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**From:** Suzanne McClure <suzanne@brockmcclure.ie>  
**Sent:** Monday 13 January 2025 16:04  
**To:** Appeals2  
**Subject:** Case Ref ABP-321202-24 - Submission  
**Attachments:** FINAL BMC Milligan S5 Response 090125.pdf

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Dear Sir/Madam,

We, Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin have been instructed by our client, **Eastview Ltd, 53 Rodney Street, Liverpool, L1 9ER** to lodge this submission Response to a Referral made by Sligo County Council to a Section 5 Referral registered under SCC Ref. ED544 under the provision of Section 5 (4) of the *Planning & Development Act, 2000 (as amended)*.

An Bord Pleanála issued correspondence to our client on 09 December 2024, inviting a submission or observation as a party to the Referral under Section 129 of the *Planning and Development Act, 2000, (as amended)* within a period of 4 weeks by 14 January 2025. This response is submitted within this statutory timeframe.

The submission attached comprises a Planning Report by Brock McClure Planning & Development Consultants and a Legal Opinion by Michael Furminger BL, appended to the end of the Planning Report.

We ask that all correspondence regarding this case is forwarded to our offices at 63 York Road, Dun Laoghaire, Co. Dublin.

Please confirm receipt of email by return.

Kind regards

Suzanne

Suzanne McClure

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## **Section 5 Referral Response**

**SCC Ref. ED544**

**ABP 321202-24**

**Milligan Court  
Connaughton Road  
Sligo**

**On behalf of**

**Eastview Limited**

January 2025



63 York Road,  
Dún Laoghaire  
Co. Dublin

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## 1 Introduction

We, Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin have been instructed by our client, **Eastview Ltd, 53 Rodney Street, Liverpool, L1 9ER** to lodge this submission Response to a Referral made by Sligo County Council to a Section 5 Referral registered under SCC Ref. ED544 under the provision of Section 5 (2) (a) of the *Planning & Development Act, 2000 (as amended)*.

An Bord Pleanála issued correspondence to our client on 09 December 2024, inviting a submission or observation as a party to the Referral under Section 129 of the *Planning and Development Act, 2000, (as amended)* within a period of 4 weeks by 14 January 2025. This response is submitted within this statutory timeframe.

There is a contract to provide accommodation within Milligan Court for protected persons on behalf of the International Protection Accommodation Services (IPAS). A protected person is defined in Article 5(1) of the *Planning & Development Regulations 2001-2023 (as amended)* as follows:

- (a) A person who has made an application to the Minister for Justice and Equality under the *Refugee Act of 1996* or the *Subsidiary Protection Regulations 2013 (SI No. 426 of 2013)*,
- (b) A person who fails to be considered or has been considered under *Section 3 of the Immigration Act of 1999* or
- (c) A programme refugee within the meaning of *Section 24 of the Refugee Act of 1996*

### 1.1 The Question

John Molloy issued a request to the Planning Authority of Sligo County Council under Section 5 of the *Planning and Development Act, 2000 (as amended)* on the question of:

***“The use of the S50 multi unit building previously occupied by Students during the academic years since 2007 for accommodating asylum seekers instead of students.”***

### 1.2 Referral

By letter dated 1<sup>st</sup> November 2024, Sligo County Council referred the Request for a Declaration by John Molloy to the Board. The letter contained a Report by the Council’s Planning Officer’s on the Declaration request but does not arrive at a conclusion on the matter.

In its Referral, the Planning Authority states that it has considered other s5 determinations made by the Board;“...but concludes that none relate to the current/former use of student accommodation, as a commercial use as opposed to a residential use, for accommodating asylum seekers/protected persons is or is not development or is or is not exempted development”.

The Planning Authority notes the conclusions of the Board in respect of ABP-307077-20 which related to a referral to the Board as to “*Whether the use of The Rock Centre for use as a protection centre for protected persons is or is not development or is or is not exempted development.*” In that case, the Board concluded that “*that the use of the premises at The Rock Centre, Ballinamore, County Leitrim as apartments, including residential accommodation for protected persons, is not development.*”

We welcome the opportunity to comment on this matter and trust that the Board will have full regard to the contents of this submission in making a determination on the matter. From the outset, we wish to highlight for the Board that it is our professional opinion that no change of use has occurred in this instance and that the use of the building remains residential as originally permitted.

