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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: ED/00978**

**WHEREAS** a question has arisen as to whether the construction of a stable building and a sand arena, along with the removal of stretches of hedgerow and two dying/diseased trees, and the planting and/or replanting of the removed shrubbery in the same location, at Riverview House, Thomastown, Carragh, County Kildare, is or is not development or is or is not exempted development;

**AND WHEREAS** John Curry and Catriona Howley requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 27<sup>th</sup> day of September 2022, stating that the construction of the stable building and sand arena constitutes development and is not exempted development; the removal of short stretches of hedgerow, where it creates a vehicular access point onto a public road which does not have the benefit of planning permission, constitutes development and is not exempted development; and the removal of short stretches of hedgerow, where it does not create a vehicular access point onto a public road which does not have the benefit of planning permission, and the removal of two dying/diseased trees, and planting and/or replanting of the removed shrubbery, is not considered to constitute development;

**AND WHEREAS** John Curry and Catriona Howley care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin referred this declaration for review to An Bord Pleanála on the 21<sup>st</sup> day of October 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 6 and 10 under Schedule 2, Part 3 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the location of the development in a rural setting, and
- (f) the pattern of development in the area:

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

- (a) The construction of a stable building and sand arena constitutes Development as defined in section 3(1) of the Planning and Development Act 2000 (as amended) and is Exempted Development as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

- (b) The removal of short stretches of hedgerow, where it does not create a vehicular access point onto a public road which does not have the benefit of planning permission, and the removal of two dying/diseased trees, and planting and/or replanting of the removed shrubbery, is not considered to constitute development as defined in section 3(1) of the Planning and Development Act 2000 (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 of a stable block and sand arena at Riverview House, Thomastown, Naas, County Kildare, for the purpose of housing and exercising horses by the Referrers' family only, is development and is exempted development, and that the removal and replacement of sections of hedgerow and dying/dead trees on the same site, where it does not create a vehicular access point onto a public road (which does not have the benefit of planning permission) is not considered development.

  
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**Liam Bergin**

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

Dated this 22nd day of January 2024