



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: S5 2019/33

WHEREAS a question has arisen as to whether the construction of a domestic shed in the south-eastern corner of a residential site, having regard to the conditions attached to register reference number 17/392 (An Bord Pleanála appeal reference number PL 15.249291) at Rock Road, Blackrock, County Louth is or is not development or is or is not exempted development:

AND WHEREAS Thomas G. Duffy and Shirley Duffy of Chapel Pass, Blackrock, County Louth requested a declaration on this question from Louth County Council and the Council issued a declaration on the 23rd day of August, 2019 stating that this matter is development and is exempted development:

AND WHEREAS Thomas G. Duffy and Shirley Duffy referred the declaration for review to An Bord Pleanála on the 2nd day of September, 2019:

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

- (a) sections 2, 3 and 4 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 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the subject site, including planning permission register reference number 17/392 (An Bord Pleanála appeal reference number PL 15.249291), and in particular condition number 4 of that permission, and
- (e) the documentation on file, including the submissions of the referrers and of the owner/occupiers of the subject property, and the documentation provided by the planning authority in relation to compliance with condition number 4 of that planning permission:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the subject shed constitutes the carrying out of “works” and is, therefore, development within the meaning of section 3 of the Planning and Development Act, 2000, as amended,
- (b) the subject shed is used for purposes incidental to the enjoyment of the adjacent permitted dwelling, to which planning permission register reference number 17/392 (An Bord Pleanála appeal reference number PL 15.249291) relates,
- (c) the subject shed is located within the curtilage of this permitted dwelling, and comes within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and complies with the Conditions and Limitations to which this Class is subject, and
- (d) the subject shed does not contravene the conditions of planning permission register reference number 17/392 (An Bord Pleanála appeal reference number PL 15.249291), and in particular condition number 4 of that permission, having regard to the confirmation of that fact by the planning authority, and accordingly the restrictions on exemption under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended, do not apply in this instance:

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 construction of a domestic shed in the south-eastern corner of a residential site, having regard to the conditions attached to planning permission register reference number 17/392 (An Bord Pleanála appeal reference number PL 15.249291) at Rock Road, Blackrock, County Louth is development and is 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.

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

Dated this day of 2020.