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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: S5-19-19**

**WHEREAS** a question has arisen as to whether the construction of agricultural steel shed with paint finish corrugated panels to roof and wall 9 metres by 12 metres by 3.6 metres eaves height and yard in the back field, extension of access lane 3.4 metres wide to existing lane and existing entrance gate to road for making, crushing and bagging for agricultural and horticultural use at Liosúl Cottage, Gigginstown, Mullingar, County Westmeath is or is not development or is or is not exempted development:

**AND WHEREAS** Emer O'Siochru of 39 Windsor Road, Rathmines, Dublin requested a declaration on this question from Westmeath County Council and the said Council issued a declaration on the 4<sup>th</sup> day of October, 2019 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Emer O'Siochru referred the declaration for review to An Bord Pleanála on the 25<sup>th</sup> day of October, 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 5, 6 and 9 and Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the submissions on file, and
- (e) the report of the Inspector:

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

- (a) the construction of a shed and yards, and the extension of an access lane is development,
- (b) the use of the shed and yards areas for the production and sale of biochar, as described in the documentation submitted with the referral, does not constitute an agricultural use as defined in the relevant planning legislation,
- (c) the construction of a shed to facilitate the production and sale of biochar does not comply with Limitation number 1 of Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, (as amended), as the shed would be used for a purpose other than agriculture,

- (d) The construction of yards and an access lane extension related to the production and sale of biochar, does not comply with Limitation number 1 of Class 8, Part 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended), as the yards and lane would be used for a purpose other than agriculture,
- (e) No other exemptions are available within the planning legislation for the construction and use of the shed, yards and lane extension, as described in the documentation submitted with the referral:

**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 agricultural steel shed with paint finish corrugated panels to roof and wall 9 metres by 12 metres by 3.6 metres eaves height and yard in the back field, extension of access lane 3.4 metres wide to existing lane and existing entrance gate to road for making, crushing and bagging for agricultural and horticultural use at Liosúl Cottage, Gigginstown, Mullingar, County Westmeath 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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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020**