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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: EX 28/18**

**WHEREAS** a question has arisen as to whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow is or is not exempted development. This referral specifically excludes the use of the roof of this structure for sitting out purposes:

**AND WHEREAS** Seamus Mitchell care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 27<sup>th</sup> day of June, 2018 stating that the matter is not exempted development:

**AND WHEREAS** Seamus Mitchell referred the declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of July, 2018:

**AND WHEREAS** An Bord Pleanála, in the light of the documentation on the file, has reformulated the question as follows:

whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling, with steps which lead from the surface within the site to the roof of the shed at 3 Wellfield Close, Monkton Row, Wicklow 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) sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Class 3 of Part 1 of Schedule 2 to those Regulations, and the Conditions and Limitations set out in Column 2 thereof,
- (c) the access to the roof of the shed for amenity purposes, by steps which lead from the surface within the site, and
- (d) the planning history of the subject site:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the construction of the subject shed constitutes “works” and is, therefore, “development” within the meaning of Section 3 of the Planning and Development Act, 2000, as amended, and
- (b) the shed is not a development of a type that comes within the scope of the exempted development provisions of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, being a shed with access to the roof for amenity purposes:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, as amended, hereby decides that following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling, with steps which lead from the surface within the site to the roof of the shed at 3 Wellfield Close, Monkton Row, Wicklow 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.

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**John Connolly**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**