



An
Bord
Pleanála

Board Direction
BD-014878-23
ABP-314631-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/12/2023.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction and change of use of an agricultural farm building to a cider brewery is or is not development or is or is not exempted development:

AND WHEREAS Lance O'Brien requested a declaration on this question from Council, and the Council issued a declaration on 23rd August 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Lance O'Brien referred this declaration for review to An Bord Pleanála on 16th September 2022;

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

- (a) Section 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 5 (1) and 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the pattern of development in the immediate vicinity of the subject building.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposed change of use to a brewery is a change of use and is a material change of use and thereby constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended).
- (b) The proposed change of use to a brewery is not an agricultural use as defined in PART 2 - Exempted Development, Article 5(1) of the Planning and Development Regulations, 2001, 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 of the building from an orchard machinery store to a cider brewery is a material change of use and is not exempted development.

Note: The Board had regard to the Inspector's view that the construction of the agricultural shed constituted development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended), and that the

agricultural building taken with the existing buildings does not meet the conditions and limitations of Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended. The Board was not satisfied beyond doubt that this was the case, having regard to the material on the file. This matter could have warranted further consideration; however having regard to the substantive reason for the decisions set out above, the Board decided not to consider this matter further at this time.

Board Member:



Stephen Brophy

Date: 18/12/2023