

An
Bord
Pleanála

Board Direction ABP-320219-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed change of use of former medical centre to temporary hostel use, to accommodate displaced persons or persons seeking international protection is or is not development or is or is not exempted development and works consisting of; replacement of a window with two new windows, blocking up of a door, removal of a window and its replacement with a new door is or is not development or is or is not exempted development:

AND WHEREAS Thomas J. Carroll requested a declaration on this question from Cork City Council on the 4th June 2024 and the Council did not issue a declaration:

AND WHEREAS Cork City Council referred this declaration for review to An Bord Pleanála on the 18th day of July, 2024:

AND WHEREAS Thomas J. Carroll referred this declaration for review to An Bord Pleanála on the 29th day of July, 2024:

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

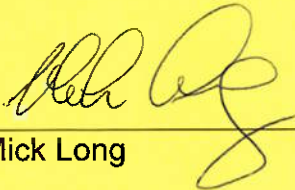
- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 181 of the Planning and Development Act, 2000, as amended, and SI 306/2022 ‘European Union (Planning and Development) (Displaced Persons From Ukraine Temporary Protection) Regulations 2022’
- (e) article 6(1), article 9(1), article 10(1) and SI No. 306/2022 and SI No. 376/2023 of the Planning and Development Regulations, 2001, as amended,
- (f) Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the proposed change of use from the former use as medical consulting rooms to temporary use to accommodate displaced persons and/or persons seeking International Protection is development which is exempted development, and
- (b) works consisting of; replacement of a window with two new windows, blocking up of a door, removal of a window and its replacement with a new door is development which is exempt development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (1), section 5 (3) (b) and section 5 (4) of the 2000 Act, hereby decides that the proposed change of use of former medical centre to temporary hostel use, to accommodate displaced persons or persons seeking international protection is development and is exempted development and works consisting of; replacement of a window with two new windows, blocking up of a door, removal of a window and its replacement with a new door is development which is exempt development.

Board Member:


Mick Long

Date: 19/11/2024