



An
Bord
Pleanála

Inspector's Report ABP-305094-19

Question	Whether the change of use from retail clothes unit to retail bakery unit is or is not development and is or is not exempted development.
Location	Unit 13 Manor Mills Shopping Centre, Maynooth, County Kildare.
Declaration	
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	ED/00740
Applicant for Declaration	Natural Baking Company Ltd.
Planning Authority Decision	Is not exempted development
Referral	
Referred by	Natural Baking Company Ltd.
Owner/ Occupier	Luke Creighan & Sigma Retail Partners (Jenna Culligan)
Date of Site Inspection	6th, May 2020
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1.1. Manor Mills Shopping Centre is a substantial mixed use (retail/commercial/ residential) development located at the junction of Mill Street and the Kilcock Road (R 148) at the western end of Maynooth town. Unit No. 13 is a retail unit (with a stated floor area of 94 sq. m.) located on the southern side of the ground floor enclosed shopping mall that passes through the building in an east to west direction.

2.0 The Question

- 2.1.1. The question referred by the referrer to the planning authority pursuant to Section 5(1) of the *Planning and Development Act, 2000*, as amended (“the Act”) and subsequently referred by the referrer to the Board, for review, pursuant to Section 5(3)(a) of the Act was, as follows:

Whether the use of an existing retail unit for bakery sales including sandwiches, cakes, bread and other bakery related products for consumption on and off the premises and ancillary use of bakery retail unit for consumption of food/tea/coffee on the premises.

- 2.1.2. I inspected the site on 6th, May 2017 which was during the initial phase of the Covid 19 pandemic. While the facility was open and in operation for the sale to the public of bread and other ancillary merchandise including teas and coffees there was no ‘sit down’ café facility offering the opportunity to consume merchandise on the premises in operation. The question asked to the planning authority and subsequently referred to the Board includes the use of the premises for the sale of bread, sandwiches, cakes, tea and coffee etc. on the premises. It would appear that the premises has been used until recently for the operation of a café ancillary to the principle bakery use. Tables and seating areas had been moved to the side of the premises to render them unusable for the purposes of consumption of food etc. on the premises. The letter from the referrer’s agent dated 6th, August 2019 states that the planning authority maintained their enforcement action in relation to the alleged unauthorised development until all seating was removed pending the determination of this referral.

2.1.3. A letter dated 30th, July from Green Design Build the planning authority states that in addition to the main retail bakery use the shop also caters for the following ancillary uses:

- Demonstration space for bakery classes, demonstration and tasting,
- Sandwich/deli preparation area.
- Coffee/tea sales area,
- Limited seating area *(to be used in connection with the consumption of hot drinks and a limited range of food items).*

2.2. Reformulation of the Question

2.2.1. In the circumstances outlined, I consider that the question can reasonably be reformulated as follows:

Whether the change of use of an existing retail unit (clothes shop) to use as a artisan retail bakery including the sale of sandwiches, cakes, breads, teas and coffees etc. for consumption on (with limited seating area) and off the premises is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

3.1.1. The planning authority by Order dated 8th, July 2019 declared that that the use of an existing retail unit for bakery sales including sandwiches, cakes, bread and other bakery related products for consumption on and off the premises and ancillary use of bakery retail unit for consumption of food/tea/coffee at Unit 13 Manor Mills Shopping Centre, Maynooth, Co. Kildare is development and is not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.2. A report from the planning authority Senior Executive Planner dated 4th, July 2019 includes:

- The permitted use of No. 13 is as a 'shop'. Condition No. 9 of the planning permission under which the development including Unit No. 13 was granted (Reg. Ref. 01/2220) stipulates that the unit shall be used as a 'shop' as defined in the *Local Government (Planning & Development) Regulations, 1994*.
- Documentation submitted on behalf of the referrer indicates that the current use of the unit includes (i) a kitchen used for the baking of bread and (ii) provision of 12 customer seats used for the consumption on the premises of both hot and cold drinks and a limited range of food items.
- 'Shop' as defined in the 1994 Regulations does not specifically include use as bakery or for the consumption of food on the premises and specifically excludes use as a restaurant.
- The current use of the premises does not constitute a 'shop' as defined in the 1994 Regulations and, therefore, does not comply with condition No. 9 of Reg. Ref. 01/2220.
- The definition of a 'shop' (under planning legislation) was altered under the *Planning & Development Regulations, 2005*. The use as proposed does not constitute a 'shop' as defined for the purposes of the 2001 Regulations.
- In accordance with Article 10 of the Regulations the change of use of a shop to any other use is considered to constitute development.
- The proposed change of use is development and is not exempted development.

