



An
Bord
Pleanála

Inspector's Report ABP-319846-24

Question

Whether the change of use at a development now called Saints Quarter to four residences is or is not development or is or is not exempted development.

Location

Saints Quarter, Breaden's Lane,
Longford, Co. Longford.

Declaration

Planning Authority

Longford County Council

Planning Authority Reg. Ref.

DC24/5

Applicant for Declaration

Ballymahon Street Management
Company Limited

Planning Authority Decision

Is not exempted development

Referral

Referred by

Ballymahon Street Management
Limited

Owner/ Occupier

Ballymahon Street Management
Limited

Observer(s)	None.
Date of Site Inspection	3/10/24.
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1 The subject site relates to an L-shaped parcel of land which has access off Breadens Lane, Longford Town. Breadens Lane is a narrow laneway just off New Street within the centre of Longford Town.
- 1.2 The overall landholding to which this referral relates as outlined in red on the accompanying land registry map currently contains a building currently finalising construction fronting onto Breadens Lane and backing onto the rear of No. 5 New Street.
- 1.3 The subject site is in proximity to two protected structures at No. 5 New Street to the south and the former Garda Station (RIC barracks) to the east.

2.0 The Question

- 2.1 The question referred to An Bord Pleanála in accordance with Section 5(3)(a) of the Planning and Development Act 2000 (as amended) is as follows:” Whether the change of use at a development now called Saints Quarter to four residences is or is not exempted development”

3.0 Planning Authority Declaration

3.1 Declaration

- 3.1.1 By order dated 8th May 2024 the Planning Authority declared the change of use to 4 no. Residences at Saints Quarter, Breadens Lane, Longford to be development and is development that is not exempted development.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- 3.2.1.1 The recommendation within the report of the Acting Senior Planner reflects declaration issued by the planning authority and can be summarised as follows:

- The planning officers report notes that the referrer demolished the existing structure on the land without the benefit of planning permission and proceeded to construct 4 new dwellings.
- The planning officer outlines that for the referrer to avail of an exemption under Article 10(6) of the Planning and Development Regulations 2001 (as amended) there needs to be an existing vacant structure for which the change of use can be applied.
- Based on the above, the planning officer was satisfied that the current structure which is under construction failed to satisfy the limitations as set out in paragraph d of Article 10(6) of the Planning and Development Regulations 2001 (as amended), specifically 10(6)(d)(i) as the demolition of the structure affected the exterior of the building,(ii) as 50% of the external fabric of the of the external building could not be considered to be retained as the whole structure was demolished and (iii) the current structure which is under construction is a new build and as such has materially affected the external appearance of the structure so as to render its appearance inconsistent with the character of the structure.
- The planning officer notes that the demolition and reconstruction of a building cannot be described as changes of use and therefore would appear to take the development outside of any of the various exemptions provided for under Article 10(6) of the Planning and Development Regulations 2001 (as amended).
- Based on the above the planning officer was satisfied that the entire demolition of the building and being rebuilt, even if it's a reconstruction of a building that would be a similar style to the previous building there would not be exempted development.
- The planning officer also notes that the referrer indicated that the demolition of the building is exempted under Class 50 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended). The planning officer concluded that as the demolition of the building was required to facilitate the dwellings it is unclear how Class 50 could be relied on. The planning officer concludes that the demolition of the building was unauthorised.

3.2.2 Other Technical Reports

None received.

4.0 Planning History

4.1 Referral site:

24/25 Concurrent planning application with the following description: “to retain and complete 4 no. Residences”.

This application is currently at clarification of further information stage.

4.2 Other relevant referrals

The following referrals decided by An Bord Pleanála are relevant to this case:

ABP-310374-21 In January 2022 the Bord decided that the change of use of an old shop to a dwelling house at Toghers Shop, Garnville Park, Saint Patricks Road is development and is exempted development.

ABP-311370-21- In May 2022, the Bord decided that the use of TRC House, Dundrum Road, Dublin for shared accommodation / co-living use is development and is not exempted development.

ABP-309030-20- In June 2020, the Bord decided that that the conversion of the existing ground floor retail unit to 1 no. two-bedroom apartment is development and is not exempted development.

