



Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 62/16

WHEREAS a question has arisen as to whether (a) the conversion of 12 bedrooms to “recreation suites”, (b) the construction of a car park on former putting green area and (c) the construction of a car park on former first tee area at Charlesland Golf Club, Ballynerrin (ED Kilcoole), Greystones, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Clive, Wilson and Lance Evans care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 2nd day of November, 2016 stating that the said matter is development but is not exempted development:

AND WHEREAS Clive, Wilson and Lance Evans referred the declaration for review to An Bord Pleanála on the 29th day of November, 2016:

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,
- (c) section 4(1)(h) of the Planning and Development Act, 2000,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 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 permitted use is as hotel accommodation ancillary to and associated with the golf club use of the site as granted under planning register reference number 91/6781,
- (b) the alterations to the hotel bedrooms involving the removal of internal partitions and ensembles constitute development as defined in Section 3 of the Planning and Development Act 2000 and come within the scope of the exemptions provided for in Section 4(1)(h) of the said Act being internal works which do not affect the external appearance of the structure,

- (c) however, the conversion of all of the hotel bedrooms to “recreation suites” for the provision of an independent recreational and indoor sports facility for both members of the club and for visiting members of the public constitutes a change in the nature and character of the permitted use and an intensification of the use, and this change would raise material planning considerations, including traffic and parking implications and would, therefore, constitute a material change of use, which is development,
- (d) this material change of use does not fall within the scope of any one of the classes of use specified in Part 4 of the Second Schedule of the Planning and Development Regulations 2001, and is not, therefore, exempted development,
- (e) the works of alteration to the golf course comprising the construction of a car park on the former Tee Area and the adjoining grassed area constitute works that come within the meaning of Section 3 of the Planning and Development Act, 2000 and are, therefore, development,
- (f) the works to the former Tee Area do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, not being works incidental to the maintenance or management of the golf course and are, therefore, not exempted development, and
- (g) the construction of the car park on the former putting green is in accordance with the layout permitted under the permission granted under planning register reference number 91/6781 and is permitted development.