4.0 Planning History

- 4.1.1. Appeal No. 09.130667 – Planning permission for the demolition of a habitable house and the construction of a mixed use retail/commercial/residential and leisure development was granted by the Board in July 2003 to Dulcedo Developments Ltd. on a 1.98 hectare site at Mill Road, Maynooth, Co. Kildare.
- 4.1.2. This is the parent planning permission for the Manor Mills development within which Retail Unit No. 13 (the subject matter of the current referral) is contained.

4.1.3. Condition No. 9 of this permission states:

'The use of the proposed retail units shall be limited to shop use as set out in the Local Government (Planning & Development) Regulations, 1994, unless prior planning permission for such change of use has been obtained'.

[The definition of a 'shop' under the 1994 Regulations differs from the definition under the Planning and Development Regulations, 2001, as amended]

5.0 Policy Context

5.1. Natural Heritage Designations

5.1.1. The Rye Water Valley/Carton Estate Special Area of Conservation (SAC) (Site Code 001398) is located c. 1.5 km to the east of the referral site.

6.0 The Referral

6.1. Referrer's Case

6.1.1. The referrer's submission per letter dated 6th, August 2019 includes:

- Narrative of the history of the use of Unit No. 13 including use as a retail clothes shop prior to 2018 when there was a change of use to its current use as a retail bakery unit (with limited customer seating area) together with details of subsequent enforcement action pursued by the planning authority on foot of a complaint received in relation to the (allegedly unauthorised) change of use.
- A request that An Bord Pleanála investigate the matter in circumstances where the referrer believes that the planning authority have made an error in their extremely narrow interpretation of the meaning of a retail shop under planning legislation.

6.2. Planning Authority Response

6.2.1. No response received.

6.3. Owner/occupier's Response

6.3.1. No response received.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended ('the Act')

7.1.1. Section 2(1) (Interpretation) states:

*'In this Act, except where the context otherwise requires-
'works' includes any act or operation of construction, excavation,
demolition, extension, alteration, repair or renewal.....'*

7.1.2. Section 3 (1) states:

*'In this Act, 'development' means, except where the context otherwise
requires, the carrying out of any works on, in, over or under land or the
making of any material change in the use of any structures or other land.'*

7.1.3. Section 4 (1) (h) states:

*'development consisting of the carrying out of works for the maintenance,
improvement or other alteration of any structure, being works which affect
only the interior of the structure or which do not materially affect the external
appearance of the structure so as to render the appearance inconsistent
with the character of the structure or of neighbouring structures.'*

7.1.4. Section 4(4) states:

*Notwithstanding.....any regulations under subsection 2,
development shall not be exempted development if an environmental
impact assessment or appropriate assessment of the development is
required.*

7.2. Planning and Development Regulations, 2001 as amended ('the Regulations')

Article 5 (1), [as amended by Article 3 of the *Planning & Development Regulations, 2005*] includes the following:

"shop" means:

*a structure used for any or all of the following purposes, where the sale, display
or service is principally to visiting members of the public—*

- (a) for the retail sale of goods,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under the wine retailer's off licence (within the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5 c. 8,
- (e) for hairdressing,
- (f) for the display of goods for sale,'
- (g) for the hiring out of domestic or personal goods or articles,
- (h) as a launderette or dry cleaners,
- (i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food for consumption off the premises, except under paragraph (d) above, or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

[The above definition of a 'shop' differs in certain key respects from the definition of a 'shop' provided for under Article 9 of the *Local Government (Planning & Development) Regulations, 1994* cited in Condition No. 9 attached to the Board decision in Appeal No. 09.130667. However, for reasons indicated at para. 8.3.2 below this Condition is not significant in the determination of this referral].

