Make a Planning Appeal

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Response ID	6a5620f3af3fc237b6f53552
Date submitted	14/07/2026

Check if you can appeal to An Coimisiún Pleanála

1. What type of appeal are you making?	First-party appeal (I lodged the original application to the planning authority)
2. Select the statement that applies to you	I am an agent acting on behalf of the appellant
3. During the appeal we will post/email information and items to the appellant or to the appellant's agent. For this appeal, who should we write to?	The agent acting on behalf of the appellant or prescribed body
4. Throughout the appeal process, we may issue correspondence to the appellant/agent as selected above by email. Please confirm that you are satisfied to receive correspondence by email	Yes

Appeal type

This section will determine the type of appeal you wish to make and calculate the fee involved. If you qualify for the reduced fee, only that amount will be charged.

5. Is your appeal solely under Section 48 and/or Section 49 of the Planning and Development Acts?	No
6. Are you appealing against a non-financial condition that has been attached to a permission by the planning authority?	No
7. Does your appeal include retention?	No
8. Does your appeal relate to commercial development?	No
9. Does your appeal or application include an Environmental Impact Assessment Report (EIAR) or Natura Impact Statement (NIS)?	No
10. Do you wish to request an oral hearing?	No
11. Please confirm the following fee details are correct:	Yes

AN COIMISIÚN PLEANÁLA
LDG- 089258-26
ACP- 324443-26
14 JUL 2026
Fee: € 220 Type: Referral
Time: _____ By: 1st Party

Appellant/company details

This section is for details of the person/company who is making the appeal. If you are an agent submitting an appeal on behalf of a person/company, please include their details on this page. You can submit your agent details on the next page if applicable

12. Appellant's full name/Company name	Patrick Byrne
13. Is the appellant/company's address in the Republic of Ireland?	Yes
14. Address	THOMASTOWN CARAGH NAAS KILDARE W91CC98 Ireland
15. Phone number	+353866666667
16. Is there more than one appellant associated with this appeal?	No

*Please be advised that An Coimisiún Pleanála will only correspond with one appellant throughout the appeal process. If you wish to include further appellants on the appeal you may do so in your grounds to appeal document.
If the appeal is a third party appeal, you must ensure that you have a planning authority submission acknowledgement letter for each appellant listed. This must be uploaded with your appeal documents.*

Agent's details

17. Agent's full name/Company name	Adrian Donoghue Design
18. Is your address in the Republic of Ireland?	Yes
19. Address	ADRIAN DONOGHUE DESIGN THE LONG ACRE CLONANNY PORTARLINGTON LAOIS R32K24E Ireland
20. Phone number	+353860578878

Details about the proposed development

This section asks for details about the planning authority decision you wish to appeal

21. Planning authority	Kildare County Council
22. Planning authority register reference number	ED/1364
23. Address of proposed development	THOMASTOWN CARAGH NAAS KILDARE W91CC98 Ireland

Grounds for appeal

24. Describe the grounds of your appeal (planning reasons and arguments). You can enter them here or attach them as a document below	Please see attached
25. Attachment describing the grounds of your appeal (planning reasons and arguments)	Appeal.pdf - Virus scan flagged the file as clean

You can also attach further supporting materials on the next page

Supporting material

If you wish you can include supporting materials with your appeal. Supporting materials include photographs, plans, surveys, drawings, technical guidance documents and so on.

Please note An Coimisiún Pleanála will receive a complete copy of documents/drawings/maps that were submitted at planning authority stage. When submitting supporting material, please only include new documents. (This does not apply to third party appeals where we will always require a copy of your planning authority submission acknowledgement letter.)

26. Supporting material 1	ED1364.pdf - Virus scan flagged the file as clean

If you have added attachments, submitting the form may take a few moments. Thanks for your patience.

ADRIAN **DONOGHUE**
DESIGN STUDIO

The Long Acre, Clonanny, Portarlington, Co. Laois, Rep. of Ireland

AN COIMISIÚN PLEANÁLA

APPEAL UNDER SECTION 5(3) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

AGAINST THE DECLARATION OF KILDARE COUNTY COUNCIL

Planning Authority Reference: ED/1364

Applicant
Patrick Byrne

Development

Proposed Agricultural Equine Isolation and Quarantine Stable Block together with associated agricultural hardstanding and ancillary agricultural works at Thomastown, Caragh, Co. Kildare.

