



An
Coimisiún
Pleanála

Inspector's Report ABP-321056-24

Question

Whether the change of use from ground floor commercial space to 3 bed residential is, or is not development and is, or is not exempted development

Location

Georges Street, Gort, Co. Galway.

Declaration

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

ED24/110

Applicant for Declaration

Caroline Quinn

Planning Authority Decision

Is not exempted development

Referral

Referred by

Caroline Quinn

Owner/ Occupier

None

Observer(s)

None

Date of Site Inspection

26th February 2026

Inspector

Kenneth Moloney

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The referral site is located in Gort, Co. Galway, and the subject property faces onto Station Road, which is situated off Georges Street.
- 1.2. The referral building is two-storey in height and has access onto Station Road, and the property was vacant at the time of my site inspection.
- 1.3. The referral building immediately abuts a two-storey property, which faces onto Georges Street. The first-floor area of the referral building has a direct internal connection with the said property on Georges Street.
- 1.4. The referral building has recently commenced renovation and refurbishment works, including the provision of a stairs connecting the ground floor level to the first-floor level.
- 1.5. The first-floor level of the referral building was previously an extension to the two-story property fronting onto Georges Street.

2.0 The Question

- 2.1. The question for consideration is as follows.

Whether a change of use from ground floor public house (sic) with overhead residential to 3 bed residential unit at Georges Street, Gort, Co. Galway, is or is not development and is or is not exempted development.

- 2.2. Having regard to the information on the file and my site inspection I would recommend to the Commissioners that the question above is reformatted slightly, as follows:

*Whether a change of use from ground floor public house (sic) with overhead residential to 3 bed residential unit at Georges Street, Gort, Co. Galway, **and associated internal works**, is or is not development and is or is not exempted development.*

3.0 Planning Authority Declaration

3.1.1. On the 27th of August 2024 a request for a Declaration in accordance with Section 5(1) of the Planning and Development Act, 2000, as amended, was received by Galway County Council from Caroline Quinn.

3.1.2. The Planning Authority issued a declaration on the 24th of September 2024, to the effect that the change of use from ground floor public house (sic) with overhead residential to 3 bed residential unit at Georges Street, Gort, Co. Galway, is development and not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planner's Report, dated 24th of September 2024, can be summarised as follows:

- Site is located within Gort ACA.
- Site is zoned town centre / commercial.
- The proposed change of use is not fully compliant with all the conditions and limitations of Art. 10(6) of the Planning and Development Regulations, 2001 (as amended).
- The report refers specifically to Art. 10(6)(vi) which requires that floor areas and storage areas shall comply with the minimum requirements of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, issued under Section 28 of the Act.
- The minimum aggregate areas for a 3-bedroom are 11.4 sq. m., 13 sq. m., and 7.1 sq. m. The minimum bedroom widths for a single bedroom are 2.1m and for a double bedroom is 2.8m.
- No storage space is provided.
- The change of use areas must fall within the categories as listed under Class 1, 2, 3, 6 or 12 of Part 4, Schedule 2.
- Existing residential use (first floor) is not listed in these classes.

3.2.3. Other Technical Reports

- None

4.0 Planning History

4.1.1. The following planning history relates to the referral site.

- L.A. Ref. 98/3473 – Planning permission **granted**, on the 19th of November 1998, to construct a first-floor extension for living accommodation over public lounge at rear of building at Georges Street, subject to a single condition. Condition no. 1 stated that *'the proposed extension shall match in colour and design the existing structure'*. Reason: In the interest of visual amenity.

5.0 Policy Context

5.1. Galway County Development Plan, 2022 – 2028.

5.1.1. Gort is a designated 'Self-Sustaining Town' which is the fourth settlement tier in the County's Settlement Hierarchy (Table 2.12 Settlement Hierarchy). The description for Self-Sustaining Towns is *'Towns with high levels of population growth and a limited employment base which are reliant on other areas for employment and/or services, and which require targeted "catch-up" investment to become more sustaining'*.

5.1.2. The referral site lies within the Gort Architectural Conservation Area.

5.1.3. The property abutting the referral building is a protected structure. This property fronts onto Georges Street and Appendix 6 'Record of Protected Structures' of the CDP references the protected structure as RPS No. 436. The RPS describes the building as

'detached three bay two storey gable ended house with tripartite window opes and cut stone doorcase, c. 1855. Timber bracketed shopfront, c. 1900. Single bay extension added c. 1960. Refenestrated c.1990. Street frontage'.

