

An
Bord
Pleanála

Board Direction
ABP-309961-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2022.

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 of a shomera to allow someone to do some home work in the space (keep existing use) is or is not development or is or is not exempted development.

AND WHEREAS Paula Coughlan and Patrick Horan requested a declaration on this question from South Dublin County Council and the Council issued a declaration on the 18th day of March, 2021, stating that the matter was development and was not exempted development;

AND WHEREAS Paula Coughlan and Patrick Horan referred this declaration for review to An Bord Pleanála on the 14th day of April, 2021.

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

(a) Section 2(1) of the Planning and Development Act, 2000, as amended,

- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, specifically planning permission SD11B/0293 which granted retention permission for a shomera type single structure within the curtilage of 6 Hermitage Way, Lucan, County Dublin and condition 2(a) of this grant of permission which states that the shomera/shed shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for the carrying out of any trade or business, or for human habitation;
- (f) the nature of the change of use as described in the referral documentation, and
- (g) the report of the Inspector.

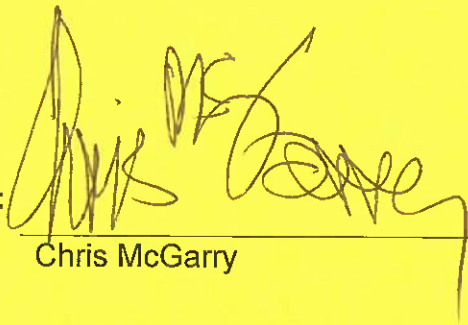
AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposed change of use of a Shomera / wooden shed, from domestic storage, ancillary to the main house, permitted under SD11B/2093, to use for home work, is not development as it does not constitute development by virtue of the fact that it would not require the carrying out of 'works' as defined under Section 2(1) of the Planning and Development Act, and would not constitute a material change of use by virtue of the fact that it would not result in any additional planning considerations or impacts that would change the nature and character of the structure;
- (b) The proposed change of use from domestic storage, ancillary to the main house, permitted under SD11B/2093, to use for some home working, would not contravene Condition 2(a) of SD11B/2093, as the nature of the home work so described in the referral documentation would fall within the scope

of an activity incidental to the enjoyment of the dwelling house and would not constitute a separate trade or business use, such that it would be contrary to the provisions of Condition 2(a) of PA Ref. SD11B/2093;

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 the change of use of a shomera to allow someone to do some home work in the space (keep existing use) is not development.

Board Member:



Chris McGarry

Date: 04/11/2022

