

An
Bord
Pleanála

Planning Appeal Form

AN BORD PLEANÁLA
LDG- 0169135 21
ABP-
23 DEC 2021
Fee: € 220 Type: Cheque
By: Reg Post

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Helen Meehan

(b) Address

Carraig Ard, Coolcotts Lane, Wexford, Y35 T2P2

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Leo Meehan

(b) Agent's address

Carraig Ard, Coolcotts Lane, Wexford, Y35 T2P2

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Wexford County Council

(b) Planning authority register reference number

(for example: 18/0123)

EXD00927

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Doogan's Warren, Rosslare Strand, Co. Wexford Y35 HY00

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

In summary, we are referring this Declaration of Wexford County Council to An Bord Pleanala for the following reasons:

- The Declaration goes against the provisions in the Regulations regarding areas of exempted developments
- The Declaration goes against government advice which is provided on Wexford County Council's website concerning the interpretation of the Regulations in this regard
- The Declaration goes against the definition of floor area provided by Article 3 of the Planning and Development Regulations 2001 to 2011
- The Declaration goes against previous Declarations by Wexford County Council and An Bord Pleanala

Please see the attached documents for further information.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee of €50**. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

SIGNED: UGO WELLMAN

Ugo Wellman
21/11/21

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



Date: 21-12-21

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

Section 5(3)a)

Referral of a declaration by a planning authority in relation to a question as to what is or is not development or exempted development.

Planning Authority: Wexford County Council

Wexford County Council Case Reference: EXD 00927 (Declaration under Section 5 of the Planning & Development Act 2000)

Dear Secretary,

We are writing to refer for appeal the Declaration under Section 5 of Wexford County Council referred to above.

The dwelling at this site was granted planning permission by An Bord Pleanála on July 21st 2020, (reference ABP-306854-20), Wexford County Council reference 20191681.

There were no conditions attached forbidding exempted developments at the site.

The Section 5 Declaration application (copy attached) refers to a shed of 19.9 square metres floor area built to the rear of the house for purposes incidental to the enjoyment of the house.

Background

On 15 July 2021 we received a Planning Enforcement warning letter (Ref PE 0208/2021) from Wexford County Council stating that there may be an unauthorised development at the site. We replied stating that we believed the shed was an exempt development, and inviting Wexford County Council to inspect the building at any time.

On 18 August 2021 a technician from Wexford County Council visited the site and measured the shed, finding the internal floor area to be 19.84 square metres, and measured the external area to be 28.08 square metres.

Over subsequent correspondence, we explained why we believed the shed was an exempt development, including drawings detailing the shed and its floor area, and the site layout (copies attached), and confirming the proposed use of the shed as being for purposes incidental to the enjoyment of the house, and not for human habitation.

So we were surprised to receive an Enforcement Notice on 08 November 2011, as we felt that we had answered all questions satisfactorily. (Ref 0208/2021 -copy attached)

Therefore we decided to submit a formal request for a Section 5 Declaration of Exemption, which is the subject of this Referral to the Board.

Grounds for Appeal

The shed was built at the same time as the house, and to the same standards, for the purpose of housing water pump, water softener, general storage, and possible use as a home office. We built the shed in good faith, in the reasonable belief that the building was in compliance with exempted development regulations.

This belief was based on several factors:

- A reading of the Regulations relating to exempted developments and their conditions and limitations.
- The advice given in the documents provided by Wexford County Council's website, which included "Planning Leaflet 8 – A Guide to Doing Work Around The House", published by the Office of the Planning Regulator in January 2021. (copy attached)

This guidance leaflet advises on Page 5-6 that:

"You can build a garage, store, shed, greenhouse or similar structure as long as: ... the floor area of the structure, taken on its own or in conjunction with any similar structures does not exceed 25 square metres;"

This seemed to confirm what is stated in the regulations under Condition 2 of Class 3 and clarifies that floor area is to be measured, and the sum of floor areas are to be considered if there is a number of such buildings on the site.

While there are disclaimers that the guides are not a legal interpretation, we believe a reasonable person would not expect this interpretation to be contradicted by a planning authority.

- We understood "floor area" to be defined in Article 3 of Part 1 of the Planning & Development Regulations 2001 as follows:

"gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;"

- A search of previous decisions by Wexford County Council regarding Section 5 Declarations for exempt development showed that their criteria for determining the Condition 2 area limit for Class 3 structures was consistent with the factors above in using internal floor area, and was consistent through time for all cases that we could find, some of which are listed below.
- A search of previous decisions from An Bord Pleanála showed the same interpretation and consistency in these respects.

For these reasons, we submit that the building complies with all six conditions for Class 3 exemption:

1. The structure is not placed forward of the front wall of the house.
2. The area of the structure is less than 25 square metres, the area is 19.9 square metres.
3. The area of private open space is not reduced to less than 25 square metres.
4. The structure is to the rear of the house, and the nature of the finishes conform to those of the house, i.e. lightweight horizontal cladding.
5. The height of the structure does not exceed 3 metres.
6. The structure is not 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."