5.1.4. The appraisal states 'regional value because of its architectural quality as exemplified by facade composition and shopfront design'.

5.2. Gort Local Area Plan, 2025 – 2031.

- 5.2.1. The referral site is zoned 'Town Centre' in accordance with Map 1A 'Land Use Zoning' of the LAP. The objective for the 'Town Centre' is stated as follows.

To encourage and support a range of appropriate uses in the town centre that will assist in the regeneration and reuse of vacant and underutilised buildings and land and will reenergise the town centre, subject to a high standard of development being achieved.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023

5.3.1. Section 28 Ministerial Planning Guidelines

The Design Standards for New Apartments, Guidelines for Planning Authorities (2023) applies to current appeals or applications that were the subject of consideration within the planning system on or before the 8th of July 2025.

The relevant guidelines for the proposed residential development include the following:

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 2 (discretion of standards on a case-by-case basis for certain building schemes) SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for apartments).
- Note: Circular Letter NSP 03/25 confirms that the Design Standards for New Apartments, Guidelines for Planning Authorities (2025) are not applicable to the current application before the Commissioners. The Apartment Guidelines (2025) are applicable to any application for planning permission or to any subsequent appeal or direction application to An Coimisún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.

5.4. Natural Heritage Designations

- Coole-Garryland Complex SAC (site code 000252) – 1.3 km northwest
- Lough Cutra SAC (site code 000299) – 3.2 km southeast
- Coole-Garryland SPA (site code 004107) – 1.7km west
- Lough Cutra SPA (site code 004056) – 3.2 km southeast
- Lough Cutra pNHA (site code 000299) – 3.2 km southeast
- Coole-Garryland Complex pNHA (site code 000252) – 1.3 km northwest

6.0 The Referral

6.1. The following is a summary of the referrer's case.

6.1.1. Assessment

- The PA has applied the letter of the law without understanding the spirit of the law.
- There is a need to provide much needed housing in this rent pressure zone area and also to revitalise town centres.
- The site is located within 100m of a train station in a provincial town where high density housing is encouraged.

6.1.2. Arguments against Refusal

- The PA has refused the application on the basis of non-compliance with bedroom sizes and storage space, citing the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
- The residential unit is a town house rather than an apartment.
- The referred Guidelines are only guidelines and not standards and also are designed to be applied to new apartments.
- Design within existing structures will always limit the ability to comply 100% with the Guidelines. The applicant considers that the proposal is nearly 100% compliant.

- The Guideline size at 90 sq. m. is for a 5-person apartment.
- It is unlikely that this building will have 5 persons living in it. The optimum is 3 persons for this development.
- Section 1.11 of the Guidelines refer to the standards as target standards where existing buildings are concerned.
- Section 6.9 of the Guidelines advise flexibility in the application of the Guidelines by the PA.
- The 90 sq. m. size of the unit is acceptable for a 3-bedroom unit. This size allows for sufficient storage within the unit.
- The proposed bedroom sizes are 11.72 sq. m., 11.48 sq. m. and 8.6 sq. m. which complies with the minimum requirements.
- The PA refer that the existing first floor of residential cannot be accommodated in the exemption.
- The Commission are referred to ED19/29 which Galway County Council determined that the conversion of a public house with overhead accommodation to 3 residential town houses was acceptable.
- In this case the overhead accommodation was assimilated into the houses.

6.2. Planning Authority Response

- None

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'

7.1.2. Section 3(1) states that:

- ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land’.

- 7.1.3. Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4(1)(h) which provides for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure, or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.
- 7.1.4. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.
- 7.1.5. Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

7.2. Planning and Development Regulations, 2001, as amended

- 7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, (hereinafter referred to as ‘the Regulations’) provide that ‘subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1’.
- 7.2.2. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article.
- 7.2.3. Article 10(1)

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, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

7.2.4. Article 10(6)

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2028 (Note: since the referral was lodged with the Commission, S.I No. 648 of 2025 extended the relevant period from 31 December 2025 to 31 December 2028).

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph

(d).

