

An  
Bord  
Pleanála

**Board Direction**  
**BD-015039-24**  
**ABP-315234-22**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2024.

The Board decided as set out in the Order hereunder.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the change of use of Ballaghmore Old National School, to a childcare facility is or is not development or is or is not exempted development:

**AND WHEREAS** Grainne Harte requested a declaration on this question from Laois County Council and the Council issued a declaration on the 16<sup>th</sup> day of November, 2022 stating that the matter was development and was not exempted development:

**AND WHEREAS** Grainne Harte referred this declaration for review to An Bord Pleanála on the 28<sup>th</sup> day of November, 2022

**AND 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,
- (c) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (d) article 5 of the Planning and Development Regulations, 2001, as amended,
- (e) the meaning of 'school' as assigned to it by the Education Act 1998.
- (f) article 9 (1) of the Planning and Development Regulations, 2001, as amended,
- (g) article 10 of the Planning and Development Regulations, 2001, as amended,
- (h) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (i) the planning history of the site,
- (j) the pattern of development in the area:

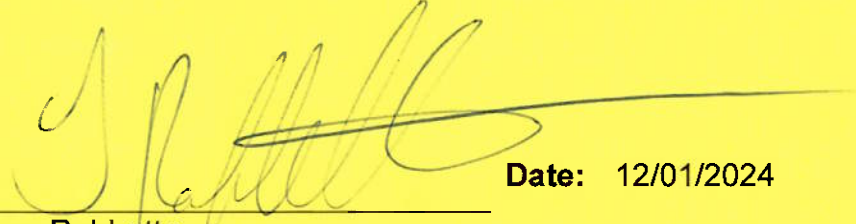
**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) there is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a previous school building to a childcare use under the exempted development provisions of those Regulations,
- (b) the use of the building as a childcare facility constitutes a change of use and such a change of use is material,
- (c) the change of use, being material, is development and is not exempted development.

**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

Ballaghmore Old National School, as a childcare facility is development and is not exempted development.

**Board Member:**

A handwritten signature in black ink, appearing to read 'Tom Rabbette', written over a horizontal line. The signature is stylized and cursive.

Tom Rabbette

**Date:** 12/01/2024