



An  
Bord  
Pleanála

## Inspector's Report ABP312933-22

### Question

Whether new non-permanent wood clad cabin on block pad foundation, improvement of existing gravel way and construction of a private footpath not exceeding 3 metres is or is not exempted development.

### Location

Pollerton Little, County Carlow.

### Declaration

Planning Authority

Carlow County Council.

Planning Authority Reference.

S5- 22-02

Applicants for Declaration

Robert Mullins and John Gibbons

### Planning Authority Decision

No declaration referred to an Bord Pleanála under Section 5(4) of the Planning and Development Act 2000 (as amended).

### Referral

Second Party

### Referred by

Carlow County Council

### Owner Occupier

Robert Mullins and John Gibbons

### Observer(s)

None.

### Date of Site Inspection

3<sup>rd</sup> July 2024.

### Inspector

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is located in the northeastern outskirts of the town of Carlow and has frontage onto the R448 regional Route within the 60 kph speed limit. The area has a mix of uses. The site itself has access onto the regional route and there is a gravel path on the site running parallel to the public road which has access onto the regional road via an existing site access located to the southwest of the site. There is also a separate dish kerb on the footpath on site frontage with a gate and a rough path leads from this gate into the subject to the site. Also, on the site wooden clad structure located centrally on the site and both of the internal paths on the site lead to this structure.

## 2.0 The Question

- 2.1. The question before the Board relates to is in relation to three questions
1. The new non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> as per the described and declared description of Carlow County Council, is in place for the purpose of acting as a place of worship. Given the historically long standing ecclesiastical importance of the land as a spiritual locus and regular place of worship, a fact that predates the 12<sup>th</sup> century Anglo Norman invasion of the land this in point of fact being the primary motive in our acquisition of the site there is no material change of use of the site, thereby excluding it from being development within the meaning ascribed to same in Section 3 of the Planning and Development Act 2000 and ergo rendering it exempt from planning permission.
  2. Furthermore, the new non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup>, is in place with the intended purpose of acting as a place of worship as per Class 15 in Part 1 of Schedule 2 in the Planning and Development Regulations (as amended), wherein it does refer to "*temporary structure for occasional use for social or recreational purposes of any school, hall, club art gallery, museum library, reading room, gymnasium or any other*

*structure normally used for public worship or religious instruction*” in the interests of clarity we deem it prudent to point out that the legislation pertaining to same does not include words “existing”, “pre-existing” and/or related synonyms.

3. The improvement of the pre-existing gravel way and construction of a private footpath not exceeding 3 metres as per Class 13 Part 1 of Schedule 2 in the Planning and Development Regulations (as amended). It should also be pointed out that said way was in existence and had been improved upon prior to the cabin being in place, the latter being chronologically and materially secondary to the gravel way.

- 2.2. Carlow County Council have requested a determination from the Board under Section 5(4) of the Planning and Development Act 2000 (as amended) in a letter dated 3<sup>rd</sup> March 2022 (Ref: S5-22-02) in relation to the questions raised.

### **3.0 Planning Authority Reports**

- 3.1. Planning Report of the 28<sup>th</sup> February 2022 refers to the planning history of the site including two section 5 declarations, the legislative provisions considered relevant and an assessment in the context of these provisions considering that the view of the planning authority has not changed from previous determinations with a recommendation to refer to the Board under Section 5(4) of the Planning and Development Act 2000 (as amended).

### **4.0 Planning History**

- 4.1. The site has a planning history
- 4.1.1. Section 5 Declaration S5.21/12.

Similar development but also referred to initial afforestation.

Decision of the planning authority is development and no exempted development.

The determination of the planning authority in summary was that the non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> in place for the purpose of acting as a place of worship constitutes a material change of use of the site and is therefore development.

The determination of the planning authority was that the non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> in place for the purpose of acting as a place of worship does not qualify as an exemption as it does not come within the scope of Class 15 of Part 1 of Schedule 2 as a new non-permanent structure on the site does not come within the meaning of the existing buildings/structures referred to in Class 15.