ABP-304765-19-In February 2020 the Board determined that the conversion of an existing retail unit to two number one-bedroom apartments at 2 South Quay, Arklow, County Wicklow is development and is exempted development.

ABP-301388-18. In April 2019, the Bord decided that (a) the internal alterations above Spar are development and are exempted development, and (b) the use of the first-floor unit as a residential dwelling is development and is not exempted development.

5.0 Policy Context

5.1 Development Plan

5.1 Longford County Development Plan 2021-2027

5.1.2 Within the Longford County Development Plan 2021-2027, the site is located within the 'Town Core' zoning which has the following objective '*To provide for the development and enhancement of town core uses including retail, residential, commercial, civic, and other uses*'.

5.1.3 Permissible uses in this zone include residential single / multiple

5.1.4 Protected Structures

Appendix 6 of the Longford County Development Plan 2021-2027 includes the Record of Protected Structures. The most proximate structures to the subject land are:

- RPS No. 459. Address Former RIC Barracks Dublin Street. Description: Attached Six-Bay Two-Storey Former Ric Barracks, Built C. 1880, With Stepped Three-Bay Breakfront. Set Directly on The Street.
- RPS No.506: Address No.1 New Street. Description: Corner-Sited End-Of-Terrace Three Bay Two-Storey House. Built 1910
- RPS No. 507: Address No.2 New Street. Description: Terraced Three-Bay Two-Storey Former House. Built 1910.
- RPS No.508: Address No. 5 New Street. Description: Terraced Three-Bay Three-Storey House Built C. 1850. Set Directly on The Street.
- RPS No.509 Address No.6 New Street. Description: Terraced Three-Bay Three-Storey House Built C. 1850. Set Directly on The Street.
- RPS No.510: Address No. 7 New Street. Description: Terraced Two-Bay Three-Storey House Built C. 1850.
- RPS No. 511: Address: No. 8 New Street. Description: Terraced Two-Bay Three-Storey House Built C. 1850. Set Directly on The Street.

5.2 Local Area Plans

Longford Town and Environs Local Area Plan 2016-2022

5.2.1 The Longford Town & Environs Local Area Plan 2016-2022 set out the relevant planning policy for this area of Longford Town. This Plan was inserted into the Longford County Development Plan 2015-2012 by way of Variation No. 2. In terms of character areas, the site is located within the town core. The zoning provision is stated as Established Residential, Site Resolution, Recreation, Amenity and Green spaces, Social/Community, Employment/Mixed Use.

5.2.2 Draft Longford Town Local Area Plan 2025-2031

5.2.2.1 I note that Longford County Council have commenced a public consultation process with respect to the Draft Longford Town Local Area Plan 2025-2031 with submissions or observations on the Draft Local Area Plan being invited up to 18 October 2024. The Longford Town Local Area Plan 2025 – 2031 has been prepared to replace the Longford Town and Environs Local Area Plan 2016-2022

5.2.2.3 Within the Draft Local Area Plan, the site is located within the ‘*Town Core*’ zoning which has the following objective ‘*To provide for the development and enhancement of town core uses including retail, residential, commercial, civic, and other uses.*’

5.2.2.4 Permissible uses in this zone include residential single / multiple.

5.3 Natural Heritage Designations

5.3.1 The site is not located within a designated Natura 2000 site. There are no Natura 2000 sites located in the vicinity of the site.

6.0 The Referral

6.1 Referrer’s Case

6.1.1 The referrer submits the following:

- Principal argument and complaint are that the Council has not answered the question put to it.

- The Council did not give any reason or rational for its declaration.
- The premises falls into Class 1 use.
- The premises was not used as Class 2, Class 3, Class 6 or Class 12.
- The building was vacant for over 20 years.
- The premises has fallen into advanced state of dereliction until recently.
- The premises is not a protected structure.
- The site is in close proximity to two sites on which there are protected structures (No. 5 New Street and the Old Garda Station).
- The use of the word curtilage is of a protected structure is not used correctly; the word curtilage does not appear in the definition.
- The referrer provides a check list against the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended)
- The referrer states that the facts set out in check list were not contested by the Planning Authority, save only where an error was made in declaring the site to be within the curtilage of a protected structure.
- The whole point of any exempted development is that it does not involve any engagements with the Planning Authority.
- Permission, consent, or approval of the Planning Authority is not required.
- The Planning Authority considered works as opposed the mere change of use only.
- The finished project will change of use and built works. However, the built works need not be limited only to the works directly related to the exempted change of use, the works can be exempted in their own rights.
- The law is simple, Article 10(6) change of use is exempted development. The Council has confused the simple question posed- whether the change of use is exempted or not, with the works related to that change of use.
- Built details are a matter for enforcement after the change of use and only if compliance with the Conditions and Limitations of Article 10(6) or other