7.2.1. Article 10 of the Regulations states that:

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) *involve the carrying out of any works other than works which are exempted development,*
- (b) *contravene a condition attached to a permission under the Act,*
- (c) *be inconsistent with any use specified or included in such a permission,*
- (d) *be a development where the existing use is an unauthorised development....*

etc.

8.0 **Assessment**

8.1. **Is or is not development**

8.1.1. The submission to the Board from the referrer's agent states that it is believed that the planning authority have made an error in their extremely narrow interpretation of the

meaning of a 'shop' under planning legislation. The submission provides no analysis in relation to how any relevant statutory provisions should be interpreted. Furthermore, no reference to any precedent Board decisions that might bolster an argument that the change of use at Unit No. 13 is not development or is exempted development have been cited.

8.1.2. Documentation accompanying the referral submission includes a letter (dated 30th, July 2018) from the referrer's agent to the planning authority highlighting the history of the Natural Bakery Company since the opening of their first artisan bakery in Kilmainham, Dublin in 2013, the subsequent opening of other artisan bakeries together with testament relating to the commercial success of these enterprises and to the employment that has been generated in these enterprises.

8.1.3. A referral under Section 5 of the Act concerns the interpretation of statutory provisions in relation to the Act and the Regulations in relation to the meaning of development and in relation to statutory provisions concerning exempted development. An assessment of the merits or otherwise of a project or potential project (which may or may not require planning permission) is not of concern for the purposes of Section 5. The matter for determination is strictly confined to the interpretation of statute.

8.1.4. Planning permission was granted by the Board for the construction of the development now known as the Manor Mills Shopping Centre (Appeal No. 09.130667). This development permitted a number of retail units including Unit No. 13 which was clearly permitted for use as a 'shop'. To this end and for the avoidance of doubt Condition No. 9 attached to the planning permission stated that:

'The use of the proposed retail units shall be limited to shop use as set out in the Local Government (Planning & Development Regulations) 1994, unless prior planning permission for change of use has been obtained'.

8.1.5. The definition of development provided for in Section 2(1) of the Act involves 'works' and/or 'material change of use'. For development as defined for the purposes of Section 3(1) of the Act to take place 'works' and/or 'material change of use' must occur.

8.1.6. 'Works' include any act of 'construction, excavation, demolition, extension, alteration, repair or renewal'.

- 8.1.7. The documentation on file does not include detailed specifications in relation to the internal alterations that have been made to Unit No. 13. However, it is clear that (at a minimum) a kitchen and ovens for the baking of bread and confectionery have been added to the unit. Furthermore, (i) the unit previously used as a retail clothes shop has been fitted out to provide for the display of bread and other food products (ii) a limited number of tables and chairs to facilitate the consumption of food and drinks on the premises have been added (subsequently removed but with a clearly stated intention that they be re-instated). These modifications are confined to the interior of Unit No. 13. I consider that these modifications are minor in nature, insofar as they involve acts of construction and alteration, of Unit No. 13 and are extremely minor in nature in relation to the overall Manor Mills Shopping Centre. Nonetheless, I consider that they fall within the definition of 'works' for the purposes of the Act.
- 8.1.8. The planning authority and the referrer are in agreement that a change of use of Unit No. 13 has occurred (i.e. use as a retail clothes shop has changed to use as an artisan Bakery including the sale of hot and cold drinks and sandwiches, cakes, breads etc. for consumption on and off the premises and ancillary use of the unit for the sale of hot and cold drinks and a limited range of food items for consumption on the premises together with the provision of related seating capacity on the premises).
- 8.1.9. I agree that a change of use of No. Unit No. 13 has occurred. However, in order for this change of use to fall within the definition of 'development' for the purposes of the Act, the change of use must be a 'material' change of use.
- 8.1.10. A frequently cited test to assist in determining whether a change of use is material or not, is that proffered by Barron, J in *The County of Galway v Lackagh Rock Ltd [1984 21 MCA]* for the determining of whether or not a material change of use has occurred. In this case, Barron, J considered that '*in determining whether or not a present use was materially different from a use being made on the appointed day one must look at matters which the planning authority would take into consideration if a planning application were made on both dates and if these matters were materially different, then, the present use must be equally materially different.*'
- 8.1.11. The case cited related to the intensification of use of a quarry (before and after 1st, October 1964 – the operative date for the *Local Government (Planning & Development Act, 1963)*). The factors to be taken into consideration in assessing the intensification

