



An  
Bord  
Pleanála

## Inspector's Report ABP-314121-22

### Question

Whether the general purpose / dry good shed is or is not development and is or is not exempted development.

### Location

Cormoy, Lisdoonan, Carrickmacross, Co. Monaghan

### Declaration

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

EX22-15

Applicant for Declaration

Pauric Courtney.

Planning Authority Decision

Is not exempted development

### Referral

Referred by

Pauric Courtney.

Owner/ Occupier

Pauric Courtney.

Observer(s)

N/A.

Date of Site Inspection

11<sup>th</sup> of October 2023.

**Inspector**

Stephanie Farrington

## **1.0 Site Location and Description**

- 1.1. The referral site is located within the townland of Cormoy, a rural area to the north of Carrickmacross. The referral relates to the existing agricultural storage shed on site. Details of the storage shed are illustrated on Drawing no. PL01 – Existing Storage Shed. The shed has a floor area of 291.45 sq.m. and a maximum height of 7.895m. An existing poultry house structure is located to the east. Access to the site is provided via the local road to the west. The predominant land use in the vicinity of the site is agricultural with one off rural dwellings.

## **2.0 The Question**

- 2.1. The question before the Board relates to whether the construction of a general purpose/dry good shed, is or is not development, or, is or is not exempted development.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

- 3.1.1. Monaghan County Council issued a declaration that the construction of a 291.45 sq.m. storage shed was development and was not exempted development for the following reasons:

*The subject development is not considered Exempted Development under “Agricultural Structures” (Class 9) of Part 3 Exempted Development (Rural) of the Planning and Development Regulations 2001 (as amended) as the application site (red line boundary) includes the overall site of the unauthorised development, and the subject development formed part of the overall development that was constructed in non-compliance with permission ref 18/538, for which retention permission was sought under application reference 22/78. Accordingly, as the subject development contravenes Condition 7 of permission reference 18/538, it does not comply with Article 9(1)(i) of the Planning and Development Regulations 2001 (as amended).*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

#### Planner's Report (27/06/2022)

- While the Planning Authority notes that the shed may comply with Exempted Development (Rural) provisions of Class 9 of the Planning and Development Regulations, the application site (red line boundary) includes the overall site of the unauthorised development and formed part of the unauthorised development that was constructed in non-compliance with permission PA Ref: 18/538 for which retention permission was originally sought under PA Ref: 22/78.
- The planner's report refers to Article 9 (1)(a)(i) of the Planning and Development Regulations which outlines that development may not be permitted if the carrying out of development would contravene a condition attached to a permission. In this regard it is stated that the development as constructed contravened Condition no. 7 of PA Ref: 18/538 which outlines that the development shall be carried out in accordance with the plans and particulars submitted with the application.
- In terms of the Appropriate Assessment Screening the planner's report cross refers to the previous planner's report which outlines that *"the site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity"*.
- The report concludes that the proposed development is not considered Exempted Development under the "restrictions on exemption" set out in Part 2 Exempted Development Article 9 of the Planning and Development Regulations 2001 (as amended).

## 4.0 Planning History

### 4.1. Planning History

The following planning history relates to the site.

- PA Ref: 18/538: permission granted in April 2019 to construct 1 no. single storey free range broiler poultry unit together with 2 No. meal storage silos, 1 no. single storey litter storage shed and 1 no. general storage shed. Ancillary works will include a concrete yard, installation of gas storage tank and chain link fencing. Site works will include storm drainage, installation of 1 no. holding tank and silt trap, works to existing entrance laneway and all other associated site works.
- PA Ref: 22/78: application lodged in February 2022 for permission to retain alterations (to include, but not limited to, revised dimensions, finished floor level and revisions to the site layout) to 1 no. poultry house together with all ancillary structures and site works associated above. The application was deemed invalid by Monaghan County Council in April 2022 having regard to the following considerations:

*“In accordance with Section 34(12) of the Planning and Development Act 2000 (as amended) the Planning Authority must refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission has been made in respect of the development concerned before it was commenced the application would have required that one or more of the following was carried out: (a) an environmental impact assessment, (b) a determination as to whether an environmental impact assessment is required, or (c) an appropriate assessment.*

*The Planning Authority has undertaken a preliminary examination and has concluded that there is doubt (i.e. that a screening determination is required) to assess the likely significant effects of the development on the environment.*

*Accordingly this application is invalid and cannot be considered further by the Planning Authority”.*

The following application was lodged in relation to the poultry house to the east.

