

An
Coimisiún
Pleanála

Direction
CD-020028-25
ABP-321961-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/06/2025.

The Board decided this referral generally in accordance with the Inspector's recommendation and the following draft Order:

WHEREAS a question has arisen as to whether:

1. The use of the existing farmyard in the south-eastern part of this farm holding to prepare Christmas trees and wreaths for annual seasonal sale on the farm and for their transport and sale elsewhere constitutes a change of use from agriculture and/or forestry to any other use, and
2. Works in the 'south-eastern yard' to the existing farmyard and farm buildings are or are not also works which have changed the use of these yard areas and buildings, including:
 - (i) The enlargement of a yard by circa 200% to an area of circa 5,000 square metres:
 - (ii) The construction of new extension bays to the respective side elevations of an existing shed building (Structure no. 1), to enlarge its footprint to circa 860 square metres positioned in the southeastern corner thereof:

- (iii) The construction of a new rectangular shaped shed (Structure no. 2) with a footprint of circa 300 square metres along the northern boundary thereof.
- (iv) The construction of a new machinery shed building (Structure no. 3), in the south-western thereof with an undefined footprint; and
- (v) The placement of circa 6 steel shipping containers for storage purposes.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

AND WHEREAS Conor Browne, care of BPS Planning and Development Consultants Limited of PO Box 13658, Dublin requested a declaration on the said question from Wicklow County Council and the Council, having rephrased the question to whether the use of the existing farmyard and associated structures in the south-eastern part of the farm holding to prepare Christmas trees and wreaths for annual seasonal sale on the farm and for their transport and sale elsewhere constitutes a change of use from agriculture and/or forestry to any other use, issued a declaration on the 29th day of January, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Conor Browne, care of BPS Planning and Development Consultants Limited of PO Box 13658, Dublin referred this declaration for review to An Bord Pleanála on the 25th day of February 2025,

AND WHEREAS An Coimisiún Pleanála reconfigured the question as follows:

whether the use of the existing farmyard and associated structures in the south-eastern part of the farm holding to prepare Christmas trees and wreaths for annual seasonal sale on the farm and for their transport and sale elsewhere constitutes a change of use from agriculture and/or forestry to any other use is or is not development or is or is not exempted development.

AND WHEREAS An Coimisiún Pleanála, in considering the referral, had regard particularly to:

- (a) Section 2(1), (3)(1) and 4(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Article 2, Article 5, Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the provisions of the Wicklow County Development Plan 2022-2028,
- (e) the documentation on file, including submissions on behalf of the referrer and Wicklow County Council,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and
- (h) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

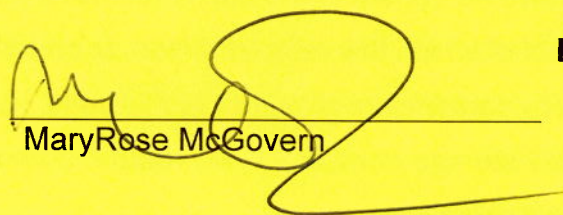
- (a) on the facts of the case as set out in the submitted documentation, the current use in respect of which this referral arises, is undertaken within an area where structures comprising extended farm sheds, new farm sheds and some associated storage containers, will require planning permission and are currently unauthorised;
- (b) the change from agricultural use in the southeastern part of the farm holding to the current use incorporating activity relating to the preparation of Christmas trees and wreaths for annual seasonal sale on the farm and for their transport, and the undertaking of this use on and within new structures, constitutes development;

- (c) the change in use and the associated works and structures on and within which the use is undertaken as described above (which works and structures do not have the benefit of planning permission), would lead to materially different considerations in an assessment by the planning authority of the use, compared to the established agricultural use of the site, including by reference to access/egress of vehicle movements by operator and patrons, and to visual amenity at this rural location.
- (d) the use in respect of which this referral arises, within such unauthorised structures is de-exempted under Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Coimisiún 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 use of the existing farmyard and associated structures in the south-eastern part of the farm holding to prepare Christmas trees and wreaths for annual seasonal sale on the farm and for their transport and sale elsewhere, constitutes development and is not exempted development.

Planning

Commissioner:


Mary Rose McGovern

Date: 27/06/2025