

An  
Bord  
Pleanála

## Board Direction ABP-314397-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/04/2024.

The Board decided by majority decision (2:1), as set out in the Order hereunder.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the placement of a 23.4 sq.m. shed for agricultural use at Springhill, Ballymonduff Road, Sandyford, Dublin 18 is or is not development, is or is not exempted development.

**AND WHEREAS** Colm Ryan, requested a declaration on this question from Dun Laoghaire-Rathdown County Council, and the Council issued a declaration on the 4th day of August 2022 stating that the matter is development and is not exempted development.

**AND WHEREAS** Colm Ryan referred this declaration for review to An Bord Pleanála, on the 19<sup>th</sup> day of August 2022.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,

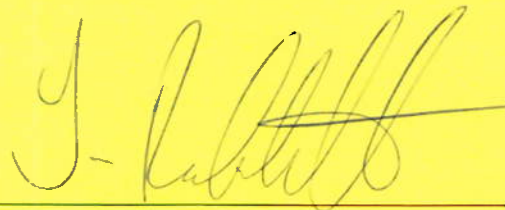
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) Section 8.4.5 'Policy Objective GIB6: Views and Prospects' of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 which seeks to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects.

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

- (a) having regard to the nature and design of the shed, and its prominent position making it clearly visible from the Ballyedmonduff Road;
- (b) the shed would interfere with views which the development plan has an objective to preserve, said views being from the Ballyedmonduff Road in a westerly direction as indicated graphically on development plan map no. 9, and therefore
- (c) the restriction on exempted development pursuant to article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.

**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 placement of a 23.4 sq.m. shed for agricultural use at Springhill, Ballyemonduff Road, Sandyford, Dublin 18 is development and is not exempted development.

**Board Member:**



Tom Rabbette

**Date:** 31/07/2024