



Board Direction

Ref: RL27.RL.3437

The submissions on this file and the Inspector's report were considered at a Board meeting held on 1st April 2016.

The Board decided as follows:

WHEREAS a question has arisen as to whether the use of a building as an office is or is not development or is or is not exempted development at 'Dysart', Windgates, Greystones, County Wicklow

AND WHEREAS the matter was referred to Wicklow County Council Planning Authority who issued a declaration on the 4th November 2015 to the effect that the use as described was Development and was not Exempted Development,

AND WHEREAS the said question was referred to An Bord Pleanála by Tom de Paor and Judith Devlin on the 1st day of December, 2015:

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

- (a) sections 2(1), 3(1) and 4 of the Planning and Development Act, 2000, as amended;
- (b) article 10 of the Planning and Development Regulations 2001, as amended;
- (c) Part 4 of Schedule 2 *Exempted Development – Classes of Use* of the Regulations;

- (d) the planning history of the site;
- (e) the submissions made by the parties; and
- (f) the report of the planning inspector.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) It has not been established that the use of the premises for professional services, defined as use class 2(b) under the Planning and Development Regulations at schedule II part 4 of those regulations, ever existed prior to 1963 at the premises,
- (b) No permission under the Planning and Development Acts has been granted authorising use of the premises for use as Class 2(b) as above defined,
- (c) The use of the premises as a professional office is therefore a change of use,
- (d) The nature of class 2(b) use is materially different in planning terms in respect of pattern of use, and level of visitation by members of the public, from other commercial uses which existed at the premises and the change of use is therefore material and constitutes development as defined under the Planning and Development Acts
- (e) There is no provision for exemption for a change of use from general commercial use to a class 2(b) office use under the exempted development provisions of the Planning and Development Act and Regulations,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the use of a building as an office at 'Dysart', Windgates, Greystones, County Wicklow constitutes development that is not exempted development.

Board Member: _____
Michael Leahy

Date: 4th April 2016