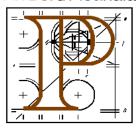
## An Bord Pleanála



## **Board Direction**

Ref: 04.RL3492

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 14<sup>th</sup> 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 25<sup>th</sup> 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 21<sup>st</sup> 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 Bheanntrai, Bantry, County Cork is development and is not exempted development.

Board Member:		Date: 21 <sup>st</sup> October 2016
	Philip Jones	