

An
Bord
Pleanála

Board Order
ABP-310229-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00851

WHEREAS a question has arisen as to whether the construction of a 16 square metre shed to the rear of the house, at Kill West, Kill, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Mimi Keogh care of Conor Furey and Associates Limited of Old World Cottage, Rathaskar Road, Naas, County Kildare requested a declaration on the question from Kildare County Council and the Council issued a declaration on the 22nd day of April, 2021 stating that the matter is development and is not exempted development:

AND WHEREAS Mimi Keogh referred the declaration for review to An Bord Pleanála on the 12th day of May, 2021:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 to those Regulations,
- (d) the documentation submitted with the referral,
- (e) the planning history of the subject site, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The development of the shed constitutes development;
- (b) The nature and scale of the shed structure comes within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended;
- (c) None of the conditions and limitations as set out under Column 2 of Class 3 of Part 1 of Schedule 2 to those Regulations apply in this instance;

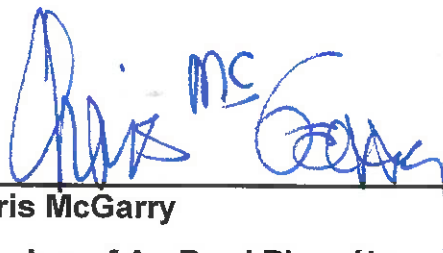


- (d) The description of the shed structure as set out in the referral documentation, including detail of the timing of its construction in December 2019, means that the provisions of planning permission granted by An Bord Pleanála under appeal reference number: ABP-307975-20, including the fact that implementation of this permission would require the removal of the shed on site, and that condition number 4 of this permission confirms that development described in Classes 1 and 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission, do not apply to the question currently before the Board, as the question is not related to any issue of implementation of this permission:

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 16 square metre shed to the rear of the house, at Kill West, Kill, County Kildare, as described in the referral documentation, is development and is exempted development.

Matters Considered

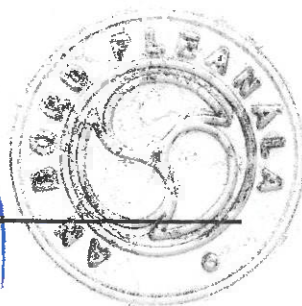
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 9th day of December 2021.