In this case, Wexford County Council have made a Declaration under Section 5 of "Not Exempt" (Ref EXD00927, 10 December 2021 – copy attached).

L E O M E E H A N
a r c h i t e c t u r a l t e c h n o l o g i s t
c a r r a i g a r d c o o l c o t t s l a n e w e x f o r d
0 8 5 7 1 7 5 1 4 6 leomeehan@gmail.com

The Planner's Report for the Decision (copy attached) states that the reason for this decision is that the 25 sq metre limit has been breached, as follows:

"From measurements carried out by technical staff of Wexford County Council (on the 18/08/2021) site the internal floor area of the structure (i.e. 6.4m x 3.1m) is calculated as 19.84 sqm. The external dimensions (i.e. 7.2m x 6.4m [sic]) is calculated as 28.08 sq. The total area therefore exceeds 25 square meters".

"I consider, therefore, that the floor area shed exceeds the allowance of 25sqm and thus cannot avail of the exemption as set out in Class 3 of Part 1 of Schedule 2 of the Regulations".

We find it hard to understand the reasoning here.

The decision seems to be using a different criteria for the area measurement for this case compared to previous cases.

All of the precedents we could find from Wexford County Council planning decisions show that the basis for deciding Condition 2 compliance in these types of cases by Wexford planners is internal floor area and not external area. This has included cases where external area exceeds 25 sq metres and internal floor area is less than 25 sq metres, as in the present case. Some of the precedent cases are listed below.

We believe that the same criteria should be used in all cases, i.e. internal floor area and not external area, as per previous decisions; and therefore we are referring this Section 5 Declaration by Wexford County Council to An Bord Pleanala.

Precedent Cases: Wexford County Council

EXD00511: (extract attached)

This is a very similar case in Ardamine, Co Wexford. In that case, a drawing is provided which shows both internal and external dimensions of the building.

The dimensions given show that the internal floor area is 24.94 square metres, and the external area is 31.67 square metres.

In their report, the planners base their decision on the internal dimensions amounting to 24.94 square metres.

Because the floor area is less than 25 square metres, the development was exempt according to the planning officials.

EXD00829: (extract attached)

This is again similar in featuring a shed which has an internal floor area of 25 square metres and an external area of 32.49 square metres.

In this case, the planners also decided that the building was exempt based on the internal floor area.

EXD00924: (extract attached)

In this case, the internal floor area was again used to determine the relevant area to be considered. This case also confirms that the proposed uses, including *"utility use, drying room, toilet and bicycle store....[]... would fall under the normal associated uses of any normal domestic garage and is therefore a use that is considered ancillary to the main dwelling use"*.

EXD00896: (extract attached)

In this case, floor area was also used to determine compliance, and the proposed use an office was considered acceptable.

There are many other examples of similar Wexford County Council exemption decisions, in which the internal floor area is accepted as the relevant area, including the following:

EXD00838
EXD00859
EXD00870
EXD00896
EXD00696
EXD00688
EXD00664
EXD00883

Precedent Cases: An Bord Pleanála

09.RL.2885 (September 2011): (extract attached)

This case, in which the Inspector is of the opinion that it is the external "footprint" of the building which is to be considered for Condition 2, is also cited in the Planner's Report in the present case. But the Board here overrules the Inspector's Report and rules that it is, in fact, the internal floor area which is the relevant area to be considered.

The Board concluded that:

"the gross floor area internally, which is the internal floor area as defined in Article 3 of the Planning and Development Regulations 2001 to 2011, of the said structure does not exceed 25 square metres"

06S.RL.2484 (2008):

This case involves a number of Class 3 structures and is an example of "total area" being interpreted as "aggregate of areas":

"AND WHEREAS An Bord Pleanála has concluded that the garage, having been erected with the construction of the house, does not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and, therefore, the utility room/shed which comes within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, by reason of the aggregate floor area of structures in the rear garden being less than 25 square metres."

28. RL2860 (2011): (extract attached)

In this case, the Inspector discusses the "total area" versus "floor area" question in relation to Condition 2, and remarks that :

"the case could be made that as the conditions and limitations imposed in respect of Class 3 refer to the total 'area' of such structures, this could be interpreted as requiring the area of the structure in question to be calculated from the measurement of its external dimensions."

However he concludes that:

"To my knowledge such a proposition has never been tested and, therefore, I propose to assume that the reference to the total 'area' of the structure in question in Column 2 of Class 3 of the Regulations simply refers to its gross internal floor space."

In the event, the internal floor area only is tested, and the Board appears to agree with the interpretation in their decision.

L E O M E E H A N

architectural technologist
carraig ard coolcotts lane wexford
085 7175146 leomeehan@gmail.com

In summary, we are referring this Declaration of Wexford County Council to An Bord Pleanala for the following reasons:

- The Declaration goes against the provisions in the Regulations regarding areas of exempted developments
- The Declaration goes against government advice which is provided on Wexford County Council's website concerning the interpretation of the Regulations in this regard
- The Declaration goes against the definition of floor area provided by Article 3 of the Planning and Development Regulations 2001 to 2011
- The Declaration goes against previous Declarations by Wexford County Council and An Bord Pleanala

We hope we have provided sufficient information to enable a decision to be made, but please advise if further information is required.

