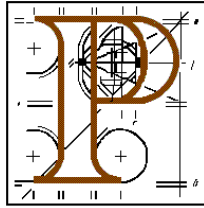


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Sligo County**

**Planning Authority Reference Number: ENF 2045**

An Bord Pleanála Reference Number: 21.RL.3395

**WHEREAS** a question has arisen as to whether the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo is or is not development or is or is not exempted development:

**AND WHEREAS** this question was referred to An Bord Pleanála by Sligo County Council on the 24<sup>th</sup> day of August, 2015:

**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) Articles 6 and 9, and Classes 7 and 50 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (c) the original use of the subject building as a farmhouse, which became derelict at least 30 years ago, and which, based on the evidence submitted in connection with this referral, had not been used for residential purposes as a dwelling in the intervening period until 2014:

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

- (a) the works that are the subject of the referral constitute development within the meaning of Section 3 of the Planning and Development Act, 2000,
- (b) the original cottage building has been effectively replaced by a new dwelling, with minimal retention of the original building fabric, and accordingly the works that have been carried out do not come within the scope of Section 4(1)(h) of the Act, as they are not works for the maintenance, improvement or other alteration of the original structure, but rather for the effective replacement of that structure,
- (c) there is no provision under the Planning and Development Regulations, 2001, as amended, whereby this development, which amounts to the construction of a replacement dwelling, would constitute exempted development,
- (d) the extension to the replacement dwelling, which is a porch, fails to comply with Class 7 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, not being within the size limits set out within this Class, and would involve an extension to a dwelling which itself is not exempted development, and
- (e) there is no evidence on file of any residential use of this derelict building in over 30 years, and the Board is, therefore, satisfied that the residential use was abandoned; and the resumption of a habitable 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, and the potential for the intensification of use of the narrow road fronting the site, and would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo 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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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**