



An  
Bord  
Pleanála

**Board Direction**  
**ABP-302792-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/03/2019.

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

**WHEREAS** a question has arisen as to whether the change of use of the hotel reception area to use as a cafeteria within the Queens Hotel, Abbey Street, Ennis is or is not development or is or is not exempted development:

**AND WHEREAS** Donal Lyne requested a Declaration on this question from Clare County Council and the said County Council issued a declaration on 21<sup>st</sup> September, 2018 stating that the change of use of the hotel reception area to use as a cafeteria is development and is not exempted development:

**AND WHEREAS** Donal Lyne Referred this declaration for review to An Bord Pleanála on 17<sup>th</sup> October, 2018

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as

amended,

- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Articles 5 (1), 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (e) Class 14 of Part 1 of Schedule 2 and Classes 1 and 6 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the nature and character of the established use of the premises, which was as a reception area for the hotel,
- (g) the nature of the subject use as a cafeteria, which corresponds to use as a restaurant,
- (h) the fit out and allocation of space for cafeteria use within what previously served as a hotel entrance, lobby and reception area, including, the range of goods sold, the layout, and services provided to visiting members of the public, the extent of seating provided, the existence of a direct access from the exterior to the subject use via what previously served as the main hotel entrance and the presence of external signage for the subject use;

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

The change of use of the hotel reception area at the Queen's Hotel, Ennis, to use as a cafeteria, raises issues that are material in relation to the proper planning and sustainable development of the area and this change of use constitutes a material change of use having regard to the considerations outlined above, and is therefore development. There are no provisions in the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, by which such development would be classified as exempted development:

**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 change of use of the hotel reception area at the Queen's Hotel, Ennis, to use as a cafeteria, is development and is not exempted development:

**Board Member:**

**Date:** 01/03/2019

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Chris McGarry