



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: R18-41

WHEREAS a question has arisen as to whether the change of use of the hotel reception area to use as a cafeteria within the Queens Hotel (Protected Structure), Abbey Street, Ennis, County Clare is or is not development or is or is not exempted development:

AND WHEREAS Donal Lyne care of Leahy Planning Limited of Clifden, Corofin, County Clare requested a declaration on the question from Clare County Council and the Council issued a declaration on the 21st day of September, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Donal Lyne referred the declaration for review to An Bord Pleanála on the 17th day of October, 2018:

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

- (a) sections 2(1),3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) articles 5(1), 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 of Part 1, and Classes 1 and 6 of Part 4, of Schedule 2 to those Regulations,
- (d) the nature and character of the established use of the premises, which was as a reception area for the hotel,
- (e) the nature of the subject use as a cafeteria, which corresponds to use as a restaurant, and
- (f) the fit out and allocation of space for cafeteria use within what previously served as a hotel entrance, lobby and reception area, including, the range of goods sold, the layout, and services provided to visiting members of the public, the extent of seating provided, the existence of a direct access from the exterior to the subject use via what previously served as the main hotel entrance and the presence of external signage for the subject use:

AND WHEREAS An Bord Pleanála has concluded that the change of use of the hotel reception area at the Queen’s Hotel (Protected Structure), Ennis, County Clare to use as a cafeteria, raises issues that are material in relation to the proper planning and sustainable development of the area and this change of use constitutes a material change of use having regard to the considerations outlined above and is therefore development. There are no provisions in the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, by which such development would be classified as exempted development:

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 the hotel reception area to use as a cafeteria within the Queens Hotel (Protected Structure), Abbey Street, Ennis, County Clare 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.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.