



An  
Bord  
Pleanála

**Board Direction**  
**ABP-317541-23**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2024.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the removal of front boundary hedging, and erection of a fence is or is not development or is or is not exempted development:

**AND WHEREAS** Michael Hunter requested a declaration on this question from Mayo County Council and the Council issued a declaration on the day of 24<sup>th</sup> of June , 2022 stating that the matter was development and was exempted development:

**AND WHEREAS** Mayo County Council referred this declaration for review to An Bord Pleanála on the 30<sup>th</sup> day of June, 2023:

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

- (a) Section 2(1) and Section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site and the drawings submitted in respect of the referral:

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

- (a) The removal of hedgerow and erection of a fence constitutes development.
- (b) The proposed development contravenes condition 18 attached to planning permission P09/672 , therefore Article 9 (1) (a) applies in this instance.

Therefore, the development as carried out is not exempted development

**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 development as carried out is development and is not exempted development.

**Board Member:**

  
Mary Henchy

**Date:** 03/05/2024