



An
Bord
Pleanála

Inspector's Report ABP-305315-19

Question

Whether the construction of a domestic shed in the south east corner of a residential site is or is not development and is or is not exempted development having regard to the conditions attached to reg. ref. no: 17/392 (ABP15.249291).

Location

Rock Road, Blackrock, Co. Louth.

Declaration

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

S5 2019/33

Applicant for Declaration

Thomas Duffy

Planning Authority Decision

Is exempted development

Referral

Referred by

Thomas and Shirley Duffy

Owner/ Occupier

Aidan and Eileen Donnelly

Observer(s)

None

Date of Site Inspection

6th of December 2019

Inspector

Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Planning History.....	4
3.0 Planning Authority.....	5
3.1. Question.....	5
3.2. Referrer’s Case to the Council	5
4.0 Planning Authority Declaration.....	6
4.1. Declaration	6
4.2. Planning Authority Reports	6
5.0 Policy Context.....	8
5.1. Louth County Development Plan.....	8
5.2. Dundalk & Environs Development Plan 2009 – 2015.....	8
5.3. Natural Heritage Designations	8
6.0 Referral to the Board	8
6.1. Referrer’s Case	8
6.2. Planning Authority Response	9
6.3. Owner/ occupier’s response.....	9
7.0 Statutory Provisions.....	11
7.1. Planning and Development Act, 2000	11
7.2. Planning and Development Regulations, 2001	12
8.0 Assessment	14
8.1. Is or is not development	14
8.2. Is or is not exempted development	14

8.3. Restrictions on exempted development 15

8.4. Precedent Cases..... 16

8.5. Screening for Appropriate Assessment..... 18

9.0 Recommendation..... 18

1.0 Site Location and Description

- 1.1. The referral site is located at the eastern end of Rock Road, close to the junction with Sea Road (R172) in Blackrock, a coastal village that is situated to the south of Dundalk. There are adjoining residential properties to the east and west of the site that front onto the Rock Road, and dwellings to the south and east that front onto Chapel Lane, to the east. The site appears as backland development and is separated from adjoining dwellings to south, east and west by high panel fencing and some planting. The area is characterised by low density residential development with a range of dwelling types and plot sizes.
- 1.2. The site, with a stated area of 0.072 hectares, is a backland site that formerly comprised the rear garden area of an existing semi-detached cottage. It has a separate vehicular entrance and there is a narrow driveway from Rock Road along the side of the existing dwelling and the site opens up to the rear to form a rectangular shaped site. A contemporary single storey dwelling has recently been constructed on this site. A garden shed has been erected in close proximity to the dwelling and the south eastern corner of the the site. There is c.1.8m timber fences along the side and rear site boundaries. The south eastern part of the site is in proximity to the rear of two no. dwellings in Chapel Pass to the east.
- 1.3. On site, I noted that the Referrer's property to the rear have also erected a garden shed. This is to the west of their property in close proximity to the boundary and the subject shed. The latter has an external finish to match the render of the existing house. The shed on the subject site is not visible from the road but is visible above the fence and from the rear of the two adjoining properties in Chapel Pass. There is also a small glimpse of the two sheds from the gap seen between the two properties facing onto Chapel Pass.

2.0 Planning History

The following is the most recent history of the subject site:

- Reg.Ref. 17/392 Permission granted by the Council and subsequently subject to conditions by the Board -Ref. PL15.249291 refers for the Construction of a dwelling house and associated site development works.

Condition no. 4 relative to landscaping, is discussed in the context of this Referral and Assessment below.

A copy of this decision is included in the Planning History Appendix to this Report.

Ref: 19 U088 - It is noted that there has also been a recent history of Planning Enforcement relative to Non-compliance with Condition No. 4 of ABP Ref. No. PL15.249291 relative to the subject site.

3.0 Planning Authority

3.1. Question

Whether the construction of a domestic shed in the south eastern corner of a residential site at Rock Road, Blackrock, Co. Louth is or is not development and is or is not exempted development having regard to the conditions attached to Reg.Ref. no.17/392 (ABP15.249291).

