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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Longford County Council**

**Planning Register Reference Number: DC 19/2**

**WHEREAS** a question has arisen as to whether

- (1) the use of land, being the site edged in red on the map submitted with the request, consisting of the use for any of the purposes of agriculture and consisting of the use for that purpose of any building occupied with and so used is or is not development and is or is not exempted development,
- (2) the provision of a building measuring 154.87 square metres internally as a Class 9 agricultural shed is or is not development or is or is not exempted development, and
- (3) the provision of a boiler house as part of a central heating system for the adjoining house is or is not exempted development,

at Stonepark, Longford, County Longford:

**AND WHEREAS** Liam Madden of Convent Road, Longford, requested a declaration on this question from Longford County Council and the Council issued a declaration on the 25<sup>th</sup> day of March, 2019 stating that all three matters were development and were not exempted development:

**AND WHEREAS** Liam Madden referred this declaration for review to An Bord Pleanála on the 16<sup>th</sup> day of April, 2019:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 2 of Part 1, and Class 9 of Part 3, of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the subject site, and the pattern of development in the vicinity, including adjoining residential properties, and
- (e) the documentation on file, including of the inspection carried out by the Inspector of the subject shed and site:

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

- (a) the lands in question, being the site edged in red on the map submitted with the request, are located within the curtilage of the existing dwellinghouse, and do not form part of an agricultural holding,
- (b) the use of these lands for agricultural purposes would involve a change of use from residential to agricultural, and such change of use would be material, having regard to the pattern of development in the vicinity and the likely impacts on the residential amenities of adjoining properties, and would, therefore, be development,
- (c) the material change of use in this case would not, having regard to the location of the lands in question within the curtilage of a dwelling, come within the scope of the exemption afforded under Section 4(1)(a) of the Planning and Development Act, and would, therefore, not be exempted development,
- (d) the erection of the building that is the subject matter of this referral involved the carrying out of works and is, therefore, development,
- (e) the building in question is not linked to any agricultural activity on the lands in question, and, therefore, does not come within the scope of Class 9 of Part 3 of the Second Schedule to the Planning and Development Regulations, 2001, or of any other Class in this Part, and is, therefore, not exempted development, and

- (f) the building in question, having regard to its location within the curtilage of the adjoining dwelling, would, if provided solely as part of the central heating system of the existing house within the same curtilage, constitute a boiler house within the scope of Class 2 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and would, if used solely for this purpose as a boiler house, be 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

- (1) the use of land, being the site edged in red on the map submitted with the request, consisting of the use for any of the purposes of agriculture and consisting of the use for that purpose of any building occupied with and so used is development and is not exempted development,
- (2) the provision of a building measuring 154.87 square metres internally is development and is not exempted development under Class 9 of Part 3 of the Second Schedule to the Planning and Development Regulations, 2001, and
- (3) the building in question would, if provided and used solely as part of the central heating system of the existing house within the same curtilage, constitute a boiler house, and would in such circumstances be development and be exempted development,

all at Stonepark, Longford, 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.

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**Philip Jones**

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

**Dated this            day of            2019.**