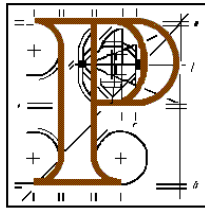


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cavan County

An Bord Pleanála Reference Number: 02.RL.3472

WHEREAS a question has arisen as to whether the existing detached stables building for the purpose of housing of horses within the curtilage of an existing house at Roebuck, Mountrugent, County Cavan is or is not development or is or is not exempted development:

AND WHEREAS this question was referred to An Bord Pleanála by Cavan County Council on the 30th day of March, 2016:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6(1), 6(3), 9(1)(a)(iii) and 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 of Part 1, and Class 6 of Part 3, of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the submissions on file and the report of the Inspector, and
- (e) the pattern of development in the area, including the agricultural holding associated with the stables building:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the subject stable building structure constitutes works, which in turn constitutes development within the meaning of the Planning and Development Act 2000, as amended, and
- (b) the development generally comes within the scope of Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended. However, in the absence of sufficient documentary evidence regarding adequate effluent storage facilities, it cannot be concluded that the stables building satisfies Condition and Limitation number 3 as set out in Column 2 of this Class. Furthermore, being sited within 100 metres of a dwellinghouse not within the ownership of the person providing the structure and without a letter of consent from the owner and, as may be appropriate, the occupier or person in charge thereof, the development does not comply with Condition and Limitation number 6 as set out in Column 2 of this Class. Accordingly, the development cannot be determined to be exempted development since not all of the applicable Conditions and Limitations of Class 3 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, have been complied with, as is required by Article 6(3) of these Regulations:

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 existing detached stables building for the purpose of housing of horses within the curtilage of an existing house at Roebuck, Mountnugent, County Cavan 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.

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

Dated this day of 2016.