



An  
Bord  
Pleanála

## Board Order 18.RL.3594

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: EX17/15**

**WHEREAS** a question has arisen as to whether the construction of a house, site clearance and connection to septic tank at Drumquill, Castleblaney, County Monaghan is or is not development or is or is not exempted development:

**AND WHEREAS** Patrick Carragher of Drumquill, Castleblaney, County Monaghan requested a declaration on the question from Monaghan County Council and no declaration issued by the planning authority:

**AND WHEREAS** Patrick Carragher of Drumquill, Castleblaney, County Monaghan referred the question for decision to An Bord Pleanála on the 13<sup>th</sup> day of June, 2017:

**AND WHEREAS** An Bord Pleanála, in the light of the documentation on the file, has reformulated the question as follows:

whether the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank at Drumquill, Castleblaney, County Monaghan is or is not development or is or is not exempted development:

**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) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area, and
- (f) the submissions on file and the report of the Inspector:

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

- (a) the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to a septic tank constitutes works, which in turn constitutes development within the meaning of the Planning and Development Act 2000, as amended, and the development does not benefit from any exemption under Section 4 of the Planning and Development Act 2000, as amended,
  
- (b) the works to the structure that has taken place do not come within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended as they do not comply with all of the Conditions and Limitations of Column 2 of Class 3, and specifically do not comply with Conditions and Limitations numbers 1, 2, 4 and 5 of the same Class. Specifically, the works would not meet the requirements set out under Conditions and Limitations numbers 1, 2, 4 and 5 of Column 2 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
  
- (c) the connection of the structure to a septic tank does not come within the scope of any exempted development status either under the provisions of the Planning and Development Act 2000, as amended, or under Article 6 of the Planning and Development Regulations, 2001, as amended and is, therefore, not exempted development:

