

An  
Bord  
Pleanála

**Board Direction**  
**ABP-311197-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/08/2022.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the use of Unit 14, M50 Business Park (Fashion City), Ballymount Road Upper, Dublin 24, for light industrial use involving computer programming is or is not development, and is or is not exempted development,

**AND WHEREAS** Surf Accounts Ltd requested a declaration on this question from South Dublin Council and the Council issued a declaration on the 28<sup>th</sup> day of July 2021, stating that the matter was development and was not exempted development,

**AND WHEREAS** Surf Accounts Ltd referred this declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of August 2021,

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 4 and 5 of Part 4 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site,

- (e) the information submitted with the referral on the 23<sup>rd</sup> day of August 2021,
- (f) the nature / pattern of development in the area, and
- (g) the report of the Inspector,

**AND WHEREAS** An Bord Pleanála has concluded that:

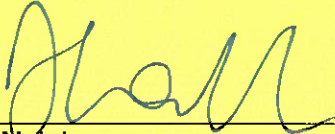
(a) The authorised / established use of Unit 14 M50 Business Park (Fashion City), Ballymount road Upper, Dublin 24, is as a warehouse / showroom and as such falls within the scope of Class 5 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

(b) The proposed use for light industrial use involving computer programming falls within the scope of Class 4 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

(c) The proposed change of use from a Class 5 Warehouse / Showroom to a Class 4 light industrial use is a change of use which is material,

**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 Unit 14, M50 Business Park (Fashion City), Ballymount Road Upper, Dublin 24, for light industrial use involving computer programming is development, and is not exempted development.

**Board Member:**

  
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Dave Walsh

**Date:** 25/08/2022