Yours Sincerely,



Leo Meehan BSc Hons Sust Arch Tech



Helen Meehan

Please find attached:

Form: ABP Planning Appeal Form

Form: Application for Exempted Development (Section 5 - Planning & Development Act 2000)
Application for Exempted Development – Cover Letter

C-115 Shed Drawings
C-116 Site Layout w/shed
Site Location Map

EXD00927 Chief Executive Order
EXD00927 Notification of Decision Letter
EXD00927 Planners Report

“Planning Leaflet 8 – A Guide to Doing Work Around The House”,

WCC precedent case EXD00511: (extract attached)
WCC precedent case EXD00829: (extract attached)
WCC precedent case EXD00924: (extract attached)
WCC precedent case EXD00896: (extract attached)

ABP precedent case 09.RL.2885 (September 2011): (extract attached)
ABP precedent case 28. RL2860 (2011): (extract attached)

€220: R1 fee cheque

REGISTER OF EXECUTIVE ORDERS

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

PLANNING REGISTER NO: EXD00927

ORDER NO: P-1829/21

ORDER: In exercise of the powers, functions and duties vested in the Chief Executive of Wexford County Council by Section 149 of the Local Government Act 2001 (as amended), which were on the 13 May 2020, delegated to me by the Chief Executive of Wexford County Council pursuant to Section 154 of the Local Government Act 2001 (as amended), it is hereby ordered that the decision of the Wexford County Council on the application described in the Schedule to this Order is as shown therein, and that the appropriate notifications be issued pursuant to Section 5 of the Planning & Development Act 2000 (as amended).

Signed by me at the County Hall, Wexford, on **10 December 2021**

TONY LARKIN

DIRECTOR OF SERVICE

DECLARATION OF EXEMPTED DEVELOPMENT

SCHEDULE

REGISTER NUMBER: EXD00927

DATE OF APPLICATION: 16 November 2021

APPLICANT: Helen Meehan

PROPOSED DEVELOPMENT: Shed of 19.9 sqm internal floor area to rear of house

LOCATION: Doogan's Warren, Rosslare Strand, Co. Wexford, Y35HY00

DECISION: Not Exempt

DATE OF DECISION: 10 December 2021

END OF SCHEDULE

WEXFORD COUNTY COUNCIL PLANNING AUTHORITY
PLANNING AND DEVELOPMENT ACT 2000 (as amended)

NOTIFICATION OF DECISION ON PLANNING APPLICATION

The Decision of Wexford County Council on the application described in the Schedule to this Notice is as shown therein.

Signed on behalf of *Wexford County Council* _____

R. Gordon

Date 10 December 2021

DECLARATION OF EXEMPTED DEVELOPMENT

SCHEDULE

PLANNING REG. NO.: EXD00927

DATE OF APPLICATION: 16 November 2021

APPLICANT: Helen Meehan
Carraig Ard
Coolcotts Lane, Wexford
Y35T2P2

TYPE OF APPLICATION: Exempted Development

PROPOSED DEVELOPMENT: Shed of 19.9 sqm internal floor area to rear of house

LOCATION: Doogan's Warren, Rosslare Strand, Co. Wexford, Y35HY00

DECISION: Not Exempt.

DATE OF DECISION: 10 December 2021

END OF SCHEDULE

8 DEC 2021

PLANNING SECTION

Planning and Development Act 2000 (as amended)**Application for Declaration of Exempted Development**
(Part 1, Section 5)**Register No.:** EXD00927**Proposal:** Shed of 19.9 sqm internal floor area to rear of house ✓**Location:** Doogan's Warren, Rosslare Strand, Co. Wexford, Y35HY00 ✓**Site Location and Description:**

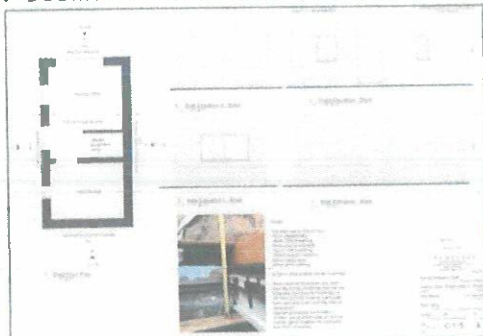
The site is located in Rosslare village. It is between the Coast Road and the beach. There is current construction work ongoing on the site in relation to planning ref 20191681 and the shed subject to this application. There is a single storey dwelling immediately adjacent ✓

Site History:**20191681 Helen Meehan**

PERMISSION FOR THE DEMOLITION OF EXISTING CHALET AND THE ERECTION OF A REPLACEMENT CHALET, TOGETHER WITH ALL ASSOCIATED SITE WORKS

0208/2021

Possible unauthorised chalet exceeding the exempt development limitations ✓



Submitted elevation drawings of shed

Development in Question:

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine whether or not the construction of a shed with 19.9 sqm internal floor area to rear of house dwelling constitutes exempted development.

