



An  
Bord  
Pleanála

**Board Direction**  
**04.RL3509**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on February 24<sup>th</sup> 2017.

The Board decided, as set out in the following Order, that the use of part of the Futura Frames Factory to provide ancillary storage for Brandon Vale Fine Cheeses, at Laragh, Bandon, Co. Cork, is development and is not exempted development.

Board Order to be as follows:-

**WHEREAS** a question has arisen as to whether the use of part of the Futura Frames Factory to provide ancillary storage for Brandon Vale Fine Cheeses, at Laragh, Bandon, Co. Cork, is, or is not development, or is or is not exempted development.

**AND WHEREAS** Futura Frames Ltd requested a declaration on this question from Cork Council, and the Council issued a declaration on the 20<sup>th</sup> day of September 2016 stating that the matter is development and is not exempted development.

**AND WHEREAS** Futura Frames Ltd referred this declaration for review to An Bord Pleanála, on the 17<sup>th</sup> day of October 2016.

**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(1) of the Planning and Development Regulations 2001, as amended, including the definitions of 'industrial building', 'light industrial building', 'industrial process' and 'repository',
- (c) Article 10 and Classes 4 and 5 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) The nature of the change of use that is the subject of the request for the declaration and referral, and
- (e) The planning history of the subject premises and in particular planning permission register reference number 97/5596 (An Bord Pleanála reference PL04.104291) and condition 14 of that permission, and planning permission register reference number 04/2973 and condition 2 of that permission.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The premises that are the subject matter of the referral consist of part of a factory and factory extension, as indicated on maps and plans submitted to the planning authority on the 11<sup>th</sup> day of July 2016 and the 30<sup>th</sup> day of August 2016. Such factory and factory extension is a separate building from the separate premises used by Bandon Vale Fine Cheeses;
- (b) The factory extension that is the subject of this referral was permitted under planning permission register reference number 97/5596 (An Bord Pleanála reference PL04,104291) and planning permission register reference number 04/2973, to Futura Frames Ltd., and these planning permissions included conditions to control the use of the building, notwithstanding the exempted development provisions of the Planning and Development Regulations;
- (c) Such permitted use would come within the scope of Class 4 of Part 4 of Schedule 2 to the Planning and Development Regulations, and within the definition of "industrial building"; and "light industrial building".

- (d) The use of the subject premises to provide ancillary storage for Brandon Vale Fine Cheeses, for the storage of cheese and packaging, would come within the scope of Class 5 of Part 4 of Schedule 2 to the Planning and Development Regulations, and within the definition of a “repository”.
- (e) On the basis of the documentation submitted with the referral, the use for the storage of cheese and packaging is not ancillary or incidental to the permitted use of the subject premises, that is, for the manufacture of window frames and related products, and the subject premises wherein such storage takes place is physically separated from the premises operated by Bandon Vale Fine Cheeses.
- (f) The change of use, being from Class 4 to Class 5, constitutes a material change of use, and is therefore development.
- (g) There are no exemptions, in the Act and Regulations, by which the subject material change of use would be exempted development, and any such development would, in any event, not be exempted development under Article 10 (1)(b), having regard to the terms of condition 2 of planning permission register reference number 04/2973, and the development in this instance is not, therefore, 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 part of the Futura Frames Factory to provide ancillary storage for Brandon Vale Fine Cheeses, at Laragh, Bandon, Co. Cork, is development and is not exempted development.

**Board Member:**

**Date:** 24<sup>th</sup> February 2017

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Philip Jones