

An
Coimisiún
Pleanála

Direction
ACP-323846-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/06/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether (1) the change of use from a standalone property containing a commercial garage structure to a standalone property containing a residential studio apartment, and (2) and the carrying out of works for the maintenance, improvement or other alterations of the structure, all at 15A St. Kevin's Square, Bray, County Wicklow is or is not development or is or is not exempted development,

AND WHEREAS Noel Sweeney requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 21st day of October, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Noel Sweeney referred this declaration for review to An Coimisiún Pleanála on the 6th day of November, 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) Articles 9(1), 10(1), 10(2) and 10(6) of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 4 (Exempted Development – Classes of Use) of the Planning and Development Regulations 2001, as amended,
- (d) the provisions of the Wicklow County Development Plan 2022-2028,
- (e) the pattern of development in the area,
- (f) the detail submitted with the referral which records *inter alia* that the subject structure was built to serve Bray's first taxi service as a garage for taxi cars; that the most recent permitted use was as a commercial garage for a taxi business; that the existing building's original use was as a taxi business; that the original use has essentially been abandoned, and
- (f) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

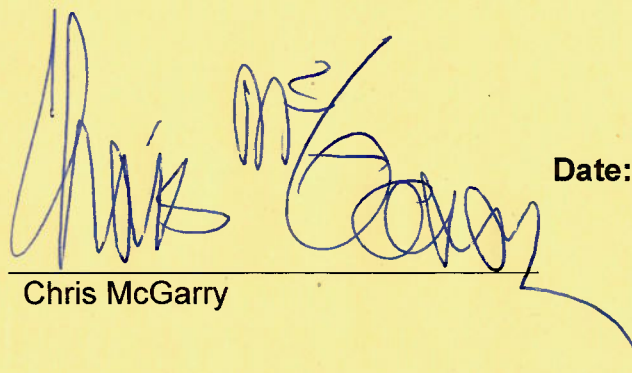
- (a) article 10(2)(b)(iv) of the Planning and Development Regulations 2001, as amended, which confirms that nothing in any class in Part 4 of Schedule 2 includes any use for a taxi or hackney business or for the hire of motor vehicles is relevant to the referral,
- (b) the detail set out within the referral documentation as submitted to the effect that the original use is essentially abandoned and in the absence of any evidence to the contrary this is, therefore, relevant to the referral,
- (c) the change of use of a structure from either taxi business (if that use is considered still to exist at the subject property) or from a non-specific use (if the original described use is now abandoned) to residential dwelling is development and is not exempted development, as the development does not fall within the scope of Classes 1, 2, 3, 6 or 12 of Schedule 2, Part 4 of the

Planning and Development Regulations 2001, as amended for either of the two above mentioned contingencies,

- (d) no other legislative provision is available to conclude that the change of use as described in the referral documentation is exempted development,
- (e) the carrying out of works for the maintenance, improvement or other alteration of the structure is directly related to the proposal to change the use of the structure into a residential unit, which itself is considered to be development and is not exempted development,
- (g) in the absence of any evidence on file that either the structure or the original use as described the development has authorised status, it cannot be demonstrated to the satisfaction of the Commission that the change of use and the carrying out of works would not fall within the Restrictions on Exemption as provided by Article 9(1)(viii) of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Coimisiún 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 (1) the change of use from a standalone property containing a commercial garage structure to a standalone property containing a residential studio apartment, and (2) and the carrying out of works for the maintenance, improvement or other alterations of the structure, all at 15A St. Kevin's Square, Bray, County Wicklow is development and is not exempted development.

**Planning
Commissioner:**



Chris McGarry

Date: 02/06/2026