3.2. Referrer's Case to the Council

Thomas Duffy, Chapel Pass, Blackrock submitted a Section 5 Referral to the Council and this included the following issues:

- It is not permitted to carry out exempted development contemporaneously with and adjacent to permitted development. Construction of the shed commenced some months prior to the house being occupied.
- It is contended that the construction of the shed prevents the planting of the laurel hedge along the eastern and southern boundaries, shown on the permitted drawing no. 3641-F1-01 dated 10th of August 2017.
- The recent insertion of laurel plants into the 350mm wide dark space between the shed and the solid boundary fence does not constitute compliance with Condition no. 4 of PL15.249241.
- During the planning and appeal process, the setback of the proposed development in PL15.249241 was increased from 1.5 to 3m and this was deemed to be of importance by the planners concerned (reference is had to the Planner's Report and the F.I Report).

- The construction of this shed completely undermines this decision as it brings construction within 350mm of the boundary fence and 400mm above it (photos are attached).
- It is less than 1m from a window on the property to the south and reduces the light entering that window and has an adverse impact on the visual amenity.
- They consider the Council's Enforcement Section took a liberal view of more windows being constructed on the rear elevation of the house than were shown on the permitted drawings.
- Under other circumstances, these matters might not be deemed to be of great significance. However, because of the extreme proximity of this dwelling house to the existing properties to the east and south, they take on great significance.

4.0 Planning Authority Declaration

4.1. Declaration

The development is 'development' and is 'exempted development'.

4.2. Planning Authority Reports

The Planner has regard to the existing development on site, including the dimensions of the shed. They noted that the structure's position is to the south east corner of the site and is only a few inches from the existing common boundary with two properties on Chapel Pass.

- They consider that the shed complies with the conditions and limitations of Class 3 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended) and that it would appear that the shed is exempted development.
- However, they note the restriction on exemption in Article 9(1)(a)(i) of the said Regulations.

- In the previous Declaration sought relative to (S5 2019/17) the Planning Authority considered that the Exempted Development rights available under Article 6 and under Class 3 in Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended) were de-exempted by reasons of Condition 4 of the Grant of Permission 17/392 (ABP.Ref. PL15.249291).
- This opinion was given on the basis that as the shed constructed is only inches from the common boundaries shared with two properties on Chapel Pass and it was considered that a portion of the hedgerow which is required to be planted and maintained as per the requirement of Condition 4 could not be planted as there is insufficient space to plant the said hedgerow along the eastern and south-eastern elevation of the shed.
- Since that decision was made the Developer of Reg.Ref. 17/392 (ABP Ref. PL15.249291) has planted a line of laurel hedgerow in the gap between the domestic shed and the common boundary in order to comply with Condition 4 of the said permission. The Planner provides that while the height of the laurel hedging is not currently 1.8m high as indicated on the landscaping plan drawings, the planting of the laurel hedging will grow to that height and beyond. Therefore, they consider that the planting is substantially in compliance with Condition 4 of the said permission, (photographs are included with their Report).
- They consider that the existing domestic shed is exempted development and is not limited by Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended), which places a restriction on Class 3 of Schedule 2, Part 1.
- They conclude that the existing single storey domestic shed structure falls under Class 3 of Schedule 2, Part 1, of the said Regulations and satisfies all of the conditions and limitations under that Class 3. Furthermore, that the structure does not materially contravene Condition 4 of ABP. PI15.249291, and as such is not de-exempted having regard to Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended).

5.0 Policy Context

5.1. Louth County Development Plan

The Louth County Development Plan 2015-2021 provides the strategic planning policies and objectives for County Louth including the administrative area of the former Dundalk Town Council including Blackrock Village. Blackrock is located within the environs of Dundalk. Section 2.16.4 notes that the Statutory Plan for Dundalk and the surrounding area is currently the Dundalk and Environs Development Plan 2009-2015 and Policy SS3 seeks: *To review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan.*

In addition to the County Development Plan, I have reviewed the Dundalk & Environs Development Plan 2009 – 2015 (as extended) as this provides the most recent zoning framework for the area.

5.2. Dundalk & Environs Development Plan 2009 – 2015

Blackrock Village is included within the area of the Dundalk Town & Environs Development Plan. The site was zoned 'Residential 1' with an objective '*to protect and improve existing residential amenities and to provide for infill and new residential development*'. The Dundalk & Environs Development Plan stated that infill sites are excluded from the phasing requirements set out in the Core Strategy of the Plan.

5.3. Natural Heritage Designations

There are no NHA's in the vicinity. Dundalk Bay SPA is c. 200m to the east.

