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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: ED/00702**

**WHEREAS** a question has arisen as to whether works to an existing turf shed which is located to the rear of “The Bungalow” comprising the physical alteration of its three external walls, the erection of one internal wall and the installation of a garage door and surrounding apron at “The Bungalow”, Newtown, Kill, County Kildare is or is not development or is or is not exempted development:

**AND WHEREAS** Mark Brady care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 1<sup>st</sup> day of February, 2019 stating that the matter is development and is not exempted development:

**AND WHEREAS** Mark Brady referred the declaration for review to An Bord Pleanála on the 27<sup>th</sup> day of February, 2019:

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

- (a) sections 2(1), 3(1) and 4(2)(a)(i) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), Article 9(1) and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area:

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

- (a) the works described to the original turf shed constitute material works which materially affect the external appearance of the structure and render the appearance inconsistent with the character of the structure and cannot be considered to be exempted development under section 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the works do not come within the scope of any exempted development provisions in the Planning and Development Act, 2000, as amended or in the Planning and Development Regulations, 2001, as amended:

**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 works to an existing turf shed which is located to the rear of “The Bungalow” comprising the physical alteration of its three external walls, the erection of one internal wall and the installation of a garage door and surrounding apron at “The Bungalow”, Newtown, Kill, County Kildare is development and is not exempted development.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**