



Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: R441/17

WHEREAS a question has been posed by Cork City Council as to “whether the ancillary use of the car park by members and sponsors is or is not development or is or is not exempted development within the meaning of the Act”;

AND WHEREAS An Bord Pleanála having examined the response of the occupier, which posed a different question, and to the various submissions of the parties on file considered that the question being asked would be appropriately framed as follows: Whether the use of ancillary parking facilities serving the changing room/club house at Saint Michael’s GFC, Ballinure, Mahon, Cork for car parking other than car parking ancillary to the primary function of the site is or is not development or is or is not exempted development within the meaning of the Act.

AND WHEREAS Park Facilities Management Limited care of Cunnane Stratton Reynolds, Copley Hall, Cotters Street, Cork requested a declaration on the question from Cork City Council on the 6th day of March, 2017.

AND WHEREAS the said question was referred to An Bord Pleanála on the 7th day of July, 2016:

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) articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) the planning history of the site,
- (d) provisions of the Cork City Development Plan 2015-2021, including in relation to land use zoning and sustainable transport, and
- (e) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted use of the land that is the subject of this referral, under planning permission granted under planning register reference number TP 05/29279, is as ancillary car parking to a single storey changing room/club house that was the subject matter of that planning application,
- (b) the use that is the subject of this referral, constitutes the use of this parking facility for the parking of cars other than for the purposes ancillary to the changing room/club house, therefore, constitutes a material change of use from the permitted use, since the new use is not ancillary to the use of the permitted changing room/club house, but is independent of it,

- (c) this change of use is materially different by reason of the different functions served, the change in the nature of activities at the site, the change in the pattern of vehicular activity arising therefrom which all raise planning considerations in relation to land use zoning and sustainable transport. Accordingly, it is considered that the change of use constitutes a material change of use, which is, therefore, “development” within the meaning of section 3 of the Planning and Development Act, 2000, and
- (d) the said development does not come within the scope of any exemptions set out in section 4 of the Planning and Development Act, 2000, as amended, or exemptions provided for under the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the use of ancillary parking facilities serving the changing room/club house at Saint Michael’s GFC, Ballinure, Mahon, Cork for car parking other than car parking ancillary to the primary function of the site is development and is not exempted development.