6.0 Referral to the Board

6.1. Referrer's Case

This Referral is made by Thomas and Shirley Duffy of Chapel Pass, Blackrock, Co. Louth in accordance with Section 5(3)(a) of the Planning and Development Act 2000

(as amended). They attach Louth County Council's Exempted Development Declaration ref. SS.2019/33. Their case includes the following:

- They remain of the opinion that the construction of the shed in question, contemporaneously with the construction of the adjacent permitted dwelling house, conflicts in a significant manner with conditions attached to the permitted dwellinghouse and consequently adversely impacts on their adjacent properties.
- The arguments they present for the Board's consideration, as part of this referral, are those which they submitted in their Declaration request to the Council (as noted above) and they attach a copy of these.
- They also attach a copy of the Council's Development Declaration Ref. SS 2019/17 in relation to the same matter. This concluded that the shed was not exempt development.
- The subsequent planting of a few laurel plants in a very confined space sitting on top of a concrete foundation (Photos 1 & 2 attached) i.e in a non-survivable environment, is deemed to have brought about compliance with planning permission conditions. They contend that this is a token and will not alter the situation at all.

6.2. Planning Authority Response

Louth County Council provide that they have no further comment to make.

6.3. Owner/ occupier's response

Aidan and Eileen Donnelly's response includes the following:

- They had moved in prior to the shed being built, so they contest the claim of it being carried out contemporaneously with the permitted development.
- Prior to building the shed they checked and ascertained including with Louth Co.Co. that it was exempted development.

- They contend that the building of the shed does not contravene Section 9 of the current Planning and Development Regulations and that the landscaping complies with Condition 4 of the Board's permission.
- The building of the shed is not part of the original proposed development and thus was deemed to be exempt by Louth County Council.
- Subsequent to their first occupancy they built a domestic garden shed to house garden tools etc. It is separate exempt development as classified by the Council (they refer to a number of letters attached).
- The original proposed development for the dwelling house complies with the increased setback from the eastern boundary.
- The shed is well within the building regulations for an exempt development and they provide measurements. In the interest of visual amenity, they plastered the shed all around so that no bare block wall is showing on the neighbour's side.
- The window in the south of the property referred to is a utility room toilet window (photo 3) and already looks over the existing boundary fence (constructed by Mr Duffy) that is less than 1m from the window (photo 4).
- The Board will be aware that the right to a view is not a material planning matter, nor is its protection enshrined in any DP policies. They contend that the Referrer's main dwelling has no amenities that can be adversely affected by the exempted domestic shed development.
- They refute that additional windows were inserted in their dwelling, over that originally permitted. The number of windows along the eastern elevation are as per the original planning.
- They provide a background to the planting/felling of trees along the boundary (photo nos. 5 & 6 relate) stating that it was agreed that the then owner of the site, Marcella Carr, that Mr Duffy would replace the felled trees with mature trees at his cost on completion of his extension. They provide that this was not done and the planted the trees themselves at cost.

- They conclude that they have built a single storey family home on family land adjacent to a family member. They modified the plans due to objections from the Referrers. They contend that the house and garden shed, incorporate the highest standards in terms of design, layout and energy efficient materials. They attach photos to show that it is not overbearing in its surroundings.
- They contend that the referrer had motivation to purchase the subject site as it would increase significantly increase the value of his rental property in Chapel Pass. Also, they provide that this is the motivation for his objections.
- They consider that his objections and any future objections at this stage to be vexatious, relative to the Referrer's own agenda and request that their case for the legitimate development of the site be upheld by the Board.
- They request that the Board uphold the grant of exemption.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

Section 2 (1) of the Act states as follows:-

"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3.

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...

'Structure' means *"any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined, and –*

(a) Where the context so admits, includes land on, in or under which the structure is situate"

'unauthorised development' includes the *"carrying out of unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use."*

'unauthorised works' means "any works on, in over or under land commenced on or after the 1st of October 1964, being a use which is a material change in use of any structure or other land and being development other than –

(a) Exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or.....

Section 3 (1) of the 2000 Planning and Development Act states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4 (1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

Section 4 (1) (j) states that: *development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.*

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001.

