

An  
Bord  
Pleanála

**Board Direction**  
**ABP-319846-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/11/2024.

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

**WHEREAS** a question has arisen as to whether the change of use at a development now called Saints Quarter to four residences is or is not development and is or is not exempted development:

**AND WHEREAS** Ballymahon Street Management Limited requested a declaration on this question from Longford County Council and the Council issued a declaration on the 8<sup>th</sup> day of May 2024 stating that the matter was development and was not exempted development:

**AND WHEREAS** referred this declaration for review to An Bord Pleanála on the 4<sup>th</sup> day of June 2024:

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

- a) Section 2,3 and 4 (1)(h) of the Planning and Development Act, 2000, as amended,


- b) Article 6(1) and Class 50 (a) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- c) Article 10(1) and Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Relevant precedent referrals and judgements, and
- e) The inspectors report,

**AND WHEREAS** An Bord Pleanála has concluded that the change of use at a development now called Saints Quarter to four residences is development and is not exempted development for the following reasons:

- (a) a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development under Article 10 (1) of the Planning and Development Regulations, 2001, as amended,
- (b) The application documentation submitted by the applicant, dated 13<sup>th</sup> day of February 2023, sets out that the former development was never a residential dwelling and that the former uses may have fallen under Class 1, Class 2 or Class 3 of the Planning and Development Regulations, 2001, as amended,
- (c) As a consequence, the change of use exemption within any one of the classes of use specified in Part 4 of Schedule 2 available under Article 10 (1) of the Planning and Development Regulations, 2001, as amended, does not apply.

**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 at a development now called Saints Quarter to four residences is development and is not exempted development.

**Board Member:**

  
Martina Hennessy

**Date:** 05/11/2024