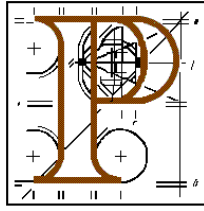


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Authority Reference Number: TUD-15-080

An Bord Pleanála Reference Number: 92.RL.3440

WHEREAS a question has arisen as to whether the use of a portion of the ground floor of 1 O’Rahilly Street, Nenagh, County Tipperary, for sale and consumption of teas, coffees and confectionery items is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Tipperary County Council on the 7th day of December, 2015:

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, Schedule 2 of the said Regulations,
- (d) the planning history of the site,
- (e) the previous residential use and the permitted use of the retail unit and the layout of the premises as now constituted;
- (f) the submissions on file, and
- (g) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the planning permission granted in respect of the premises provided for use of the shop for the sale of religious publications and associated items only,
- (b) the use of part of the ground floor retail unit for the sale and consumption of teas, coffees and confectionery items is a change of use,
- (c) the use would constitute a material change of use and would therefore constitute development within the scope of Section 3(1) of the Planning and Development Act, 2000, and
- (d) the change of use does not come within the scope of any exemption provided in Article 10(1) of the Planning and Development Regulations 2001, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the use of a portion of the ground floor of the permitted retail premises at number 1 O'Rahilly Street, Nenagh, County Tipperary for the sale and consumption of teas, coffees and confectionery items is development and is not 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.

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

Dated this day of 2016.