7.2. **Planning and Development Regulations, 2001**

Article 6(1) of the Planning and Development Regulations, 2001 states that:

Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the Planning and Development Regulations, 2001 states that:

Development to which Article 6 relates shall not be exempted

development for the purposes of the Act –

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Schedule 2 Part 1 refers to *Exempted Development – General*

This refers to *Development within the curtilage of a house*

Class 3 provides for:

Column 1 Description of Development	Column 2 Conditions and Limitations
The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<ol style="list-style-type: none">1. No such structure shall be constructed, erected or placed forward of the front wall of a house.2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

8.0 Assessment

8.1. Is or is not development

- 8.1.1. Development' is defined under Section 3(1) of the Planning and Development Act, 2000 (as amended) as *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'*. 'Works' is defined under Section 2(1) of the Act "*...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*"
- 8.1.2. Therefore, having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended) it is considered that the erection of a shed, constitutes development under the above provisions of the Act.

8.2. Is or is not exempted development

- 8.2.1. Under the Irish planning system, development can lawfully be carried out in either of the following circumstances:
- In accordance with the terms of the planning permission granted for it; or
 - In the case of an exempted development, without planning permission but in accordance with the terms of the exemption.
- 8.2.2. A garden shed has been constructed in the south eastern corner of the site proximate to the site boundaries with the rear of the two detached houses in Chapel Pass to the east. I took some measurements on site and found the shed to be c. 2.2m in width by c.5.7m in length i.e c.12.54sq.m. It has a flat roof and has an overall roof height of c. 2.5m. It is c. 1.5m from the boundary wall of the existing house. I am also satisfied that the remaining rear garden space is well in excess of 25 sq metres.
- 8.2.3. Having regard to these measurements and the use as domestic shed being ancillary to the main dwelling house, I would consider that the structure would fall into the exemption provided by Class 3, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

As a domestic/garden shed it would also comply with exempted development as per Section 4 (1) (j) of the Planning and Development Act 2000 (as amended) which states that: *development consisting of the use of any structure or other land within*

the curtilage of a house for any purpose incidental to the enjoyment of the house as such.

8.3. Restrictions on exempted development

8.3.1. The main issue of relevance in this Referral is whether the garden shed erected in the rear garden would impact on landscaping as included in Condition no. 4 of the Board's permission (Ref. PL15.249291) granted relevant to the Construction of the dwelling house on the subject site. Therefore, there is a need to consider whether the restrictions on exemptions set out at Art.9(1)(a)(i), would be applicable i.e. that the development would not '*contravene a condition attached to a permission under the Act, or be inconsistent with any use specified in a permission under the Act.*

8.3.2. Condition 4 is as follows:

The landscaping scheme shown on drawing number 3641-FI-01 submitted to the planning authority on the 10th day of August, 2017 shall be carried out within the first planting season following the substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: *In the interest of residential and visual amenity.*

8.3.3. As noted above the concern is that the location of the domestic shed would not be in compliance with this Condition in that it has been erected close to the boundary in an area shown for retention of existing boundary landscaping. Regard is had to the aforementioned landscaping scheme, as shown on Drawing No. 3641- F1-01. This includes *Existing Boundary to be retained* along the southern and eastern boundaries and also provides for a *New Laurel Hedgerow 1.80m high.*

8.3.4. On site I noted that there is c.18cm (7inches) set back of the shed from the c.1.8m boundary fence. To comply with Condition 4 of ABP Ref. PL15.249291, the owner/occupiers of the site have planted a laurel hedge along the eastern and southern site boundaries. While some sprigs of laurel were seen planted in the

narrow gap between the shed and the boundary fence, growing conditions are not ideal in view of lack of space and light.

- 8.3.5. The owner/occupiers provide in their response to the Referral that in accordance with Condition 4 of the Board's permission they have planted laurels in enriched soil, not on concrete foundation, and these plants continue to thrive – ref. photos 1 & 2 attached. They also provide that any plants that may fail will be replanted as required under the aforementioned condition of Board Order PL.15. 249291.
- 8.3.6. The Referrer contends that this a token gesture and does not alter the situation that the hedging behind the shed is planted in an unsuitable environment where it will fail to thrive and that the erection of the shed in this location does not accord with Condition 4 of the Board's permission.
- 8.3.7. However, having regard to Condition 4 and the said landscaping drawing, it is considered that is more indicative rather than specific relative to landscaping, location of species etc. It allows for replacement planting for plants that die or fail to thrive, which as noted above the owner agrees to do. The shed was not part of the original permitted development. However as noted above it is exempted development under Class 3, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). Ref. PL.15.249291 does not include a condition providing for restriction of exemption.
- 8.3.8. It should be noted that the purpose of this referral is not to determine the acceptability or otherwise of the subject development, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development. In this case I am of the opinion, that Condition no. 4 has not been contravened and that the domestic shed falls within the scope of Class 3, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). Therefore, I would consider that it is exempted development.

