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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: S5/2018/16**

**WHEREAS** a question has arisen as to whether an existing portal frame shed for agricultural usage, 5.07 metres in height, at Coolfore, Monasterboice, County Louth is or is not development or is or is not exempted development:

**AND WHEREAS** Fergus Neilon care of Green Design Build of 142 Leeson Street Upper, Dublin requested a declaration on the said question from Louth County Council and the said Council issued a declaration on the 12<sup>th</sup> day of April, 2018 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said Fergus Neilon referred the declaration for review to An Bord Pleanála on the 8<sup>th</sup> 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(1) of the Planning and Development Act 2000,
- (c) Article 6(3) and Article 9(1) of the Planning and Development Regulations 2001, as amended, and
- (d) Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended and the conditions and limitations attached thereto.

**AND WHEREAS** An Bord Pleanála has concluded that the building is a shed constructed, erected or placed within the curtilage of a house and, therefore, falls within Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, the area of the building in question alone exceeds 25 square metres, the external finishes and the roof covering of the building do not conform with those of the house, the height of the building exceeds three metres, the building is used for a purpose other than incidental to the enjoyment of the house and, therefore, does not comply with all the conditions and limitations set out under Class 3, 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 the existing portal framed shed for agricultural use at Coolfore, Monasterboice, County Louth is development and is not exempted development.

In deciding not to accept the Inspector's recommendation that the building in question falls within Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and is development and is exempted development, the Board considered that the building has been constructed within the curtilage of the house permitted under planning register reference number 15/456 and more specifically, within the rear garden of that house, as clearly delineated on Drawing Number 1503-301, and therefore, falls within Class 3 of Part 1 of Schedule 2.

### **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.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**