

An  
Bord  
Pleanála

Board Direction  
ABP-312387-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/08/2022.

Board Order as follows:

**WHEREAS** a question has arisen as to whether an existing agricultural store/barn is or is not development or is or is not exempted development,

**AND WHEREAS** Kenneth McCarthy requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 2<sup>nd</sup> day of December 2021, stating that the matter was development and was not exempted development,

**AND WHEREAS** Kenneth McCarthy referred this declaration for review to An Bord Pleanála on the 6<sup>th</sup> day of January 2022,

**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, Class 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 proposed development has not been shown to be used for the purposes of any agricultural or forestry activity and, therefore, could not be considered to come within the scope of Class 9, Part 3 of Schedule 2 of 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 existing agricultural store/barn is development and is not exempted development.

**Board Member:**



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Dave Walsh

**Date:** 03/08/2022