



An  
Bord  
Pleanála

**Board Direction**  
**ABP-303807-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/02/2020.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether works to an existing turf shed which is located to the rear of 'The Bungalow' Newtown, Kill, Co. Kildare comprising the physical alteration of its three external walls, the erection of one internal wall and the installation of a garage door and surrounding apron is or is not development or is or is not exempted development;

**AND WHEREAS** Mark Brady requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 1<sup>st</sup> day of February 2019 stating that the matter is development and is not exempted development;

**AND WHEREAS** Mark Brady care of Vincent JP Farry and Co. Ltd. Planning and Development Consultants referred this declaration for review to An Bord Pleanála on the 27<sup>th</sup> day of February, 2019.

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

- (a) Section 2(1), 3(1) and 4(2)(a)(i) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), Article 9(1) and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area:

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

- (a) The works described to the original turf shed constitutes material works which materially affect the external appearance of the structure and render the appearance inconsistent with the character of the structure and cannot be considered to be exempted development under Section 4(1)(h) of the Planning and Development Act 2000 as amended, and;
- (b) The said development does not come within the scope of any exempted development provision in the Planning and Development Act 2000 (as amended) or 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 works to an existing turf shed which is located to the rear of 'The Bungalow' Newtown, Kill, Co. Kildare comprising the physical alteration of its three external walls, the erection of one internal wall and the installation of a garage door and surrounding apron is development and is not exempted development.

**Board Member:**

**Date:** 25/02/2020

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Stephen Bohan