



An
Bord
Pleanála

Board Direction
ABP-309922-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/05/2023.

The Board decided that the matters arising in questions (i), (ii) and (iii) of the subject referral is the same, or substantially the same, and in respect of the same land as a Referral issued under ABP Reference 307077-20 on the 4th day of January 2021, and there is no evidence of any change in the planning facts or circumstances underpinning the application. In these circumstances, the Board is precluded under Section 50(2) of the Planning and Development Act, 2000, as amended, from making a determination on Items (i), (ii) and (iii).

The Board decided, as set out in the following Order, that the matters arising in respect of question (iv) that part of same is not development and that part is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of the completed apartments for facilities including security office, doctors/nurses' station, pharmacy, food store, the ordering of tenants' food by way of food coupons, provision of mental health services and therapy rooms for tenants and transport to/from the Centre is or is not development or is or is not exempted development.

AND WHEREAS Liam Madden requested a declaration on this question from Leitrim County Council and the Council issued a declaration on the 31st day of March 2021 stating that:

(a) the use of Unit 26 as an office/security services hub complies with the permitted use of the unit and does not constitute development.

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

- (a) Section 2(1), 3(1), 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 5, Article 6(1) Article 10 and Part 4 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the pattern of development in the area,
- (e) the nature of the current use of the site,
- (f) the submission of the Referrer and the documentation received from the Planning Authority, and
- (g) the report of the Planning Inspector

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Based on the documentation presented on the file, including the report of the planning authority the use of Unit 26 at The Rock Centre, Ballinamore, Co. Leitrim as a security office does not constitute a material change of use from the permitted office/business use of the unit and does not constitute development.
- (b) While it has not been demonstrated that a medical services station has been incorporated into the Unit, based on the documentation presented on the file, including the report of the planning authority, the provision of a medical

services station within Unit 26 at The Rock Centre, Ballinamore, Co. Leitrim does not constitute a material change of use from the permitted office/business use and therefore, does not constitute development;

- (c) Based on the documentation presented on the file, including the report of the planning authority, no evidence has been provided that a pharmacy use operates within the now completed apartment units;
- (d) Based on the documentation presented on the file, including the report of the planning authority, no evidence has been provided that a use comprising the provision of mental services and therapy rooms for tenants operates within the now completed apartment units;
- (e) The ordering of tenant's food by way of food coupons or the transport to/from the centre do not fall within the scope of Section 5 of the Planning and Development Act 2000, as amended.
- (f) Based on the documentation presented on the file, including the report of the planning authority, the use of the subdivided unit to the rear of the development for use as a foodstore and for medical services is development and is not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that:

- (a) the use of Unit 26 at The Rock Centre, Ballinamore, Co. Leitrim as an office/security services hub does not constitute a material change of use from the permitted office/business use of the unit and is not development.

- (b) the provision of a medical services station within Unit 26 at The Rock Centre, Ballinamore, Co. Leitrim does not constitute a material change of use from the permitted office/business use and therefore, is not development;
- (c) the use of the subdivided unit to the rear of the development for use as a foodstore and for medical services is development and is not exempted development.

Board Member:



Date: 26/05/2023

Una Crosse