We ask the Inspector and the Board to have regard to the findings contained in this brief report and the accompanying Submission prepared by Michael Fumringer, Planning and Environmental Law Barrister.







## 2 Milligan Court Context

The subject development known as Milligan Court is located on Connaughton Road in Sligo town centre. It is bounded to the west and east by Holborn Street and to the north by a vacant greenfield site. The development is generally 4 storeys in height, stepping down to 2-3 storeys addressing Holborn Street. The site is within easy walking distance of all the services and amenities located in the town centre.



Figure 1 – Aerial View of Subject Site outlined in Red



Figure 2 – View of Holborn St/Connaughton Road corner







Figure 3 – View of Connaughton Road streetscape

## 2.1 Site Planning History

The subject site has a complex planning history which is directly relevant to the Board’s consideration and we have therefore set out the relevant application detail as follows:

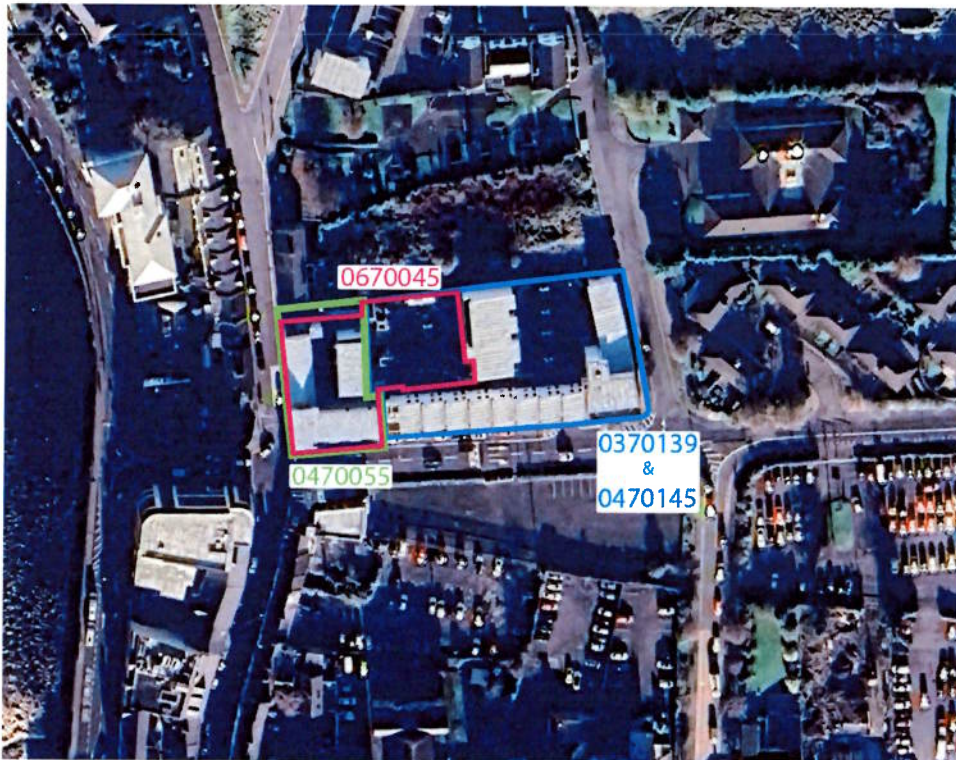


Figure 4 – Aerial view with key planning applications noted







2.1.1 03/70139

An application was submitted by John Molloy on 30 September 2003. The statutory notices described the development as:

*The development is to consist of the clearing of existing site and the construction of office space/doctor's surgery; 27 no. apartments/townhouses (including a caretaker's apartment) whose use is to include Section 50 student accommodation and social housing; a laundry room; a central storage room, substation and seminar room - all with associated car parking (including one level of enclosed parking), site services and landscaping.*

The material submitted by the applicant did not specify which units would be for student accommodation and which units would be for social housing. We note the scheme breakdown submitted by the applicant identified the following development mix:

**8. (b) Gross Floor Space of Buildings**

Breakdown of Gross Floor Areas:

