

An
Bord
Pleanála

Board Direction
BD-014442-23
ABP-313151-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2023.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether a proposal comprising the refurbishment of agricultural structures at Bolton Forest, Hobartstown, Moone, Co. Kildare is or is not development or is or is not exempted development.

AND WHEREAS Mervyn Hill, requested a declaration on this question from Kildare County Council, and the Council issued a declaration on the 2nd day of March 2022 stating that the matter is development and is not exempted development.

AND WHEREAS Mervyn Hill referred this declaration for review to An Bord Pleanála, on the 29th day of March 2022 .

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

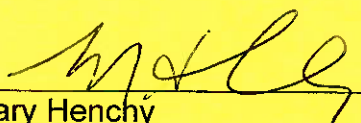
- (a) Sections 2(1), 3(1), 4(1)(a) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the location of the development within an existing farm in a rural setting, and
- (f) 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), and
- (b) the works come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended), being works comprising the refurbishment of an existing agricultural building which affect mainly the interior of the structure, and which do not materially affect the external appearance of the structure, so as to render its appearance inconsistent with the character of the structure or of neighbouring structures:

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 refurbishment of agricultural structures at Bolton Forest, Hobartstown, Moone, County Kildare is development and is exempt development.

Board Member:


Mary Henchy

Date: 03/11/2023