



An
Coimisiún
Pleanála

Direction
ACP-323752-25

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 compromising 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

Mary Gurrie

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