



An
Bord
Pleanála

Board Direction
ABP-301139-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2018.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than 4 persons is, or is not, development and is, or is not, exempted development:

AND WHEREAS Steven Van Den Bergh requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 9th day of February 2018 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 7th day of March, 2018:

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

(a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as

amended,

- (b) Article 10 (4) of the Planning and Development Regulations, 2001, as amended,
- (c) The planning history of the site,
- (d) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than 4 persons at Woodside Cottage, Tinnakilly, Rathnew, Co. Wicklow constitutes a material change of use and is development in accordance with section 3 (i) of the Act and
- (b) Having noted the statements by the referrer that Woodside Cottage would 'remain in permanent occupation and year-round use as a dwelling' and that the provision of overnight guest accommodation would be 'within a dwelling which is occupied as a year-round home' and would 'comprise 'B&B type accommodation..... on a rather limited scale'.
- (c) By reference to Article 10 (4) the subject use constitutes exempted development because the question posed in the referral corresponds with the provisions of the article.

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 use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than 4 persons at Woodside Cottage, Tinakilly, Rathnew, Co. Wicklow is development and is exempted development.

In deciding not to accept the Inspector's recommendation, the Board considered that the question posed in the referral related directly to development which is exempted development under the Planning and Development Act, 2000, as amended and the Planning and Development Regulations, 2001, as amended, and in particular to Article 10(4) of the Regulations.

Board Member:

Date: 18/10/2018

Terry Prendergast