



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301092-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/01/2019.

The Board decided, as set out in the following Order, that in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act,

that:

- (a) the said change of use of the building is development and is exempted development;
- (b) the works of alteration and refurbishment of the building carried out in circa 2001 is development and is exempted development;
- (c) the works of conversion of the hairdressing salon to a chemist shop is development and is exempted development; and
- (d) the erection of a fascia advertising sign at the front of the building is development and is exempted development.

Board Order as follows: -

**WHEREAS** a question has arisen as to whether

- (a) change of use from hairdressing salon to a chemist shop is development;
- (b) works of alteration and refurbishment of building c. 2001 is

development;

- (c) Said change of use comes within the scope of Article 10(1) and is exempted development;
- (d) Works of alteration and refurbishment of the building in c. 2001 are exempted development under S4(1)(h) of the Planning & Development Act 2000 (as amended);
- (e) Works of conversion of hairdressing salon to chemist shop are exempted development under S4(1)(h) of the Planning and Development Act 2000 as amended; and
- (f) The erection of an advertisement sign on the front of the premises comes within the scope of Class 1 of Part 2, Schedule 2 of the Planning and Development Regulations 2001, as amended.

**AND WHEREAS** Brendan McGrath on behalf of Paul Mullins requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 7<sup>th</sup> day of February, 2018 stating that the matter was not development and was exempted development:

**AND WHEREAS** Brendan McGrath on behalf of Paul Mullins referred this declaration for review to An Bord Pleanála on the 6<sup>th</sup> day of March, 2018:

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

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) Article 5, article 6(1), article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,

- (d) Class 1 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) Class 1 of Part 2 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The change of use from a hairdressing salon to a chemist shop comes within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000 (as amended);
- (b) The works of alteration and refurbishment of the building carried out in c. 2001 come within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000 (as amended);
- (c) The change of use from a hairdressing salon to a chemist shop comes within the scope of the exemption under article 10(1) of the Planning and Development Regulations 2001 (as amended), as each of the uses fall within class 1 of Part 4, Schedule 2 of the said Regulations;
- (d) The works of refurbishment and alteration to the building which were carried out c. 2001 come within the scope of the exemption under Section 4(1)(h) of the Planning and Development Act 2000 (as amended);
- (e) The works of conversion from a hairdressing salon to a chemist shop come within the scope of the exemption under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended);
- (f) The erection of an advertisement sign on the front of the premises comes within the scope of the exemption under Class 1 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as

amended).

**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

(a) the said change of use of the building is development and is exempted development;

(b) the works of alteration and refurbishment of the building carried out in c. 2001 is development and is exempted development;

(c) the works of conversion of the hairdressing salon to a chemist shop is development and is exempted development; and

(d) the erection of a fascia advertising sign at the front of the building is development and is exempted development.

**Board Member:**

**Date:** 21/01/2019

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Terry Ó Niadh