Offices	183.4m <sup>2</sup>
Apartments/Townhouses (including social / elderly housing units)	2238.8m <sup>2</sup>
Car Parking	1724.0 m <sup>2</sup>
Circulation (Stair cores to apartments / townhouses)	257.5m <sup>2</sup>
Plant (ESB Sub station & Switch Rooms)	31.9 m <sup>2</sup>
Central Store	44.7 m <sup>2</sup>
Seminar Room	70.0 m <sup>2</sup>
Laundry	39.1 m <sup>2</sup>
<b>Total Gross Floor Area</b>	<b>4584.4 m<sup>2</sup></b>

**Figure 5 - Extract from OKM Architects' Cover Letter**

Following a Further Information request, the Doctor's surgery was omitted from the scheme. The Council's Planner's Report noted that of the 27 units proposed, 7 are townhouses fronting Connaughton Road, there are 17 two storey units at level three and 4 no. apartments at levels 4 and 5. The Planner's Report is silent on any specific division of residential uses being student accommodation or social housing in any of the units.

A decision to grant permission was made on the 11<sup>th</sup> of May 2004. This decision was subject to 21 no. conditions. None of the conditions related to the use of the units as either student accommodation or social housing, apart from the standard Part V condition.

The Site Layout plan for this application is shown as follows:





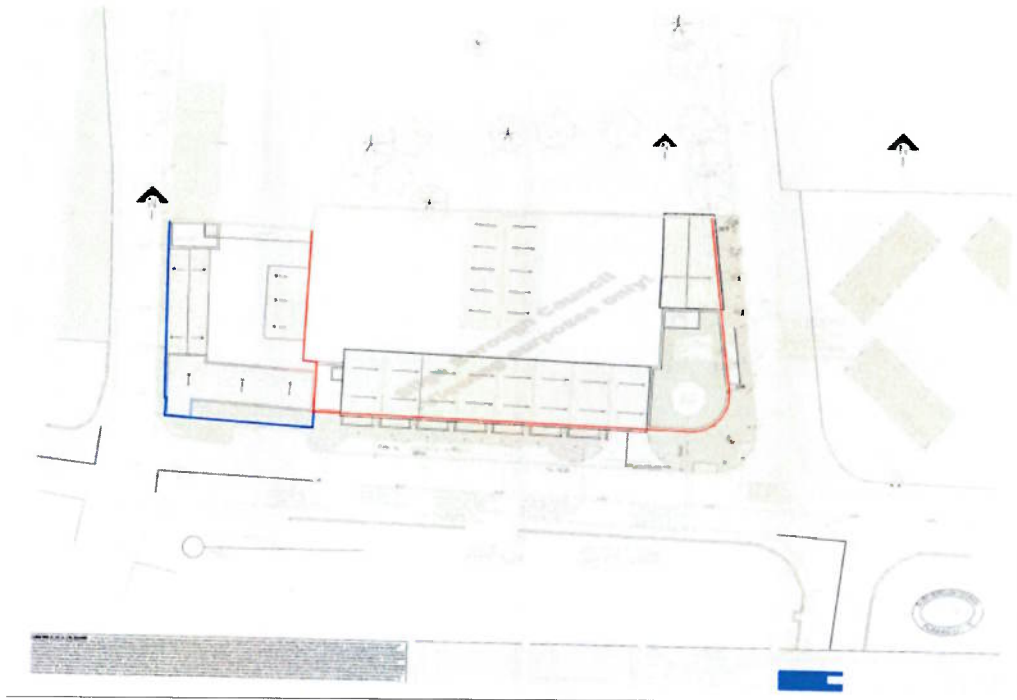


Figure 6 – Extract from Site Layout Plan in 03/70139

2.1.2 03/70151

Permission was **REFUSED** for a mixed development at the corner of Holborn Street and Connaughton Road, Sligo. The development is to consist of the demolition of 2 No. existing houses and adjoining sheds and the construction of 1 No. retail unit of 557 m<sup>2</sup> and 17 No. apartments all with associated site services and landscaping.

A decision was made on the 17<sup>th</sup> of February 2004. This decision was subject to 1 no. reason for refusal relating to overdevelopment of the site. There was no appeal submitted.

We note that this application made no distinction on the nature of the residential use proposed within the units.

2.1.3 04/70055

Permission was **GRANTED** for a mixed development at the corner of Holborn Street and Connaughton Road, Sligo. The development is described as: “to consist of the demolition of 2 no. existing houses and adjoining sheds and the construction of a three and four storey building containing 1 no. retail unit of 505m<sup>2</sup> and 16 no. apartments, all with associated site services and landscaping.”





