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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: R561/20**

**WHEREAS** a question has arisen as to whether the construction of a wall, blocking a historic side gate to the Old School House, Blarney, Cork is or is not development or is or is not exempted development:

**AND WHEREAS** Charles Colthurst care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on the said question from Cork City Council and the said Council issued a declaration on the 9<sup>th</sup> day of March, 2020 stating that the said matter was development and was exempted development:

**AND WHEREAS** Charles Colthurst referred this declaration for review to An Bord Pleanála on the 25<sup>th</sup> day of March, 2020:

**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, as amended,
- (c) section 81 of the Planning and Development Act, 2000,
- (d) section 82 of the Planning and Development Act, 2000, as amended,
- (e) class 5 and Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (g) the location of the wall beyond the existing boundary of the Old School House,
- (h) the submissions on the file, and
- (i) the report of the Inspector:

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

- (a) the construction of the wall comprises works which constitute development,
- (b) the construction of the wall falls within the scope of Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, being the construction of a wall, other than within or bounding the curtilage of a house, and
- (c) the construction of the wall is de-exempted by reason of the limitation set out at Class 11, namely, that the height of any new structure shall not exceed 1.2 metres:

**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 wall, blocking a historic side gate to the Old School House, Blarney, Cork 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.**