



An  
Bord  
Pleanála

## Inspector's Report ABP-322041-25

### Question

Whether the change of use from a training centre to a men's shed is or is not development or is or is not exempted development.

### Location

Unit 5, Docklands Innovation Park,  
128-130 East Wall Road, Dublin 3

### Declaration

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

0017/25

Applicant for Declaration

Thomas Murphy

Planning Authority Decision

Is exempted development

### Referral

Referred by

Thomas Murphy

Owner/ Occupier

EWR Innovation Park Limited

Observer(s)

None

Date of Site Inspection

27/05/2025

Inspector

Gillian Kane

## 1.0 Site Location and Description

- 1.1. The subject site is located in the Docklands Innovation Park, close to the junction of East Wall Road and Merchants Road in Dublin 3. Unit 5 is located at the entrance to the Park and comprises a double height unit. The Park accommodates 19 no. units behind a gated entrance with limited car parking centrally.

## 2.0 The Question

- 2.1. Whether the change of use to a men's shed is or is not development and is or is not exempted development.

## 3.0 Planning Authority Declaration

### 3.1. Declaration

- 3.1.1. On the 18<sup>th</sup> March 2025, the Planning Authority issued a declaration stating that "the change of use of Unit 5 from training centre to men's shed is development and is exempted development".

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Permission (reg. ref. 3974/00) permits the use of the building as a training facility. Operation of a men's shed meets the definition of a training centre, noting the workshops, teaching and training that takes place at the facility. Planning permission not required where a change of use if not material. Little detail of what occurs in the men's shed, however it is considered that the activities are similar to those at a training facility with no substantial effects on neighbours or the environment. Men's shed is a non-profit organisation, the purpose of which is to provide space for social interaction and craftwork. Submission of owner states that facility is for the education and training of members. Planning Authority considers the development is exempt from the requirement to seek planning permission.

## 4.0 Relevant Planning History

- 4.1.1. **P.A. Ref. 3974/00** decision to grant planning permission for the change of use from industrial to training facility for the faculty of Tourism and Food, incorporating new canopy in yard and mechanical plant in yard and on roof in Unit 5.

- 4.1.2. **ABP-306778-20:** The Board SHD decision to grant permission was subsequently quashed by order of the High Court in July 2021. The SHD comprised the demolition of the existing two number / three number storey light industrial / commercial units on the site (Units 1 to 43) circa 11,059 square metres, retaining units 11, 15, 16 (circa 2,606 square metres) on site and construction of 336 number residential apartment units comprising of 161 number one-bed units, 171 number two-bed units and four number three-bed units in six number blocks ranging in height from four number storeys to 10 number storeys over basement level”.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The subject site is zoned Z14 Strategic Development and Regeneration Areas (SDRA's). Z14 zones have the stated objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.
- 5.1.2. The site is located in SDRA 6 Docklands. Chapter 13 of the development plan refers to the Docklands Innovation Park, stating: Redevelopment of this site should incorporate public open space along its north-western boundary where it can serve as an amenity and improved setting for the adjoining primary school and punctuate this long road. Development should be set back significantly from the south-eastern side boundary to provide for an improved interface with Merchant's Road and the residential dwellings opposite. Adequate space should be reserved along the southwestern boundary of the site for a pedestrian throughway in order to enhance connectivity through this large block, including to the local school. The specified locations for locally higher buildings are influenced by the placemaking benefits of framing public open space, by views from nearby residential properties being filtered by lower buildings, and by the need to maintain the amenities of the public street. All dwellings at ground floor level should have own-door access

### 5.2. Natural Heritage Designations

- 5.2.1. None on or adjoining the subject site.

## **6.0 The Referral**

### **6.1. Referrer's Case**

6.1.1. The grounds of the referral can be summarised as follows:

- The parent permission for unit 5 was for light industry use.
- Permission was granted under reg. ref. 3974/00 for a change of use from light industry to training facility for the faculty of Tourism and Food. No details available on the Dublin City Council website except final grant of permission.
- Unit is currently in use as a social club, East Wall Men's Shed. Photo submitted.
- This use falls within Class 10 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- It is clear a material change of use between two separate classes of use has occurred for which planning permission should have been sought.
- The use of the unit as a social club is unauthorised.