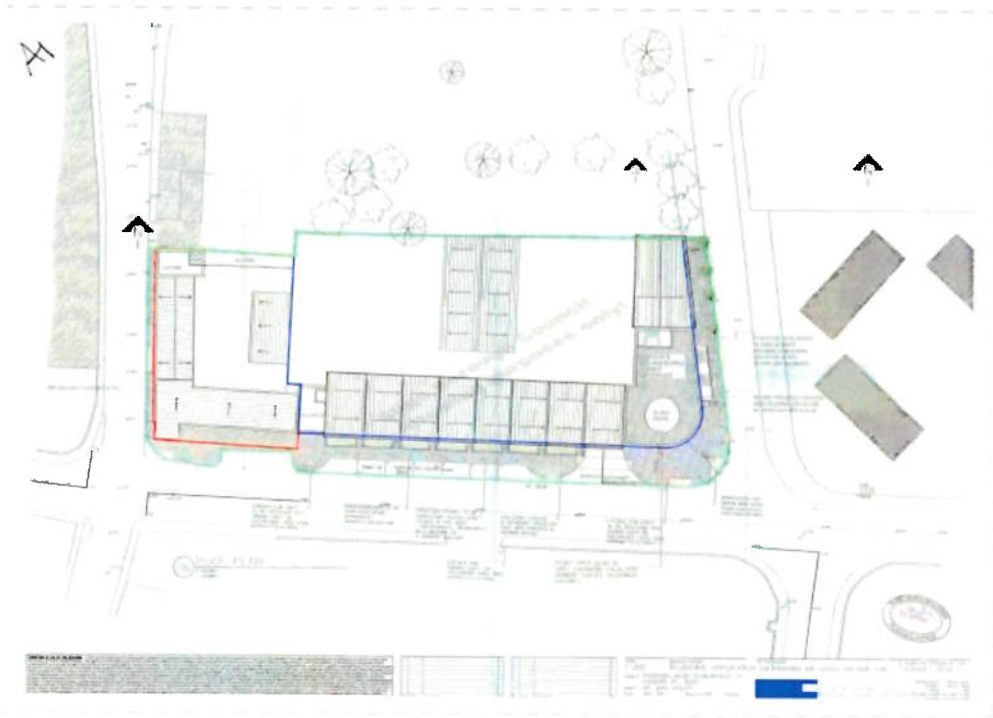


Figure 7 – Site Location Map 04/70055

This application was an effort to address the issues identified in 03/70151 and was ultimately subject to a decision to grant permission on 22<sup>nd</sup> of November 2004. We note the description of development refers to the 16 units in standard terms as ‘residential units’ with no specific end user type identified. This decision was subject to 22 no. conditions, which not place any requirement on future occupants of the units apart from the standard Part V condition.

#### 2.1.4 04/70145

The application sought to make modifications to the development permitted under 03/70139. The proposed variations are: “omission of office space; provision of 18 no. additional apartments / townhouses (including 1. Caretaker's apartment) - bringing total no. to 45 units, whose uses are to include Section 50 student housing / social housing; the lowering of the level of the access deck to dwellings; revisions to elevations; provision of additional storey to previously granted 2 storey block at deck level.”

The Planning Authority refused permission for two reasons on 11 February 2005. The decision was subject to an appeal to An Bord Pleanála (77.211144). Permission was **GRANTED** on the 6<sup>th</sup> of July 2005.

The decision of the Bord contained Condition No. 2 which granted a total of 33 residential units on the site:

*This permission is in respect of a development incorporating a total of 33 number residential units. Prior to commencement of development, revised details and drawings [including a complete set of accurate drawings showing consistency in site layout plans, plans and elevations of the proposed development and site sections] incorporating the following amendments into the proposed development shall be submitted to, and agreed in writing with the planning authority:*

(a) omission of the six number single aspect units as proposed in First Party grounds of appeal submissions as received by An Bord Pleanála on the 3<sup>rd</sup> day of March, 2005,

(b) omission of unit numbers 22, 23, 30, 31 and 32 and incorporation of resultant area into the proposed landscaped courtyard,

(c) amalgamation of units 26 and 27 into one unit and the incorporation of the proposed access stairs (shown on the drawings to the west of unit 27) into the main envelope of the building, and (d) inclusion of a 1.8 metre high screen on the northern edge of the balcony to unit number 37.







