



Planning and Development Acts 2000 to 2018

Planning Authority: Offaly County Council

Planning Register Reference Number: DEC 18/1

WHEREAS a question has arisen as to whether the -

- (i) demolition and removal of the existing roof and gutters,
- (ii) replacement of the roof to match materially the external appearance of the replaced roof and consistent with the character of the structure of the replaced roof, the new roof ridge location being now centred on the overall width while the original was off centre,
- (iii) replacement of guttering and rainwater downpipes materially matching the external appearance of the replaced rainwater goods,
- (iv) erection of supporting roof structure, that is, steel portal frames, roof beams and purlins erected within the interior of the existing structure,
- (v) retention of the majority of the existing internal walls save only for the upper portions of the north elevation masonry between the gutter level and the lintel level of the external door opens with sheeting consistent with and matching the profiled roofing, and
- (vi) carrying out of an extension to the west (Ballycumber side) measuring circa 20 metres (gable) by circa 16 metres (front elevation),

at Ballycumber, County Offaly is or is not development or is or is not exempted development:

AND WHEREAS Ballycumber Exports Limited care of Vitruvius Hibernicus, Convent Road, Longford requested a declaration on the said question from Offaly County Council and the said Council issued a declaration on the 2nd day of February, 2018 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Ballycumber Exports Limited referred the declaration for review to An Bord Pleanála on the 20th day of February, 2018:

AND WHEREAS having examined the information on file, the Board considered it appropriate to simplify the question as follows:

Whether the refurbishment (including demolition works, structural works and re-cladding) and extension of an industrial building at Ballycumber, County Offaly, is or is not development or is or is not exempted development.

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,

- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Schedule 2 Part 1 Exempted Development — General Development for Industrial Purposes Class 21, and
- (g) relevant case law, and in particular, the Supreme Court judgement in Cronin (Readymix) Ltd -v- An Bord Pleanála & ors [2017] IESC 36 (30th May 2017).

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The demolition and construction carried out comprises works and, therefore, constitutes development.
- (b) The extent of demolition and structural work carried out has resulted in a materially different physical structure on the site compared with the original building, in terms of scale, form and height and, therefore, the refurbishment carried out, including structural changes, re-cladding and associated changes to the building, is considered not to fall within the scope of exemption under section 4(1)(h) of the Act.
- (c) The extension to the building does not fall within the scope of section 4(1)(h) of the Act, as amended, with reference to the case law cited above.

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 refurbishment (including demolition works, structural works and re-cladding) and extension of an industrial building at Ballycumber, County Offaly, is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Conall Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.