

An  
Bord  
Pleanála

**Board Order**  
**ABP318947-24**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 344**

**WHEREAS** a question has arisen as to whether the alteration and reduction in size of unauthorised existing boundary fencing subject to An Bord Pleanála refusal (ABP-315969-23) at Tirquin, Dublin Road, Cavan, County Cavan is or is not development or is or is not exempted development:

**AND WHEREAS** Cavan County Council referred the question for decision to An Bord Pleanála on the 30<sup>th</sup> day of January, 2024:

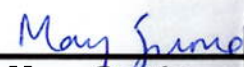
**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), Section 3(1), Section 4(1) and Section 163 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1)(a)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 11(a), Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the submissions on file, and
- (e) the planning history of the site.

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

- (a) the alteration and reduction in height of the fence would constitute “works” that is development as defined under Sections 2 and 3 of the Planning and Development Act 2000, (as amended),
- (b) the development would comprise exempted development under Class 11(a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, subject to Article 9(i) of those Regulations, and
- (c) the alteration and reduction in height of an unauthorised fence would “consist of or comprise the extension, alteration, repair or renewal of structure” and therefore, would not be exempted development having regard to Article 9(1)(a)(viii) 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(4) of the Planning and Development Act, 2000, as amended, hereby decides that the alteration and reduction in height of an unauthorised fence at Tirquin, Cavan, County Cavan would constitute development which would not be exempted development.

  
\_\_\_\_\_  
**Mary Gurrie**

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

**Dated this 11 day of November 2024**