



An
Bord
Pleanála

Board Direction
.RL27.RL3521

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22nd January 2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether (a) conversion of 12 bedrooms to “recreation suites”, (b) construction of car park to former putting green area and (c) construction of car park to former tee area is or is not development or is or is not exempted development:

AND WHEREAS PD Lane Associates on behalf of Clive, Wilson and Lance Evans requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 2nd day of November, 2016 stating that the matter was development and was not exempted development:

AND WHEREAS PD Lane Associates referred this declaration for review to An Bord Pleanála on the 29th day of November, 2016:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The hotel accommodation was permitted under the Planning and Development Acts as a use ancillary to and associated with the golf club use of the site;
- (b) The alterations to the hotel bedrooms involving the removal of internal partitions and ensuite come within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000 (as amended) and would come within the scope of the exemptions provided for in Section 4(1)(h) of the said Act being internal works which do not affect the character of the structure,
- (c) However, the conversion of all of the hotel bedrooms to "recreation suites" for the provision of an independent recreational and indoor sports facility for both members of the club and for visiting members of the public constitute a change in the nature and character of the permitted use and an intensification of the use, and this change would raise material planning considerations, including traffic and

parking implications, would therefore constitute a material change of use, which is development.

- (d) This material change of use does not fall within the scope of any one of the classes of use specified in Part 4 of the Second Schedule of the Planning and Development Regulations 2001 (as amended), and is not therefore exempted development.
- (e) The works of alteration to the golf course comprising the construction of a car park on the former Tee Area and the adjoining grassed area constitute works and therefore come within the meaning of Section 3 of the Act and are, therefore, development.
- (f) The works to the former Tee Area do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended), not being works incidental to the maintenance or management of the golf course and are therefore not exempted development.
- (g) The construction of the car park on the former putting green is in accordance with the layout permitted under planning permission P.A. Ref. 91/6781 and is permitted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that (a) the conversion of bedrooms to ‘recreational suites’ is development and is not exempted development; (b) the construction of car park on former putting green area is permitted development under permission P.A. Ref. 91/6781; (c) the construction of car park on former first tee area is development and is not exempted development.

Board Member

Date: 26th January 2018

Eugene Nixon