



An
Bord
Pleanála

Board Direction
BD-010471
ABP-311137

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 7th day of April 2022.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether or not the construction of an agricultural structure on lands at Ballyreagh, Enniskerry, Co. Wicklow is or is not development or is or is not exempted development:

AND WHEREAS William and Susan Allen requested a declaration on this question from Wicklow County Council and the Council issued a declaration on 22nd July 2021 stating that the matter was development and was not exempted development:

AND WHEREAS William and Susan Allen referred this declaration for review to An Bord Pleanála on 13th August 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, Classes 6, 8 and 9 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area.

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 (as amended),
- (b) The agriculture structure as described by the referrer is be used for the storage of agricultural machinery, animal foodstuffs and bedding and for the housing of horses and/or sheep,
- (c) The development as described does not come within the scope of exempt agricultural structures provided for in either Class 6, 8 or 9, Part 3 of Schedule 2, of the Planning and Development Regulations, as amended, and
- (d) There is no other provision in the legislation to exempt the agricultural structure as described.

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 agricultural structure is development and is not exempted development.

Board Member Maria FitzGerald
Maria FitzGerald

Date: 7th day of April 2022

