



Planning and Development Acts 2000 to 2018

Planning Authority: Westmeath County Council

Planning Register Reference Number: S5-5-18

WHEREAS a question has arisen as to whether the use of a shed for agricultural purposes at Marlinstown Bog, Mullingar, County Westmeath, is or is not development or is or is not exempted development:

AND WHEREAS John O'Connell care of The Planning Partnership of 29 Oliver Plunkett Street, Mullingar, County Westmeath requested a declaration on the said question from Westmeath County Council and the said Council issued a declaration on the 14th day of March, 2018 stating that the said matter is development and is not exempted development:

AND WHEREAS the said John O'Connell referred the declaration for review to An Bord Pleanála on the 6th day of April, 2018:

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,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(3) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history (including enforcement history) of the site:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The construction of the subject shed involved works and, therefore, comprises development.
- (b) The subject shed, which is relatively recently built, does not have the benefit of planning permission.
- (c) The submissions on file fail to substantiate the claim that the original use of the building, when constructed, was for agricultural purposes.

- (d) Based on documentation on file from the planning authority, the shed would appear, following its construction, to have been in use for non-agricultural purposes.

- (e) The shed cannot, therefore, avail of any exemptions that might otherwise be available for use of a building for agricultural purposes under Section 4(1)(a) of the Planning and Development Act, 2000, as amended, or under the Planning and Development Regulations, 2001, as amended.

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 the use of the subject shed for agricultural purposes at Marlinstown Bog, Mullingar, County Westmeath, is development and is not exempted development.

In deciding not to accept the Inspector's recommendation that the use of the building for agricultural purposes was not development, the Board considered that it had not been demonstrated that the use of the building, when constructed, was for agricultural purposes. In light of this, and in view of the planning history of the site, it was not considered appropriate to consider either the building or its use for agriculture as coming within the scope of exemptions set out in the Act or Regulations.

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.