PART ONE

INTRODUCTION

This Appeal is made pursuant to Section 5(3) of the Planning and Development Act 2000 (as amended) against the Declaration of Kildare County Council dated 29 June 2026 which determined that the proposed development constitutes development and is **not exempted development**.

The Appellant respectfully submits that the Planning Authority has materially erred in both fact and law in reaching that conclusion.

While the Planning Authority correctly concluded that the proposal comprises an agricultural equine isolation and quarantine facility ancillary to an established horse breeding enterprise, it fundamentally misdirected itself in its interpretation and application of the Planning and

Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), particularly Article 9 and Class 6 of Part 3 of Schedule 2.

The Appellant respectfully submits that the Declaration should therefore be set aside and replaced with a Declaration that the proposed development constitutes development which is exempted development.

The issues before the Board are therefore not whether the proposal is agricultural, nor whether the proposal is genuinely required for agricultural purposes, but whether the Planning Authority correctly interpreted the statutory provisions governing exempted development.

It is respectfully submitted that it did not.

THE PURPOSE OF A SECTION 5 REFERRAL

Section 5 of the Planning and Development Act provides a statutory mechanism whereby uncertainty regarding the planning status of proposed development may be resolved without the necessity for a full planning application.

The purpose of the legislation is to provide certainty.

It is not intended to determine the planning merits of a proposal.

Neither is it intended to revisit previous planning decisions or enforcement proceedings unless those matters are directly relevant to the statutory question being asked.

The only question before the Planning Authority was whether the proposed agricultural stable block constituted exempted development under the Planning and Development Regulations.

Instead, the Planning Authority expanded the scope of its assessment beyond the statutory question by relying upon unrelated planning history and an ongoing enforcement file in circumstances where neither legally determined the issue before it.

Accordingly, the Appellant respectfully submits that the Planning Authority departed from the statutory function assigned to it under Section 5.

ADRIAN **DONOGHUE**
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THE PROPOSED DEVELOPMENT

The proposed development consists of a modest single-storey agricultural building designed solely for the housing and management of horses requiring isolation and quarantine within an established agricultural horse breeding enterprise.

The proposal comprises:

- four dedicated isolation stables;
- one standard stable;
- feed storage;
- bedding storage;
- associated agricultural hardstanding;
- manure management facilities;
- ancillary agricultural works.

The submitted architectural drawings identify the roofed stable building as having a total floor area of **300.00 square metres**, which corresponds with the maximum floor area permitted under Class 6.

The proposal is accompanied by an Agricultural Consultant's Report confirming:

- the agricultural necessity for the development;
- compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations;
- appropriate manure management arrangements;
- appropriate effluent management;
- compliance with Department of Agriculture requirements.

The report further confirms that the proposal forms part of an existing agricultural enterprise associated with horse breeding and agricultural land management.

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ESTABLISHED AGRICULTURAL ENTERPRISE

The Applicant operates a long-established agricultural enterprise together with an active horse breeding operation.

This was fully explained within the original Section 5 submission.

The proposal is intended to provide a dedicated biosecurity facility whereby horses requiring isolation may be separated from the principal breeding establishment.

Such facilities are now recognised throughout the equine industry as essential components of responsible disease management and animal welfare.

Indeed, the Planning Authority itself expressly accepted this position.

The Planning Authority accepted that:

- the proposal is agricultural;
- the use is agricultural only;
- the development is associated with horse breeding;
- the proposal satisfies the agricultural purpose required by Class 6.

These findings are significant.

They represent formal findings by the Planning Authority that the proposal is precisely the type of agricultural development contemplated by Class 6.

Once those findings are accepted, the remaining legal issues become considerably narrower.

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THE PLANNING AUTHORITY'S DECISION

The Planning Authority ultimately concluded that the proposal is not exempted development for two principal reasons.

Firstly, it concluded that Article 9(1)(a)(viii) removes exempted development rights because an enforcement file remains active in respect of previous development on the lands.

Secondly, it concluded that the proposed structure exceeds the maximum floor area permitted under Class 6.

The Appellant respectfully submits that both conclusions are legally unsustainable.

THE CENTRAL LEGAL QUESTION

The Planning Authority accepted almost every statutory requirement applicable under Class 6.

