

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Authority Reference Number: EX58/15

An Bord Pleanála Reference Number: 27.RL.3437

WHEREAS a question has arisen as to whether the use of a building as an office at “Dysart”, Windgates, Greystones, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Tom de Paor and J. Devlin care of Tom de Paor of Knockbawn Lodge, Mill Road, Greystones, County Wicklow requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 4th day of November, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Tom de Paor and J. Devlin referred the declaration for review to An Bord Pleanála on the 1st day of December, 2015:

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

- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act, 2000, as amended;

- (b) Article 10 of the Planning and Development Regulations 2001;
- (c) Part 4 of Schedule 2 Exempted Development – Classes of Use of the said Regulations;
- (d) the planning history of the site;
- (e) the submissions made by the parties; and
- (f) the report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) It has not been established that the use of the premises for professional services, defined as use under Class 2(b) under the Planning and Development Regulations at Part 4 of Schedule 2 of the said Regulations, ever existed prior to 1st October, 1964 at the premises.
- (b) No permission under the Planning and Development Acts has been granted authorising use of the premises for use as Class 2(b) under the Planning and Development Regulations at Part 4 of Schedule 2 of the said Regulations.
- (c) The use of the premises as a professional office is, therefore, a change of use.
- (d) The nature of Class 2(b) of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 use is materially different in planning terms in respect of pattern of use and level of visitation by members of the public, to that of other commercial uses which existed at the premises and the change of use is, therefore, material and constitutes development, as defined under the Planning and Development Acts.
- (e) There is no provision for exemption for a change of use from general commercial use to a Class 2(b) of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 office use under the exempted development provisions of the Planning and Development Act, 2000, as amended and the Planning and Development Regulations 2001, as amended.

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 a building as an office at “Dysart”, Windgates, Greystones, County Wicklow is development and is not exempted 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.

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

Dated this day of 2016.