



An
Bord
Pleanála

Board Direction
ABP-301022-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/10/2018.

The Board decided, as set out in the following Order, that the change of use proposed such as would result in the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6%, other than wine, for consumption off the premises cannot be considered 'exempted development' within the meaning of the Act

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6%, other than wine, for consumption off the premises at Knock, Lanesboro, Co. Longford is or is not development or is or is not exempted development

AND WHEREAS Michael Casserly requested a declaration on this question from Longford County Council and the Council issued a declaration on the 6th day of February 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Michael Casserly referred this declaration for review to An Bord Pleanála on the 23rd day of February 2018

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

- (a) , Section 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001-2018,
- (c) the submissions made in connection with the referral and
- (d) (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6% (other than wine), for consumption off the premises constitutes a change of use which is considered to be a material change of use and is, therefore, development,
- (b) The definition of 'shop' as set out in Article 5(1) of the Planning and Development Regulations 2001-2018, does not include a use associated with the sale of intoxicating liquor other than wine, and,
- (c) therefore, the change of use including the sale of intoxicating liquor with an alcohol content of between 2% and 6% (other than wine) for consumption off the premises is not exempted development, as the use does not come within the scope of any of the uses allowed within the definition of a 'shop' under the Planning and Development Regulations 2001-2018 and is not afforded any other exemption in planning legislation

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6%, other than wine, for consumption off the premises at Knock, Lanesboro, Co. Longford is development and is not exempted development

Board Member:

Date: 31/10/2018

Paul Hyde