



An
Bord
Pleanála

**Board Direction
ABP-306369-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 1st, 2020.

The Board decided, as set out in the following Order, that the construction of stables for the purpose of sheltering horses, fodder, sheep and goats at Church Lane, Newcastle Upper, Wicklow, Co. Wicklow is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of stables for the purpose of sheltering horses, fodder, sheep and goats at Church Lane, Newcastle Upper, Wicklow, Co. Wicklow is or is not development or is or is not exempted development.

AND WHEREAS Martin O'Toole 141 Charnwood, Bray, Co. Wicklow requested a declaration on this question from Wicklow County Council on the 11th day of November 2019, and the Council did not issue a declaration.

AND WHEREAS Martin O'Toole referred this referred this question to An Bord Pleanála, on the 13th day of January 2020 for determination.

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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 6 of Part 3 of the Second Schedule to those Regulations, and
- (d) The documentation on file, including the planning history of the subject building and lands, and the submission of the referrer.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the stables, being building number 1, as shown on drawing number 0002/01/MOT, as submitted to the planning authority on the 11th day of November 2019, involves the carrying out of works, and therefore constitutes development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended;
- (b) The development of this building, and solely this building, would come within the scope of the exemptions set out in Class 6 of Part 3 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with the conditions and limitations to which this Class is subject;
- (c) None of the restrictions on exemption set out in the Planning and Development Act 2000, as amended, or in Article 9 (1) of the Planning and Development regulations 2001, as amended, apply in this case.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(b) of the Planning and Development Act, 2000, as amended, hereby decides that the construction of stables for the purpose of sheltering horses, fodder, sheep and goats at Church Lane, Newcastle Upper, Wicklow, Co. Wicklow is development and is exempted development.

Note: The Board decided to limit its consideration to the building that was stated to be the subject of the referral, that is, building number 1, and accordingly this determination does not refer to any other buildings or structures on the overall landholding.

(Secretariat – please issue a copy of this Direction to the parties with the Board Order.)

Board Member

Date: 9th July 2020

Philip Jones