

An
Bord
Pleanála

Board Order ABP-312647-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

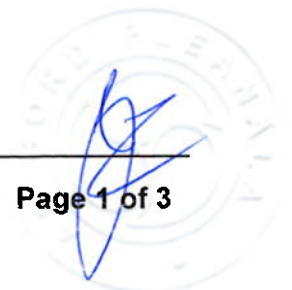
Planning Register Reference Number: EX68/2021

WHEREAS a question has arisen as to whether the use of the lane for car parking associated with the occupancy/ownership of The Mews, Beachview Court on a sustained and prolonged basis at Stable Lane, rear of Burnaby Park and Somerby Road and running between Portland Road and Whitshed Road, Greystones, County Wicklow is or is not development or is or is not exempted development,

AND WHEREAS the Burnaby Residents' Association care of Clashleigh, Erskine Avenue, The Burnaby, Greystones, County Wicklow requested a declaration on the question from Wicklow County Council and no declaration was issued by the planning authority,

AND WHEREAS the Burnaby Residents' Association referred the question for decision to An Bord Pleanála on the 3rd day of February, 2022,

AND WHEREAS An Bord Pleanála, in considering the referral, decided, in the interest of clarity, to modify the question as follows – whether the use of Stable Lane as a facility for the parking of vehicles (parking being defined as the act of stopping, disengaging and leaving a vehicle unattended) is or is not development or is or is not exempted development,



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

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use comprises development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, (being a material change of use from a service lane to a car park),

- (b) the use does not come within the scope of Section 4 of the Planning and Development Act 2000, as amended, and
- (c) the use does not come within the scope of Article 6(1) or Article 10(1) of the Planning and Development Regulations 2001, as amended, (such exemptions relate to works and not use and, therefore, are not applicable),

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(b) of the Planning and Development Act 2000, as amended, hereby decides that the use of Stable Lane as a facility for the parking of vehicles (parking being defined as the act of stopping, disengaging and leaving a vehicle unattended) is development and is not exempted development.



Joe Boland

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

Dated this *17TH* day of *April* 2024.