of use of a quarry are clearly dramatically different to the factors relevant to the operation of a shop as an artisan bakery. Nonetheless, the principle set out in the 'Lackagh Rock' case is instructive. In short, if the matters considered in assessing a planning application for an artisan bakery are materially different to the matters for consideration in the assessment of a planning application for a 'shop' (as defined under Article 5(1) of the Regulations) then the uses must be materially different and a change of use from one use to the other must be a material change of use.

8.1.12. In my opinion, the use of Unit No.13 as an artisan retail bakery with ancillary café etc. includes certain factors that can reasonably be regarded as falling within the definition of a 'shop' as provided under Article 5(1) of the Regulations viz. the sale of produce is principally to visiting members of the public; the retail sale of goods is involved; the sale of sandwiches and other food (subsidiary to the main retail use) for consumption off the premises occurs. Nonetheless, use as an artisan retail bakery also involves the installation and use of a kitchen, the operation of ovens (possibly by trained craftspeople/bakers), the importation of raw materials (ingredients for the baking of bread and other confectionery etc.) into the unit and the working of these raw materials in the baking of a finished product (bread and confectionery) for sale to visiting members of the public. In my opinion these factors take the use as an artisan bakery outside the statutory definition of a 'shop'. Use as a 'shop' allows for the operation of a launderette or dry cleaners – activities that could arguably be regarded as similar in certain respects to the operation of a bakery (operation of machines etc.). However, I consider that the specific reference to laundry and dry cleaners within the definition provided in Article 5 highlights the fact that these are regarded as 'exceptions' to the more general provision under Article 5. No such exception has been provided in respect of bakeries/artisan bakeries.

8.1.13. Furthermore, I consider that the scale of use of Unit 13 (relative to the overall size of the unit) for the sale of sandwiches and confectionery and hot and cold drinks for consumption on and off the premises in combination do not constitute an ancillary or subsidiary use of the premises for the purposes of Article 5(1)(d) of the Regulations.

8.1.14. On balance, therefore, I consider that while there is some overlap between the characteristics of an artisan bakery and the characteristics of a shop there are additional factors relevant for consideration in the assessment of an artisan bakery to those relevant to the assessment of a shop/retail unit. In these circumstances, (based

on the test set out in *The County of Galway v Lackagh Rock Ltd [1984 21 MCA]*, I consider that the change of use that has been made to Unit No. 13 constitutes a material change of use.

8.1.15. Based on the above analysis, I consider that the change of Unit No. 13 Manor Mills Shopping Centre, from a 'shop' to a bakery (with ancillary café etc.) involves both 'works' as defined for the purposes of the Act and a 'material change of use' and, thus, constitutes 'development' as defined for the purposes of the Act.

8.2. Is or is not exempted development

8.2.1. Planning permission is required for any development other than exempted development. Exemptions are provided for under both the Act and the Regulations.

8.2.2. I have already concluded at paragraph 8.1.7 above that the alterations to Unit No. 13 fall within the definition of 'works' provided in the Act and, therefore, constitute development. However, given the limited nature of the works that have been undertaken and which are confined to the interior of the property only, I consider that the works come within the scope of the exemption provided for pursuant to Section 4(1)(h) of the Act (i.e. *works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure...etc.*).

8.2.3. Article 10 of the Regulations states that (subject to certain provisos) 'development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act'. 'Use as a shop' is included as a class in the use classes set out in Part 4 of Schedule 2 (i.e. 'Class 1'). Based on the analysis provided at paragraph 8.1.12 above the current use of Unit No. 13 does not come within the scope of the definition of a 'shop' for the purposes of Class 1 and, therefore, any exemption available in respect of a change of use within this use class does not apply.

