

An
Bord
Pleanála

Board Order
ABP-313151-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00925

WHEREAS a question has arisen as to whether the refurbishment of agricultural structures at Bolton Forest, Hobartstown, Moone, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Mervyn Neill care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan requested a declaration on the said question from Kildare County Council and the said Council issued a declaration on the 2nd day of March, 2022 stating that the matter is development and is not exempted development:

AND WHEREAS Mervyn Neill referred the declaration for review to An Bord Pleanála on the 29th day of March, 2022:

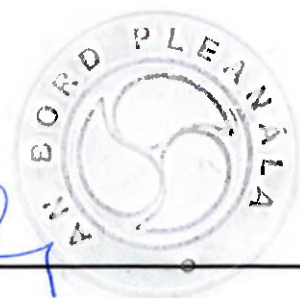
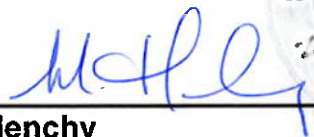
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1), 4(1)(a) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1 of those Regulations, 2001,
- (d) the planning history of the site,
- (e) the location of the development within an existing farm in a rural setting, and
- (f) 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, and
- (b) the works come within the scope of section 4(1)(h) of that Act, being works comprising the refurbishment of an existing agricultural building which affect mainly the interior of the structure, and which do not materially affect the external appearance of the structure, so as to render its appearance inconsistent with the character of the structure or of neighbouring structures:

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 refurbishment of agricultural structures at Bolton Forest, Hobartstown, Moone, County Kildare is development and is exempted development.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 24th day of November 2023.