**Reason:** *In the interest of the amenities of the area and the amenities of the potential occupiers of the development.*

None of the conditions related to the use of the units as either student accommodation or social housing, apart from the standard Part V condition.

#### 2.1.5 06/70045

The application sought to make modifications to the development permitted under 04/7055. The variations consist of: 1. *Retention of an extension to the retail area, basement storage space on level 1 and the reorganisation of ancillary services with addition of fan escape stair.* 2. *Minor alterations to staircore A.* 3. *Relocation of entrance to unit H from its west elevation to its south elevation with access from courtyard.* 4. *Relocation of entrance to unit 1 from its west elevation to its North elevation with access from courtyard.* 5. *Relocation of entrance to unit K from its south elevation to its east elevation with access from the courtyard.* 6. *Stair Access to unit K omitted.*

A decision to grant permission was made on the 4<sup>th</sup> of September 2006. This decision was subject to 5 no. conditions.

#### 2.1.6 Planning History conclusion

It is apparent that the overall development known as Milligan Court has been developed over the course of a series of planning applications, which have ultimately resulted in 33no. residential units (under 03/70139 and 04/70145) and 15 residential units (under 04/70055 and 06/70045).

### 2.2 Building Occupancy

The completed development known as Milligan Court has been let to various typologies of residential occupants since its completion over 20 years ago. Of the 47no. units controlled by Eastview Ltd we note that at one time Sligo CoCo had 19 units let as social housing and Leitrim CoCo had 3 let as social housing. The remainder were generally rented as student accommodation, but all student lettings ceased in May 2023. All units were vacant by June 2024 and IPAS tenants moved in September 2024.

## 3 Planning Context

The statutory planning context for the subject site is the Sligo County Development Plan 2024-2030, which became effective on 11 November 2024.

The subject site is zoned 'TC1 – Town centre uses, type 1'. The zoning objective is 'to protect the historic character of Sligo's old town core through conservation, regeneration and public realm improvements, and promote civic, retail and compatible uses that preserve the town core's identity and attractiveness.'

The uses permitted are as follows:

*Bank/building society, Bed and breakfast, Betting office, Café, Car park, multi-storey, Childcare facility (crèche/playschool), Community facility, Conference centre, Dance hall, Hair salon, Health centre and related consultants, Hostel, Hotel, Library, Night club, Office under 100 sq.m, Office of 100 sq.m and above, Place of public worship, Public house, Recreation - cultural facilities, Residential – apartments, Restaurant, Retail - shop (comparison), Retail - shop (convenience), Retail - shopping centre, Takeaway*

The uses open to consideration are as follows:

*Advertisements and advertising structures, Amusement arcade, Data centre, Education – school, Education - third level institution, Enterprise centre / units, Enterprise - live-work units, Funeral home, Media recording and general media-associated uses, Mobility hub, Recreation - leisure facilities, Residential – houses, Residential - Traveller accommodation, Residential - institution or day care centre, Retirement home or nursing home*