- PA Ref 22/356, An Bord Pleanála Reference 315230-22 – Application for permission consisting of the retention of alterations (to include, but not limited to, revised dimensions, finished floor level and revisions to the site layout) to 1 No. poultry house together with all ancillary structures and site works associated with the above development (previously granted under Planning Ref: 18/538) deemed invalid by Monaghan County Council in October 2022. The application was deemed invalid having regard to the provisions of Section 34(12) of the Planning and Development Act on the basis of a requirement for an EIA determination.
- An application for Leave to Apply for Substitute Consent was lodged with ABP in November 2022.

#### *Lands to the south*

- PA Ref: 16/484: Permission granted to Pauric Courtney in May 2017 for demolition and replacement of existing agricultural building to accommodate livestock.

#### 4.2. Relevant Referrals

I have examined the Boards database of references and referrals. The following cases are relevant in the context of the issues raised in the current referral:

ABP Ref: 302390-18 – The question arose as to whether an existing agricultural shed of approximately 288 sq.m is or is not development or is or is not exempted development. The shed was in a rural area and the referrer claimed class 9 compliance. The Board declared that the use of the shed was not linked to any agricultural activity and therefore could not be considered within the scope of Class 9 or Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

## 5.0 Policy Context

### 5.1. Development Plan

#### Monaghan County Development Plan 2019-2025

- 5.1.1. The site is located within a rural area to the north of Carrickmacross outside of any settlement boundary defined within the Monaghan County Development Plan. The rural area is defined as a Category 1 Rural Area “Area Under Strong Urban Influence” as defined with Figure 2.1 Core Strategy Map of the Monaghan County Development Plan 2019-2025.

#### Chapter 6- Heritage, Conservation and Landscape

- 5.1.2. Section 6.4 of the Development refers to the Landscape Character Assessment of Monaghan prepared in 2008. This identifies 9 character areas in Co. Monaghan. Figure 6.1 defines landscape character areas for Co. Monaghan. The referral site is located within the farmed foothills character area.
- 5.1.3. Map 6.1 of the Development Plan illustrates County Monaghan Development Constraints. No designated scenic routes or amenity areas are illustrated within the vicinity of the site.

#### Chapter 15- Development Management Standards

- 5.1.4. Section 15.15 of the Development Plan relates to Agricultural Development. Policy AGP 1 is of relevance as follows:

Policy AGP 1: To permit development on new and established agricultural or forestry holdings where it is demonstrated that;

It is necessary for the efficient use of the agricultural holding or enterprise,

- (a) The appearance, character and scale are appropriate to its location,
- (b) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary,
- (c) The proposal will not have an adverse impact on the natural or built heritage,

- (d) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise, smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided,
- (e) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water,
- (f) Proper provision for disposal of liquid and solid waste is provided.
- (g) The proposal will not result in a traffic hazard. Where a new building is proposed applicants must also provide the following information:
- (h) Outline why there is no suitable existing building on the holding that cannot be used.
- (i) Design, scale and materials which are sympathetic to the locality and adjacent buildings.
- (j) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.
- (k) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings.
- (l) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity.

## **5.2. Natural Heritage Designations**

The nearest designated sites to the referral site are detailed below:

- Creevy Lough p NHA – 0.4km
- Nafarty Fen p NHA – 3.4km
- Spring And Corcrin Loughs p NHA- 5km

## **6.0 The Referral**

### **6.1. Referrer's Case**

The referral is made by CLW Environmental Planners Ltd. on behalf of the applicant Pauric Courtney. The following provides a summary of the key points raised.