Specifically, the Authority accepted that:

- the development is agricultural;
- the structure is for agricultural purposes only;
- appropriate effluent facilities are proposed;
- required road setbacks are achieved;
- required residential separation distances are achieved;
- height limitations are complied with;
- flood risk requirements are satisfied;
- watercourse separation requirements are satisfied;
- agricultural use limitations are satisfied.

Those findings are contained throughout the Planning Authority's own assessment.

Accordingly, this appeal is not concerned with whether the proposal is agricultural.

It is.

Nor is this appeal concerned with whether the proposal is genuinely required.

The Planning Authority has already accepted that it is.

Rather, this appeal concerns whether the Planning Authority correctly interpreted the legislation governing exempted development.

It is respectfully submitted that it did not.

THE APPROACH WHICH SHOULD BE ADOPTED BY THE BOARD

The Board is respectfully requested to consider this appeal by reference to the wording actually adopted by the Oireachtas within the Planning and Development Act and the Planning and Development Regulations.

Restrictions upon exempted development rights must be interpreted in accordance with the legislation itself.

Restrictions cannot be expanded through implication.

Neither can additional statutory restrictions be introduced simply because an enforcement file exists.

Had the Oireachtas intended that agricultural exempted development rights should permanently cease whenever previous planning irregularities existed upon lands, it would have expressly legislated for that consequence.

It has not done so.

The Board is therefore respectfully requested to interpret Article 9 according to its ordinary and natural meaning rather than according to an expanded interpretation unsupported by the legislation.

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SUMMARY OF GROUNDS

This Appeal is advanced upon the following principal grounds:

1. The Planning Authority fundamentally misinterpreted Article 9(1)(a)(viii).
2. The existence of an enforcement file does not remove exempted development rights.
3. The Planning Authority incorrectly relied upon previous planning history.
4. The Planning Authority failed to properly distinguish an agricultural stable building from the previously proposed workshop.
5. The Planning Authority incorrectly calculated the gross floor area of the proposed structure.
6. The Planning Authority accepted compliance with virtually every statutory requirement under Class 6 yet nevertheless refused exempted development.
7. The Declaration frustrates the legislative purpose underlying agricultural exemptions.
8. The Declaration is disproportionate, unreasonable and based upon an error of law.

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PART TWO

DETAILED GROUNDS OF APPEAL

GROUND 1

MISINTERPRETATION OF ARTICLE 9(1)(a)(viii) OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED)

The principal issue arising in this appeal concerns the Planning Authority's interpretation of Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

The Planning Authority concluded that because an enforcement file remains open in relation to previous development on the lands, the proposed agricultural building cannot qualify as exempted development.

It is respectfully submitted that this conclusion is legally incorrect.

Article 9(1)(a)(viii) provides that exempted development shall not apply where development consists of:

"...the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use."

The wording adopted by the Oireachtas is clear, specific and deliberately limited.

The restriction applies only where proposed works consist of:

- an extension;
- an alteration;
- a repair; or
- a renewal,

of an existing unauthorised structure or unauthorised use.

The proposed development before the Board does not comprise any of those categories.

The proposal is an entirely new agricultural building.

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It is not physically attached to any unauthorised structure.

It does not alter any unauthorised structure.

It does not repair any unauthorised structure.

It does not renew any unauthorised structure.

Nor does it facilitate the continuation of any unauthorised use.

Accordingly, Article 9(1)(a)(viii) is simply not engaged.

The Planning Authority has effectively interpreted Article 9 as meaning:

"Where an enforcement file exists upon lands, all exempted development rights are lost."

No such wording exists.

No such restriction appears anywhere within the Planning and Development Act.

No such restriction appears anywhere within the Planning and Development Regulations.

Had the legislature intended to remove exempted development rights from all lands affected by enforcement proceedings, it would have expressly provided for such a consequence.

It has not done so.

Instead, the restriction is carefully confined to works carried out to an unauthorised structure itself.

That distinction is fundamental.

The Planning Authority has therefore expanded the statutory restriction beyond its ordinary meaning.

It is respectfully submitted that such an interpretation cannot be sustained.

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GROUND 2

THE EXISTENCE OF AN ENFORCEMENT FILE DOES NOT EXTINGUISH STATUTORY EXEMPTED DEVELOPMENT RIGHTS

The Planning Authority places significant reliance upon Enforcement File UD8973.

It is respectfully submitted that the existence of an enforcement investigation is legally irrelevant unless the proposed works themselves fall within one of the statutory restrictions contained within Article 9.

Planning enforcement is a mechanism designed to investigate alleged unauthorised development.

It is not itself a planning permission.

Neither is it a statutory designation affecting land.

Nor does it create an additional category of restricted development.

The Planning Authority's reasoning effectively produces the following proposition:

Once an enforcement investigation exists, future agricultural exempted development rights permanently disappear.

That proposition has no basis whatsoever in planning legislation.

If accepted, it would produce extraordinary consequences.

For example:

A farmer who had previously erected an unauthorised shed could thereafter lose all entitlement to construct any future exempt agricultural structures.

A livestock farmer could no longer construct an exempt slatted shed.

A dairy farmer could no longer construct exempt effluent facilities.

A horse breeder could no longer construct exempt stables.

Such an interpretation would undermine the entire purpose of agricultural exemptions created by the Oireachtas.

Nothing within the Planning Acts suggests such an intention.

Accordingly, the Planning Authority has attributed legal consequences to an enforcement file which the legislation simply does not provide.

GROUND 3

THE PROPOSED DEVELOPMENT IS FUNDAMENTALLY DIFFERENT FROM THE PREVIOUS PLANNING APPLICATION

Throughout its report the Planning Authority repeatedly refers to Planning Reference 26/60278.

The previous proposal related to:

- a workshop;
- storage building;
- builders' yard operations.

The present proposal bears no resemblance whatsoever to that development.

The proposal before the Board comprises:

- five agricultural stables;
- four isolation units;
- one conventional stable;
- feed storage;
- bedding storage;
- agricultural hardstanding;
- manure management.

Its purpose is entirely agricultural.

Indeed, the Planning Authority expressly accepts that fact throughout its assessment.

Accordingly, previous planning history concerning an entirely different proposal cannot lawfully determine whether the present proposal falls within Class 6.

Each proposal must be assessed on its own statutory merits.

The Planning Authority failed to do so.

Instead, previous planning history appears to have coloured the assessment from the outset.

That approach is inconsistent with the statutory purpose of Section 5.

GROUND 4

THE PLANNING AUTHORITY EXPRESSLY ACCEPTED THAT THE PROPOSAL SATISFIES THE AGRICULTURAL PURPOSE REQUIRED BY CLASS 6

One of the most significant features of the Planning Authority's own report is that it repeatedly accepts the agricultural nature of the proposal.

The Authority expressly accepts that:

- the proposal is for agricultural purposes;
- the proposal is associated with horse breeding;
- the proposal is intended solely for agricultural equine isolation;
- the proposal complies with Condition No. 1 of Class 6;
- the proposal satisfies the majority of Class 6 limitations.

These findings are of considerable importance.

Once those matters are accepted, the proposal falls squarely within the category of development which Class 6 was specifically enacted to facilitate.

The Board is therefore respectfully invited to consider why exempted development should nevertheless be refused when virtually every substantive statutory requirement has already been accepted by the Planning Authority itself.

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GROUND 5

FAILURE TO APPLY THE LEGISLATIVE PURPOSE OF CLASS 6

Class 6 was introduced to avoid unnecessary planning applications for routine agricultural development.

Agriculture is a dynamic industry.

Farm buildings evolve.

Livestock accommodation changes.

Biosecurity requirements continue to develop.

The exemption exists because the legislature recognised that many agricultural buildings should not require planning permission where prescribed limitations are satisfied.

The Planning Authority accepted that this proposal is:

- agricultural;
- modest in scale;
- associated with an established agricultural enterprise;
- necessary for horse welfare;
- compliant with virtually every operational limitation contained within Class 6.

Those findings should have led naturally toward confirmation that exempted development applies.

Instead, the Authority relied upon matters outside the purpose of Class 6.

In doing so, it frustrated rather than promoted the legislative objective.

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GROUND 6

THE DECISION FAILS TO APPLY THE PRINCIPLE OF STATUTORY INTERPRETATION

It is a well-established principle of statutory interpretation that legislation restricting proprietary rights should not be interpreted more broadly than the wording adopted by the legislature.

Article 9 restricts exempted development rights.

Accordingly, it should be interpreted according to its express wording.

The Planning Authority instead expanded the restriction beyond the wording actually adopted by the Oireachtas.

Such an approach effectively creates a new statutory prohibition.

Planning Authorities possess no jurisdiction to create additional statutory restrictions.