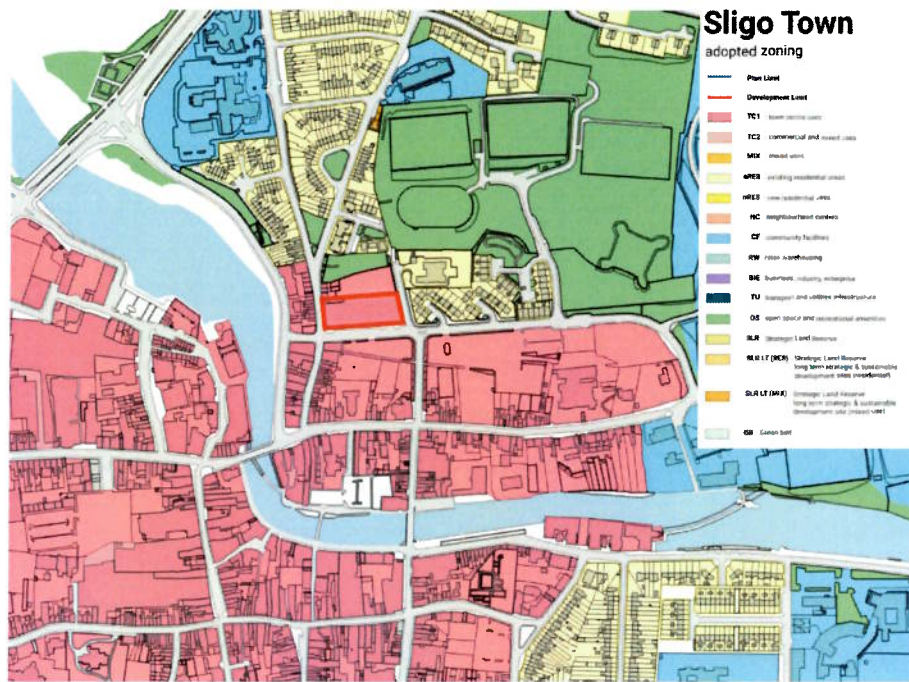


Figure 8 – Zoning Map extracted from Sligo County Development Plan 2024-2030

We note that the extant residential use remains ‘permitted in principle’ under the subject Development Plan.







## 4 Sligo County Council Referral and Response

The main points of the Referral by the Planning Authority are summarised in brief below followed by a response on each of the issues raised.

The purpose of our response is not to determine the acceptability or otherwise of the matters raised in respect 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 within the meaning of the relevant legislation.

Having regard to the information contained in this response and the accompanying Submission prepared by Michael Furminger, Planning and Environmental Law Barrister, it is our professional planning opinion that the permitted use of this development is residential and the occupancy of the units by IPAS persons remains consistent with that use. Therefore, there is no development and question of exempted development does not arise.

For clarity, this office has determined that the key planning points for consideration are as follows:

1. **Permitted Use of Milligan Court**
2. **Statutory Provisions**
3. **No Material Change of Use**

The Planning Authority's letter states *"the Planning Authority has not considered a Section 5 Declaration of the same nature previously, specifically if the use of a development approved as student accommodation, and thus of a commercial nature, to provide accommodation for asylum seekers/protected persons is a material change of use.*

The original Request for a Declaration is stated as *"the use of the S50 multiunit building previously occupied by students during the academic years since 2007 for accommodating asylum seekers instead of students".* We understand that the S50 reference is to section 50 of the Finance Act 1999 which provided *"for a scheme of tax relief for rented residential accommodation for third level students."* (*Guidelines on Residential Developments for 3rd Level Students, 1999, Section 1*).

This indicates that the scope of the Request is confined to the 33 units under 03/70139 and 04/70145.

### **Permitted Use of Milligan Court**

As noted in the planning history above, the use of the building applied for under 03/70139 was identified as residential, with varying forms of potential occupants indicated – student accommodation, elderly housing and social housing.

The development was varied under 04/70145 and granted by An Bord Pleanála under PL77.211144. We wish to highlight that Condition 2 of the permission explicitly granted permission for development incorporating a total of 33 number *residential units.*" The relevant Planning Permission makes no reference to or qualification based on s50 of the Finance Act 1999.

The 33 units are therefore permitted as 'residential units'. We refer the Board to the enclosed legal Opinion by Michael Furminger BL which notes the following relevant points:

*All of the apartments in Milligan Court, including those with which this Referral is concerned, have permitted Residential use.*

*It is denied that there is any use which might be described as 'commercial residential' relevant to this Referral as may be suggested by the Planning Authority sufficient to justify the Board departing from its decision in ABP-307077-20, or at all.*

*In the same way as was stated by the Board's Inspector in ABP-307077-20, Milligan Court "is being operated as residential accommodation, as per the permitted use and the status or personal circumstances of the apartment residents is not a material planning issue." (para 8.2.7)*

*I see no reason in fact or law for the Board to depart from the uncontroversial precedent it set in ABP-307077-20 to the effect that the accommodation of persons seeking International Protection is within the*







*permitted Residential use of Milligan Court. In these circumstances, there is no development (by change of use) and the question of whether or not such development is exempted development does not arise.*

We trust the Board will reach the conclusion that the permitted use is residential and the suggestion by the Planning Authority of 'commercial residential' is without basis in reason or fact.

### **Statutory Provisions**

Planning & Development Act 2000 (as amended) contains Section 2(1):

in this Act, except where the context otherwise requires-

'development' has the meaning assigned to it by Section 3.

