 2023:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Articles 9(1)(a)(viiB) and 9(1)(a)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) Class 9, Part 3, of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (e) The nature and extent of the works.
- (f) The documentation on file, including the submission of the referrer and the documentation provided by the Planning Authority.

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

- (a) The construction of the subject shed constitutes the carrying out of “works” and is therefore “development” within the meaning of Section 3 of the Planning and Development Act, 2000, as amended;
- (b) On the basis of the information on file, including that as set out in the grounds of appeal, there is no evidence that an established house exists on the site and, therefore, the referrer cannot benefit from the exemptions as set out in Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations and no other exemption is available under the legislation .
- (c) The works which are the subject of this referral would not require an appropriate assessment as they would not be likely to have a significant effect on the integrity of a European site, and therefore the restriction on exemptions under Article 9(1)(a)(viiB) of the Planning

and Development Regulations, 2001, as amended, do not apply in this instance.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act, 2000 Act, as amended, hereby decides that the siting of a timber shed is development and is not exempted development.

**Note:** In disagreeing with the recommendation of its Inspector, the Board considered that there was no evidence on file that an established residence exists on site.

**Board Member:**



Joe Boland

**Date:** 04/09/2024