

An
Coimisiún
Pleanála

Commission Order
ACP-323752-25

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5 2025 24

WHEREAS a question has arisen as to whether the change of use of an existing shop to seven number residential units at numbers 4 and 5 Sexton Street, Abbeyside, Dungarvan, Waterford is or is not development and is or is not exempted development:

AND WHEREAS Keybuild Services Limited requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 4th day of September 2025, stating that the matter was development and was not exempted development:

AND WHEREAS Keybuild Services Limited referred this declaration for review to An Coimisiún Pleanála on the 29th day of September 2025:

AND WHEREAS An Coimisiún Pleanála reworded the question to reflect the situation on the site to - whether the change of use of a structure comprising a shop (at the majority of number 4 Sexton Street) and of a café (at the eastern part of number 4 and number 5 Sexton Street) to seven number residential units, is or is not development, and is or is not exempted development;

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

- (a) Sections 2(1), 3(1), 4(2), 4(4), 172(1) and 177U(9) of the Planning and Development Act, 2000, as amended,
- (b) Articles 5(1), 10(1) and 10(6) of Part 2 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14(b) and (c) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and the pattern of development in the area, and
- (f) the report of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that -

- (a) The current use of the majority of number 4 Sexton Street is a shop, the current use of the remaining eastern part of number 4 Sexton Street and of number 5 Sexton Street is a café;
- (b) The proposed change of use of a shop and of a café to residential use, and the associated works, constitutes development as defined under sections 2(1) and 3(1) respectively of the Planning and Development Act 2000, as amended;

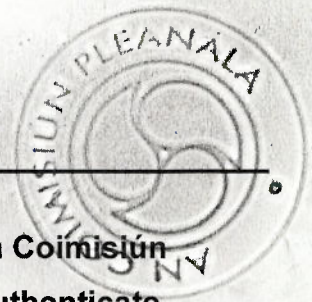
- (c) The change of use of café to residential does not fall under Class 1, 2, 3, 6 or 12 and therefore does not comply with the provisions of Article 10(6), Part 2 of the Planning and Development Regulations 2001, as amended;
- (d) The proposed development comprises work within and across both number 4 and number 5 Sexton Street, which are dependent on each other such that the structure comprising numbers 4 and 5 must be considered in its entirety, and therefore as the change of use of the café to residential is not exempted development the entire proposed development is not exempted development.

NOW THEREFORE An Coimisiún 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 a structure comprising a shop (at the majority of number 4 Sexton Street, Abbeyside, Dungarvan) and of a café (at the eastern part of number 4 and number 5 Sexton Street, Abbeyside, Dungarvan) to seven number residential units is development and is not exempted development.

Mary Gurrie

Mary Gurrie

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23 day of January 2026.