



An
Bord
Pleanála

**Board Direction
ABP-313870-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/09/2023.

The Board decided, as set out in the following Order, as follows:-

WHEREAS a question has arisen as to whether works for the conversion of a domestic garage to a gym, including alterations to existing elevations and roof profile is or is not development and is or is not exempted development.

AND WHEREAS Marian Thomas requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 7th day of June, 2022 stating that the matter was development and was exempted development:

WHEREAS Marian Thomas referred this declaration for review to An Bord Pleanála on the 21st day of June, 2022:

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, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area.

AND WHEREAS An Bord Pleanála has concluded that the conversion of a domestic garage to a gym, including alterations to existing elevations and roof profile constitutes 'development', as defined under Section 3(1) of the Planning and Development Act, 2000 as amended and would come generally within the scope of the exempted development provision provided at Section 4(1)(h) of the Planning and Development Act, 2000 as amended.

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 conversion of a domestic garage to a gym, including alterations to existing elevations and roof profile is development and is exempted development.

Board Member:



Patricia Calleary

Date: 08/09/2023