



Planning and Development Acts 2000 to 2018

Planning Authority: Longford County Council

Planning Register Reference Number: DC18/4

WHEREAS questions have arisen as to whether the following are or are not development or are or are not exempted development:

- (a) rewiring of the house and store,
- (b) erecting of boiler house,
- (c) replacement of the decayed profiled metal roof on the house with profiled metal roofing,
- (d) replacing windows and external doors with replica timber windows and doors,
- (e) altering internal dividing wall to create an internal pantry,
- (f) dismantling of internal chimney to fit clay flue liners and rebuilding chimney after,

- (g) removing of loose plaster and re-plastering of internal and external walls,
- (h) relocating of internal doorways,
- (i) erection of extension to rear (circa 36 square metres),
- (j) demolition of part of gable to existing store,
- (k) improving existing driveway with additional gravel and kerbs,
- (l) keeping or storing of caravan or campervan within the curtilage of house, and
- (m) painting the interior and exterior of wall surfaces,

all at Ballagh, Newtownforbes, County Longford:

AND WHEREAS Tom Devine care of Liam Madden of Vitruvius Hibernicus, Convent Road, Longford requested a declaration on these questions from Longford County Council and the Council issued a declaration on the 30th day of April, 2018 stating that the matters were development and were not exempted development:

AND WHEREAS Tom Devine referred the declaration for review to An Bord Pleanála on the 2nd day of May, 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(2) of the Planning and Development Act, 2000,
- (c) sections 4(1) and 4(2) of the Planning and Development Act, 2000, as amended,
- (d) Articles 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the details on file regarding the proposed works to the structures on site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the matters referred to either fall within the definition of the term 'works' or comprise a material change of use (keeping or storing of a caravan or campervan) and, therefore, comprise development under section 3(2) of the Planning and Development Act, 2000, as amended,
- (b) the rewiring of the house and store, altering internal dividing walls, repairing/re-plastering internal walls, re-locating internal doorways, internal works to chimney, painting the interior and exterior surfaces comprise works for the maintenance, improvement or other alteration of the structure which only affect the interior of the structure and do not materially affect the external appearance of the structure, and are, therefore, exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (c) the replacement of metal roofing, windows and external doors, repair/replacement of external plaster and demolition of part of the gable to the existing store comprise works which have the potential to materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure, and are, therefore, not exempted development under section 4(1)(h) of the Planning and Development Act, 2000, as amended,

- (d) the erection of a boiler house, extension to the rear of the structure and the keeping of a caravan on site rely, for the purpose of the exempted development provisions, on the structure being construed as a 'house'. However, there is no evidence of the residential use of the structure and the Board is satisfied, therefore, that the residential use has been abandoned. Therefore, these matters do not fall within the provisions of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (e) the works to the driveway are insufficiently detailed to demonstrate compliance with the detailed provisions of Class 13 of Part 1 of Schedule 2 of 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:

- (a) the rewiring of the structures on site, altering of internal dividing walls, re-plastering of internal walls, relocating of internal doorways, internal works to chimney and painting of internal and external surfaces are development and are exempted development, and
- (b) the erection of a boiler house and rear extension, replacement of metal roofing, windows and doors, re-plastering of external walls, demolition of gable, improvement to existing driveway and keeping or storing a caravan or campervan on the site are development and are not exempted development,

all at Ballagh, Newtownforbes, County Longford.

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.

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.