Statutory Provisions

The proposal will be assessed within the provisions of:

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 (as amended)

'Section 3(1) of the Planning and Development Act, 2000 (as amended) defines 'development' as meaning, 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 structure or other land'*.

'Works' are defined under Section 2 of the Planning and Development Act 2000 (as amended) as including *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'*

It is considered having regard to the above definitions that the proposal constitutes 'works' and 'development' within the meaning of the Act. ✓

Class 3 of Part 1 of Schedule 2 relates to the following development:

"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."

There are a number of conditions and limitations attached to this exemption including the following:

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.*

Article 9(1) of the Planning and Development Regulations 2001 provides for restrictions on exemption and states

"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.

Article 6(1) states *"Subject to Article 9 development of a class specified in Column 1 and Part 1 of Schedule 2 shall be exempted development for the purposes of the Act".*

Assessment

It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the development in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

From measurements carried out by technical staff of Wexford County Council (on the 18/08/2021) site the internal floor area of the structure (i.e. 6.4m x 3.1m) is calculated as 19.84sqm. The external dimensions (i.e. 7.2m x 6.4m) is calculated as 28.08sqm. The total area therefore exceeds 25 square meters.

I consider, therefore, that the floor area shed exceeds the allowance of 25sqm and thus cannot avail of the exemption as set out in Class 3 of Part 1 of Schedule 2 of the Regulations. ✓

Precedent Cases

It is also noted that the basis of this application is that the applicant considers that the basis for the calculation of the shed having regard to Class 3 of Part 1 of Schedule 2 of the Regulations is the internal measurement of the shed and not the external measurements

As the applicant has proposed that the internal floor area of the shed is the appropriate measurement when assessing if the shed subject to this application can avail of the exemption as set out in Class 3 of Part 1 of Schedule 2 of the Regulations. I have reviewed similar cases from An Bord Pleanála website and

have concluded that the appropriate floor space for measuring the size of a shed is the external area

09.RL.2885 (September 2011)

The question here referred to whether a structure in the rear garden area at 16 Rail Park, Maynooth, Co. Kildare is or is not exempted development. The Board decided the said structure was exempted development. Element of note is that the gross floor area internally of the said structure did not exceed 25 square metres while the area, based on external measurements, was stated to be 27.17 square metres. ✓

06D.RL2420 (July 2007)

The question here referred to whether a structure in the rear garden at 8 Glenabbey Road, Mount Merrion, Co. Dublin is or is not exempted development. The Board decided the said structure was not exempted development as the structure exceeded 25 square metres in total floor area. In this case, the area as measured externally was stated as being 31.734 square metres with the internal floor area being stated as being 24.58 square metres. ✓

Conclusion:

- (a) The development comes within the scope of Sections 2(1), and 3(1) of the Planning and Development Act 2000, as amended, and constitutes development, and
- (b) The total floor area, which exceeds 25 square metres, does not come within the scope of Class 3, Part 1, Schedule 2, of the Planning and Development Regulations, as amended,

Recommendation: **Development that is Not Exempted Development**
Having regard to the foregoing, it be decided that construction of a shed of 19.9 sqm internal floor area to rear of house dwelling, is development and is **not exempted development.** ✓

A draft order is set out below.

WHEREAS a question has arisen as to whether a shed of 19.9 sqm internal floor area to rear of house constitutes exempted development;

AND WHEREAS Wexford County Council, in considering this referral, had regard particularly to -

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 (as amended)

Wexford County Council has concluded that the construction of a Shed of 19.9 sqm internal floor area to rear of house dwelling is development and is not exempted development.

NOW THEREFORE Wexford County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the construction of a shed of 19.9 sqm internal floor area to rear of a dwelling **is development and is not exempted development.**



James Lavin
Senior Executive Planner

Date: 08 December 2021

**APPLICATION FOR DECLARATION OF EXEMPTED DEVELOPMENT
SECTION 5 – PLANNING & DEVELOPMENT ACT 2000 (as amended)**

Name and address of applicant(s) Helen Meehan
Carraig Ard, Coolcotts Lane, Wexford

Eircode: Y35 T2P2

If applicant is a company –

Names of Company Directors n/a

Registered address of company n/a

Companies office registration number n/a

Name and address of person acting on behalf of applicant Leo Meehan
Carraig Ard, Coolcotts Lane, Wexford

Eircode: Y35 T2P2

Location townland and postal address of land or structure concerned Doogan's Warren, Rosslare Strand, Co. Wexford, Y35 HY00

(Please attach site location map)

Nature and extent of development _____

Shed of 19.9 sq metres internal floor area to rear of house: Please see attached Drawings C-115; C-116; Site Location Map, and attached Cover Letter for details.

(Please attach drawings in detail to support application)

Section of Exempted Development Regulations under which exemption is claimed CLASS 3: 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.

SIGNED _____ DATE _____

Fee of €80.00 to accompany application

SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000 (as amended)

Additional personal information (not for public viewing):

Telephone No. & E-Mail Address (if any) of Applicant:

086 8500884

helengmeehan@gmail.com

Telephone No. & E-Mail Address of Applicant's Agent (if any):

085 7175146

leomeehan@gmail.com

Date: 15-11-21

Wexford County Council
County Hall
Carricklawn
Wexford

Re: Application for Declaration of Exemption

The dwelling at this site was granted planning permission on July 21st 2020, reference 20191681.