Their function is to apply the legislation enacted by the Oireachtas.

The Board is respectfully requested to correct this error.

GROUND 7

ERROR IN THE PLANNING AUTHORITY'S APPROACH TO GROSS FLOOR AREA

The Planning Authority states that the proposed structure measures approximately **318m²**.

However, the architectural drawings submitted with the application clearly identify the **TOTAL STABLES AREA as 300.00sqm**.

The Planning Authority provides no calculation, no measurement schedule and no explanation as to how the figure of 318m² was derived.

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If the Authority included external hardstanding, circulation areas or uncovered agricultural yards within its calculation, that would not reflect the "gross floor space" of the roofed structure referred to in Class 6.

In circumstances where the submitted drawings expressly state a total roofed stable area of 300.00m², the Board is respectfully requested to attach significant weight to the submitted plans unless objective evidence demonstrates otherwise.

The unexplained discrepancy between the Planning Authority's figure and the submitted architectural drawings materially weakens one of the principal reasons advanced for refusing the declaration.

ADRIAN **DONOGHUE**
DESIGN STUDIO

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PART THREE

FURTHER GROUNDS OF APPEAL

GROUND 8

FAILURE TO EXERCISE THE SECTION 5 JURISDICTION CORRECTLY

Section 5 of the Planning and Development Act provides a limited statutory jurisdiction.

The Planning Authority is required to determine one specific question:

Whether the proposed development is or is not development and whether it is or is not exempted development.

The function is not to assess the planning merits of the proposal.

Neither is it intended to reconsider previous planning applications or determine whether planning permission ought to be granted.

Instead, the Planning Authority is required to undertake a careful legal assessment of the statutory provisions governing exempted development.

In the present case, the Planning Authority moved beyond that statutory function.

The report repeatedly refers to:

- previous planning refusals;
- previous enforcement proceedings;
- historical development on the site.

Those matters were not the statutory question referred under Section 5.

The only issue before the Planning Authority was whether the proposed agricultural stable block satisfied the requirements of Class 6 of Part 3 of Schedule 2.

Instead, the assessment became heavily influenced by matters wholly unrelated to the legal question before it.

The Appellant respectfully submits that the Planning Authority therefore failed to properly exercise its statutory jurisdiction.

GROUND 9

FAILURE TO HAVE REGARD TO THE ACTUAL PURPOSE OF THE DEVELOPMENT

The Planning Authority accepted throughout its assessment that the proposed development is intended solely for:

- equine isolation;
- equine quarantine;
- disease prevention;
- animal welfare;
- horse breeding management.

These findings are entirely consistent with the documentation submitted by the Applicant, including the Agricultural Consultant's Report and the detailed Section 5 submission.

The proposal is therefore plainly distinguishable from commercial equestrian enterprises, riding schools, livery operations or industrial uses.

Rather, it forms part of the day-to-day operation of an agricultural breeding enterprise.

The legislative purpose behind Class 6 is precisely to facilitate such agricultural development.

Accordingly, significant weight should attach to the undisputed agricultural necessity for the proposal.

ADRIAN **DONOGHUE**
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GROUND 10

FAILURE TO GIVE APPROPRIATE WEIGHT TO THE APPLICANT'S EVIDENCE

The Applicant submitted comprehensive documentation in support of the Section 5 referral.

That documentation included:

- architectural drawings;
- detailed site layout plans;
- agricultural consultant's report;
- explanation of the breeding enterprise;
- explanation of biosecurity requirements;
- explanation of manure management;
- explanation of the agricultural lands available for operation of the facility.

None of that evidence was challenged.

No contrary agricultural evidence was produced.

No expert report disputed the Applicant's Agricultural Consultant.

Indeed, the Planning Authority accepted many of the report's conclusions.

Nevertheless, insufficient weight was attached to that evidence when determining the statutory question.

ADRIAN **DONOGHUE**
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GROUND 11

PRINCIPLE OF PROPORTIONALITY

Planning legislation should be administered proportionately.

The present proposal comprises:

- one modest agricultural building;
- approximately 300 square metres in area;
- approximately three metres in height;
- located within agricultural lands;
- intended solely for agricultural purposes;
- serving an existing agricultural enterprise.

The Planning Authority accepted virtually every statutory limitation applicable to the proposal.

Despite this, exempted development was refused.