- The proposed development relates specifically and exclusively to the existing storage shed as outlined in green on the submitted site plan.
- The applicant appreciates that there are compliance issues with the proximate poultry house which are to be addressed separately with MCC/ An Bord Pleanala as applicable.
- The referral cross refers to the extract from the planner's report which outlines that the development may comply with the provisions of Class 9 of the Planning and Development Regulations.
- MCC consider that the application site in this instance was the entire site outlined in red when it was clearly identified that the applicable structure to be adjudicated on under this application was outlined in green. In accordance with the guidance set out within the Planning and Development Act simple drawings are sufficient for a Section 5 declaration and these are not subject to the same strict criteria for planning application drawings.
- Assessing the site in red was not the subject matter of the Section 5 application.
- The development does not form part of the unauthorised development under PA Ref: 18/538. The development under consideration is a dry good store used for the applicants dairy farming activities, and not related to the poultry farming activities adjacent.
- The development permitted under PA Ref: 18/538 at this located related to a manure store. This was not constructed. The development is not constructed as and is not suitable for use as a manure store. The store is being used for storage of straw for the applicant's bovine enterprise and is not related to the use of the adjacent poultry house.

- The approval of one type of development on site does not preclude the applicant from implementing an alternative development at this location. The shed was not submitted for retention under PA Ref: 22/78. The shed was identified as exempted development within the application drawings.
- The proposed development satisfies the criteria to be considered as exempted development.
- The development completed differs from and was not approved under the permission granted on the site. The approved development was a manure store and the constructed development is a dry goods store.
- It is stated that the decision of Monaghan County Council is in error as the development has been deemed not to be exempt, solely and exclusively on the basis of the failure to comply with a condition of a previous planning permission.
- The conditions of the permission as granted for a manure store do not relate to the dry goods store as completed, which is an exempted development on its own merits.
- The Board is requested to overturn the decision of Monaghan County Council.

## **6.2. Planning Authority Response**

- None received.

## **7.0 Statutory Provisions**

### **7.1. Planning and Development Act, 2000**

#### Section 2 – Interpretation

- “Agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use

of the land as grazing lands, meadow land, osier land, market gardens and nursery grounds and agricultural shall be constructed accordingly.

- “structure” means any building, structure, excavation or other thing constructed or made on, in or under land or any part of structure so defined and where in the context so admits includes the land on, in or under which the structure is situate.
- “Works” includes any Act or operation of the construction, excavation, demolition, extension, alteration, repair or renewal.

### Section 3 – Development

- Section 3 (1) - In this Act, “development” means, except where the context otherwise requires, 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.

### Section 4 - Exempted Development

- Section 4 (1) The following shall be exempted developments for the purposes of this Act-
  - (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

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

### Part 2 – Exempted Development

- 7.2.1. 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.

#### *Article 9 (1) – Restrictions on Exemption*

- 7.2.2. Article 9 (1) - 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.
- (ii) Consist of or comprise the formation, laying out or material widening of a means of access to a public road the surface carriageway of which exceeds 4 metres in width.
- (iii) Endanger public safety by reason of a traffic hazard or obstruction to road users.
- (iv) – except in the case of a porch be forward of a building.
- (v) – re works under a public road...
- (vi) Interfere with the character of the landscape, or view or prospect of special amenity value or of special interest, the preservation of which is an objective of the Development Plan for the area in which the development is proposed for, pending the variation of a Development Plan or the making of a new Development Plan in the Draft Variation of the Development Plan or the Draft Plan.
- (vii) re excavation, alteration or demolition of places etc...
- (viiA) re excavation, alteration or demolition of monument...
- (viiB) Comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viiC) Consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000
- (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,

*Schedule 2, Part 3: Exempted Development – Rural*

- 7.2.3. Class 9 - Works consisting of the provision of any store, barn shed, glasshouse or other structure not being a type specified in Class 6, 7 or 8 of this part of this Schedule and having a gross floor area not exceeding 300m square metres.

Conditions and limitations -

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but, excluding the housing of animals or the storing of effluent.
2. The gross floorspace of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floorspace in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or the external finish of the structure.