exemptions availed of become an issue. That very concept does not even arise where there are no related built works.

- Compliance with the Conditions and Limitations of Article 10(6) change of use is not the question or even part of the question before An Bord Pleanála. Works were not part of the initial Section 5 request and are not part of this referral. It may be that the works, taken by themselves, may become the subject of another Section 5 request / referral in the future.
- This development was the subject of a titanic battle between the Enforcement Department of the Council and the landowner.

6.2 Planning Authority Response

- No further response from the Planning Authority.

7.0 Statutory Provisions

7.1 Planning and Development Act, 2000 (as amended)

- 7.1.1 **Part 1, Section 2(1)** of the Act states that “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.
- 7.1.2 **Part 1, Section 3(1)** of the Act states that “in this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land”.
- 7.1.3 **Section 4(1)** sets out the various forms and circumstances in which development is exempted development for the purposes of the Act.

7.2 Planning and Development Regulations, 2001 (as amended)

7.2.1 Article 6 (1) states that “subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

7.2.2 Article 10(1) of the Regulations states that development, which consists of a change of use within one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not, inter alia,

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

7.2.3 Article 10(6)(a) of the Regulations state that ‘relevant period’ means the period from 8 February 2018 until 31 December 2025.

7.2.3 Article 10(6)(b) of the Regulations state that ‘This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2’.

7.2.4 Article 10(6)(c) states that where in respect of a proposed development referred to in paragraph (b)-

- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No.2) Regulations 2018 or
- (ii) the structure concerned has at some time been used for the purposes of its current use class being 1,2,3,6 or 12 and
- (iii) the structure concerned or so much of it that is the subject of the proposed development has been vacant for a period of 2 years or more immediately prior to the

commencement of the proposed development, then the proposed development for residential use, and any related works shall be exempted development for the purposes of the Act subject to the conditions and limitations set out in paragraph (d).

7.2.5 Article 10(6) states as follows:

(a) In this sub-article—

‘Habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.

‘Relevant period’ means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and commented [i51]: Sub-article 10(6) is substituted by article 3 of S.I. No. 75/2022 Planning and Development Act (Exempted Development) Regulations 2022 46

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii) any related works, including works as may be required to comply with sub-paragraph (vii) shall-

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

- (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.
- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.
- (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.
- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.
- (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (x) No development shall relate to any structure in any of the following areas:
 - (I) an area to which a special amenity area order relates.
 - (II) an area of special planning control.

- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Schedule 2, Part 1 deals with Exempted Development- General

Class 50 (a)

The demolition of a building or buildings within the curtilage of-

- (i) a house,
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex.

Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) In the case of a building or buildings within the curtilage of a house, 40 square metres, and
 - (b) In all other cases, 100 square metres
3. No such development shall be carried out to facilitate development of any class prescribed for the purposes of 176 of the Act.

b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this part of this schedule or in accordance with a permission for an extension or porch under this Act.

8.0 Assessment

8.1 Preliminary matters

8.1 A determination is sought as to Whether the change of use at a development now called Saints Quarter to four residences is or is not exempted development.

8.1.2 It is important to emphasise that the referral is not for the purpose of deciding on the merits of the development at issue but rather is confined to determine if the change of use and associated works is exempted by reference to the legislative provisions.

8.1.3 In assessing the merits of this case, I have reviewed all documentation on file and inspected the site. In conducting this assessment, I have had regard to historic ordnance survey maps and google street view maps over different time periods (November 2022, August 2021 September 2019, August 2018, May 2017, July 2011 and May 2009), and in addition to this, the planning referrals data base was consulted. ABP-310374-21, ABP-311370-21, ABP-309030-20, ABP-304765-19 and ABP-301388-18 pertaining to similar change of use proposals have informed this appraisal. A copy of the Planning Inspectors reports together with the Boards Directions and Orders are attached to this Referral.

