



Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: R17-14

WHEREAS a question has arisen as to whether the use of unit number 4 Woodquay as a restaurant for the consumption of food on the premises is consistent with the conditions of Ennis Urban District Council permission 27/1416 at unit number 4 Woodquay, Ennis, County Clare is or is not development or is or is not exempted development:

AND WHEREAS Michal Szymacha care of Michael J. Duffy care of 1 Clós Na hEaglaise, Kilfenora, County Clare requested a declaration on this question from Clare County Council and the Council issued a declaration on the 22nd day of May, 2017 stating that the matter was not development and was not exempted development:

AND WHEREAS Michal Szymacha care of Michael J. Duffy care of 1 Clós Na hEaglaise, Kilfenora, County Clare referred the declaration for review to An Bord Pleanála on the 2nd day of June, 2017:

AND WHEREAS An Bord Pleanála, having regard to the documentation submitted as part of the declaration and referral, has decided to reformulate the question as follows:

“Whether the change of use of unit number 4 Woodquay from shop to use as a restaurant for the consumption of food on the premises at number 4 Woodquay, Ennis, County Clare is or is not development or is or is not exempted development”.

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) the definition of ‘shop’ under article 5(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Articles 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001 as amended, and Class 1 of Part 4 of Schedule 2 to these Regulations, and
- (d) the planning history of the site, including planning permission register reference number 27/1416, whereby planning permission was granted for five number shop units, which included the unit the subject of this referral:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted use of the subject unit, as granted under planning permission register reference number 27/1416 is as a shop,
- (b) the proposed change of use of the unit from shop to use as a restaurant for the consumption of food on the premises would be a factual change of use and such change of use would raise material planning considerations, and accordingly would constitute a material change of use, and is, therefore, development,