8.2.4. In my opinion, there are no other legislative provisions under either the Act or the Regulations (or elsewhere) that provide for exemptions which can be availed of in respect of the change of use that has been carried out at Unit No. 13.

8.2.5. Finally, the definition of a 'shop' provided for under Article 5(1)(d) of the Regulations specifically precludes use as a restaurant but allows for limited circumstances in which

the sale of sandwiches or other food for consumption off the premises from a 'shop' may be permitted. Furthermore, it has previously been held by the Board that (very) limited seating (relative to the overall size of a unit) for use in connection with the consumption of drinks and food within an existing shop does not fall within the definition of development provided under Section 3(1) of the Act. (*see for example Appeal No.303153-18*). In the current instance if there has been a preliminary finding that the use of Unit No. 13 as a bakery does not fall within the definition of a shop then any considerations in relation to the status of the ancillary use of the bakery/unit for the sale and consumption of hot and cold drinks, sandwiches, confectionery and other (hot and cold) food on (in the limited seating area provided) and off the premises are only of secondary concern. Strictly speaking these matters would only be determinative in the context of the current referral in circumstances where there had been a preliminary finding that the bakery itself might not be development or might constitute exempted development. Nevertheless, in the current instance I consider that the scale of use of Unit 13 (relative to the overall size of the unit) for the sale of sandwiches and confectionery and hot and cold drinks for consumption on and off the premises in combination do not constitute an ancillary or subsidiary use of the premises. Therefore, they do not fall within the scope of Article 5(1)(d) of the Regulations.

8.3. Restrictions on exempted development

- 8.3.1. The only potentially relevant restriction are the restrictions on exemption provided under Art.10 of the Regulations as set out in Art. 10(1) ((a),(b),(c), and/or (d)) of the Regulations and the restrictions referred to in Section 4(4) of the Act.
- 8.3.2. Pursuant to Art. 10(1) development comprising a change of use between classes that is otherwise exempted within a class specified in PART 4, SCHEDULE 2, shall not be exempted if it would (a) involve the carrying out of any works other than works which are exempted development. (b) contravene a condition attached to a permission under that Act, (c) be inconsistent with any use specified or included in such a permission, or (d) be a development where the existing use is an unauthorised use....etc. As has already been indicated (para 8.1.12 above), I consider that the change of use in this case is NOT exempted under Article 10(1) (i.e. not a change of use within a class specified in PART 4, SCHEDULE 2) or any other legislative provisions in relation to

exempted development. Therefore, in circumstance where there has been no prior finding that a development might rely on exempted development provisions provided for under the Act or Regulations, any restrictions on exemptions that might otherwise apply pursuant to Article 10((1)(b) do require further consideration viz. possible contravention of Condition No. 9 attached to the planning permission granted by the Board under Appeal No. 130667.

8.3.3. Other than the restriction on exempted development that might notionally arise under Article 10(1)(b) of the Regulations the only other restrictions on possible exempted development that might apply in the current instance are those provided under Section 4(4) of the Act (relating to developments requiring Environmental Impact Assessment and/or Appropriate Assessment). Again, as has already been stated I consider that development at Unit No. 13 cannot avail of exempted development provisions under Article 10(1) of the Regulations or any other legislative provisions in relation to exempted development. In these circumstances, the operation of Section 4(4) of the Act does not arise in the first instance.

8.3.4. In the event that the Board were to determine that an exemption might be available to the referrer, the need for Environmental Impact Assessment or Appropriate Assessment would not arise in relation to the development at Unit No. 13 (see Sections 8.4 and 8.5 below) and the operation of the de-exemption provided for under Section 4(4) of the Act would not arise.

8.4. Appropriate Assessment Screening

8.4.1. Having regard to the nature and scale of the development which does not involve the carrying out of any significant works and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.5. Environmental Impact Assessment (EIA)

8.5.1. The proposed development consisting of the use of an existing retail clothes unit for use as a bakery is not a class of development included under Schedule 5 of the *Planning and Development Regulations 2001*, as amended. Thus, no EIA or Screening for EIA is required.

