



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 56/17

WHEREAS a question has arisen as to whether the change of use from residential to home-schooling collective use at 'Avila House', Bromley, Kilpedder, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Wicklow Sudbury, Homeschooling Collective care of Ciara Brehony of 79 Hollybrook Park, Bray, County Wicklow requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 24th day of November, 2017 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Wicklow Sudbury, Homeschooling Collective referred the declaration for review to An Bord Pleanála on the 19th day of December, 2017:

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

- (a) section 3 of the Planning and Development Act, 2000, as amended,
- (b) articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, and
- (d) Case Law:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the established use of the subject premises is as a single dwelling
- (b) the current use of the premises as a home-schooling collective represents a change of use from residential to solely educational use,
- (c) this change of use raised material planning considerations including the pattern of traffic resulting from home-schooling use and impacts on the local area in terms of noise, operational hours and generation of waste and accordingly would constitute a material change of use which is, therefore, development, and

- (d) there is no provision in the Planning and Development Act, 2000, as amended and in the Planning and Development Regulations, 2001, as amended, by which such development would be exempted 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 the change of use from residential to home-schooling collective use at 'Avila House', Bromley, Kilpedder, County Wicklow is development and is not exempted development

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.