

An  
Bord  
Pleanála

Board Order  
ABP-311197-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: ED21/0051**

**WHEREAS** a question has arisen as to whether the use of Unit 14, M50 Business Park (Fashion City), Ballymount Road Upper, Dublin, for light industrial use involving computer programming is or is not development or is or is not exempted development:

**AND WHEREAS** Surf Accounts Limited care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare requested a declaration on this question from South Dublin County Council and the Council issued a declaration on the 29<sup>th</sup> day of July, 2021, stating that the matter was development and was not exempted development:

**AND WHEREAS** Surf Accounts Limited referred the declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of August, 2021:

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 4 and 5 of Part 4 of those Regulations,
- (d) the planning history of the site,
- (e) the information submitted with the referral on the 23<sup>rd</sup> day of August 2021,
- (f) the nature/pattern of development in the area, and
- (g) the report of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the authorised/established use of Unit 14 M50 Business Park (Fashion City), Ballymount Road Upper, Dublin, is as a warehouse/showroom and as such falls within the scope of Class 5 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (b) the proposed use for light industrial use involving computer programming falls within the scope of Class 4 of Part 4 of Schedule 2 of those Regulations, and

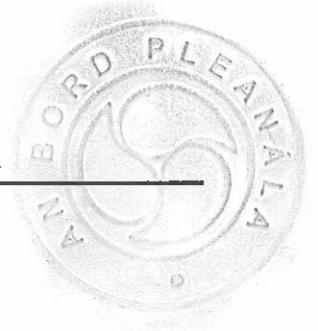
- (c) the proposed change of use from a Class 5 Warehouse/showroom to a Class 4 light industrial use is a change of use which is material:

**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 Unit 14, M50 Business Park (Fashion City), Ballymount Road Upper, Dublin, for light industrial use involving computer programming is development, and is not exempted development.



**Dave Walsh**

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



Dated this 29<sup>th</sup> day of August 2022.