(d)

(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e)

(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

7.2.5. Schedule 2, Part 4, Exempted Development – Classes of Use

CLASS 1 Use as a shop.

CLASS 2 Use for the provision of—

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 6 Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12 Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

8.0 Relevant Referrals

- 8.1.1. ACP-323752-25 – The Commission determined on the 21st of January 2026 that the change of use of a structure comprising a shop and a café at Sexton Street, Abbeyside, Dungarvan, to seven number residential units is development and is not exempted development. The Commission decided that 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.
- 8.1.2. ABP-303154-18 – The Board determined on the 8th of April 2019 that the conversion of a commercial structure to a two-bedroom apartment at the rear of 31 Shantalla Road, Galway, is development and is not exempted development. The Board confirmed that the use in the commercial structure came within the scope of Class 4, that is, use as a light industrial building, and therefore does not fall under Class 1, 2, 3, 6 or 12 and does not comply with the provisions of Article 10(6), Part 2 of the Planning and Development Regulations 2001, as amended.

9.0 Assessment

9.1. Introduction

- 9.1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the subject building use in respect of the proper planning and sustainable development of the area, but rather whether or not the

matter in question constitutes development, and if so falls within the scope of exempted development.

9.2. Is or is not development

- 9.2.1. Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as including any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....’.
- 9.2.2. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect relates to both works and the material change in the use of land or structures.
- 9.2.3. The drawings that accompanied the Section 5 application to the PA indicate that the act of alterations to the interior of the property has taken place, including the provision of a stairs. The alterations constitute works and as such falls under the definition of development under Section 3(1)(a) of the Act.
- 9.2.4. Furthermore, and having regard to the definition in s. 3(1)(a) of the Act a material change of use occurred at the subject building, from that as public house to residential accommodation, and both change of use, and the internal works are ‘development’.

9.3. Is or is not exempted development

- 9.3.1. The referrer states that the proposed development seeks to avail of the provisions of article 10(6) of the Planning and Development Regulations, 2001, as amended (hereafter referred to as the Regulations). The article allows a change of use of a structure from use as Class 1, 2, 3, 6 or 12 to residential use (subject to several restrictions).
- 9.3.2. Therefore, the primary consideration of the Article 10(6) exemption in respect of this referral is Article 10(6)(c)(ii) which requires that the structure concerned has been used for the purpose of its current use, being Class 1, 2, 3, 6 or 12.
- 9.3.3. The development the subject of this referral relates to a two-storey property which previously operated as a ground floor public house and a first-floor residential use.

The existing access onto the ground floor public house is from Station Road. The first-floor residential use is an extension to an established residential unit on Georges Street.

- 9.3.4. I would note from the planning history on the referral site (L.A. Ref. 98/3473) that planning permission was granted to construct a first-floor extension for living accommodation over the public lounge. I have reviewed the relevant drawings associated with this permission from the Council's website, and I am satisfied that both the ground and first floor areas of the referral structure are not a single commercial unit. Based on the submitted planning drawings, associated with L.A. Ref. 98/3473, the ground floor public house is accessible from Station Road whereas the first-floor extension for living accommodation is accessible from Georges Street via the existing residential property on Georges Street, and the respective floors of the referral building are not connected.
- 9.3.5. The ground floor public house would fall within the category of Class 12, of Part 4, Schedule 2 of the Regulations, and is therefore applicable for the exemption in Article 10(6) of the Regulations.
- 9.3.6. However, the proposed residential unit the subject of the proposed change of use is over two floors, and the existing first-floor residential use forms part of a separate property which is an existing residential property facing onto Georges Street.
- 9.3.7. The proposed change of use is reliant on the first-floor residential use, which is a separate unit to the ground floor public house, and this would necessitate the subdivision of an existing residential unit from one existing residential unit to provide for two separate residential units. That being the new residential unit, the subject of this referral, and the existing residential unit which faces onto Georges Street.
- 9.3.8. The referral application, before the Commission, therefore, involves the amalgamation of the ground floor public house and a subdivided section of an established residential unit, which is situated over the ground floor public house. However, the question before the Commission does not accurately reflect that the subdivision of an existing residential unit is required to facilitate the proposed change of use. The proposed residential unit as indicated in the submitted plans includes 3 no. bedrooms and a bathroom at first floor level and this forms an integral component of the proposed residential use, however as noted above the first-floor

area is an established residential use. I have noted above in respect of the planning history that permission was granted for a first-floor extension to an existing residential use, onto Georges Street, and I would note from the Council's website that there is no planning consent for the subdivision of the existing residential unit.

