

An
Bord
Pleanála

Board Direction
BD-015235-24
ABP-315060-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/01/2024. The Board decided that,

WHEREAS a question has arisen as to whether the change of use/conversion of a domestic garage to commercial gym, is or is not development or is or is not exempted development:

AND WHEREAS Kevin Kirk requested a declaration on this question from Council and the Council issued a declaration on the 13th day of October, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS Kevin Kirk referred this declaration for review to An Bord Pleanála on the 9th day of November, 2022:

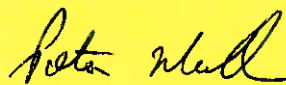
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 10 of the Planning and Development Regulations, 2001, as amended,
- (c) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The proposed change of use from domestic garage to commercial gym represents a material change of use and as such constitutes development that would give rise to significant impacts in planning terms; and,
- (b) The proposed material change in the use of the domestic garage would not come within the scope of exempted development under Article 10(1) as it would not consist of a change of use within Class 10 of Part 4 of Schedule 2 of the said Regulations.
- (c) The subject change of use from domestic garage to commercial gym is therefore, development and is not exempted development within the meaning of the Planning and Development Act, 2000 as amended, or the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the change of use/conversion of a domestic garage to commercial gym is development and is not exempted development.

Board Member 
Peter Mullan

Date: 29/01/2024