



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 01/18

WHEREAS a question has arisen as to whether the use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than four persons at “Woodside Cottage”, Tinakilly, Rathnew, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Steven Van Den Berg care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 9th day of February, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Steven Van Den Berg referred the declaration for review to An Bord Pleanála on the 7th day of March, 2018:

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 10 (4) of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than four persons constitutes a material change of use and is development in accordance with section 3 (1) of the Planning and Development Act, 2000, as amended,
- (b) having noted the statements by the referrer that “Woodside Cottage” would ‘remain in permanent occupation and year-round use as a dwelling’ and that the provision of overnight guest accommodation would be ‘within a dwelling which is occupied as a year-round home’ and would ‘comprise ‘Bed and Breakfast type accommodation..... on a rather limited scale’, and
- (c) by reference to Article 10 (4), the subject use constitutes exempted development because the question posed in the referral corresponds with the provisions of the Article:

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 use of four bedrooms for overnight accommodation for up to 16 persons, where each guest bedroom is not used for more than four persons at “Woodside Cottage”, Tinakilly, Rathnew, County Wicklow is development and is exempted development.

In deciding not to accept the Inspector’s recommendation, the Board considered that the question posed in the referral related directly to development which is exempted development under the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, and in particular to Article 10(4) of the Planning and Development Regulations, 2001, as amended.

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.