

An
Bord
Pleanála

Board Order
ABP-309945-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: EX891

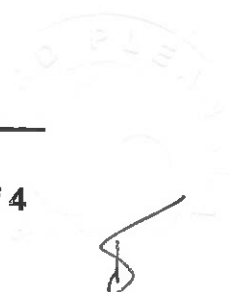
WHEREAS a question has arisen as to whether the construction of a hard surface area within the grounds of Derreen House, Derreen, Lauragh, Kenmare, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Charles Bingham care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 22nd day of March, 2021 stating that the matter is development and is not exempted development:

AND WHEREAS Charles Bingham referred the declaration for review to An Bord Pleanála on the 14th day of April, 2021:

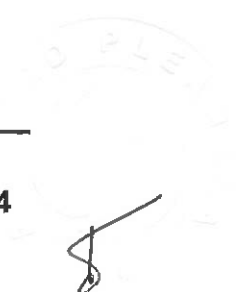
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) section 57(1), Part IV of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (e) the submission made by the referrer,
- (f) the nature, extent and scope of the works, and
- (g) the report of the planning Inspector:



AND WHEREAS An Bord Pleanála has concluded that -

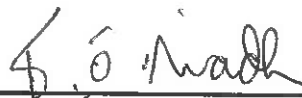
- (a) the construction of the hard surface constitutes works as referred to in section 2 of the Planning and Development Act, 2000, as amended,
- (b) the nature and intended use of the said hard surface in an area of the garden forward of the front building line of Derreen House to provide for storage of plant and materials required to maintain the woodland and gardens of Derreen House is incidental to the enjoyment of the house, as such, and comes within the scope of Class 6(b)(i) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the nature and intended use of the said hard surface area to provide for storage of plant and material required to maintain the woodland and gardens of Derreen House comes within the scope of Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (d) the hard standing area would not materially affect the character of Derreen House which is a protected structure:



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 construction of a hard surface area within the grounds of Derreen House, Derreen, Lauragh, Kenmare, County Kerry is development and is exempted development.

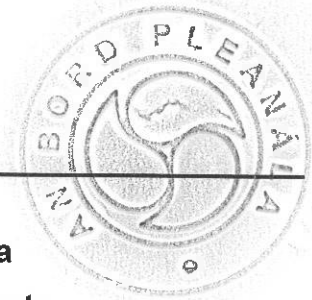
Matters Considered

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.



Terry Ó Niadh

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



Dated this 17th day of August 2021.