



An
Bord
Pleanála

Board Direction 08.RL3805

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th June 2018. Related referral files RL3804 and RL3805 were considered at the same meeting.

The Board decided, generally in accordance with the inspector's recommendation, that the purported change of use is not exempted development.

WHEREAS a question has arisen as to whether the change of use of a building within the former Department of Posts & Telegraphs HQ to use as a bus maintenance depot, is or is not development or is or is not exempted development:

AND WHEREAS Bernadette Davis requested a declaration on this question from Kerry County Council, and the Council issued a declaration on the 14th day of August, 2017, stating that the change of use was not exempted development:

AND WHEREAS Bernadette Davis referred this declaration for review to An Bord Pleanála on the 7th day of September, 2017:

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 (as amended),
 - (c) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
 - (d) Part 1 of Schedule 2 (Classes 21 & 22) to the Planning and Development Regulations, 2001 (as amended),
 - (e) the planning history of the site,
 - (f) the pattern of development in the area,
 - (g) the decision of the Board under related case 08.RL3804,

AND WHEREAS An Bord Pleanála has concluded that the building from which Dublin Coach is operating, and which forms the location within which the purported change of use has taken place, does not appear to have the benefit of planning permission. Therefore, taking into account the circumstances of this case, any use carried out therein can not be considered to avail of any exemption available under the Planning and Development Act, 2000 (as amended) or the Planning and Development Regulations, 2001 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the of the Planning and Development Act, 2000 (as amended), hereby decides that the purported change of use is not exempted development.

Board Member

Date: 14th June 2018

Conall Boland