

An  
Bord  
Pleanála

**Board Direction**  
**ABP-309945-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2021.

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

**WHEREAS** a question has arisen as to whether the construction of a hard surface area within the grounds of Derreen House, Lauragh, Kenmare, Co. Kerry is or is not development or is or is not exempted development.

**AND WHEREAS** Charles Bigham of Derreen House, Derreen, Lauragh, Kenmare, Co. Kerry care of McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 22<sup>nd</sup> day of March, 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** Charles Bigham of Derreen House, Derreen, Lauragh, Kenmare, Co. Kerry care of McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork referred this declaration for review to An Bord Pleanála on the 14<sup>th</sup> day of April, 2021:

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

- (a) sections 2(1), 3(1), 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) section 57(1), Part IV of the Planning and Development Act, 2000, as amended
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the submission made by the referrer,
- (f) the nature, extent and scope of the works, and
- (g) the report of the planning inspector:

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

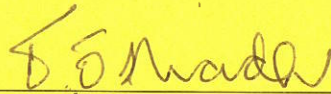
- (a) the construction of the hard surface constitutes works as referred to in section 2 of the Planning and Development Act, 2000, as amended.
- (b) the nature and intended use of the said hard surface in an area of the garden forward of the front building line of Derreen House to provide for storage of plant and materials required to maintain the woodland and gardens of Derreen House is incidental to the enjoyment of the house, as such, and comes within the scope of Class 6(b)(i), Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (c) the nature and intended use of the said hard surface area to provide for storage of plant and material required to maintain the woodland and gardens of Derreen House comes within the scope of Class 8, Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended.



(d) the hard standing area would not materially affect the character of Derreen House which is a protected structure.

**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 construction of a hard surface area within the grounds of Derreen House, Lauragh, Kenmare, Co. Kerry is development and is exempted development.

Board Member:



Terry Ó Niadh

Date: 12/08/2021

