



An  
Bord  
Pleanála

**Board Order**  
**ABP-314631-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: DEC710**

**WHEREAS** a question has arisen as to whether the construction and change of use of an agricultural farm building from an orchard machinery store to a cider brewery at Boherkyle, Goresbridge, County Kilkenny is or is not development or is or is not exempted development:

**AND WHEREAS** Lance O'Brien care of David Smyth of The Old Schoolhouse, Duninga, Goresbridge, County Kilkenny requested a declaration on the said question from Kilkenny County Council and the said Council issued a declaration on the 23<sup>rd</sup> day of August, 2022 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Lance O'Brien referred the declaration for review to An Bord Pleanála on the 16<sup>th</sup> day of September, 2022:

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

- (a) Section 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 5 (1) and 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the pattern of development in the immediate vicinity of the subject building.

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

- (a) The proposed change of use to a brewery is a change of use and is a material change of use and thereby constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The proposed change of use to a brewery is not an agricultural use as defined in PART 2 - Exempted Development, Article 5(1) of the Planning and Development Regulations, 2001, as amended.

**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 and change of use of an agricultural farm building from an orchard machinery store to a cider brewery at Boherkyle, Goresbridge, County Kilkenny is a material change of use that is development and is not exempted development.



  
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**Stephen Brophy**

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

Dated this 8<sup>th</sup> day of January 2024.