



An
Bord
Pleanála

**Board Direction
27.RL3576**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 20th 2018.

The Board decided, as set out in the following Order, that the provision of a replacement shed at Ballinrush estate, Roundwood, County Wicklow is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the provision of a replacement shed at Ballinrush estate, Roundwood, County Wicklow is or is not development or is or is not exempted development.

AND WHEREAS Chandler Kohli requested a declaration on this question from Wicklow County Council, and the Council issued a declaration on the 6th day of April 2017 stating that the matter was development and was not exempted development.

AND WHEREAS Chandler Kholi referred this declaration for review to An Bord Pleanála, on the 28th day of April 2017.

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 5(1) and 6 (1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (d) The application of the concept of “curtilage” in the circumstances of this referral, and
- (e) The submissions on the file and the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The provision of the shed constitutes ‘works’ as defined in Section 2 of the Planning and Development Act 2000, as amended, and is therefore development within the meaning of the Act.
- (b) The shed can be regarded, in the particular circumstances of this case, as being located within the curtilage of a house, and therefore the shed would come within the scope of Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, but
- (c) As the height of the shed, above ground level, exceeds 4 metres, it does not comply with Condition and Limitation number 5 to which this Class is subject, and the shed is, therefore, not exempted development.
- (d) There are no other provisions, in the Act or Regulations, by which the subject shed would be classified as 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 provision of a replacement shed at Ballinrush estate, Roundwood, County Wicklow is development and is not exempted development.

Board Member

Date: 24th July 2018

Philip Jones