



An
Bord
Pleanála

Board Order 08.RL.3805

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: EX592

WHEREAS a question has arisen as to whether the change of use of a building within the former Department of Posts and Telegraphs Headquarters to use as a bus maintenance depot at Killerisk Business Park, Tralee, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Bernadette Davis of Rockall, The Spa, Tralee, County Kerry requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 14th day of August, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Bernadette Davis of Rockall, The Spa, Tralee, County Kerry referred the declaration for review to An Bord Pleanála on the 7th day of September, 2017:

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, as amended,
- (c) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Classes 21 and 22 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area, and
- (g) the decision of the Board under related case 08.RL.3804:

AND WHEREAS An Bord Pleanála has concluded that the building from which Dublin Coach is operating, and which forms the location within which the purported change of use has taken place, does not appear to have the benefit of planning permission. Therefore, taking into account the circumstances of this case, any use carried out therein cannot be considered to avail of any exemption available under the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended:

