



Planning and Development Acts 2000 to 2018

Planning Authority: Longford County Council

Planning Register Reference Number: DC18/3

WHEREAS a question has arisen as to whether the sale of an alcohol between 2% and 6% liquor, in an existing retailer's off-licence premises, instead of and/or as well as 10% to 14.5% proof liquor at Knock, Lanesboro, County Longford is or is not development or is or is not exempted development:

AND WHEREAS Michael Casserly care of Vitruvius Hibernicus, Convent Road, Longford requested a declaration on this question from Longford County Council and the Council issued a declaration on the 6th day of February, 2018 stating that the said matter is not exempted development:

AND WHEREAS Michael Casserly referred the declaration for review to An Bord Pleanála on the 23rd day of February, 2018:

AND WHEREAS An Bord Pleanála, decided to reformulate the question as follows –

“whether the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6%, other than wine, for consumption off the premises at Knock, Lanesboro, County Longford is or is not development or is or is not exempted development”:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) the submissions made in connection with the referral, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6% (other than wine), for consumption off the premises constitutes a change of use which is considered to be a material change of use and is, therefore, development,
- (b) the definition of ‘shop’ as set out in Article 5(1) of the Planning and Development Regulations 2001, as amended, does not include a use associated with the sale of intoxicating liquor other than wine, and,

- (c) therefore, the change of use including the sale of intoxicating liquor with an alcohol content of between 2% and 6% (other than wine) for consumption off the premises is not exempted development, as the use does not come within the scope of any of the uses allowed within the definition of a 'shop' under the Planning and Development Regulations 2001, as amended, and any other exemption is not provided for in planning legislation:

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 use of a shop for retail purposes including the sale of intoxicating liquor with an alcohol content of between 2% and 6%, other than wine, for consumption off the premises at Knock, Lanesboro, County Longford is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.