9.3.9. I would therefore consider that a consequence of the amalgamation of the ground floor public house and the first-floor residential use, to form a new residential unit, is the subdivision of an existing residential unit which is a material change of use without the benefit of planning permission. The subdivision of an existing residential unit to form two residential units is not exempted development. In this regard I would specifically note Section 3(3) of the Act, which states as follows:

For the avoidance of doubt, it is hereby declared that, for the purpose of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change of the use of the structure and of each part thereof which is so used.

9.3.10. Therefore, in conclusion, as I have noted above the proposed change of use from existing public house and residential overhead, would ordinarily be consistent with the exempted development provisions in Article 10(6)(c)(ii), however in this instance Section 3(3) of the Act would be triggered, for which there is no available exemption for the subdivision of an existing dwelling into two or more dwellings. In fact, the proposed change of use, the subject of this referral, would create an unauthorised use which in turn would be a restriction to any exemption of Article 10(6) having regard to Article 10(6)(d)(xi) of the Regulations.

9.3.11. I note that the referrer asserts that the Council's decision on case ED19/29 would be a precedent for the current referral before the Commission. The referral submission does not include any documentation in respect of ED19/29, and I note that there is no available documentation on the Council's website pertaining to this case. I would consider that the onus is on the applicant to demonstrate their case with appropriate documentation, however and notwithstanding, and for the reasons set out above I would consider that the proposed change of use in this current referral application is not exempted development.

9.3.12. I have noted above that in para. 9.2.3 that internal works in the form of the provision of a stair case is proposed to connect the ground and first floor of the

referral property, and these internal works would be exempted development having regard to Section 4(1)(h) of the Act.

9.4. Restrictions on exempted development

- 9.4.1. Although I have concluded above that the proposed change of use would not be exempted development, I would note that Article 10(6)(d) of the Regulations, as amended, sets out conditions and limitations to any exemption in Article 10(6).
- 9.4.2. The PA Section 5 declaration determined that the proposed change of use cannot avail of the exempted development provision on the basis of non-compliance with the condition and limitation of Article 10(6)(d)(vi). Article 10(6)(d)(vi) requires the floor areas and storage areas of the residential units to comply with the Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- 9.4.3. The residential unit in question is a 3-bedroom unit and the minimum floor area for a 3-bedroom apartment in accordance with the Apartment Guidelines is 90 sq. metres. I note the referrer's comment that the subject residential unit is a townhouse rather than an apartment and that the Design Standards for New Apartments, Guidelines for Planning Authorities (2023) would therefore not apply to the subject referral application.
- 9.4.4. I would consider that the provisions of Article 10(6)(d)(vi) are clear and specific where it refers that '*dwelling floor areas and storage spaces*' shall comply with the Apartment Guidelines (2023). Therefore, the exemption, which cites 'residential use' does not distinguish between apartments or houses, and, in my view, for residential units to benefit from the exemption in Article 10(6) this would require minimum floor areas and storage areas to comply with that of the Apartment Guidelines (2023).
- 9.4.5. I also note that the referrer submits that the overall size of the dwelling unit is 90 sq. m. and that the proposed aggregate floor area for the bedrooms is 31.8 sq. metres, and this is consistent with the submitted plans received by ACP on the 16th of October 2024, from the applicant. On the basis of the floor areas submitted I would consider that the proposed change of use would comply with the relevant floor areas of the Guidelines. The referrer also refers correctly to flexibility of the standards in the Guidelines for refurbishment schemes which would apply to the subject referral property.

