



An
Bord
Pleanála

Board Order
ABP-306369-20

Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council.

Planning Register Reference Number: EX 85/19.

WHEREAS a question has arisen as to whether the construction of stables for the purpose of sheltering horses, fodder, sheep and goats at Church Lane, Newcastle Upper, Wicklow, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Martin O'Toole of 141 Charnwood, Bray, County Wicklow requested a declaration on this question from Wicklow County Council and no declaration issued by the planning authority:

AND WHEREAS Martin O'Toole referred this question for decision to An Bord Pleanála on the 13th day of January, 2020:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 6 of Part 3 of Schedule 2 to those Regulations, and
- (d) the documentation on file, including the planning history of the subject building and lands, and the submission of the referrer:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the stables, being building number 1, as shown on drawing number 0002/01/MOT, as submitted to the planning authority on the 11th day of November, 2019, involves the carrying out of works, and, therefore, constitutes development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,
- (b) the development of this building, and solely this building, would come within the scope of the exemptions set out in Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and complies with the Conditions and Limitations to which this Class is subject, and

- (c) none of the restrictions on exemption set out in the Planning and Development Act 2000, as amended, or in Article 9 (1) of the Planning and Development Regulations, 2001, as amended, apply in this case:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the construction of stables for the purpose of sheltering horses, fodder, sheep and goats at Church Lane, Newcastle Upper, Wicklow, County Wicklow is development and is 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.

Philip Jones

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

Dated this day of 2020.