

An
Bord
Pleanála

Board Direction
ABP-311452-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2022.

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

WHEREAS a question has arisen as to whether change of use as a betting office to use for the provision of a professional fitness service to visiting members of the public is or is not development or is or is not exempted development.

AND WHEREAS Michael Duffy requested a declaration on this question from Galway City Council and the Council issued a declaration on the 27th day of August 2021, stating that the matter was development and was not exempted development:

WHEREAS Michael Duffy referred this declaration for review to An Bord Pleanála on the 22nd day of September 2021.

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)(a) of the Planning and Development Act, 2000, as amended,

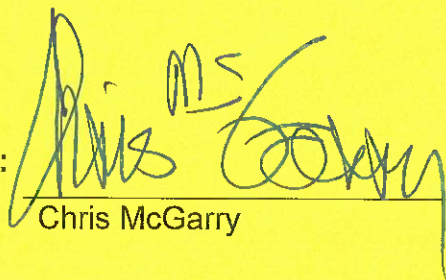
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 2 of Part 4 of the Second Schedule of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- a) Permission was granted under Galway City Council Reg Ref 01/248 for the change of use at the subject site from an antique retail unit to a telephone / internet call centre and bookmakers office for ground floor of No 7 and for the erection of two satellite dishes and this use is established at the subject premises.
- b) the proposed change of use from the established use as a betting shop to use for the provision of a professional fitness service to visiting members of the public, would constitute a change of use from a use under Class 2 of Part 1 to the Second Schedule of the Planning and Development Regulations, 2001 (as amended) to use under Class 11 of Part 1 to the Second Schedule of the Planning and Development Regulations, 2001 (as amended).
- c) The proposed change of use from the established use as a betting shop to use for the provision of a professional fitness service to visiting members of the public would constitute development in accordance with Section 3(1) of the Planning and Development Act, 2000 (as amended),
- d) The proposed change of use by reason of the change from Class 2 to Class 11 as described above, is deemed material within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- e) There are no provisions within 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.

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 from betting office to use as a professional fitness service to visiting members of the public, is development and is not exempted development.

Board Member:

A handwritten signature in blue ink, appearing to read 'Chris McGarry', is written over a horizontal line. The signature is stylized and includes the letters 'MS' above it.

Chris McGarry

Date: 04/02/2022

