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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: EX 38/2021**

**WHEREAS** a question has arisen as to whether or not the construction of an agricultural building on lands at Ballyreagh, Enniskerry, County Wicklow is or is not development or is or is not exempted development:

**AND WHEREAS** William and Susan Allen care of Michael J. Murray of 'Ventnor', 1 Loreto Avenue, Bray, County Wicklow requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 22<sup>nd</sup> day of July, 2021 stating that the said matter is development but is not exempted development:

**AND WHEREAS** William and Susan Allen of Ballyreagh, Enniskerry, County Wicklow referred the declaration for review to An Bord Pleanála on the 13<sup>th</sup> day of August, 2021:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 3 of Schedule 2, Classes 6, 8 and 9 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

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

- (a) the works constitute development, being works which come within the scope of Section 3(1) of the Planning and Development Act, 2000, (as amended),
- (b) the agriculture structure as described by the referrer is be used for the storage of agricultural machinery, animal foodstuffs and bedding and for the housing of horses and/or sheep,

- (c) the development as described does not come within the scope of exempt agricultural structures provided for in either Class 6, 8 or 9, Part 3 of Schedule 2, of the Planning and Development Regulations, 2001, as amended, and
- (d) there is no other provision in the legislation to exempt the agricultural structure as described:

**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 agricultural building on lands at Ballyreagh, Enniskerry, County Wicklow is development and is not exempted development.

### **Matters Considered**

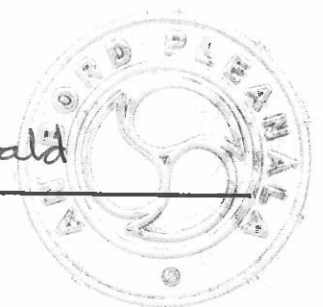
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this *3<sup>rd</sup>* day of *May* 2022