



An  
Bord  
Pleanála

**Board Order  
03.RL.3513**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: R16-073**

**WHEREAS** a question has arisen as to whether –

- (i) the construction of an agricultural storage shed of circa 265 square metres, which is located on a sensitive, open and exposed landscape, on a designated scenic route on the Loop Head peninsula, and adjacent to a designated Heritage Landscape, and
  
- (ii) access to this shed via an entrance from the R487

at Kiltrellig, Kilbaha, Kilrush, County Clare is or is not development or is or is not exempted development:

**AND WHEREAS** Margaret and Henry Kennaugh care of Downey Planning of 1 Westland Square, Pearse Street, Dublin requested a declaration on the said question from Clare County Council and the said Council issued a declaration on the 26<sup>th</sup> day of October, 2016 stating that the said construction of an agricultural storage shed is development and is exempted development, and the said access to this shed is development and is not exempted development:

**AND WHEREAS** the said Margaret and Henry Kennaugh referred the declaration for review to An Bord Pleanála on the 15<sup>th</sup> day of November, 2016:

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

- (a) sections 2(1), 3(1), and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) articles 6(1), 6(3) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2, and Class 9, Part 3 of Schedule 2 to the said Regulations, and the conditions and limitations of this class,
- (d) the planning history of the site and the farm complex,
- (e) the location of the site proximate to a designated Heritage Landscape and scenic route as it applies to the R487, as set out in the Clare County Development Plan 2017-2023, and
- (f) the report of the Planning Inspector:

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

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) the agricultural storage shed has a gross floor space which exceeds 300 square metres, therefore it does not comply with condition and limitation number 1 set out in Class 9(2) of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (c) in view of the planning history of the site, including the previous reason for refusal by An Bord Pleanála (appeal reference number PL 03.245604), it is considered that the agricultural shed, by reason of its size and location, would interfere with the character of the proximate Heritage Landscape, which it is necessary to preserve, and the scenic route the preservation of which is an objective set out in the Clare County Development Plan 2017-2023 and would, therefore, come within the restriction on exemption in article 9(1)(a)(vi) of the said Regulations, and
- (d) the works relative to the entrance come within the restrictions on exempted development contained in article 9(1)(a)(ii) of the said Regulations as the entrance comprises the formation of a means of access to a public road the surfaced carriageway of which exceeds four metres in width:

