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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: S5 2019/53**

**WHEREAS** a question has arisen as to whether an extension to the existing vernacular stone cottage at Townleyhall, Drogheda, County Louth is or is not development or is or is not exempted development:

**AND WHEREAS** Sheila Finnermore care of Robert Kenny Architectural and Engineering Services, Townleyhall, Drogheda, County Louth requested a declaration on this question from Louth County Council and the Council issued a declaration on the 8<sup>th</sup> day of November, 2019 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Sheila Finnermore care of Robert Kenny Architectural and Engineering Services referred the declaration for review to An Bord Pleanála on the 5<sup>th</sup> day of December, 2019:

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

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1)(a) (viiB) and (xii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of the Louth County Development Plan 2015-2021,
- (e) the planning history of the site, and
- (f) the documentation on file, including photographs submitted by the referrer and the planning authority and the details regarding the proposed works:

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

- (a) the construction of an extension to the rear of the cottage at Townleyhall, Drogheda, County Louth, as set out in the drawings and associated documentation submitted with the referral, would constitute development,

- (b) the existing cottage structure on the site, in respect of which the works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this cottage in recent times, or for a significant period of time, and the resumption of such residential use of the subject building would now constitute a change of use that is material, having regard to the potential for consequences in planning terms, including the potential for implications in terms of wastewater, the provision of services in an unzoned, unserved rural area, proximate to European sites, and the potential for the intensification of use of the access and local road network in the vicinity and would, therefore, constitute development, which development does not come within the scope of any of the provisions for exempted development, as set out in the Planning and Development Regulations, 2001 (as amended), and
- (c) in view of its location within Townley Hall Demesne Architectural Conservation Area, and proximate to European sites, the development would fall within the Restrictions on Exemption as set out in article 9(1)(a) (xii) and (viiB) of the Planning and Development Regulations 2001, as amended.

**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 an extension to the existing vernacular stone cottage at Townleyhall, Drogheda, County Louth 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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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**