



An
Bord
Pleanála

Board Order
ABP-315234-22

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: S5/2022/37

WHEREAS a question has arisen as to whether the change of use of Ballaghmore Old National School, to a childcare facility at Ballaghmore Old National School, Ballaghmore, Borris-in-Ossory, Portlaoise, County Laois is or is not development or is or is not exempted development:

AND WHEREAS Grainne Harte care of Limford Building Surveyors of 21 The Orchard, Millersbrook, Nenagh, County Tipperary requested a declaration on this question from Laois County Council and the Council issued a declaration on the 16th day of November, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS Grainne Harte referred this declaration for review to An Bord Pleanála on the 28th day of November, 2022:

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

- (a) Sections 2(1), 3(1) and 4(2) of the Planning and Development Act, 2000, as amended,
- (b) articles 5, 9(1) and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) the meaning of 'school' as assigned to it by the Education Act, 1998,
- (d) Part 4 of Schedule 2 to those Regulations,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) there is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, for a change of use from a previous school building to a childcare facility under the exempted development provisions of those Regulations,
- (b) the use of the building as a childcare facility constitutes a change of use, and such a change of use is material, and
- (c) the change of use, being material, is development and is not exempted 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 change of use of Ballaghmore Old National School, to a childcare facility at Ballaghmore Old National School, Ballaghmore, Borris-in-Ossory, Portlaoise, County Laois is development and is not exempted development.



Tom Rabbette

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

Dated this 19th day of Jan. 2024.