

Planning and Development Acts 2000 to 2021

Planning Authority: Sligo County Council

Planning Register Reference Number: ED 421

WHEREAS a question has arisen as to whether a raised timber deck and surrounding boundary fences and supporting pillars constructed at the front (west side) of number 41 Carrowhubbock Village, Enniscrone, County Sligo is or is not development or is or is not exempted development:

AND WHEREAS Kyran Hurley on behalf of the Carrowhubbock Management Company CLG of 7 Rathasker Heights, Kilcullen Road, Naas, County Kildare requested a declaration on the said question from Sligo County Council and the said Council issued a declaration on the 7th day of May, 2021 stating that the said matter is not exempted development:

AND WHEREAS Kyran Hurley on behalf of the Carrowhobuck Management Company CLG of 7 Rathasker Heights, Kilcullen Road, Naas, County Kildare referred the declaration for review to An Bord Pleanála on the 2nd day of June, 2021:

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


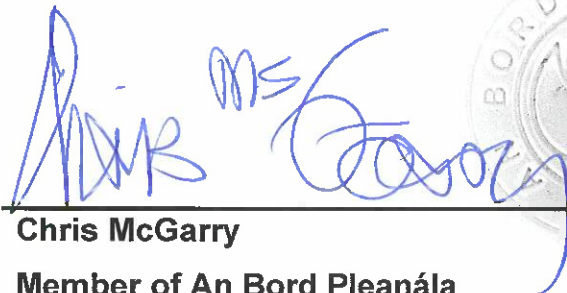
- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the raised timber deck and surrounding boundary fences and supporting pillars do not form part of permitted development under planning register reference number 15/23,
- (b) the raised timber deck and surrounding boundary fences and supporting pillars do not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, as the overall structure constitutes a new structure adjoining the existing house,
- (c) the raised timber deck and surrounding boundary fences and supporting pillars do not come within the scope of Class 6(b)(ii) of the Planning and Development Regulations, 2001, as amended, as the overall structure including fencing and supporting pillars does not constitute hard surface,

- (d) the raised timber deck and surrounding boundary fences and supporting pillars do not fall within the scope of Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, as they constitute an overall object or structure located forward of the front wall of the house,
- (e) the raised timber deck and surrounding boundary fences and supporting pillars do not fall within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, as the overall height of the structure exceeds 1.2 metres in height, and
- (f) there are no other available exemptions within the applicable planning legislation.

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 raised timber deck and surrounding boundary fences and supporting pillars constructed at the front (west side) of number 41 Carrowhubbock Village, Enniscrone, County Sligo is development and is not exempted development.



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

Dated this 1st day of June 2022