There were no conditions attached forbidding exempted developments at the site.

The attached Application refers to a storage shed/office for purposes ancillary to the enjoyment of the house.

We believe that the building complies with all six conditions for Class 3 exemption:

1. The structure is not placed forward of the front wall of the house.
2. The area of the structure is less than 25 square metres, the area is 19.9 square metres.
3. The area of private open space is not reduced to less than 25 square metres.
4. The structure is to the rear of the house, and the nature of the finishes conform to those of the house, i.e. lightweight horizontal cladding.
5. The height of the structure does not exceed 3 metres.
6. The structure is not 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."*

In deciding this case, we would ask you to consider Planning Reference EXD00511, which is a very similar case in Ardamine,

In that case, a drawing is provided which also shows internal and external dimensions of the building.

The dimensions given show that the internal floor area is 24.94 square metres, and the external area is 31.67 square metres.

In their report, the planners base their decision on the internal dimensions amounting to 24.94 square metres.

Because the floor area is less than 25 square metres, the development was exempt according to the planning officials.

Planning Reference EXD00829 is again similar in featuring a shed which has an internal floor area of 25 square metres and an external area of 32.49 square metres.

In this case, the planners also decided that the building was exempt based on the internal floor area.

L E O M E E H A N
a r c h i t e c t u r a l t e c h n o l o g i s t
c a r r a i g a r d c o o l c o t t s l a n e w e x f o r d
0 8 5 7 1 7 5 1 4 6 leomeehan@gmail.com

There are many other examples of Wexford County Council exemption decisions similar to this, in which the internal floor area is accepted as the relevant area, including the following;

EXD00838
EXD00859
EXD00870
EXD00896
EXD00696
EXD00688
EXD00664
EXD00511
EXD00883

These precedents would seem to confirm our understanding that the basis for exemption decisions by Wexford County Council is not external dimensions, but rather internal floor area.

We built this shed in good faith, believing that we were in compliance with exemption rules based on these precedents.

In the interests of consistency and fairness, we would ask you to consider our application under the same criteria.

Please find attached:

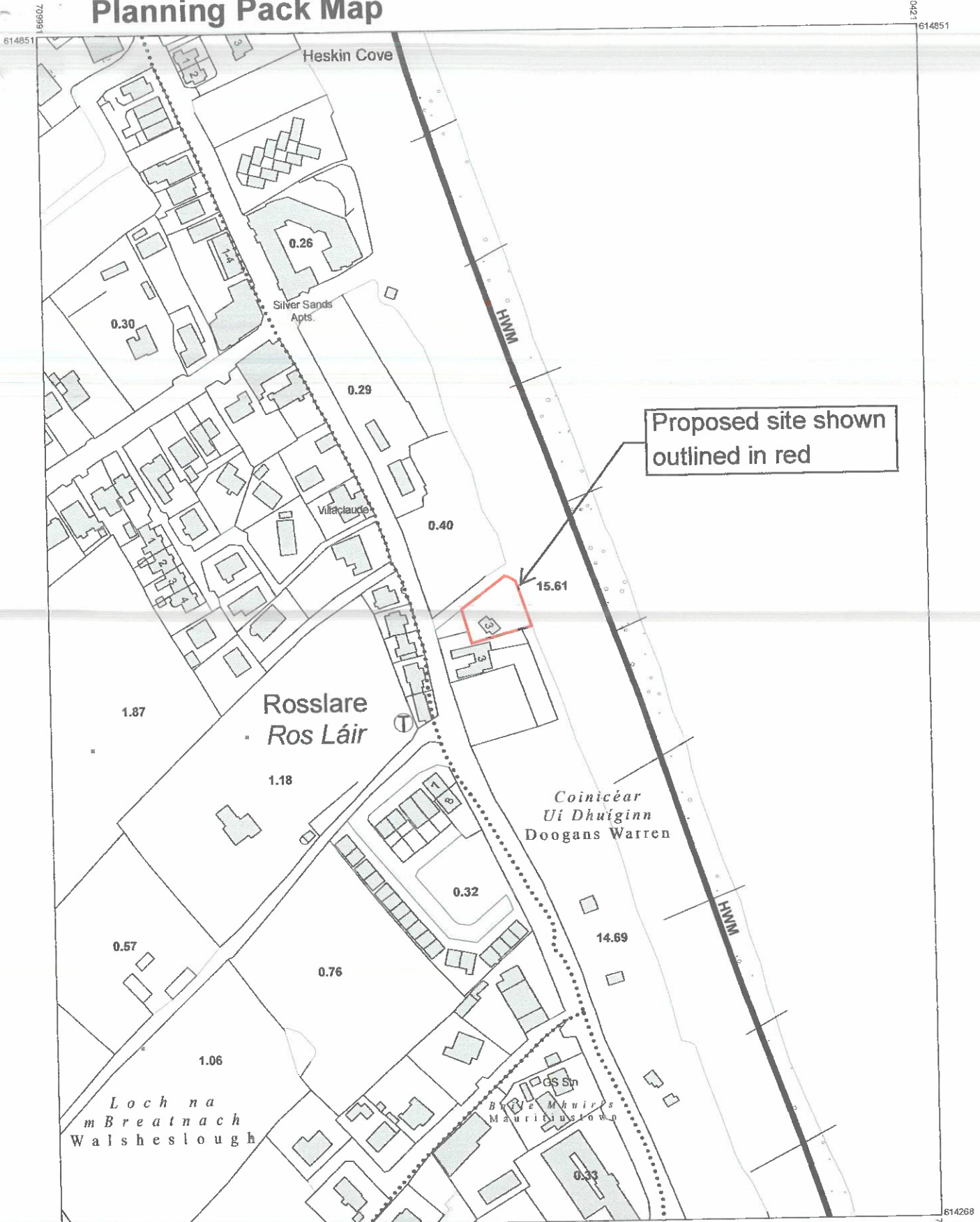
Form: Application for Exempted Development (Section 5 - Planning & Development Act 2000)
C-115 Shed Drawings
C-116 Site Layout w/shed
Site Location Map
€80 fee cheque

