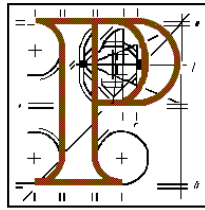


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Roscommon County**

**Planning Register Reference Number: PD/16/438**

An Bord Pleanála Reference Number: 20.LV.3323

**APPLICATION FOR LEAVE TO APPEAL** against the decision of the planning authority by Michael Kilduff and Aveline Cullen care of DND Design Limited of Hazelwood, Lecarrow, County Roscommon having an interest in land adjoining the land in respect of which Roscommon County Council decided on the 6<sup>th</sup> day of January, 2017 to grant subject to conditions a permission to Fergal and Ross McLoughlin care of T and R Design of Ballynamony, Carrick-on-Shannon, County Leitrim.

**PROPOSED DEVELOPMENT:** Change of use of existing Youth Drop In Centre (previous granted under planning register reference number: P.08/464) to Restaurant and take-away including internal alterations, signage and all ancillary works at Main Street, Elphin, County Roscommon.

## DECISION

**GRANT** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

## **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.

## **REASONS AND CONSIDERATIONS**

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 3 imposed by the planning authority to which the grant is subject, because the effect of the condition would be to extend the opening hours of the subject development beyond the hours that were imposed on the previous and authorised use of the site and because no extended hours were sought as part of the subject development, and
- (ii) the imposition of condition number 3 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission.

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

**Dated this      day of                      2017.**