

An
Bord
Pleanála

Board Direction ABP-318827-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/07/2024.

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

WHEREAS a question has arisen as to whether the removal of paint from part of a protected structure at Violet Hill House, is or is not development and is or is not exempted development.

AND WHEREAS Maria Gallen requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 21st day of December, 2023 stating that the matter was development and was exempted development

AND WHEREAS Maria Gallen referred this declaration for review to An Bord Pleanála on the 10th day of January, 2024

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

Section 2(1) of the Planning and Development Act, 2000, as amended,

Section 3(1) of the Planning and Development Act, 2000,

Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
Section 57 (1) of the Planning and Development Act, 2000, as amended,
the planning history of the site,


AND WHEREAS An Bord Pleanála has concluded that:

The works constitute development within the meaning of Section 3 of the
Planning and Development Act 2000.

The removal of paint from the exterior of part of a protected structure would
not materially affect the structure, or any element of the structure which
contributes to its special architectural interest and, therefore, the works are
exempted development.

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 removal of paint from part of a protected structure is
development and is exempted development.

Board Member:


Patricia Calleary

Date: 05/07/2024