



Board Direction

Ref: 92.RL.3440

The submissions on this file and the Inspector's report were considered at a Board meeting held on 1st June 2016.

The Board generally agreed with the Inspector subject to the amendments shown below.

The Board decided that the change of use of part of the ground floor of the building was development and was not exempted development.

SCHEDULE

WHEREAS a question has arisen as to:

WHETHER whether the use of a portion of the ground floor of 1 O'Rahilly Street, Nenagh, Co. Tipperary, for sale and consumption of teas, coffees and confectionery items, is or is not development, or is or is not exempted development.

AND WHEREAS Tipperary County Council referred the issue for determination to An Bord Pleanála on the 7th day of December 2015:

AND WHEREAS An Bord Pleanála, in considering this reference, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Class 1 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 as amended;
- (d) the planning history of the site;
- (e) the previous residential use and the permitted use of the retail unit and the layout of the premises as now constituted;
- (f) the submissions on file, and
- (g) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the planning permission granted in respect of the premises provided for use of the shop for the sale or religious publications and associated items only;
- (b) the use of part of the ground floor retail unit for the sale and consumption of teas, coffees and confectionery items is a change of use;
- (c) the use would constitute a material change of use and would therefore constitute development within the scope of Section 3(1) of the Planning and Development Act, 2000, as amended;
- (d) the change of use does not come within the scope of any exemption provided in Article 10(1) of the Planning and Development Regulations 2001, as amended.:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the use the permitted retail premises at No. 1 O’Rahilly Street, Nenagh, Co. Tipperary for the sale and consumption of teas, coffees and confectionery items is development and is not exempted development.

Board Member: _____
G.J. Dennison

Date: 1st June 2016