



Planning and Development Acts 2000 to 2019

Planning Authority: Longford County Council

Planning Register Reference Number: DC 19/8

WHEREAS a question has arisen as to whether the use of ground floor of the premises at as a takeaway for sandwiches, coffee, buns and other such small confections, provided always that the use is subsidiary to the main use, at number 72 Main Street, Longford is or is not development or is or is not exempted development:

AND WHEREAS Philip King care of Liam Madden of Convent Road, Longford requested a declaration on the question from Longford County Council and the Council issued a declaration on the 9th day of October, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS Philip King referred the declaration for review to An Bord Pleanála on the 29th day of October, 2019:

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) the definition of ‘shop’ under article 5(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Articles 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001, as amended, and Class 1 of Part 4 of Schedule 2 of these Regulations,
- (d) the permitted use of the premises,
- (e) the planning history of the site, and
- (f) the submissions on file from the referrer and from the planning authority:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the permitted use of the ground floor of the subject premises is as a shop,
- (b) the takeaway sale of sandwiches, coffee, buns and other such small confections, provided always that the use is subsidiary to the main use as a shop, would come within the definition of “shop” as set out in article 5(1) of the Planning and Development Regulations 2001, as amended, and would not, therefore, constitute “development” within the meaning of Section 3(1) of the Planning and Development Act, 2000,

- (c) however, should the use of the ground floor of the subject premises change from use as a shop to a separate use by means of the implementation of a planning permission, or otherwise, then the use of the subject premises will have altered and in such circumstances the takeaway sale of sandwiches, coffee, buns and other such small confections, provided always that the use is subsidiary to the main use as a shop, would constitute a material change of use to the new separate use and the provisions under article 5(1) would not apply.

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 ground floor of the premises at as a takeaway for sandwiches, coffee, buns and other such small confections, provided always that the use is subsidiary to the main use, at number 72 Main Street, Longford is not 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 2020.