Yours Sincerely,

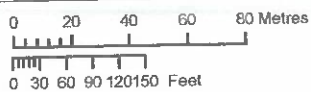
Leo Meehan BSc Hons Sust Arch Tech

Helen Meehan

Planning Pack Map



Proposed site shown outlined in red



OUTPUT SCALE: 1:2,500

CENTRE COORDINATES:
ITM 710206,614560

PUBLISHED: 26/05/2019
MAP SERIES: 1:2,500
ORDER NO.: 50064655_1
MAP SHEETS: 5644-B

CAPTURE RESOLUTION:
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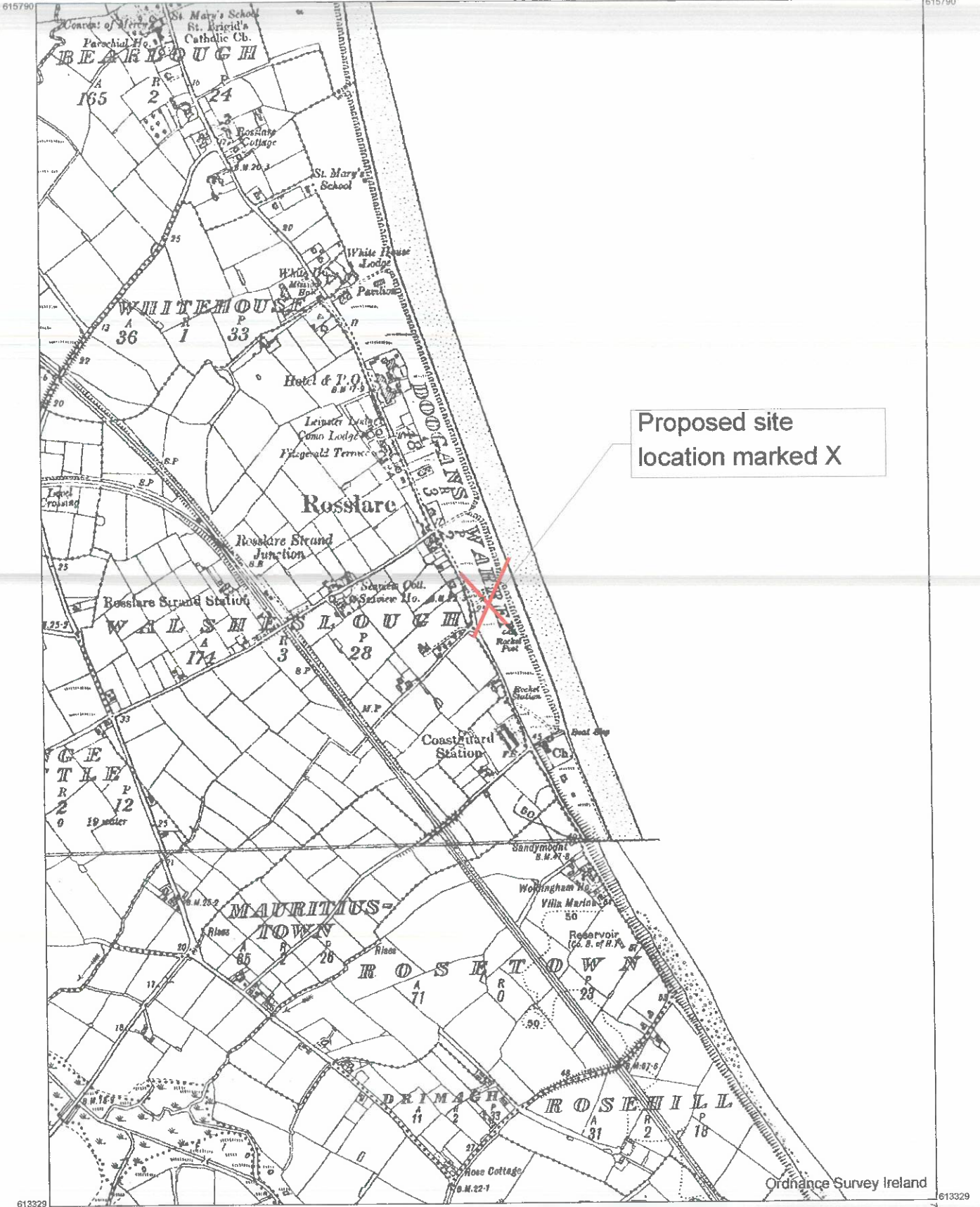
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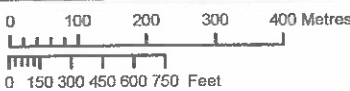
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Site Location Map



