

An
Bord
Pleanála

Board Direction
BD-014478-23
ABP-313411-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2023.

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

WHEREAS a question has arisen as to whether the change of use and works on the site of former public house with residential accommodation and football pitch purchased by Tipperary County Council (on an overall site of c.132ha) at Seanins, Sallypark, Latteragh, Nenagh, Co. Tipperary, into a Council depot and offices is or is not development or is or is not exempted development:

AND WHEREAS RLM Planning on behalf of Michael Power and Margaret Ryan requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 4th day of April, 2022 stating that the matter is development and is exempted development:

AND WHEREAS RLM Planning on behalf of Michael Power and Margaret Ryan referred this declaration for review to An Bord Pleanála on the 22nd day of April, 2022:

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

- (a) Part 1, Sections 2(1), 3(1) and 4(1)(aa) and (h) and 4(4) of the Planning and Development Act, 2000, as amended,
- (b) Part XAB, Section 177U, and Part XI Section 178(1) and Section 179 (1) of the Planning and Development Act, 2000, as amended,
- (c) Articles 6(1), 9(1) 10(1) and article 80 (1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the provisions of the Tipperary County Development Plan 2022-2028
- (f) the planning history of the site.
- (g) the nature of the uses previously and currently on site and the pattern of development in the area,
- (h) the documentation on file, including details submitted by the referrer and the planning authority declaration and response to the referral,
- (i) the report of the Planning Inspector:


AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use and works on the site of former public house with residential accommodation and football pitch purchased by Tipperary County Council (on an overall site of c.132ha) at Seanins, Sallypark, Latteragh, Nenagh, Co. Tipperary, into a Council depot and offices constitutes development.
- (b) the current use as council depot from former public house with residential accommodation and football pitch constitutes a material change of use under Section 3(1) of the Planning and Development Act 2000, as amended.

- (c) this development by a local authority in its functional area, would come within the scope of exemption under Section 4(1)(aa) of the Planning and Development Act 2000 (as amended);
- (d) Section 4(1)(aa) does not come within the restrictions on exemption relative to environmental impact assessment or an appropriate assessment of the development, under Section 4(4) of the Planning and Development Act 2000 (as amended);

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 change of use and works from former public house with residential accommodation and football pitch to council depot is development and is exempted development.

Board Member:


Martina Hennessy

Date: 07/11/2023