"use". in relation to land, does not include the use of the land by the carrying out of any works thereon.

"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.

Section 3 of the Act states:

3.-(1) 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.

The question on the referral of this Declaration seeks clarity on the use of Milligan Court as accommodation for persons availing of IPAS services and therefore whether a material change of use has occurred. The Planning legislation does not define the phrase 'material change of use' as referenced in Section 3 (1) of the Act above. In order to determine the materiality of any change, the practical impacts and effects of the proposed change of use must be considered by the Board.

In the interest of clarity, it is important to note that there is no question of 'works' being undertaken associated with the referral. There have been no structural changes to the development. Thus, the referral does not raise an issue of 'development' by reason of works arising.

### **No Material change in Use**

The subject units are currently accommodating people seeking International Protection and are being managed by IPAS in line with all appropriate legislative and regulatory requirements. The lease is in place is directly comparable to previous leases with Sligo County Council for social housing tenant accommodation. The operation by IPAS of the subject sites aligns with the original arrangement for occupancy of the development ie. a single entity managing all of its accommodation.

The question as to whether a change of use is a material one was addressed by Keane J. in the case of *Monaghan County Council -v- Brogan*. He stated that the issues of relevance to this question are: *"the matters which the planning authority would take into account in the event of a planning application being made for the use. If these matters are materially different (from the original use), then the nature of the use must equally be materially different."*

The occupancy of Milligan Court by IPAS is fully consistent with the previous occupancy of the units by Sligo County Council for social housing tenancy and student accommodation, all being residential in nature.







## 5 Conclusion

Having regard to all of the above, and the enclosed legal Opinion, we conclude that the accommodation of IPAS persons in Milligan Court does not comprise 'development' as no works have been carried out and the accommodation remains in residential use with tenure provided to residents by IPAS. The use of the existing accommodation by IPAS persons is not a change of use or therefore 'development' within the meaning of Section 3(1) of the Planning & Development Act 2000 (as amended).

We therefore ask the Board to have regard to the key points and concise arguments contained in the response and issue a Declaration to confirm that no development has occurred by way of change of use.

We confirm that we act on behalf of Eastview Ltd, request that all future correspondence in relation to this matter be directed to this office. In this regard, we look forward to receiving written acknowledgement of this submission in due course.





**In the Matter of a Referral Under s5(4) of the Planning and Development  
Act 2000**

**And In the Matter of Milligan Court, Connaughton Road, Sligo**

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**OPINION**

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I am asked to advise in connection with a Referral to An Bord Pleanála ("the Board") under s5(4) of the Planning and Development Act 2000 ("PDA 2000") of a Request for a Declaration made to Sligo County Council ("the Planning Authority") under s5(1) PDA 2000.

**THE FACTS**

**The Relevant Planning Permissions**

1. Milligan Court is a mixed use structure comprising 48 apartments and a number of commercial units.
2. Milligan Court is subject to two sets of Planning Permissions;
  - References 03/139, 04/145 and ABP PL 77.211144 refer to 33 units which I am instructed are numbered 1 – 33. In short, 03/139 permitted 27 units. Ref 04/145 saw an application for a further 18 units which would have made a total of 45 but which was refused. The refusal was appealed and the Board permitted a total of the present 33 units ("the 33 Units").
  - References 04/55 and 06/45 refer to the 15 units which I am instructed are lettered A – P ("the 15 units").
3. In respect of the 33 Units, the Board's Order in ABP PL 77.211144 recites the Proposed Development as;

"Variations to previously granted planning permission (...139/03) for a mixed development which consisted of...27 number apartments/townhouses...whose use is to include Section 50 student accommodation..."



The statutory reference is to section 50 of the Finance Act 1999 which provided “for a scheme of tax relief for rented residential accommodation for third level students.” (*Guidelines on Residential Developments for 3<sup>rd</sup> Level Students*, 1999, Section 1)

4. The Board's Decision granted permission subject to Conditions. Condition 2 stated that “this permission is in respect of a development incorporating a total of 33 number residential units.” The Inspector's Report stated that “the principle of a residential scheme can be supported on the site.” (para 7.2)

5. The Permissions in respect of the 15 Units refer merely to “apartments”. There is no other description and, specifically, no reference to s50 of the Finance Act 1999.

