



## Board Direction

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**Ref: 21.RL3395**

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 18<sup>th</sup> 2015.

The Board generally concurred with the Inspector's analysis and recommendation, as set out in the following Order.

The Board decided that the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo is development and is not exempted development

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo, is or is not development and is or is not exempted development;

**AND WHEREAS** Sligo County Council requested a declaration of this question from An Bord Pleanála on the 24<sup>th</sup> day of August 2015.

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

- (a) Sections 2(1), 3(1), and 4 (1)(h) of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9, and Classes 7 and 50 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (c) The original use of the subject building as a farmhouse, which became derelict at least 30 years ago, and which, based on the evidence submitted in connection with this referral, had not been used for residential purposes as a dwelling in the intervening period until 2014;

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

- a) The works that are the subject of the referral constitute development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,
- b) The original cottage building has been effectively replaced by a new dwelling, with minimal retention of the original building fabric, and accordingly the works that have been carried out do not come within the scope of Section 4 (1)(h) of the Act, as they are not works for the maintenance, improvement or other alteration of the original structure, but rather for the effective replacement of that structure,
- c) There is no provision under the Planning and Development Regulations 2001, as amended, whereby this development, which amounts to the construction of a replacement dwelling, would constitute exempted development,
- d) The extension to the replacement dwelling, which is a porch, fails to comply with Class 7 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, not being within the size limits set out within this Class, and would involve an extension to a dwelling which itself is not exempted development, and
- e) There is no evidence on file of any residential use of this derelict building in over 30 years, and the Board is, therefore, satisfied that the residential use was abandoned; and the resumption of a habitable use of the subject building would now constitute a change of use that is material, having regard to the potential for consequences in planning terms, including the potential for implications in terms of wastewater, the provision of services in an unzoned, unserviced rural area, and the potential for the intensification of use of the narrow road fronting the site, and would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development.

**NOW THEREFORE** An Bord Pleanála in exercise of the powers conferred on it by section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo is development and is not exempted development

Board Member: \_\_\_\_\_ Date: 23<sup>rd</sup> December 2015  
Philip Jones