

An
Bord
Pleanála

Board Direction ABP-320280-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2025.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether refurbishment works to existing cottage, existing access roadway will be used, no new development taking place, at Cloonlara, Swinford, County Mayo is or is not development or is or is not exempted development:

AND WHEREAS Niamh O'Malley care of Martin Lavelle of Knockaleanore, Partry, Ballinrobe, County Mayo requested a declaration on the said question from Mayo County Council and the Council issued a declaration on the 9th day of July, 2024 stating that refurbishment works to existing cottage, existing access roadway will be used, no new development taking place, was development and was not exempted development:

AND WHEREAS Niamh O'Malley referred this declaration for review to An Bord Pleanála on the 24th day of July, 2024:

AND WHEREAS An Bord Pleanála reconfigured the question as follows:

- (i) Whether use of existing access road is or is not exempted development.
- (ii) Whether refurbishment works to existing cottage is or is not exempted development.

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

- (a) Sections 2(1), 3(1) and 4(1(a) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area, and
- (f) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

Question 1

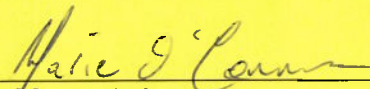
The use of the existing access road and established entrance to an existing dwelling that appears habitable and has not been abandoned is not development.

Question 2

The existing dwelling appears habitable, has not been abandoned and no change in use is proposed. In the absence of any information that informs the Board of the level of refurbishment works to be undertaken to the existing cottage, there is no specific question with which to make a declaration.

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 at Cloonlara, Swinford, County Mayo the use of the established entrance and existing access road to an existing dwelling that appears habitable and has not been abandoned is not development.

Board Member:


Marie O'Connor

Date: 11/04/2025