8.1.4 Before considering the central question asked by the referrer in this case there are preliminary matters which I make the Bord aware of.

8.1.5 In the first instance, as an administrative issue, I draw the attention of the Bord to the fact that the information supplied with the declaration request is minimal and includes a cover letter and site location map only. There are no plans of the proposed change of use, the existing structure on site or any previous structure on site. In addition to this, I note that the referral letter states that the development

has been the subject of an enforcement battle. There is no information on file in relation to any enforcement proceedings pertaining to the subject site. While it is noted that the burden of proof is on the party seeking the referral to prove the exemption and that the development in question must clearly fall clearly and unambiguously within the terms of the exemption claimed, the Bord may wish to seek further information in relation to the change of use, however, I am of the opinion that a determination can be made in the case with the information on file.

8.1.6 Secondly the referral question put forward by the referrer in this case relates only to the change of use of the structure from commercial to residential use. The referrer makes the argument that the works to facilitate the change of use are not part of the formal request and that the works taken by themselves may become part of a sperate referral request in the future and only if the limitations of Article 10(6) or other exemptions do not apply. The referrer includes an extract from an opinion of a Senior Counsel in support of this argument. However, I do not intend to rely on this opinion for the following reasons:

- 1) The extract would appear to relate to Longford Garda Station (a different site to the subject land)
- 2) The works as described in this extract would appear to only relate to a proposed tympanum and a replaced slated pitched roof the site of the Longford Garda Station.
- 3) The referrer has only provided a three-paragraph extract from a larger letter, therefore the overall context of the advice given cannot be ascertained therefore, in my opinion, cannot and be relied on in this for this case.

8.1.7 I also make the Bord aware that there would appear to be some contention in relation to whether the building is within the curtilage of a protected structure. The referrer has stated that the premises is not a protected structure. While the report of the local authority in relation to the initial Section 5 declaration does make any reference to the premises as being a protected structure or within the curtilage of a protected structure, a letter from the Local Authority to the referrer dated 2nd June

2024 on file notes that the subject site forms part of the northern boundary with No.5 New Street which is a protected structure and therefore there may be some impact on the curtilage of a protected structure. I have considered the List of Record of Protected Structures as set out in the Longford County Development Plan 2021-2027 and note that No.5 New Street is included as RPS No.508 with the following description '*Terraced three bay, three storey house built c.1850 set directly onto the street*'. There is no mention of any other structures associated with the building. I have also considered that Building and Garden Surveys of the National Inventory of Architectural Heritage and there is no mention of No. 5 New Street or any associated outbuildings. While I note that the subject site is located to the rear of the No. 5 New Street (RPS No. 508), having considered historic ordinance survey maps, the evidence would suggest that the site has been detached from No. 5 New Street for a considerable length of time. I am satisfied that the building is not within curtilage of a protected structure.

- 8.1.8 Works on site include demolition and construction. I do not agree with the referrer that said works can be considered in isolation from the proposed change of use. I have formed the opinion that demolition construction should form part of the assessment of this case, given that the exemption relates to existing buildings. To determine whether exempted development can be availed of the nature of the development has to be established having regard to the extent of demolition works involved. Therefore, the question of 'is of is not development' is relevant.

8.17 Is or is not development.

8.2.1 Demolition

- 8.2.1.1 Regarding the demolition works on the land., having fully considered the material on the file and historical and contemporary maps and photography from Google Street View (which shows the building on November 2022, September 2019, August 2018, May 2017, June 2011 and May 2009), I considered that the structure currently on site does not resemble the building which previously existed on site. The extent of reconstruction is an important consideration in this case as to whether exempted development provisions can be availed of. The referrer is of the

opinion that the demolition and reconstruction of the structure on the site is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended). The case officer has concluded that extensive demolition has occurred and is development and is therefore not exempted development.