### **6.2. Planning Authority Response**

6.2.1. None on file.

### **6.3. Owner/ occupier's response**

6.3.1. An agent for the owner has responded to the section 5 referral, as follows:

- The key function of the Men's Shed in Unit 5 includes training and teaching classes to members, including physical skills such as woodworking.
- The current activities align with the permitted training facility granted under reg. Ref. 3974/00
- No change of use is required or has taken place. The predominant activity taking place in the men's shed is the learning of practical workshop skills such as woodworking, including the making and providing furniture for local clubs and facilities.
- The primary use of the shed is education and training of members, with social being an ancillary use.
- The referrer has not provided any evidence of a change of use.

- The operation of the Men’s Shed meets the definition of a training facility as permitted under reg. ref. 3974/00.
- A Training Centre is defined in the Dublin City Council development plan as the ‘use of a building, or part thereof, or land for the training or re-training of persons of an industrial or service nature’.
- Social and community infrastructure, as referred to in Class 10 of Part 4 of Schedule 2(f) is defined in the development plan as ‘the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks and other facilities and spaces for play and recreational activity’.
- In conclusion, the Board is requested to uphold the declaration of the Planning Authority that the development is exempted development.

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000

7.1.1. The following statutory provisions are relevant in this instance.

7.1.2. Section 2(1): In this Act, except where the context otherwise requires

"**works**" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...;

"**structure**" means any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined and

(a) Where this context so admits, includes the land on, in or under which the structure is situated".

7.1.3. **Section 3(1):** in this Act, "**development**" means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land.

7.1.4. **Section 4(1):** sets out developments that shall be exempted development for the purposes of this Act.

7.1.5. **Section 5(1):** If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act,

any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

7.1.6. **Section 5(3)(a)** Where a declaration is issued under this section, any person issued with a declaration under subsection (2) (a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration. (b) Without prejudice to subsection (2), in the event that no declaration is issued by the planning authority, any person who made a request under subsection (1) may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under subsection (2).

7.1.7. **Section 5(4):** Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

## 7.2. **Planning and Development Regulations, 2001**

7.2.1. Part 2 of the Planning and Development Regulations, 2001 refers to Exempted Development. Of relevance to the subject proposal:

7.2.2. **10. (1)** Development which consists of a change of use within any 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:

(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.

## **8.0 EIA Screening**

- 8.1.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## **9.0 AA Screening**

- 9.1.1. Having regard to the nature and scale of the subject referral, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## **10.0 Assessment**

- 10.1.1. The purpose of this referral is not to determine the acceptability or otherwise of the above proposal in terms of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

### **10.2. Is or is not development**

- 10.2.1. As per section 3(1) of the Act, "development" is the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land.
- 10.2.2. The referrer submits that a men's shed is a social club (class 10) and that permission is required for a change of use from the permitted training facility. The referrer does not state what class he considers a training facility to fall under but states that the development is a material change of use between two separate classes of use.
- 10.2.3. The referrer states that he is not aware of the activities undertaken within the site. An agent for the owner of the site has responded to the referral and provided details of the nature of activities occurring within the unit. The agent states that the unit is used for training and classes, involving such skills such as craft work and furniture making for members of the group. The agent submits that there is a social element to the education and training but that this is ancillary to the main use.

10.2.4. I am satisfied that the subject development is not a Class 10 use, i.e. is not a social centre, community centre or non-residential club. I am satisfied that the use of the unit as a men's shed is in keeping with the permitted development of 'training facility' and that no change of use has occurred, material or otherwise. I am satisfied that the change of use from a training centre to a men's shed not development.

## 11.0 Recommendation

11.1. 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 from a training centre to a men's shed is or is not development or is or is not exempted development

**AND WHEREAS** Thomas Murphy requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 10<sup>th</sup> day of February, 2025 stating that the matter was development and was exempted development:

**AND WHEREAS** referred this declaration for review to An Bord Pleanála on the 6th day of March, 2025:

**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) the planning history of the site,

**AND WHEREAS** An Bord Pleanála has concluded that the change of use from a training centre to a men's shed is not development

**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 change of use from a training centre to a men's shed is not development

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.



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Gillian Kane  
Senior Planning Inspector

28 May 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Whether the change of use from a training centre to a men's shed is or is not development and is or is not exempted development
<b>Development Address</b>	Unit 5 Docklands Innovation Park, D3
	<b>In all cases check box /or leave blank</b>
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:          - The execution of construction works or of other installations or schemes,           - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p>	<p><b>No</b>, no further action required.</p>

Inspector:  Date: 28/05/2025