## **8.0 Assessment**

### **8.1. Is or is not development**

- 8.1.1. The question put forward by the referrer relates to the retention of a shed with a floor area of 291.45 sqm and a maximum height of 7.895m, which is used for general purposes/ storage of dry goods associated with the applicant's dairy farm. The referrer's case states that the shed can be considered to be exempted development under the provisions of Class 9, Part 3, Schedule 2 of the Planning and Development Regulations, which sets out the conditions and limitations to the exemptions applied to agricultural structures.
- 8.1.2. The first question to consider is whether or not the proposal constitutes development under the definitions contained in the Planning Act. Section 3(1) of the Act defines 'development' 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". In terms of determining whether development has occurred, the relevant tests to apply is to establish whether 'works' were carried out and/or whether there was a material change in the use of the structure or land.

8.1.3. Within Section 2, (1) of the Planning Act, 'works' are defined as 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'.

8.1.4. The construction of the shed involved the carrying out of works as defined in the Act and therefore constitutes development.

## **8.2. Is or is not exempted development**

8.2.1. The second question to answer is whether the development is or is not exempt development. The referrer states that the shed is used in connection with applicants dairy farming activities and can therefore be considered to be exempt under the conditions and limitation set out in Class 9, Part 3 of Schedule 2, Planning and Development Regulations. In order to consider whether or not the shed complies with the conditions and limitations listed under Class 9, it must first be determined whether or not the shed can be considered to be an agricultural structure.

8.2.2. Section 4 (1) (a) refers to the exempted development for buildings associated for the purposes of agricultural or forestry as being occupied together with land so used for agriculture or forestry. Section 2 of the Act includes a definition of 'agriculture' which includes, 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of the land as grazing lands, meadow land, osier land, market gardens and nursery grounds and agricultural shall be constructed accordingly'.

8.2.3. The shed is located in a rural location on an agricultural landholding. The referrer outlines that the shed is used for general purpose/dry goods storage associated with the applicants dairy farming activities. I note the form and scale of the building takes the form of an agricultural shed. On the site inspection, I note that the shed was used for the storage of hay. I am satisfied that the shed would be classified as an "agricultural structure".

8.2.4. Under Schedule 2, Part 3 Exempted Development – Rural of the Planning and Development Regulations, Class 9 applies to: Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

8.2.5. The referrer seeks to avail of this exemption provision. Arising from this, it is evident that the gross floor space of the agricultural shed, as presented in the drawing details, would not exceed 300 square metres. There are six Conditions and Limitations relating to Class 9 and the following may be noted:

- The structure is intended to be used solely for storage of hay/dry goods associated with the applicant's dairy farm activities. The shed is not used for the housing of animals or the storing of effluent. The referrer outlines that the shed is not used for activities associated with the poultry house adjacent. This is evident from my site inspection.
- The shed is a single structure. Other structures within 100m, including the poultry house to the east is outside of Class 9, with the exception of 2 meal bins c.15 sq.m.
- The structure is not within 10 metres of the public road.
- Drawing no. PL01 "Existing Storage Shed" illustrates that the shed has a height of 7.895m. It does not exceed 8 metres in height.
- The structure is located within 100m of a dwelling. A letter of consent from the owner of this dwelling was submitted in support of the Referral.
- The shed is finished in dark green agri-cladding.

8.2.6. Having regard to the above, the development complies with the description, limitations and conditions of Class 9 of Schedule 2 Part 3 of the Planning and Development Regulations.

### 8.3. Restrictions on exempted development

- 8.3.1. Development within the context of Section 3 (1) of the Planning and Development Act 2000, (as amended), has been carried out on the site. The development carried out is considered to be an 'agricultural structure'.
- 8.3.2. Article 9 (1) of the Planning and Development Regulations states the following: - 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.
- 8.3.3. Monaghan County Council's decision outlines that the development contravenes Condition no. 7 of planning reference PA18/538 and in this regard does not comply with the requirements of Article 9(1)(i) of the Planning and Development Regulations 2001 (as amended).
- 8.3.4. Under PA Ref: 18/538 Monaghan County Council issued a decision to grant permission for the following development on the site:
- "to construct 1 no. single storey free range broiler poultry unit together with 2 No. meal storage silos, 1 no. single storey litter storage shed and 1 no. general storage shed. Ancillary works will include a concrete yard, installation of gas storage tank and chain link fencing. Site works will include storm drainage, installation of 1 no. holding tank and silt trap, works to existing entrance laneway and all other associated site works".*
- 8.3.5. A copy of the application is attached to the referral file. The development as permitted included the following elements:
- A poultry unit with a floor area of 2,897 sq.m. and a height of 8.43m
  - A litter storage shed with a floor area of 163sq.m. with a height of 6.753m.  
The litter shed was proposed within the vicinity of the existing storage shed.
  - A general storage shed with a floor area of 17.2 sq.m. and a height of 4.23m.

