

An  
Bord  
Pleanála

## Board Order ABP-316296-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: DED541**

**WHEREAS** a question has arisen as to whether the siting of a timber shed at Cloonkeen Townland, Castlerea, County Roscommon is or is not development or is or is not exempted development,

**AND WHEREAS** Andrzej Szelag of Cloonkeen Townland, Castlerea, County Roscommon requested a declaration on this matter from Roscommon County Council and the Council issued a declaration on the 20<sup>th</sup> day of March, 2023 stating that the matter is development and is not exempted development,

**AND WHEREAS** Andrzej Szelag care of Ivan Moran and Company Solicitors of The Square, Castlerea, County Roscommon referred this declaration for review to An Bord Pleanála on the 12<sup>th</sup> day of April, 2023,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Articles 9(1)(a)(viiB) and 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended,
- (c) Class 3, Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (d) Class 9, Part 3 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (e) the nature and extent of the works, and
- (f) the documentation on file, including the submission of the referrer and the documentation provided by the planning authority,

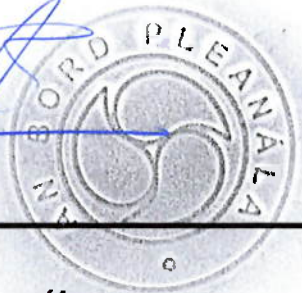
**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the construction of the subject shed constitutes the carrying out of 'works' and is, therefore, 'development' within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- (b) on the basis of the information on file, including that as set out in the grounds of the referral, there is no evidence that an established house exists on the site and, therefore, the referrer cannot benefit from the exemptions as set out in Class 3, Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, and no other exemption is available under the legislation, and

- (c) the works which are the subject of this referral would not require an appropriate assessment as they would not be likely to have a significant effect on the integrity of a European Site, and, therefore, the restriction on exemptions under Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended, do not apply in this instance,

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the siting of a timber shed at Cloonkeen Townland, Castlerea, County Roscommon is development and is not exempted development.

In deciding not to accept the Inspector's recommendation, the Board considered that there was no evidence on file that an established residence exists on site.



**Joe Boland**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this <sup>5<sup>th</sup></sup> day of *September* 2024.