



An
Bord
Pleanála

Board Direction
ABP-320098-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/12/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway requested a declaration on this question from Galway County Council and the Council issued a declaration on the 6th day of June, 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway referred this declaration for review to An Bord Pleanála on the 2nd day of July, 2024:

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

- (a) Section 2(1), Section 3(1) and Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of Galway County Development Plan 2022-2028,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the works to be carried out to facilitate the rear extension of the structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the existing structure on the site, in a state of some disrepair but not derelict, would not constitute a change of use that is material.
- (c) having regard to the details of the proposed development as per the plans submitted and the potential for consequences in planning terms, it would, therefore, constitute development, which development does constitute exempted development,

Note:

In not agreeing with the Inspector in relation to the consideration of the change of use requirement for the property in order to provide residential accommodation at this site, the Board noted from the information on file, that

the main house, while in a state of some disrepair is not derelict and therefore the use has not been extinguished.

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 an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is development and is exempted development.

Board Member:



Liam Bergin

Date: 16/12/2024