

Planning and Development Acts 2000 to 2022

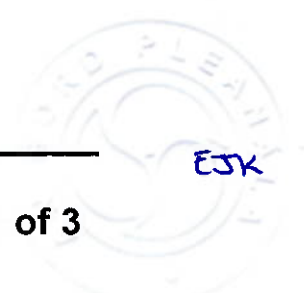
Planning Authority: Cork County Council

Planning Register Reference Number: D/258/22

WHEREAS a question has arisen as to whether the temporary parking of machinery for approximately three days at the compound at Gortahown, Mitchelstown, County Cork to facilitate the functioning of an online auction is or is not development or is or is not exempted development:

AND WHEREAS John Condon of Lower Kiltankin, Kilbehenny, Mitchelstown, County Cork requested a declaration on the question from Cork County Council and the Council issued a declaration on the 25th day of October, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS John Condon referred the declaration for review to An Bord Pleanála on the 21st day of November, 2022:

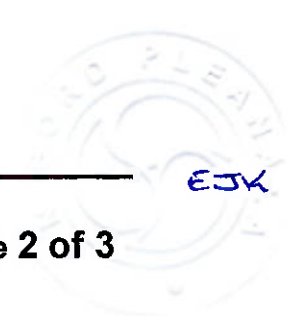


AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

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

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the temporary parking of machinery for sale via online auction constitutes development as defined under section 3(2)(b)(i) of the Planning and Development Act 2000, as amended,
- (b) the temporary parking of machinery for approximately three days to facilitate the functioning of an online auction constitutes a material change of use of these lands and is development and is not exempted development as it does not come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, not being of itself a local event,



- (c) there are no exemptions provided for in the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, by which such use as temporary parking of machinery for sale via online auction would be exempted development, and
- (d) the restrictions on exemptions provided for in Article 9 (1)(a)(viii) of those Regulations would apply as it would appear that the referral lands are a structure the use of which is an unauthorised use.

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 temporary parking of machinery for approximately three days at the compound at Gortahown, Mitchelstown, County Cork to facilitate the functioning of an online auction is development and is not exempted development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *8th* day of *April*, 2024.