Such an outcome is disproportionate having regard to:

- the modest scale of the proposal;
- the accepted agricultural use;
- the accepted compliance with most statutory limitations;
- the absence of any identified planning harm.

The Appellant respectfully submits that proportionality strongly favours confirmation that exempted development applies.

GROUND 12

CONSISTENCY OF DECISION MAKING

The Planning Acts seek consistency, certainty and predictability.

Agricultural operators throughout the State rely upon the exempted development provisions contained within Class 6.

Those provisions should be applied consistently.

If the Planning Authority's interpretation were upheld, any previous planning irregularity upon agricultural lands could effectively prevent future reliance upon agricultural exemptions.

Such an outcome would introduce uncertainty into the operation of agricultural planning legislation.

It would also undermine the purpose for which the exemption exists.

The Board is respectfully requested to avoid an interpretation that would have such wide-ranging consequences.

GROUND 13

THE DECLARATION IS BASED UPON ERRORS OF FACT

The Planning Authority refers to a gross floor area of approximately 318 square metres.

The submitted drawings identify the roofed stable block as comprising a total floor area of **300.00 square metres**.

No explanation is provided for the discrepancy.

No measured survey accompanies the report.

No calculation is included.

The Board is respectfully requested to attach greater weight to the Applicant's architectural drawings than to an unexplained figure contained within the planning report.

Should the Board consider clarification necessary, the Appellant respectfully submits that this matter is capable of objective measurement and should not of itself justify refusal of exempted development.

ADRIAN **DONOGHUE**
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OVERALL CONCLUSION

The Planning Authority accepted that the proposed development comprises:

- a genuine agricultural building;
- an equine isolation and quarantine facility;
- development ancillary to an established horse breeding enterprise;
- development intended solely for agricultural purposes;
- development satisfying the overwhelming majority of the statutory conditions contained within Class 6.

Notwithstanding those findings, the Planning Authority concluded that exempted development rights were unavailable.

The Appellant respectfully submits that this conclusion resulted from two fundamental errors.

Firstly, the Planning Authority incorrectly interpreted Article 9(1)(a)(viii) by treating the existence of an enforcement file as permanently removing exempted development rights.

That interpretation is unsupported by the wording of the legislation.

Secondly, the Planning Authority relied upon an unexplained floor area calculation inconsistent with the submitted architectural drawings, which identify the roofed stable block as measuring **300.00 square metres**.

When those two errors are removed, there remains no lawful basis upon which the proposed development can be excluded from the operation of Class 6.

The proposal is exactly the type of agricultural development which the Oireachtas intended should benefit from exempted development provisions.

It is modest.

It is agricultural.

It is necessary.

It is supported by expert agricultural evidence.

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It is designed solely for the welfare and biosecurity of horses associated with an existing breeding enterprise.

The Appellant therefore respectfully submits that the Declaration of Kildare County Council cannot stand.

ORDER SOUGHT

The Appellant respectfully requests that An Coimisiún Pleanála:

1. **Allow this Appeal.**
2. **Set aside the Declaration of Kildare County Council Reference ED/1364 dated 29 June 2026.**
3. **Substitute a Declaration pursuant to Section 5 of the Planning and Development Act 2000 (as amended) determining that the proposed Agricultural Equine Isolation and Quarantine Stable Block together with associated agricultural works at Thomastown, Caragh, Co. Kildare constitutes development which is Exempted Development under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).**

I trust this will meet your requirements.

Kind Regards,

Adrian W Donoghue
Adrian Donoghue Design Ltd

Comhairle Contae Chill Dara
Kildare County Council

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1364

WHEREAS a question has arisen as to whether 5 stables and associated works for an equestrian isolation and quarantine facility at Thomastown, Caragh, Co Kildare, is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 02nd June 2026.

AND WHEREAS Patrick Byrne requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended) and
(b) Planning and Development Regulations 2001 (as amended); and
(c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

(a) Section 2, 3 and 5 of the Planning and Development Act 2000 (as amended)
(b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
(c) Class 6 of Part 3 of Schedule 2 of the Planning and Development regulations 2001 (as amended)
(d) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the 5 stables and associated works for an equestrian isolation and quarantine facility at Thomastown, Caragh, Co Kildare **IS development and IS NOT EXEMPTED development** pursuant to Section 2, 3 and 5 of the Planning and Development Act 2000 (as amended), Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Coimisiún of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

29th June 2026

Senior Executive Officer,
Planning Department.