

5 Cloonanna
Knockbridge
Dundalk
Co. Louth
A91 FN29

7th November 2022

The Secretary
An Bord Pleanála
Marlborough Street,
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>058964 - 22</u>
ABP-	_____
09 NOV 2022 <i>ok</i>	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time: _____	By: <u>post</u>

R.E. Referral of decision by Louth County Council on Section 5 Declaration application in relation to a change of use, which occurred at premises operated by Kevin Kirk at Knockatavey, Knockbridge, Dundalk, Co. Louth A91 D927.

Dear Sir/Madam,

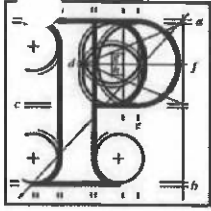
On behalf of my client Kevin Kirk, I wish to formally refer to you the decision that Louth County Council have made in respect to an Application for Declaration on Development and Exempted Development Under Part 1, Section 5 of the Planning and Development Act 2000 (as amended).

In this regard, please find attached:

1. Application Form
2. Site Location Map Scale 1:1000
3. Site Layout Plan Scale 1:250
4. Drawings of detached domestic garage before change of use. Scale 1:100
5. Drawings of change of use from detached domestic garage to gym used on a one to one basis. Scale 1:100
6. Fee of €220. R1.
7. Decision of Louth County Council. Dated 13th October 2022.
8. Original Statement to Louth County Council by Kevin Kirk in regard to development.
9. Land ownership details.

Trusting all is to your satisfaction.


Gareth Corcoran



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Kevin Kirk

(b) Address

Knockatavey, Knockbridge, Dundalk, Co. Louth
A91 D927

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Gareth Corcoran

(b) Agent's address

5 Cloonanna, Knockbridge, Dundalk, Co. Louth
A91 FN29

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Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Louth County Council

(b) Planning authority register reference number

(for example: 18/0123)

S5.2022/22

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Knockatavey, Knockbridge, Dundalk, Co. Louth A91 D927

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached sheet.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans, ✓
- surveys,
- drawings, ✓
- digital videos or DVDs,
- technical guidance, or
- other supporting materials. ✓

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



Referrals

Referrals	Fee
<p>R1 You want to refer a declaration made by a planning authority on a question that was put to the planning authority.</p>	€220
R2 A planning authority wants to refer a	€110

Knockatavey
Knockbridge
Dundalk
Co. Louth
A91 D927

22nd September 2022

Planning Section
Louth County Council
Town Hall,
Crowe Street,
Dundalk,
Co Louth

R.E. Part V (Exempted Development) Application for conversion of detached domestic garage to gym used on one on basis at Knockatavey, Knockbridge, Dundalk, Co. Louth A91 D927

Dear Sir/Madam,

I am big into fitness and I converted Colm Kirk's (my brother) detached domestic garage into a gym for private use in 2020 for me, neighbours and friends.

In 2021 I decided that I would provide a service for these people and to use the gym on a one-to-one basis. I have conducted many personal fitness courses and obtained certificates so as to operate as an instructor.

The conversion of the detached domestic garage to a gym has cost me a lot of money and the service I provide is a badly needed in the local area. No other gym facilities are available at present in the Knockbridge area. The provision of this facility was needed for years. The alternative was to travel large distances to Dundalk or Carrickmacross to visit a gym.

My gym facility has provided my friends and neighbours the opportunity to exercise during difficult times, notably Covid 19 restrictions, and their mental wellbeing and physical fitness has dramatically improved.

I genuinely believe that the development, which has not changed the height, width or external finishes of the building, does not need planning permission. The gym was in use by me and neighbours/ friends since 2020 for non payment and since 2021 a fee was charged for upkeep of the premises. Irrespective of whether a fee is charged or not the building was and always will be used on a one to one basis. There has not been an increase the volume of visitors to the property since the garage was renovated into a gym.

I hope you look favourably upon my application for Exempted Development.
If you require any clarification or additional information in regard to this, please feel free to contact me.

Yours Sincerely



Kevin Kirk



REGISTERED POST

Kevin Kirk,
Knockatavey,
Knockbridge,
Dundalk,
Co. Louth
A91 D927

13th October, 2022

RE: Ref. S5.2022/22

Application for Declaration of "Exempted Development" Part 1, Section 5, Planning & Development Act 2000 (as amended) whether the change of use/conversion of a domestic garage to a commercial gym at Knockatavey, Knockbridge, Dundalk, Co. Louth, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 22nd September 2022 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows:-

WHEREAS a question to *'Whether the change of use/conversion of a domestic garage to commercial gym, is or is not development and is or is not exempted development'*

AND WHEREAS the said question was referred to Louth County Council by Mr Kevin Kirk

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to --

- (a) Section 2, 3, 4 of the Planning and Development Act, 2000-2013
- (b) The definition of "development", in Section 3 of the Planning and Development Act 2000 (as amended)
- (c) Provisions of Section 4 of the Planning and development Act 2000 as amended.
- (d) Provisions of exempted development in Schedule 2, Part 1, Exempted Development
- (e) Article 9 of the Planning and Development Regulations 2001 (as amended) and

Comhairle Contae Lú
Halla an tSúille
Sráid Crowe
Dún Dealgán
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

T + 353 42 9335457
F + 353 42 9334549
E info@louthcoco.ie
W www.louthcoco.ie

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that

- (i) The subject change of use and alterations to the existing structure constitute development as it represents a material change of use;
- (ii) The subject change of use of domestic garage to commercial use is not exempted development within the meaning of the Planning and Development Act, 2000 as amended or any class of exemption provided for under the Planning and Development Regulations 2001 as amended;
- (iii) The use of a domestic garage for commercial purposes where access to same is onto a protected regional route gives rise to a traffic hazard;
- (iv) The installation of a toilet and connection to an existing waste water treatment plant are considered to constitute "works" as per the definition of the Planning and Development Act, 2000 as amended and are not exempted development.

