



An
Bord
Pleanála

**Board Direction
27.RL.3507**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 10th 2017.

The Board decided, as set out in the following Order, that the change of use of part of a school building for use as a fitness centre/gym is a material change of use and is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the change of use of part of a school building for use as a fitness centre/gym is or is not a material change of use and is or is not development and is or is not exempted development.

AND WHEREAS Match Fitness Ltd, requested a declaration on this question from Wicklow County Council, and the Council issued a declaration on the 13th day of September 2017 stating that the matter is development and is not exempted development.

AND WHEREAS Match Fitness Ltd referred this declaration for review to An Bord Pleanála, on the 6th day of October 2017.

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

- (a) Sections 2, 3 and 4 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 10, Classes 15 and 20C of Part 1 of Schedule 2 and the Classes of Use set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) The planning history of the site and the documentation submitted with the referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The established use of the subject premises is as a school;
- (b) This use as a school had a particular pattern of usage, including traffic movements at certain times during the morning and afternoons on weekdays, and within term time. The use of part of the school as a fitness centre/gym has a differing pattern of usage, which is not limited to those hours or times of the year;
- (c) The use of part of the school as a fitness centre/gym would not be ancillary to the established use of the subject premises as a school, but would be a separate and substituting use;
- (d) The use of part of the school as a fitness centre/gym, therefore, raises issues which would be external matters that are material in planning terms and accordingly this use constitutes a material change of use in this particular instance and, is, therefore, development;

- (e) This use does not come within the scope of Class 15 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, as it is not an occasional use, and, having regard to the documentation submitted as part of the referral, does not come within the scope of Class 20C of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

- (f) There are no other exemptions provided, in the Planning Acts and Regulations, by which the development 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 change of use of part of a school building for use as a fitness centre/gym is a material change of use and is development and is not exempted development.

Board Member:

Philip Jones

Date: 14th February 2017