

An  
Coimisiún  
Pleanála

**Direction**  
**ACP-323752-25**

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The submissions on this file and the Inspector's report were considered at a meeting held on 08/01/2026.

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

Commission Order as follows:-

**WHEREAS** a question has arisen as to whether as to whether the change of use of an existing shop to 7 no. residential units at No's 4 and 5 Sexton Street, Abbeyside, Dungarvan, is or is not development and is or is not exempted development:

**AND WHEREAS** Keybuild Services Limited requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 4th day of September 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** Keybuild Services Limited referred this declaration for review to An Coimisiún Pleanála on the 29th day of September 2025:

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(2), 4(4), 172(1) and 177U(9) of the Planning and Development Act, 2000, as amended,
- (b) Articles 5(1), 10(1) and 10(6) of Part 2 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14(b) and (c) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended
- (d) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and the pattern of development in the area.

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

- (a) The current use of the majority of No. 4 Sexton Street is a shop, the current use of the remaining eastern part of No 4 Sexton Street and of No. 5 Sexton Street is a café;
- (b) The question referred should therefore be amended to ask whether the change of use of a structure comprising a shop (at the majority of No. 4 Sexton Street) and of a café (at the eastern part of No. 4 and No. 5 Sexton Street) to 7 no. residential units, is or is not development, and is or is not exempted development;
- (c) The proposed change of use of a shop and of a café to residential use, and the associated works, constitutes development as defined under sections 2(1) and 3(1) respectively of the Planning and Development Act 2000, as amended;
- (d) The change of use of café to residential does not fall under Class 1, 2, 3, 6 or 12 and therefore does not comply with the provisions of Article 10(6), Part 2 of the Planning and Development Regulations 2001, as amended;
- (e) The proposed development comprises work within and across both No 4. and No. 5 which are dependent on each other such that the structure comprising Nos 4 and 5 must be considered in its entirety, and therefore as the change of use of the café to residential is not exempted development the entire proposed development is not exempted development.

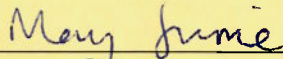


**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use of a structure comprising a shop (at the majority of No. 4 Sexton Street, Abbeyside, Dungarvan) and of a café (at the eastern part of No. 4 and No. 5 Sexton Street, Abbeyside, Dungarvan) to 7 no. residential units is development and is not exempted development.

**Planning**

**Commissioner:**

**Date:** 16/01/2026

  
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Mary Gurrie