



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: S5/2018/58**

**WHEREAS** a question has arisen as to whether a portal frame shed for agricultural usage, 5.07 metres in height and site boundary revisions 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 this question from Louth County Council and the Council issued a declaration on the 31<sup>st</sup> day of January, 2019 stating that the portal frame shed for agricultural usage, 5.07 metres in height is development and the site boundary revisions are exempted development:

**AND WHEREAS** Fergus Neilon care of Green Design Build referred the declaration for review to An Bord Pleanála on the on the 26<sup>th</sup> day of February, 2019:

**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) Articles 6(1), 6(3) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (d) Classes 3 and 5 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 and 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 exceeds 25 square metres, the external finishes and 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 the conditions and limitations set out under Class 3, Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended. While site boundary revisions do not constitute development as there are no works involved, the construction of a new post and rail fencing structure, would not alter the curtilage of the house as granted under planning register reference number 15/465, would be located within the curtilage of a house, and would, therefore, fall within Class 5 of Part 1 of Schedule 2, to the Planning and Development Regulations 2001, as amended, and subject to the conditions and limitations on height, as set out therein, would constitute exempted development.

**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 frame shed for agricultural use, at Coolfore, Monasterboice, County Louth, is development and is not exempted development. The proposed site boundary revisions would not constitute development. The proposed construction of new post and rail fencing within the curtilage of the house would fall within Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and subject to compliance with the conditions and limitations set out therein, would constitute development and would constitute 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.

---

**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**