No information was provided to substantiate the existence of an overgrown gravel way on the site. Notwithstanding the aforesaid the stated repair and improvement is ancillary to the placement and use of the wood clad cabin and does not qualify for an exemption by reason that the restriction on exemptions in Article 9(1)(a)(viii) applies as relating to unauthorised structures.

The use for initial afforestation does not qualify for an exemption under classes 11 and 15.

#### 4.1.2. Section 5 Declaration S5.21/15.

Decision of the planning authority was development and not exempted development.

The determination of the planning authority in summary was that the non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> in place for the purpose of acting as a place of worship constitutes a material change of use of the site and is therefore development.

The determination of the planning authority was that the non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> in place for the purpose of acting as a place of worship does not qualify as an exemption as it does not come within the scope of Class 15 of Part 1 of Schedule 2 as a new non-permanent structure on the site does not come within the meaning of the existing buildings/structures referred to in Class 15.

No information was provided to substantiate the existence of an overgrown gravel way on the site. Notwithstanding the aforesaid the stated repair and improvement is ancillary to the placement and use of the wood clad cabin and does not qualify for an exemption by reason that the restriction on exemptions in Article 9(1)(a)(viii) applies as relating to unauthorised structures.

## **5.0 Policy Context**

### **5.1. Local Planning Policy**

The relevant plan is the Carlow County Development Plan but there is no provisions relevant to this referral.

### **5.2. Natural Heritage Designations**

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

## **6.0 The Referral**

6.1. The Owner Occupier sought a Section 5 Declaration from the Planning Authority on the 7<sup>th</sup> February 2022 that development on their land is not development and notwithstanding this the stated activity would indeed be legally and lawfully exempt from planning permission.

## **7.0 Owner/Occupier Response**

7.1. In summary the response indicates,

- The contention is that there is no development and that the stated activity would indeed by default be legally and lawfully exempt from planning permission and that errors were made in relation to previous consideration by the planning authority.
- Reference is made the initial submission and the historic long established ecclesiastical use of the site as a spiritual locus and regular place of worship and that there is no material change in the use of the site thereby excluding it from being development and ergo rendering it exempt from planning permission; reference is made to Class 15 and that the legislation pertaining to same does not include the words existing, pre-existing and/or related synonyms and that the reference is made to Class 13 and that the pathway was in place prior to the cabin being in place and ergo is not ancillary to the cabin.

- In relation to the planning authority report the entrance gate to the R448 is sealed shut and not in use, there is no driveway and there is a private path presumably used in the past for vehicular access in the past and that recent improvements on the R448 providing a footpath includes a dip/ramp allowing access to the land.
- The referrers have no knowledge of how long this private pathway have existed on the land other than it became completely overgrown.
- The referrers have indicated the use of the cabin and the use of the site to the planning authority.
- Prior to their ownership of the land the cabin was in place and in use for occasional worship and there has been no material change of use in the structure or land.
- There is no misinterpretation of behalf of the referrers in relation to Class 15. The fact is that the non-permanent i.e. temporary cabin clearly and unambiguously comes within the meaning of “any structure normally used for public worship or religious instruction”. Given the cabin is a temporary structure, is normally used for religious instruction and facilitates occasional social activity related to same it is very clear that it falls under Class 15.
- There is grounded foundation that the cabin constitutes development.

## 8.0 Statutory Provisions

### 8.1. Planning and Development Act, 2000

#### 8.1.1. Section 2(1) – Interpretation

Development has the meaning assigned to it by section 3 and ‘develop’ shall be construed accordingly.

Exempted development has the meaning specified in section 4.

Unauthorised development means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use; “unauthorised structure” means a structure other than— (a) a structure which was in existence on 1

October 1964, or (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act);

Unauthorised use” means, in relation to land, use commenced on or after 1 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 (b) development which is the subject of a permission granted under Part IV of the Act of 1963 being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

Unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, 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 (b) development which is the subject of a permission granted under Part IV of the Act of 1963 being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; Use, in relation to land, does not include the use of the land by the carrying out of any works thereon;

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 the land on, in or under which the structure is situate,

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

#### 8.1.2. Section 3(1) – Development

In this Act, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

#### 8.1.3. Section 4 – Exempted Development

Section 4. (1) The following outlines exempted developments for the purposes of this Act.

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

#### 8.2. Planning and Development Regulations, 2001

##### 8.2.1. Article 6 (1) –

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.

##### 8.2.2. Article 9 (1) –

Development to which article 6 relates shall not be exempted development for the purposes of the Act and the restrictions and limitation are outlined in this Article including;

(1)(a)(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

##### 8.2.3. Article 10 (1) refers to change of use and that

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not —

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or



(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

#### 8.2.4. Part 1 of Schedule 2 Exempted Development — General

##### Sundry Works

Class 13 The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving. Subject to the condition and limitation.

The width of any such private footpath or paving shall not exceed 3 metres.

#### 8.2.5. Temporary structures and uses

Class 15 Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction.

#### 8.2.6. Part 4 of the Schedule 2 Exempted development- Classes of Use

Class 7 Use— (a) for public worship or religious instruction, (b) for the social or recreational activities of a religious body, (c) as a monastery or convent.

## 9.0 **Assessment**

9.1. The purpose of this referral is not to determine the acceptability or otherwise of the development referred to in the question but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

9.2. It is proposed to address the questions as stated to the Board by considering questions 1 and 2 which are interrelated as they relate to a new non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> as per the described and declared description of Carlow County Council, is in place for the purpose of acting as a place of worship. It is then proposed to consider the improvement of a gravel way and construction of a private footpath

9.3. Is or is not development

- 9.3.1. In relation to the first question there are two matters which arise the use of the site and the presence of a wood clad cabin on the site. The referrers in the initial submission to the planning authority contend that new non-permanent wood clad cabin is in place for the purpose of acting as a place of worship and reference is made to the historically long standing ecclesiastical importance of the land as a spiritual locus and regular place of worship and there is no material change of use of the site, thereby excluding it from being development within the meaning ascribed to same in Section 3 of the Planning and Development Act 2000 and ergo rendering it exempt from planning permission.
- 9.3.2. It is initially required to address the issue of development. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect it relates to both works and the material change in the use of land. Development so defined can be exempted development if it comes within the scope of the provisions of Section 4 of the Act or as provided for in the Planning and Development Regulations 2001 as amended.
- 9.3.3. The carrying out of works and/or the making of any material change in the use of any land or structures applies in relation to structures whether they are temporary or other structures.
- 9.3.4. The site may as suggested have a historic ecclesiastical significance but the placing of a structure for use as a place of worship does represent a material change as there is no evidence presented of any historic structure used as a place of worship on the site. An examination of historic mapping back to the mid nineteenth century indicates no presence of a structure used for religious worship on the site. Therefore, it cannot be stated that there is an established religious use within the meaning of the Act on the site.
- 9.3.5. Based on the definition of development as stated in Section 3(1) (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and based on the information submitted the placing of a new non-permanent wood clad cabin is development.

Irrespective therefore of any historical use of the site the erection of a structure for public worship constitutes development unless provided for within the provisions stated for exempted development in the Act and Regulations.

To conclude, based on this assessment the new non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup> constitutes development within the meaning ascribed to same in Section 3 of the Planning and Development Act 2000 as amended.

9.3.6. In relation to the second question the referrers contend that the new non-permanent wood clad cabin on block pad foundation measuring 25m<sup>2</sup>, is in place with the intended purpose of acting as a place of worship as per Class 15 in Part 1 of Schedule 2 in the Planning and Development Regulations as amended it is important initially to state that Class 15 refers to exempted development provisions and are considered in the context of development which is defined to be development but is considered to be exempted development withing the meaning and provisions stated in the Planning and Development Act 2000 as amended and the Planning and Development Regulations 2001 as amended. As the new non-permanent wood clad cabin is considered to be development the issue of Class 15 should be considered in the context of whether it is or is not exempted development.

9.3.7. In relation to the third question contends that the improvement of the pre-existing gravel way and construction of a private footpath not exceeding 3 metres is in effect exempted development as per Class 13 Part 1 of Schedule 2 in the Planning and Development Regulations (as amended) and that the said way was in existence and had been improved upon prior to the cabin being in place.

In relation to this the reference made in the letter of referral refers to a provision of exempted development of works which are considered to be development within the meaning of Section 3 of the Act.

It is initially therefore required to address the issue of development. Section 3(1)(a) of the Act defines development as *the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land*. Within the meaning of the Act any works can be defined as development and therefore the works in question are development the development so defined can be exempted development if it comes within the scope of the

provisions of Section 4 of the Act or as provided for in the Planning and Development Regulations 2001 as amended.

I would also note Class 13 of the Exempted Development does apply to the repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving inferring that an existing road or way repaired or improved constitutes development but may be exempted development if the provisions of Class 13 are met.

Based on this assessment the improvement of the pre-existing gravel way constitutes development within the meaning ascribed to same in Section 3 of the Planning and Development Act 2000 as amended.

- 9.4. Is or is not exempted development.
- 9.5. The issue to consider is whether the three questions are exempted development.
  - 9.5.1. In relation to the first two questions which are inter-related Section 4 of the Act and specified Articles 6, 9 and 10, Part 1 of Schedule 2 Class 15 and Part 4 of the Schedule 2 Exempted development- Classes of Use Class 7 are relevant and/or are referred to in relation to the consideration of exempted development.
  - 9.5.2. Section 4. (1) The outlines exempted developments for the purposes of the Act and the provisions outlined in this subsection do not provide for an exemption in relation to matters outlined in questions 1 and 2. Section 4 (2) provides for making of regulations for any class of development to be exempted development for the purposes of this Act and there are conditions and limitations stated in relation to development to be considered exempted development.
  - 9.5.3. It is also important to consider that in Section 2(1) – Interpretation unauthorised development is also defined and an unauthorised structure is other than (a) a structure which was in existence on 1 October 1964, or (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act). The structure on the site was not in existence on 1 October 1964, or is a structure, which was the subject of a planning permission for development granted.

- 9.5.4. In relation to exempted development there is no stated provision under section 4 or the provisions stated in the Regulations which exempts the construction of a place of worship or the erection or placement of a temporary type structure all year round on a site without the benefit of a planning permission. There is also the provision as stated in Article (9)(a)(viii) that development shall not be exempted development for the purposes of the Act and the restrictions and limitation are outlined including a structure the use of which is an unauthorised use.
- 9.5.5. Part 4 of the Schedule 2 of the Planning Regulations Classes of Use and this defines a number of classes of use and changing from a particular class of use to another class is not exempted and where certain defined activities or uses can occur within a particular defined class and this provided as defined in Article 10 (1) refers to change of use and that development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not include
- (a) involve the carrying out of any works other than works which are exempted development,
  - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.
- 9.5.6. Class 7 specifically identifies religious related activities as a particular use and provides for (a) for public worship or religious instruction, (b) for the social or recreational activities of a religious body and (c) as a monastery or convent and that activities within the uses within the class can occur for example within a structure used for public worship or religious instruction and also be used for the social or recreational activities of a religious body.
- 9.5.7. This does infer that the erection of a structure for use for public worship is not development unless specifically provided for within the provisions of exempted development and Article 10 (1) does set out limitations or has the benefit of a grant of planning permission and the structure on the site does not have the benefit of a planning permission.

- 9.5.8. In relation to Class 15 of Part 1 of Schedule 2 referred to in the questions this class refers to temporary structures and uses and for the occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction. The inference is that any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction can be used for occasional use for social or recreational purposes. It does not infer a temporary structure can be considered exempted development for use as a church unless the church whether it is a temporary structure or not is an authorised use or has the benefit of a planning permission and if it is authorised it can be used for the occasional use for social or recreational purposes which would be considered ancillary to the primary use.
- 9.5.9. The development was described in the initial two questions as they pertain to the new non-permanent wood clad cabin therefore does not constitute exempted development.
- 9.5.10. In relation to the third question and whether the improvement of the pre-existing gravel way and construction of a private footpath not exceeding 3 metres as per Class 13 Part 1 of Schedule 2 in the Planning and Development Regulations 2001 (as amended) is exempted development the main contention is that the gravel pre-existed prior to the erection of the cabin and the works carried out fall within class 13 sundry works which permit the repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving subject to the condition and limitation that the width of any such private footpath or paving shall not exceed 3 metres.

The planning authority have contended that there is insufficient information in relation to the existence of the path and that irrespective of its existence the presence of the unauthorised cabin on the site would permit consideration of Article 9(1)(a)(viii) and the gravel way is connected with and ancillary to the placement and use of the wood clad cabin on the site and this would de-exempt any exemption provided for under Class 13.

In relation to planning authority contention there is no conclusive evidence submitted that there was not a path or paths in existence prior to the placement of the cabin and therefore it cannot be clearly stated that the gravel way only exists as it is connected with and ancillary to the placement and use of the wood clad cabin on the site.

Class 13 does provide a wide latitude in relation to the repair or improvement of any private street, road or way but also the construction of any private footpath or paving subject to the condition and limitation that the width of any such private footpath or paving shall not exceed 3 metres and that path could be used to facilitate a range of matters on the site other than serving or being ancillary to unauthorised development.

Based on this consideration and the absence of information to conclusively state that the path did not predate the presence of the cabin on the site I consider that the pathway repair or improvement is within Class 13 and is exempted development.

#### 9.6. Environmental Impact Assessment (EIA) Preliminary Examination

9.6.1. Development in respect of which an environmental impact assessment or appropriate assessment is required cannot be exempted development (Section 4(4) of the Planning and Development Act 2000 (as amended)). Schedule 5, Part 1 and Part 2 of the Planning and Development Regulations, 2001 (amended) sets out specified development for which EIA is mandatory and development which requires screening for EIA.

9.6.2. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 9.7. Appropriate Assessment

9.7.1. 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, it is concluded that no Appropriate Assessment issues arise as the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

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

WHEREAS a question has arisen as to whether is or is not development or is or is not exempted development: AND

WHEREAS Robert Mullins and John Gibbons requested a declaration on this question from Carlow County Council on the 7<sup>th</sup> day of February 2022 stating that the matter was development and was not exempted development: AND WHEREAS Carlow County Council referred this to An Bord Pleanála on the 3<sup>rd</sup> day of March 2022 for a determination: AND

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 of the Planning and Development Act, 2000,
- (c) Section 4 of the Planning and Development Act, 2000, as amended,
- (d) articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Part 4 of the Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship and the improvement of existing gravel way and construction of a private footpath not exceeding 3 metres constitutes development as defined under section 3(1)(a) of the Planning and Development Act 2000 (as amended),
- (b) that the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship it is not exempted development as it does not come within the



scope of Section 4 or the provisions stated in the Regulations which would exempt the construction of a place of worship or the erection or placement of a temporary type structure all year round on a site without the benefit of a planning permission

(c) there are no exemptions provided for in the said Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended), and

(d) that the improvement of existing gravel and construction of a private footpath not exceeding 3 metres is development is exempted development as it comes within the scope of Class 13 Part 1 of Schedule 2 in the Planning and Development Regulations (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (1) (a) of the 2000 Act (as amended), hereby decides that

1. the new non-permanent wood clad cabin on block pad foundation and its use as a place of worship is development and is not exempted development and that
2. the improvement of existing gravel way and construction of a private footpath not exceeding 3 metres is development and is exempted development

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Derek Daly  
Planning Inspector

10<sup>th</sup> August 2024