

An
Bord
Pleanála

Board Direction ABP-321916-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/06/2025.

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

WHEREAS a question has arisen as to whether the change of use of a retail shop to a patisserie shop and works to provide for an internal fit-out, as a patisserie shop, is or is not development or is or is not exempted development:

AND WHEREAS Krispy Kreme Ireland Limited requested a declaration on this question from Galway City Council and the Council issued a declaration on the 17th day of January, 2025 stating that the matter was development and was not exempted development:

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) Sections 4(1)(h) and 4(4) of the Planning and Development Act, 2000, as amended,
- (d) article 5(1) of the Planning and Development Regulations, 2001, as amended,

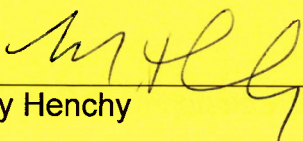
- (e) Parts 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site and authorised use as a shop,
- (g) the nature of the use being for the sale of goods,
- (h) the pattern of development in the area,
- (i) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change in use of a retail shop that was a jeweller to a patisserie shop for the sale of baked goods only, is not development as the nature of the use has not changed.
- (b) the works to provide for an internal fit-out, as a patisserie shop, is development and is exempt development as the works are internal and have no external impact and do not affect the character of the protected structure or any element of the structure that contributes to special architectural, historical, artistic, cultural, scientific, social or technical interest, .

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 of a retail shop to a patisserie shop is not development and the works to provide for an internal fit-out, as a patisserie shop, is development and is exempted development.

Board Member:



Mary Henchy

Date: 05/06/2025