9.0 Recommendation

9.1.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the change of use of an existing retail unit (clothes shop) to use as a bakery including the sale of sandwiches, cakes, breads etc. for consumption on and off the premises and ancillary use of the unit for the sale of tea and coffee with ancillary seating at Unit No. 13 Manor Mills Shopping Centre, Maynooth, Co. Kildare is or is not development or is or is not exempted development.

AND WHEREAS Green Design Build (in their capacity as agents acting on behalf of the Natural Bakery Company Ltd.) requested a declaration on this question from Kildare Co. Council and the Council issued a declaration on 8th, July 2019 stating that the matter is development and is not exempted development.

AND WHEREAS Green Design Build (in their capacity as agents acting on behalf of the Natural Bakery Company Ltd.) referred this question for review to An Bord Pleanála on the 6th day of August, 2019.

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

- (a) Section 2(1) of the *Planning and Development Act, 2000*, as amended,
- (b) Section 3(1) of the *Planning and Development Act, 2000*, as amended,
- (c) Section 4(1)(h) of the *Planning and Development Act, 2000*, as amended,
- (d) Section 4(4) of the *Planning and Development Act, 2000*, as amended,
- (e) Article 5(1) of the *Planning and Development Regulations, 2001*, as amended, and the definition of a 'shop' provided therein,
- (f) Article 10(1) of the *Planning and Development Regulations, 2001*, as amended and
- (g) the planning history of the site and the nature of the subject use.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Modifications to the interior of the retail unit (clothes shop) at Unit No. 13 Manor Mills Shopping Centre involved the carrying out of works to the interior of the property.
- (b) The works carried out being minor nature and being works which only affect the interior of the structure or which do not materially affect the external appearance of the structure so as to render the external appearance inconsistent with the character of the structure or of neighbouring structures come within the scope of Section 4(1)(h) of the *Planning and Development Act, 2000*, as amended, and are therefore exempted development.
- (c) The use of the retail unit (clothes shop) at Unit No. 13 Manor Mills Shopping Centre as a retail bakery including the sale of sandwiches, cakes, breads, teas and coffee etc. for consumption on (with limited seating area) and off the premises represents a change of use, and such change of use would raise issues which are material in terms of the proper planning and sustainable development of the area including the installation of a kitchen, ovens (and other equipment), and the baking of raw materials into finished product (bread and confectionery) etc. and would, therefore, constitute a material change of use.
- (d) The proposed material change of use constitutes development.

The proposed change of use does not fall within the definition of a 'shop' as provided under Article 5(1) of the *Planning and Development Regulations, 2001*, as amended for the reasons already stated at (c). Furthermore, the scale of use of the premises (relative to the overall size of the premises) for the sale of sandwiches and confectionery and hot and cold drinks for consumption on and off the premises in combination do not constitute an ancillary or subsidiary use of the premises as defined for the purposes of Article 5(1)(d) of the Regulations. Therefore, the change of use does not constitute exempted development by reason of the operation of Article 10 of these Regulations (i.e. does not consist of a change of use within a class of use specified in Part 4 of Schedule 2 of these Regulations).

- (e) There are no other exemptions that can be availed of under the Act or the Regulations which would render the development to be exempted development.
- (f) Therefore, the change of use of the retail unit (clothes shop) at Unit No. 13 Manor Mills Shopping Centre to use as a retail bakery including the sale of sandwiches, cakes, breads, teas and coffees etc. for consumption on (with limited seating area) and off the premises constitutes development which is not exempted development.

NOW THEREFORE An Bord 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 an existing retail unit (clothes shop) to use as a retail bakery including the sale of sandwiches, cakes, breads, teas and coffees etc. for consumption on (with limited seating area) and off the premises at Unit No. 13, Manor Mills Shopping Centre, Maynooth, Co. Kildare is development and is not exempted development.

Paddy Keogh
Planning Inspector

2nd, July 2020