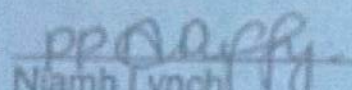
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change the use of a domestic garage to a commercial gym is development and is not exempted development.

In Summary

A Declaration of Exemption is hereby REFUSED for the change of use of a domestic garage to a commercial gym at Knockatavey, Knockbridge, Dundalk, Co. Louth.

This decision may be referred by you to An Bord Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,


Niamh Lynch
Planning Section

> Back

Folio Number LH38842F
Title Level Freehold
Plan Number DDVT7
Property Number 1
Area of selected plans Not available.
Number of Plans on this folio: 1
Address Knockatav, Knockbridge, Co. Louth, A91 D927

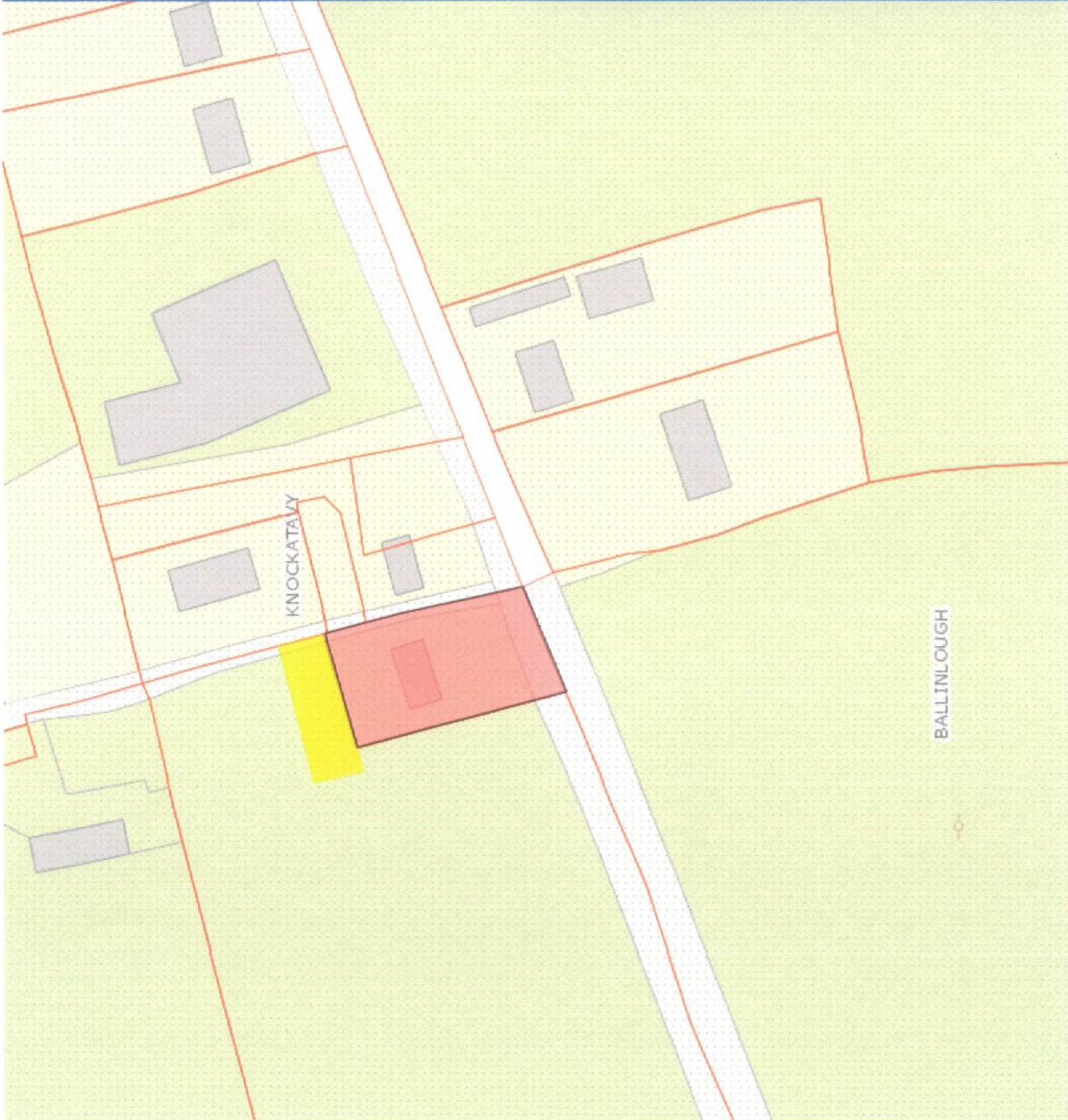
[View Folio PDF](#)

[Request Certified Copy](#)

*PRA Boundaries and Plan Area are not conclusive. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

[Print Current View](#)

[Help](#)



the following Folios has been made:

Owner Details

COLM KIRK (Rathiddy Knockbridge Dundalk
County Louth)

Copy Type

Copy Folio With Map

saction is €40

Sub

