



An
Bord
Pleanála

Board Direction
ABP-302612-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/01/2019.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the erection of an agricultural shed is or is not development or is or is not exempted development.

AND WHEREAS Gildas O'Laoire requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 23rd day of August, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Gildas O'Laoire referred this declaration for review to An Bord Pleanála on the 18th day of September, 2018:

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

(a) Sections 2, 3 and 4 and Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

(b) Article 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Part 3 of Schedule 2 to those Regulations, including Class 9 and the conditions and limitations applicable

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) The subject shed is in agricultural use for the purposes of apiculture,
- (c) The subject agricultural shed is located within 88m of an existing dwelling which is not in the ownership of the applicant seeking the Declaration, the shed therefore does not comply with the provisions of Limitation No. 5 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 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 erection of the agricultural structure is development and is not exempted development.

Board Member:

Date: 18/01/2019

Maria FitzGerald