



Planning and Development Acts 2000 to 2020

Planning Authority: Leitrim County Council

Planning Register Reference Number: ED-19-31

WHEREAS a question has arisen as to whether -

- (a) the use of previously incomplete and abandoned apartments, as apartments,
- (b) the change of use of previously incomplete and abandoned apartments to use for the reception and care of protected persons, and
- (c) the works to complete the previously incomplete and abandoned apartments, in order to use the apartments for the reception and care of protected persons,

at The Rock Centre, Ballinamore, County Leitrim, is or is not development or is or is not exempted development:

AND WHEREAS Liam Madden of Vitruvius Hibernicus, Convent Road, Longford requested a declaration on the said question from Leitrim County Council and the Council issued a declaration on the 31st day of March, 2020 stating the following –

- (a) the use of the then incomplete and abandoned apartments for use as apartments is development and is exempted development,
- (b) the change of use of the then incomplete and abandoned apartments and partly completed on foot of planning permission 04/1546 to ‘The Reception and Care of those seeking International Protection’ is not development, and
- (c) the built works carried out internally and externally at incomplete apartments currently in use as ‘The Reception and Care of those seeking International Protection’ are development and are exempted development:

AND WHEREAS Liam Madden referred the declaration for review to An Bord Pleanála on the 14th day of April, 2020:

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

- (a) sections 2(1), 3(1), 4, 5 and 40 of the Planning and Development Act 2000, as amended,
- (b) articles 5(1), 6(1), 9(1) and 10(1) of the Planning and Development Regulations 2001-2020,

- (c) the planning and development history of the site,
- (d) the nature of the current use of the site,
- (e) the submissions of the Referrer, and
- (f) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the provision of works to complete the apartments, included in the relevant permission and which are either necessary for or ancillary or incidental to the use of the building permitted, come within the scope of section 40 of the Planning and Development Act 2000, as amended, and do not come within the scope of section 5 of that Act, and
- (b) the permitted use of the apartments was not abandoned and the current use of the premises as apartments, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use and, therefore, does not constitute 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 use of the premises at The Rock Centre, Ballinamore, County Leitrim as apartments, including residential accommodation for protected persons, is not 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.

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

Dated this day of 2021.