



An
Bord
Pleanála

Board Order
ABP-318628-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: ED1073

WHEREAS a question has arisen as to whether the use of part of premises for takeaway food ancillary to shop use at GALA, Aghards House, Thornhill Gardens, Celbridge, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Mohammad Rahman care of DH Architectural of Clownings, Newbridge, County Kildare requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 9th day of November, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Mohammad Rahman referred this declaration for review to An Bord Pleanála, on the 5th day of December, 2023:

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, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) the planning history of development on the site, in particular, planning register reference number 891106, and
- (e) the existing use of the retail unit and the layout of the premises as now constituted:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) condition number 8 of permission granted under planning register reference number 891106 excluded the use of the neighbourhood shop for the sale of hot food for consumption off the premises (i.e. 'take-away'),
- (b) the take-away use would contravene the condition referred to in (a) above,
- (c) the restrictions on exempted development pursuant to Article 9(a)(i) of the Planning and Development Regulations 2001, as amended, are applicable and
- (d) the restrictions on changes of use pursuant to Article 10(1)(b) of the Planning and Development Regulations 2001, as amended are applicable.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the use of part of premises for takeaway food ancillary to shop use at GALA, Aghards House, Thornhill Gardens, Celbridge, County Kildare is development and is not exempted development.

A handwritten signature in blue ink is written over a circular seal. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center. The signature is written in a cursive style.

Tom Rabbette

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

Dated this 15th day of July 2024