### **Use of Milligan Court**

6. Milligan Court has previously been used to accommodate students and, since then, as Local Authority emergency accommodation.

7. Milligan Court is presently being used to accommodate persons seeking International Protection.

### **The Request for a Declaration**

8. The Request for a Declaration of 13 September 2024 is said to be in respect of;

“the use of the S50 multiunit building previously occupied by students during the academic years since 2007 for accommodating asylum seekers instead of students”

9. The Request application form later refers to a “material change of use...on-going in the S50 section of this multiunit development...”

10. I consider that the references in the Request for a Declaration to “S50” indicate that the Request is confined to the 33 Units.

### **Consideration by the Planning Authority**

11. In its Referral of 1 November 2024, the Planning Authority refers to its Report dated 7 October 2024 which refers in turn to a previous Board decision (ABP-307077-20).

12. In ABP-307077-20 the Board decided that the use of residential apartments for those persons seeking International Protection was not development.

13. In its Report of 7 October 2024, the Planning Authority suggested that the Board;

“could consider that the provision of student accommodation is more of a commercial form of the provision of residential units which were in keeping with the standards set out in the document *Guidelines on Residential Developments for Third Level Students*, DoES 1999, and not as per residential accommodation as set out under Ref ABP-307077-20”

14. In its Referral, the Planning Authority states that it has considered other s5 determinations made by the Board;



"...but concludes that none relate to the current/former use of student accommodation, as a commercial use as opposed to a residential use, for accommodating asylum seekers/protected persons is or is not development or is or is not exempted development. The report of the planning authority concludes that under the circumstances the matter shall be referred to the Bord..."

15. The Planning Authority is *not* submitting either that;

"the provision of student accommodation is more of a commercial form of the provision of residential units"

or, even if it were, that

any 'commercial residential' use should be treated any differently from "residential" use.

The Planning Authority merely states that the Board "*could*" (emphasis added) form a different conclusion in this case than it did in ABP-307077-20.

## DISCUSSION

16. Based upon the Planning Permissions referred to above (paragraphs 2 - 5), I consider that all of the Milligan Court apartments have permitted Residential use.

17. The Request for a Declaration is expressed to be in respect of a part of Milligan Court described as the "S50 multiunit building" and "the S50 *section* of this multiunit development" (paragraphs 8 and 9, above, emphasis added). The reference to "S50" in the Request helps to identify the part of Milligan Court with which this Referral is concerned. *The reference to "S50" does not change the permitted Residential use of the apartments in any part of Milligan Court.*

18. The original Planning Permission 03/139 referred to the permitted apartments and then stated "whose use is to *include* Section 50 student accommodation" (emphasis added). The permitted use was Residential, the added words merely clarify that such Residential use was to include s50 student occupation. In any event, the Board decision in 211144 annulled the Planning Authority Permission (s37(1)(b) PDA 2000 and *MacMahon v An Bord Pleanála* [2010] IEHC 431 §10).

19. The Board permission (211144) is the relevant Permission for the 33 Units with which this Referral is concerned and it permits "a development incorporating a total of 33 number *residential* units." (Condition 2, emphasis added) The Inspector's Report referred to a "residential scheme" (para 7.2). (See paragraph 4, above) The relevant Planning Permission makes no reference to or qualification based on s50 of the Finance Act 1999.

## CONCLUSION

20. All of the partments in Milligan Court, including those with which this Referral is concerned, have permitted Residential use.



21. It is denied that there is any use which might be described as 'commercial residential' relevant to this Referral as may be suggested by the Planning Authority (see paragraphs 13 – 15, above) sufficient to justify the Board departing from its decision in ABP-307077-30, or at all.

22. In the same way as was stated by the Board's Inspector in ABP-307077-20, Milligan Court "is being operated as residential accommodation, as per the permitted use and the status or personal circumstances of the aptment residents is not a material planning issue." (para 8.2.7)

23. I see no reason in fact or law for the Board to depart from the uncontroversial precedent it set in ABP-307077-20 to the effect that the accommodation of persons seeking International Protection is within the permitted Residential use of Milligan Court. In these circumstances, there is no development (by change of use) and the question of whether or not such development is exempted development does not arise.

**MICHAEL FURMINGER BL**

12 January 2025

