

An  
Bord  
Pleanála

Board Direction  
ABP-310365-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/11/2022.

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

Board Order as follows:-

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

**AND WHEREAS** Nathan Nicholl requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 30<sup>th</sup> day of April, 2021, stating that the matter was development and was not exempted development:

**AND WHEREAS** Nathan Nicholl referred this declaration for review to An Bord Pleanála on the 26<sup>th</sup> day of May, 2021

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

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

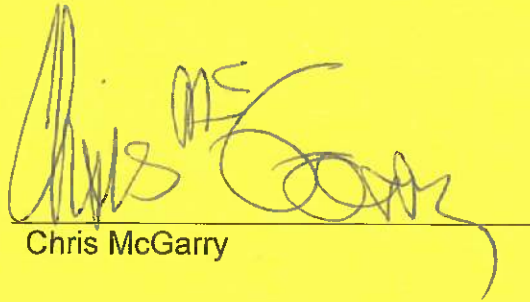
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and
- (h) the report of the Inspector.

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

- (a) The shed constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended) by virtue of the carrying out of works,
- (b) The shed is not linked to any agricultural activity and therefore could not be considered within the scope of Class 9, Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (c) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed would constitute exempted development.

**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 the shed is development and is not exempted development.

**Board Member:**



Chris McGarry

**Date:** 01/12/2022

