



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/550

APPEAL by Coachside Limited care of BMA Planning and Development Consultants of Taney Hall, Eglington Terrace, Dundrum, Dublin against the decision made on the 22nd day of October 2018 by Kildare County Council to refuse permission.

Proposed Development: Sub-division of Unit 6E into two number Units 6E and 6F with associated mezzanine floors. Modification to elevations. Change of use from Industrial to a gym on proposed Unit 6E and all ancillary works at Unit 6E, Cill Dara Industrial Estate, Newbridge, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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.

Reasons and Considerations

The proposed development is located on lands zoned as 'Q – Enterprise and Employment' in the Newbridge Local Area Plan 2013–2019. A “gym” is neither permissible nor open for consideration on Q zoned lands, and would be similar to use as a recreational or sports building land use, which use is not permitted within this zoning. The proposed development would, if permitted, materially contravene the zoning objective for the lands indicated in this local area plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the provisions of the Newbridge Local Area Plan 2013–2019, and in particular section 8.2, which explicitly states that proposed land uses not listed in the Land Use Zoning Matrix in Table 18 are to be considered on their merits “with reference to the most appropriate use of a similar nature” as set out in the matrix table and in relation to the general policies and objectives and zoning objectives for the area. The Board was of the view that the proposed use, as a gym, was most similar to the “community/recreational/sports buildings” Land Use in the Land Use Zoning Matrix (Table 18), which is listed as “not permitted” within Zoning Objective Q (Enterprise and Employment). The Board did not concur with the Inspector that the proposed use could be simply considered “on its merits”, and did not accept that such a use would be appropriate within the former industrial/warehouse unit concerned, nor that it would be a compatible use in this area. The Board, therefore, agreed with the planning authority’s interpretation, and accepted that the development would represent a material contravention of the Local Area Plan.

Philip Jones

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

Dated this day of 2019.