

An
Bord
Pleanála

Board Direction ABP-313060-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/06/2024.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the use of former short term and long term stay accommodation for priests at the Village Campus, Kilkenny, for short stay guests/student accommodation is or is not development or is or is not exempted development,

AND WHEREAS Alan Mooney requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 21st day of February, 2022 stating that the matter was development and was not exempted development,

AND WHEREAS Alan Mooney referred this declaration for review to An Bord Pleanála on the 21st day of March, 2022,

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

- (a) Sections 3(1)(a) and 3A(1) of the Planning and Development Act, 2000, as amended,
- (b) DoHPLG Circular Letter PL 04/2019,
- (c) Monaghan County Council v. Brogan [1987] I.R.333
- (d) the history and nature of the Village Campus site,

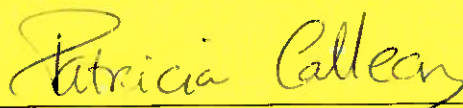
(e) the documentation on file and the report of the Planning Inspector;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The part of the building in question has an established use for both short term and long term accommodation;
- (b) The change of use as described does not raise planning considerations that are materially different to those that arise in relation to the established use;
- (c) The change of use, therefore, does not amount to a material change of use and is not development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, as amended, hereby decides that the use of former short term and long term stay accommodation for priests at the Village Campus, Kilkenny, for short stay guests/student accommodation is not development.

Board Member:



Patricia Calleary

Date: 27/06/2024