- 8.2.1.2 The first question to be answered is whether or not demolition can be considered development. I note that Section 3(1) of the Planning and Development Act, 2000 (as amended), defines 'development' as meaning, except where the context otherwise requires, *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land'*. 'Works' are defined under Section 2 of the Act as including *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'*.
- 8.2.1.3 In my opinion that the demolition of the existing structure on the land would meet the threshold of 'works' as set out in Section 2 of the Planning and Development Act 2000 (as amended) and as such would constitute development.
- 8.2.1.4 The referrer makes the case that the demolition of the structure would be exempted under Section 4(1)(h) of the Planning and Development Act 2000 (as amended). In my opinion, the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) relate to maintenance and improvements of structures. It should be noted that the referrers submission does not include any details in relation to the demolition and it is therefore not possible to ascertain what if anything of the original structure remains. In any case I would not agree with the referrer that the demolition of a structure can be exempted having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended). I am of the opinion that the scale of the works required to be undertaken to demolish a structure are of such a substantial nature that it could not be reasonably argued that such would be for the maintenance or improvement of any structure. Further to this, I am of the opinion that demolition cannot be considered to be either 'maintenance' or 'improvement' of the structure as the building has been removed from the site and as such no longer exists. Having considered the foregoing, I am of the opinion that the demolition construction on the land involve

works and development and are not within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, (as amended) and as such is not exempted development.

- 8.2.1.5 The question must then be asked whether or not the demolition of the building could be exempted having regard to the provisions of Class 50 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended). In this regard I reference Class 50(a), Part 1, Schedule 2 of the Regulations in which the maximum exemption limit for demolition of a building within the curtilage of a business is 100m². This condition requires that the business premises is in existence. As previously stated, the referral request does not provide detailed plans or elevations of either the original structure of the partially reconstructed building. In the absence of such I rely on GIS information provided within An Bord Pleanála and from this source note that the building on site has an internal area of c. 158m². From my site visit, and the evidence of the building from Google Street View (view shows the building on November 2022, August 2021 September 2019, August 2018, May 2017, July 2011, and May 2009), it would appear that none of the original building remains. I am therefore of the opinion that the relevant limit is exceeded and as a result the demolition of the structure on the land is not exempted development.

9 Recommendation

- 9.1 Arising from my assessment above I consider that the development works in question constitutes development that is not exempted development having regard to the demolition of the original building on site and cannot avail of exempted development provisions set out in Section 4(1)(h) of the Planning and Development

Act 2000 (as amended), or Class 50(a) of Part 1, Schedule 2 of the Planning and Development regulations, 2001, as amended.

9.2.1 I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the change of use at a development now called Saints Quarter to four residences is or is not development or is or is not exempted development:

AND WHEREAS Ballymahon Street Management Limited requested a declaration on this question from Longford County Council and the Council issued a declaration on the 8th day of May 2024 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 4th day of June 2024:

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

- a) Section 2,3 and 4 (1)(h) of the Planning and Development Act, 2000, as amended,
- b) Article 6(1) and Class 50 (a) of Part 1 Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- c) The extent of demolition works which have taken place on site from evidence from of the structure in site from Google Maps and Google Street View which shows the building on November 2022, August 2021 September 2019, August 2018, May 2017, July 2011, and May 2009.
- d) The inspectors report

AND WHEREAS An Bord Pleanála has concluded that the change of use at a development now called Saints Quarter to four residences is development and is not exempted development for the following reasons:

- (a) The demolition of the structure on site would constitute “works” that are “development” under Section 3 of the Planning and Development Act 2000 (as amended). As the building no longer remains the works could not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (b) The demolition of the structure would not come within the scope of Class 50(a) of the Planning and Development Regulations 2001 (as amended) as the area which has been demolished is greater than the floor area limitation set out for a building within the curtilage of a business.
- (c) As the building on site is a new structure it cannot avail of the exempted development provisions of the Planning and Development Regulations 2001 (as amended) including under Article 10(6)(d), for a change of use of a premises to residential.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides:

- a) the demolition of the structure on site at Saints Quarter, Breaden’s Lane, Longford Town, Co. Longford are development and are not exempted development.
- b) As the building on site is a new structure it cannot avail of the exempted development provisions of the Planning and Development Regulations 2001 (as amended) including under Article 10(6)(d).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan Murphy

Ronan Murphy
Planning Inspector

14/10/24