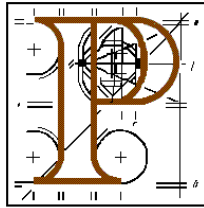


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Wicklow County**

**Planning Authority Reference Number: Ex 42/15**

An Bord Pleanála Reference Number: 27.RL.3404

**WHEREAS** a question has arisen as to whether use of an agricultural building known as “Arthur’s Barn” and associated lands used occasionally for small scale events at Belmont Demesne, Templecarrig Road, Bray, County Wicklow is or is not development or is or is not exempted development:

**AND WHEREAS** David Brabazon care of Auveen Byrne and Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 21<sup>st</sup> day of August, 2015 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said David Brabazon referred the declaration for review to An Bord Pleanála on the 17<sup>th</sup> day of September, 2015:

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

- (a) section 3 of the Planning and Development Act, 2000,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001,
- (d) condition number 2 of planning register reference number 10/2636, and
- (e) the planning history of the site, and the documentation submitted with the referral:

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

- (a) the use of an agricultural building known as “Arthur’s Barn” and associated lands used occasionally for small scale events as listed in the referral constitutes a change of use from the existing agricultural use, and this change of use is considered to be a material change of use and, therefore, constitutes development in accordance with the provisions of section 3 of the Planning and Development Act, 2000, and
- (b) having regard to the nature of the uses detailed in the referral, while it is considered that a number of these uses would come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, nevertheless, the said use of the agricultural building known as “Arthur’s Barn” and associated lands used occasionally for small scale events, would contravene condition number 2 attached to planning register reference number 10/2636. The restrictions on exemptions provided for under Article 9 (1)(a)(i) of the Planning and Development Regulations, 2001, apply:

**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 use of an agricultural building known as “Arthur’s Barn” and associated lands used occasionally for small scale events at Belmont Demesne, Templecarrig Road, Bray, 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.

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

**Dated this            day of                          2016.**