



An  
Bord  
Pleanála

## Board Direction ABP-317892-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2024.

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 a single storey shed is or is not development or is or is not exempted development.

**AND WHEREAS** Daniel McAuliffe, requested a declaration on this question from Cork County Council, and the Council issued a declaration on the 1st day of August 2023 stating that the matter is development and is not exempted development.

**AND WHEREAS** Daniel McAuliffe referred this declaration for review to An Bord Pleanála, on the 28th day of August 2023.

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

- (a) Section 2(1), Section 3(1) and Section 4 of the Planning and Development Act, 2000, as amended,

- (b) Article 6(3) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and the conditions and limitations attached to this class
- (e) The submissions of the parties to the referral,
- (f) The pattern of development in the area,
- (g) (g) The report and recommendation of the Planning Inspector,,

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

- (a) The construction of the single storey agricultural shed constitutes development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (b) It has not been adequately demonstrated that the shed is linked to agricultural activity and therefore could not be considered within the scope of Class 9 Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and;
- (c) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed would constitute 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 the construction of an agricultural shed at Woodview, Curraghphadeen, Mallow, County Cork, is development and is not exempted development. .

**Board Member:**

  
Paul Caprani

**Date:** 06/11/2024