- 8.3.6. The poultry unit and meal storage silos are present on site together with the storage shed which is the subject matter of this referral.
- 8.3.7. The decision of the planning authority to grant permission for the development was subject to 7 no. conditions. Condition no. 7 of PA Ref: 18/538 outlines the following:  
*“The development shall be carried out in accordance with the plans and documents submitted on the 16/11/18 as amended on the 28/03/2019 and the 18/04/2019, except as may otherwise be required in order to comply with the above conditions”.*
- 8.3.8. I refer to the Report entitled “Description of the Location, Operation and Management of the Proposed Development of 1 no. Free Range Broiler House (to accommodate c. 30,000 Birds)” prepared by C.L.W Planners and submitted in response to Monaghan County Council’s request for further information under PA Ref: 18/538. This outlines that the existing farming activities include bovine livestock and associated activities such as fertiliser spreading, silage harvesting etc. and states that the proposed development of a free-range production will replace the existing farming activities on this portion of the site.
- 8.3.9. I note that Monaghan County Council’s decision outlines that the subject development formed part of the overall development that was constructed in non-compliance with permission ref 18/538, for which retention permission was sought under PA Ref: 22/78. I have reviewed Monaghan County Council’s online planning file and note that the application boundary submitted under PA Ref: 22/78 extended to include the area where the agricultural shed is located. This application was deemed invalid by Monaghan County Council on the basis of the requirement for a screening determination.
- 8.3.10. The applicant’s referral outlines that development permitted under PA Ref: 18/538 at this located related to a manure store associated with the poultry shed. The permitted manure store was not constructed, and the shed is being used for storage of straw for the applicant’s bovine enterprise and is not related to or suitable for the use of the adjacent poultry house. The referral outlines that the approval of one type of development on site does not preclude the applicant from implementing an alternative development at this location.
- 8.3.11. In this regard I refer the Board to Donegal County Council v. P Bonar Plant Hire Ltd T/A Bonar’s Quarry [2021] IEHC 34 in respect of quarrying activities at a quarry at

Calhame (also known as Fallard), Letterkenny, Co. Donegal. The Judge in this instance concludes that:

*“the implementation of the 2008 planning permission created a new planning unit, with any entitlement to rely upon or revert to the pre-1964 user thereby being extinguished... The 2008 planning permission is indivisible: the respondent cannot avail of that permission to its benefit and then disavow an element of the permission of which one has just availed of. The whole purpose of planning permission is that one gets permission to do something subject to certain conditions: one cannot then do the something and ignore a condition. One might as well have no planning law at all if that was possible.”*

- 8.3.12. Notwithstanding the case made by the applicant and on review of the planning history, I am satisfied that the development contravenes condition no. 7 attached to PA Ref: 18/538 and is inconsistent with the specified use as a litter store associated with a permitted and constructed poultry house as specified in that permission.

#### **8.4. Appropriate Assessment**

- 8.4.1. 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 an agricultural shed, is or is not development, or, is or is not exempted development:

**AND WHEREAS** Pauric Courtney requested a declaration on this question from Monaghan County Council and the Council issued a

declaration on the 30<sup>th</sup> day of June 2022 stating that the matter was development and was not exempted development:

**AND WHEREAS** Pauric Courtney referred this declaration for review to An Bord Pleanála on the 12<sup>th</sup> day of July 2022:

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

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

- (a) The agricultural shed constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended),
- (b) The agricultural shed, based on the details submitted by the referrer, would come within the scope of exemptions set out in Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and

- (c) The structure would contravene a condition (Condition No. 7 attached to Ref. 18/538) and would therefore be contrary to Article 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 shed is development and is not 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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Stephanie Farrington  
Senior Planning Inspector

14<sup>th</sup> of December 2023