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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: EC27/21**

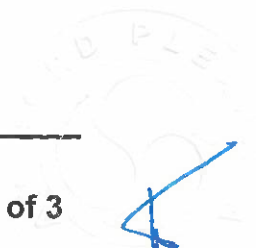
**WHEREAS** a question has arisen as to whether the change of use of an old shop to a dwelling house at Toghers Shop, Granville Park, Saint Patrick's Road, Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** Derek Le Gear of 15 Granville Park, Limerick requested a declaration on the said question from Limerick City Council and the said Council issued a declaration on the 26<sup>th</sup> day of May, 2021, stating that the matter is development and is exempted development:

**AND WHEREAS** Derek Le Gear referred this declaration for review to An Bord Pleanála on the 28<sup>th</sup> day of May, 2021:

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

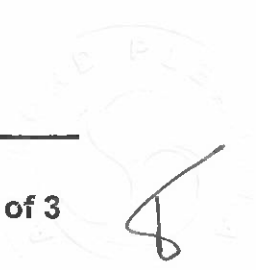
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,



- (b) Articles 5, 6 and 10 of the Planning and Development Regulations, 2001, as amended by the Planning and Development (Amendment) Regulations 2018,
- (c) Classes 1, 2, 3, 4 and 6 of Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) the documentation submitted with the file and submissions made by the parties, including the planning authority, and
- (e) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the established use of the subject premises is as a shop,
- (b) the change of use of the subject structure from shop to residential dwelling is a change of use that is material in planning terms, having regard to different patterns of activity and impacts on the pattern of development in the vicinity, and therefore constitutes a material change of use which is development,
- (c) the previous use as a shop is within the scope of Class 1 of Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and
- (d) the change of use from Class 1 of Part 4 of the Second Schedule to the said Regulations to residential use would come within the scope of Article 10(6) of the Planning and Development Regulations, 2001, as amended by the Planning and Development (Regulations), 2018:



**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 said change of use of an old shop to a dwelling house at Toghers Shop, Granville Park, Saint Patrick's Road, Limerick is development and is exempted development.

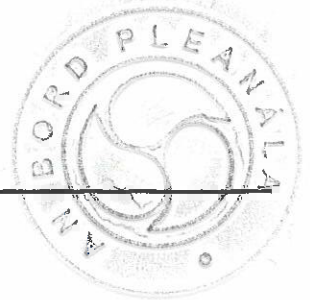
### **Matters Considered**

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.



Terry Ó Niadh

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



Dated this 24<sup>th</sup> day of January 2022.