

Planning and Development Acts 2000 to 2021

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/21/35

WHEREAS a question has arisen as to whether:

- (a) the carrying out of repairs and alterations to an existing unoccupied piggery building and its re-use for housing pigs is or is not development or is or is not exempted development,
- (b) the re-opening of the pig farm is or is not development or is or is not exempted development, and
- (c) the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is or is not development and is or is not exempted development,

all at Killaghy, Mullinahone, County Tipperary,

AND WHEREAS the Mullinahone Piggery Action Group requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 21st day of July, 2021 stating that the carrying out of repairs to an existing unoccupied piggery building and its re-use for housing pigs is development and is not exempted development, the re-opening of the pig farm is not development, and the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is development and is not exempted development,

AND WHEREAS the Mullinahone Piggery Action Group care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny referred the question for review to An Bord Pleanála on the 16th day of August, 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)(a) and Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) the planning history of the site, and
- (e) the report and recommendation of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The repairs and alterations works undertaken in 2020 is development and is not exempted development.
- (b) The shed has been used as an agricultural shed since 1982 and is an established agricultural use and there is no evidence that the shed is unauthorised.
- (c) The use of the shed and the land has not been abandoned.
- (d) The use of the agricultural shed for the storage of pigs is an agricultural use which is not a material change of use and is not development.
- (e) The alterations to the building so as to reinstate an open passageway returning it to its previous layout and gross floor area is development and is exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that:

- (a) the carrying out of repairs to an existing unoccupied piggery building and its re-use for housing pigs is development and is not exempted development,
- (b) the re-opening of the pig farm is not development, and


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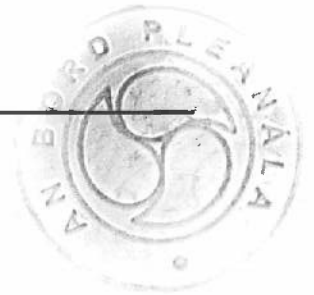
- (c) the removal of roof covering and associated structural supports and ventilation stacks so as to reinstate an open-through bridge passageway between adjoining sheds and undertaken to alter the sheds such that the enclosed internal floor area of same do not exceed 200 square metres individually is development and is exempted development.

Patricia Calleary

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Member of An Bord Pleanála

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



Dated this *18* day of *April* 2023.