

An
Bord
Pleanála

Board Direction
ABP-314443-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/01/2024.

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

WHEREAS a question has arisen as to whether the reduction in floorspace of an existing structure from circa 244 square metres to 190 square metres and the use of the resulting building for agricultural purposes, specifically as a stable block, at Coghlanstown East, Ballymore Eustace, County Kildare is or is not development and is or is not exempted development:

AND WHEREAS Matthew Buckley requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 18th day of August, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS Matthew Buckley referred this declaration for review to An Bord Pleanála on the 22nd day of August, 2022:

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

- (a) Sections 2(1), 3(1)(a), 4(1)(a), 4(1)(h), 5(3)(a) and 5(3)(b) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1), 6(3) and 9(1)(a)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 50(a)(iv) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;

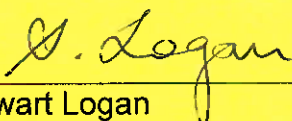
- (d) Classes 6 and 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;
- (e) the documentation on file, including submissions from the referrer and the Planning Authority;
- (f) the planning history, scale and design of the existing structure; and
- (g) relevant precedent referrals and judgments:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The existing structure is development and would not come within the scope of exempted development under section 4(1)(a) of the said Act or Classes 6 or 9 of Part 3 of Schedule 2 of the said Regulations;
- (b) The proposed alterations are development and would not come within the scope of exempted development under section 4(1)(h) of the said Act, or Class 50(a)(iv) of Part 1 or Class 6 of Part 3 of Schedule 2 of the said Regulations;
- (c) The subsequent use of the resulting building for agricultural purposes, specifically as a stable block, is development and would not come within the scope of exempted development under section 4(1)(a) of the said Act.

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 reduction in floorspace of an existing structure from circa 244 square metres to 190 square metres and the use of the resulting building for agricultural purposes, specifically as a stable block, at Coghlanstown East, Ballymore Eustace, County Kildare is development and is not exempted development.

Board Member:


Stewart Logan

Date: 25/01/2024