



## Board Direction

---

**Ref: 02.RL3472**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 29<sup>th</sup> 2016.

The Board decided, generally in accordance with the recommendation of the Inspector, that the existing detached stables building for the purpose of housing of horses within the curtilage of an existing house at Roebuck, Mounnugent, County Cavan is development and is not exempted development.

Board Order to be worded as follows:-

**WHEREAS** a question has arisen as to whether the existing detached stables building for the purpose of housing of horses within the curtilage of an existing house at Roebuck, Mounnugent, County Cavan is or is not development or is or is not exempted development.

**AND WHEREAS** this question was referred to An Bord Pleanála by Cavan County Council on the 30<sup>th</sup> day of March 2016.

**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) Articles 6(1), 6(3), 9(1)(a)(iii) and 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended;
- (c) Class 1 of Part 1, and Class 6 of Part 3, of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) The submissions on file and the report of the Inspector, and
- (e) The pattern of development in the area, including the agricultural holding associated with the stables building.

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

- (a) The construction of the subject stable building structure constitutes works, which in turn constitutes development within the meaning of the Planning and Development Act 2000, as amended.
- (b) The development generally comes within the scope of Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended. However, in the absence of sufficient documentary evidence regarding adequate effluent storage facilities, it cannot be concluded that the stable building satisfies Condition and Limitation number 3 as set out in Column 2 of this Class. Furthermore, being sited within 100 metres of a dwellinghouse not within the ownership of the person providing the structure and without a letter of consent from the owner and, as may be appropriate, the occupier or person in charge thereof, the development does not comply with the Condition and Limitation number 6 as set out in Column 2 of this Class. Accordingly, the development cannot be determined to be exempted development since not all of the applicable Conditions and Limitations of Class 3 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended, have been complied with, as is required by Article 6 (3) of these Regulations.

**NOW THEREFORE** An Bord Pleanála in exercise of the powers conferred on it by Section 5(4) of the Planning and Development Act, 2000, hereby decides that the existing detached stables building for the purpose of housing of horses within the curtilage of an existing house at Roebuck, Mountrugent, County Cavan is development and is not exempted development.

Board Member: \_\_\_\_\_ Date: 29<sup>th</sup> July 2016  
Philip Jones