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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: RA/S51941**

**WHEREAS** a question has arisen as to whether (a) the subdivision of the unit into two separate units is or is not development or is or is not exempted development, (b) the use of part of the existing building for use for storage of materials is or is not development or is or is not exempted development, and (c) the use of the yard Area 3 for the storage of materials is or is not exempted development at Jarretstown, Dunboyne, County Meath:

**AND WHEREAS** Peter Cafferkey, Derek Hynes and Tommy Gallagher care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare requested a declaration on the said question from Meath County Council and the said Council issued a declaration on the 22<sup>nd</sup> day of August, 2019 stating that the said matters are development and are not exempted development:

**AND WHEREAS** Peter Cafferkey, Derek Hynes and Tommy Gallagher referred the declaration for review to An Bord Pleanála on the 16<sup>th</sup> day of September, 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,
- (c) section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 5 of the Planning and Development Regulations, 2001, as amended,
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) article 10(1) and Part 4 of Schedule 2, of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,

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

- (a) the subdivision of the unit into two separate units comes within the scope of the definition of “development” as set out in section 3 of the Planning and Development Act, 2000, and

- (b) such subdivision affects only the interior of the structure and, therefore, comes within the exempted development provisions of section 4(1)(h) of the said Act,
- (c) the permitted use of the structures falls within Class 5 of Part 4 of Schedule 2 use as a wholesale warehouse and repository and that use for the storage of materials would come within the same use class,
- (d) use of the structures for the storage of materials, not comprising animal foodstuffs, would be inconsistent with the use specified in condition number 1 of planning register reference P75/1168 and the development, therefore, cannot avail of the exemption under the provisions of Class 9 of Part 4 of Schedule 2 of the planning and Development Regulations 2001, as amended, having regard to article 10(1) of the same regulations,
- (e) the established authorised use of Yard Area 3 for storage purposes has not been demonstrated to the satisfaction of the Board and the use of this area for the storage of materials would, therefore, constitute a change of use thereof, and
- (f) such change of use is regarded as material and is, therefore, development having regard to the scale of the site, severance from the adjoining buildings and the potential traffic safety impacts, and is not 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 -

- (a) the subdivision of the unit into two separate units is development and is exempted development,
- (b) the use of existing unit number 1 for the storage of materials not solely comprising animal feedstuffs is development and is not exempted development, and
- (c) the use of the yard Area 3 for the storage of materials is development and is not exempted development

at Jarretstown, Dunboyne, County Meath.

## **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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**Terry Ó Niadh**

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

**Dated this            day of            2020.**