

An
Bord
Pleanála

**Board Direction
ABP-316125-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/04/2024.

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

WHEREAS a question has arisen as to whether the erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, County Wicklow is or is not development or is or is not exempted development,

AND WHEREAS Kerrin G. Buck requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 7th day of March, 2023 stating that the matter was development and was not exempted development,

AND WHEREAS Kerrin G. Buck referred this declaration for review to An Bord Pleanála, on the day of 23rd day of March, 2023:

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 6(1) and Article 9 (1) of the Planning and Development Regulations, 2001, as amended,

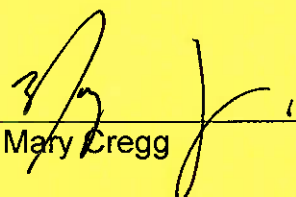
- (c) Class 17 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that :

- (a) the erection of temporary living accommodation on construction site constitutes an object for the purpose of human habitation. The use of the land would, therefore, materially change, and constitute development, in accordance with section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended);
- (b) taking into account that the erection of the structure predated the granting of planning permission for a house on the site, the erection of temporary living accommodation on construction site does not constitute temporary on site accommodation pursuant to permission, consent, approval or confirmation granted and, therefore, does not come within the exempted development provisions under Class 17 of Part 1 Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (c) the erection of temporary living accommodation on construction site does not come within any of the other exempted development provisions of the Act or Regulations.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the erection of temporary living accommodation is development and is not exempted development.

Board Member:


Mary Cregg

Date: 19/04/2024