8.4. **Precedent Cases**

- 8.4.1. While not really comparable to the subject case, as they raise different issues, the following previous Board decisions are of note relative to exemptions for domestic sheds. Copies of these Board decisions are included in the Appendix to this Report.

8.4.2. In Ref.09. RL3062 a Question arose as to: Whether the construction of a domestic shed in the rear garden space of 31 Rockfield Green, Maynooth, Co. Kildare, is or is not development and is or is not exempt development. In that case the Board concluded that –

(a) the construction of the subject shed constitutes “works” and is therefore “development” within the meaning of Section 3 of the Act, and

(b) the shed comes within the scope of Class 3 of Part 1 of Schedule 2 to the said Regulations, and complies with the conditions and limitations to that

Class,

(c) number 31 Rockfield Green occupies a corner site and so, for the purposes of Article 9(1)(a)(iv) of the said Regulations, the only front wall of a building either side of the shed is the front wall of the dwelling at number 31 Rockfield Green. Number 1 Rockfield Close is not ‘either side’ but to the rear of both the shed and number 31 Rockfield Green.

(d) the shed is not located forward of the front wall of number 31 Rockfield Green, and

(e) there is no line determined as the building line for this location set out in the Development Plan for the area.

The Board concluded that the construction of a shed in the rear garden area of the said property is development and is exempted development.

8.4.3. In Ref. ABP -302774-18 a Question arose as to: Whether an existing attic conversion including any external alterations in relation to same and the nature of such use, an extension to rear, and a domestic shed to rear, at 18 Riverside Grove, Newbridge County Kildare is or is not development or is or is not exempted development. The Board concluded relevant to the shed:

(c) the detached shed/garage to the rear is located within the curtilage of a dwelling and complies with the conditions and limitations set down under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001:

The Board concluded that (a) an existing attic conversion including any external alterations in relation to same and the nature of such use; (b) extension to rear, and (c)

domestic shed to rear at 18 Riverside Grove, Newbridge, County Kildare is development and is exempted development.

- 8.4.4. In Ref. ABP-302905-18 a Question arose as to: Whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow is or is not exempted development. The Board concluded relative to the shed:

(b) the shed is a development of a type that comes within the scope of the exempted development provisions of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and

Following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling, and the removal, by infilling, of steps which lead from the surface within the site to the roof of the shed at 3 Wellfield Close, Monkton Row, Wicklow is development and is exempted development.

8.5. Screening for Appropriate Assessment

- 8.5.1. Having regard to nature and scale of the development and the nature of the receiving environment and the distance and lack of connections to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the construction of a domestic shed in the south east corner of a residential site at Rock Road, Blackrock, Co. Louth, having regard to the conditions attached to Reg.Ref.

no.17/392 (ABP15.249291) is or is not development or is or is not exempted development.

AND WHEREAS Thomas Duffy requested a declaration on this question from Louth County Council and the Council issued a declaration on the 23rd day of August, 2019 stating that the matter is development and is exempted development:

AND WHEREAS Thomas and Shirley Duffy referred this declaration for review to An Bord Pleanála on the 2nd day of September, 2019:

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

- (a) Sections 2(1), 3(1) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, including the conditions of the Board's decision in Ref. PL15.249291,
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the construction of the subject shed constitutes 'works' and is therefore 'development' within the meaning of Section 3 of the Act, and
- (b) the domestic shed for purposes incidental to the enjoyment of the house falls within the meaning of exempted development of Section

4(1)(j) of the Act,

- (c) the domestic shed is located within the curtilage and to the rear of the existing dwelling and comes within the scope of Class 3 of Part 1 of Schedule 2 to the said Regulations, and complies with the conditions and limitations to that Class,
- (d) the development comes within the scope of the exempted development provisions of Class 6, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 as amended,
- (e) The shed does not contravene the conditions and in particular Condition 4 of the Board's decision relevant to Ref. PL.15.249291 and would therefore not be within the Restrictions on Exemption as per Class 9(1) (a) (i) 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 (3) (a) of the 2000 Act, hereby decides that the construction of a domestic shed in the south east corner of the curtilage of the existing house at Rock Road, Blackrock, County Louth is development and is exempted development.

Angela Brereton
Planning Inspector

23rd December 2019