



Board Direction

Ref: 04.RL3492

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 14th 2016.

The Board decided, by a margin of 2 to 1, as set out in the following Order, that the use of the former Ardscoil for educating/training accountants at former Ardscoil Phobail Bheanntrai, Bantry, County Cork is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of the former Ardscoil for educating/training accountants at former Ardscoil Phobail Bheanntrai, Bantry, County Cork is or is not development or is or is not exempted development.

AND WHEREAS Minehane Chartered Accountants care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on this question from Cork County Council, and the Council issued a declaration on the 25th day of May 2016 stating that the matter is development and is not exempted development.

AND WHEREAS Minehane Chartered Accountants referred this declaration for review to An Bord Pleanála, on the 21st day of June, 2016.

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

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

(b) Article 5 (i) of the Planning and Development Regulations, 2001, as amended, in relation to the definition of a school,

(c) Articles 6(1), 9(1) and the Classes of Use set out in Part 4 of Schedule 2 to the Planning and Development regulations, 2001, as amended.

AND WHEREAS An Bord Pleanála has concluded that:

(a) The established use of the subject premises is as a school,

(b) On the basis of the documentation submitted by the parties to this referral, the proposed use of part of the premises for the education/training of accountants would not consist solely or primarily of use for training/education, but would primarily consist of uses to which Class 2 and/or Class 3, as set out in Part 4 of Schedule 2 to the Regulations, apply, with education/training being a subsidiary use.

(c) the proposed use would therefore constitute a change of use from the established use of the subject premises as a school. Having regard to the nature of such use, including hours of operation, and the potential for differing patterns of traffic usage, which would be different to the established use as a school, it is considered that these issues raise external matters that would be material in planning terms, and accordingly the proposed use would constitute a material change of use in this particular instance, and would therefore constitute development.

(d) There are no exemptions provided, in the Planning Acts and Regulations, by which such material change of use would constitute exempted development.

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 use of the former Ardscoil for educating/training accountants at former Ardscoil Phobail Bheantraí, Bantry, County Cork is development and is not exempted development.

Board Member: _____ Date: 21st October 2016
Philip Jones