Proposed site location marked X



OUTPUT SCALE: 1:10,560



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CENTRE COORDINATES:
ITM 710206,614560

PUBLISHED: 26/05/2019
ORDER NO.: 50064655_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: 9900-11
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PAGES 5-6



A Guide to Doing Work around the House



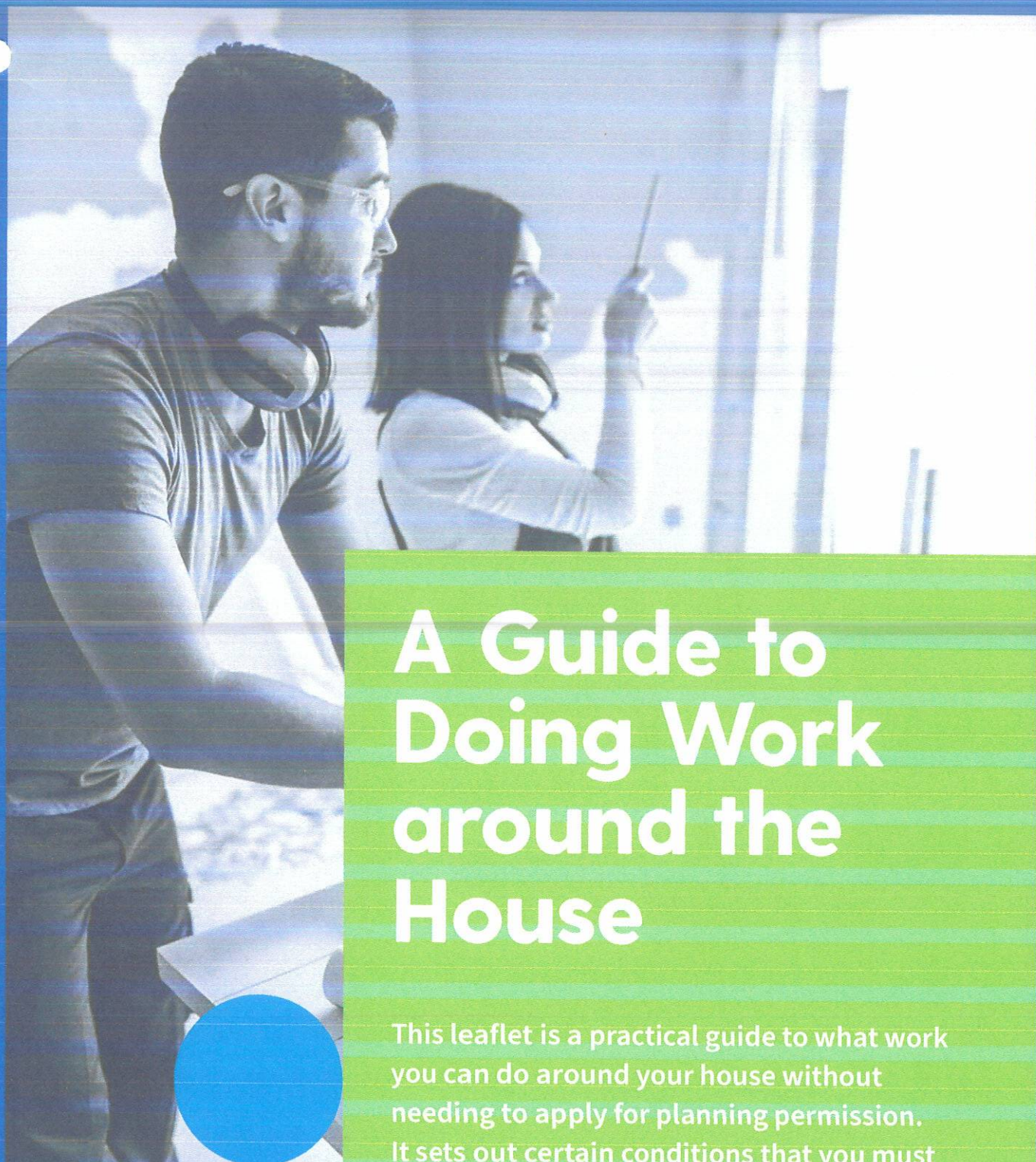
Planning
Leaflet **8**



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



An Roinn Tithíochta,
Rialtais Aitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage



A Guide to Doing Work around the House

This leaflet is a practical guide to what work you can do around your house without needing to apply for planning permission. It sets out certain conditions that you must observe. This leaflet is not a definitive legal interpretation of planning law.

