

An
Bord
Pleanála

**Board Direction
ABP-310374-21**

WHEREAS a question has arisen as to whether the change of use of the premises formerly Togher's Shop, Granville Park, St Patrick's Road, Limerick to a residential dwelling is or is not development or is or is not exempted development:

AND WHEREAS Mr Derek Le Gear requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 26th day of May, 2021 stating that the matter was development and was exempted development:

WHEREAS Mr Derek Le Gear referred this declaration for review to An Bord Pleanála on the 28th day of May 2021:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 10 of the Planning and Development Regulations, 2001, as amended by the Planning and Development (Amendment) Regulations 2018,
- (c) Classes 1, 2, 3, 4 and 6 of Part 4 to the Second Schedule to the Planning and Development Regulations 2001, as amended,

(d) The documentation submitted with the file and submissions made by the parties, including the planning authority

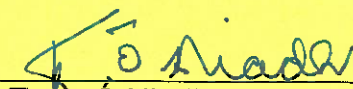
(e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The established use of the subject premises is as a shop.
- (b) The change of use of the subject structure from shop to residential dwelling is a change of use that is material in planning terms, having regard to different patterns of activity and impacts on the pattern of development in the vicinity, and therefore constitutes a material change of use which is development,
- (c) The previous use as a shop is within the scope of Class 1 of Part 4 of the Second Schedule to the Planning and Development Regulations
- (d) The change of use from class 1 of Part 4 of the Second Schedule to residential use would come within the scope of Article 10(6) of the Planning and Development Regulations, 2001, as amended by the Planning and Development (Amendment) Regulations, 2018.

THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use of Togher's shop from retail to residential is development and is exempted development.

Board Member:


Terry Ó Niadh

Date: 19/01/2022