

An
Bord
Pleanála

Board Direction
BD-014833-23
ABP-315056-22

WHEREAS a question has arisen as to whether the change of use from shop to apartments is or is not development and is or is not exempted development.

AND WHEREAS Dean Raftery requested a declaration on this question from Galway County Council and the Council issued a declaration on the 13th October 2022, stating that the proposed development is development and is not exempted development.

AND WHEREAS Dean Raftery referred this declaration for review to An Bord Pleanála on the 7th day of November 2022:

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) Article 9(1) of the Planning and Development Regulations, 2001 – 2023,
- (d) Article 10(6) of the Planning and Development Regulations, 2001 – 2023,
- (e) the planning history of the site,
- (f) The pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that the change of use from shop to apartments constitutes 'development', as defined under Section 3(1) of the Planning and Development Act, 2000 as amended and would come generally within the scope of the exempted development provision provided at Article 10(6) of the Planning and Development Regulations 2001 – 2023.

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 the change of use from shop to apartments is development and is exempted development.

Board Member

Date: 11/12/2023



Liam Bergin