For more information, you should consult with your local authority (city or county council), which for its planning functions, is referred to as the planning authority.





- where the house is detached and the floor area of the extension above ground floor level exceeds 12 square metres, any window proposed above ground level shall be at least 11 metres from the boundary it faces.

The roof of any such extension should not be used as a balcony or roof garden.

6. Can I convert my garage to domestic use?

Conversion for use as part of a dwelling house (e.g. as a living room or bedroom) of a garage, store, shed, etc. attached to the rear or to the side of a house, is normally considered exempted development, subject to the 40 square metres limit and compliance with conditions set out in Question 5 above.

Note: You should contact your planning authority if you are unsure of any of the conditions regarding a proposed extension.

7. Can I build a garage?

You can build a garage, store, shed, greenhouse or similar structure as long as:

- no part of the structure is constructed or placed forward of the front wall of the house;
- the height of the structure does not exceed four metres, (if it has a tiled or slated pitched roof), or three metres (if it has any other roof type);
- the external finishes of any garage, store, shed or other structure constructed to the side of a house must match the finish of the house, including the roof of the structure where that structure has a tiled or slated roof;

- the floor area of the structure, taken on its own or in conjunction with any similar structures does not exceed 25 square metres;
- the area of private open space reserved exclusively for the use of the occupants of the house, at the side or rear of the house is not reduced below 25 square metres; *and*
- the structure is not used for human habitation, for keeping pigs, poultry, pigeons, ponies or horses, or any purpose other than for normal domestic purposes i.e. not for commercial businesses.

8. Can I build a front porch?

You can build a porch without planning permission, as long as it does not exceed two square metres in area and is more than two metres from any public road or footpath. Where the porch has a tiled or slated pitched roof, it must not exceed four metres in height, or three metres for any other roof type.

A front porch within these limits is the only type of development allowed to extend beyond the front wall of the house (the building line) and still remain exempted.

9. Can I erect walls, fences and gates?

Capped walls made of brick, stone or block with a decorative finish, railings and wooden fences, but not a metal palisade or security fence, can be erected as long as they do not exceed 1.2 metres in height in front of your house or two metres at the side or rear. If the

wall is made of plain blocks or mass concrete it must be rendered or plastered.

Gates and gateways may be built or replaced, providing they do not exceed two metres in height. Please note that in some situations conditions attached to an original grant of planning permission, for example for a rural house, may have prohibited the building of a wall. Alternative natural boundary treatments such as fences and hedgerow planting may have been required. It is important to check the planning history of a site as exemptions do not apply where there is a pre-existing condition requiring to the contrary. See also Question 19 below.

In all cases, you will need planning permission if you wish to make a new or wider access to the public road.

10. Can I build a chimney and a boiler house?

A boiler house, chimney, or an oil storage tank (up to 3,500 litres capacity) provided as part of a central heating system is exempted development.

11. Can I erect a wind turbine within the curtilage of my house?

Installation of one wind turbine for domestic use is exempted development, provided that:

the floor area of the structure, taken on the level of its configuration with any similar structure does not exceed 17 square metres;

the area of plots down space between structures for the use of the occupants of the house, at the side or rear of the house, not reduced below 25 square metres; and

the structure is not used for human habitation for living purposes, for agricultural purposes, or for any other use as the normal business purposes of the development in question.

It is a condition of any such permission, as long as it does not exceed two square metres in area and is more than two metres from any public road or footpath, that the party has a deed of dedication in respect of the road for a distance in height of three metres for any other road type.

A front porch within the limits of the sole type of development allowed to exist beyond the front wall of the house (the building line) and still remain exempted,

Clipped walls made of brick, stone or block with a thick concrete finish, masonry and wooden frames, but not a metal palisade or ironing frame, and not exceeding a height as they do not exceed a maximum height in front of your house or two metres at the side or rear if the

will be made of brick, stone or block and it must be rendered or painted.

Doors and gateways may be built or replaced, provided they are at least two metres in height. Plans, data and statements in such conditions attached to an original grant of planning permission for a house for a rural house, may have provided for the building of a wall. Alternative natural or artificial treatments such as fences and hedges may have been required. It is important to check the original planning permission for any exceptions that may apply where there is a pre-variation or a variation in relation to the original planning permission.

In all cases you will need planning permission if you wish to make a new or altered access to the public road.

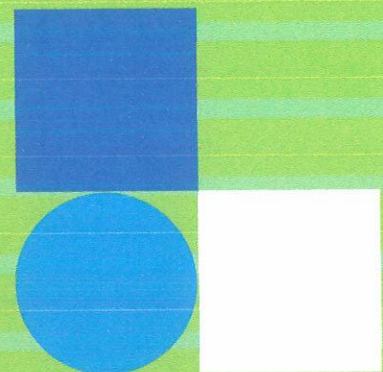
A buffer zone, driveway or small access road (up to 2.500 metres) is usually provided as part of a rural planning unit is exempted development.

Installation of one wind turbine for domestic use is exempted development provided that

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