



An
Bord
Pleanála

Board Direction
ABP 300-537-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/07/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to “Whether the change of use from residential to home-schooling collective use at ‘Avila House’, Bromley, Kilpedder, Co. Wicklow is or is not development and is or is not exempted development”.

AND WHEREAS this question was referred to Wicklow County Council on 31 October 2017 and to An Bord Pleanála for review on 19th December 2017 by Ciara Brehony and Sonja Luescher Keogh of Wicklow Sudbury, Home-schooling Collective.

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

- a) section 3 of the Planning and Development Act, 2000 (as amended),
- b) articles 6, 9 and 10 of the Planning and Development Regulations, 2001, (as amended),

- c) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- d) Case Law,

AND WHEREAS An Bord Pleanála has concluded: -

- a) The established use of the subject premises is as a single dwelling
- b) The current use of the premises as a home-schooling collective represents a change of use from residential to solely educational use
- c) This change of use raised material planning considerations including the pattern of traffic resulting from home-schooling use and impacts on the local area in terms of noise, operational hours and generation of waste and accordingly would be a material change of use and is therefore development
- d) There is no provision in the Planning and Development Act 2000 as amended and in the Planning and Development Regulations 2001 as amended by which such development would be exempted development.

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 said change of use from a residential unit to a home-schooling collective is development and is not exempted development.

Board Member:

Date: 20/07/2018

Terry Prendergast