- 9.4.6. Notwithstanding compliance with the minimum floor areas for the entire unit and the bedrooms the proposed residential unit does not indicate provision of minimum storage space which is a requirement of Article 10(6)(d)(vi) of the Regulations.
- 9.4.7. I would acknowledge, as submitted by the referrer and noted above, that the Apartment Guidelines (2023), provide flexibility in the application of the minimum standards for refurbishment schemes, however there is no scope, within the Guidelines, for non-provision of storage areas. I would therefore conclude that should the exemption be available that it would be de-exempted by Article 10(6)(d)(vi) of the Regulations, for the non-provision of storage areas in the proposed residential unit.
- 9.4.8. Separately I note that the PA refers to the room widths in the bedrooms, however Article 10(6)(d)(vi) of the Regulations, as amended, is clear, in my view, and refers specifically to '*dwelling floor areas and storage spaces*', and as such I would not consider that room widths in the bedrooms is a consideration in the application of this exemption.
- 9.4.9. In addition, I have noted above in para.s 9.3.8 and 9.3.9, that the proposed change of use would necessitate the subdivision of an existing residential unit from one existing residential unit to provide for two separate residential units, which is a material change of use without the benefit of planning permission. This would therefore result in an unauthorised use which in turn would be a restriction to any exemption of Article 10(6) having regard to Article 10(6)(d)(xi) of the Regulations.
- 9.4.10. A matter not raised by either of the parties is the protected structure status of the property on Georges Street, which is connected to the referral building. I have referred to the relevant protected structure in both paras. 5.1.3 and 5.1.4 above, and having regard to the planning history (L.A. Ref. 98/3473) on the subject site which relates to a first-floor rear extension to the protected structure, the first-floor area of the referral building would have protected structure status, as it is an extension to an established protected structure and is therefore within the curtilage of a protected structure. Notwithstanding I noted from my site assessment that the first-floor extension was a contemporary construction with no historic features of special interest evident.

- 9.4.11. Accordingly, I would not consider the proposed internal works at first floor level, to facilitate the change of use, constitutes works that would materially affect the character of a protected structure which contributes to its special architectural interest. Therefore, any available exemption, in my view, would not be restricted by the conditions and limitations of Article 10(6)(d)(viii) of the Regulations, as amended.
- 9.4.12. I have examined all these conditions and limitations, and with the exception of Articles 10(6)(d)(vi) and 10(6)(d)(xi) noted above, I would not consider that the remaining restrictions would de-exempt Article 10(6) should the Commission conclude that the exemption would be available for the proposed change of use.

10.0 EIA Screening

- 10.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

11.0 Appropriate Assessment

- 11.1. I have considered case ABP-321056-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 11.2. The closest European Sites, part of the Natura 2000 Network, are the Coole-Garryland Complex SAC located approximately 1.3 km to the northwest of the referral site, and the Coole-Garryland Complex SPA, situated 1.7km to the west of the subject site. Lough Cutra SAC and SPA, are both located approximately 3.2 km to the southeast of the referral site.
- 11.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 11.4. The reason for this conclusion is as follows:

- The minor nature and scale of the development.
- The location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.

11.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Water Framework Directive

12.1. I have individually assessed the subject development use and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the subject use, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows.

- The minor nature and scale of development.
- The location of the site on developed serviced lands.
- The absence of any hydrological connections.

12.2. I conclude that on the basis of objective information, that the subject development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

13.0 Recommendation

13.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether a change of use from ground floor public house (sic) with overhead residential to 3 bed residential unit at Georges Street, Gort, Co. Galway, and associated internal works is or is not development and is or is not exempted development:

AND WHEREAS Caroline Quinn requested a declaration on this question from Galway County Council and the Council issued a declaration on the 24th day of September 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Caroline Quinn referred this declaration for review to An Coimisiún Pleanála on the 14th day of October 2024:

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

- (a) Section 2(1), 3(1), 3(3), 4(1)(h), and 4(2) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1), article 9(1) and article 10(6) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) The documentation on the file, including the submission on behalf of the requestor Caroline Quinn,
- (e) the planning history of the site,

- (f) the pattern of development in the area:
- (g) the report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The proposed change of use from public house at ground floor and residential use at first floor level to a single residential use at Georges Street, Gort, Co. Galway, is a material change in the use being development; and
- (b) The proposed works to the Public House and the first-floor residential use to facilitate the proposed change of use is development; and
- (c) The first-floor residential use forms part of an established residential unit on Georges Street, and the subdivision of that residential unit to provide a second residential unit, with the ground floor public house, is a material change of use; and
- (d) The subdivision of a residential unit to provide two residential units is not exempted development having regard to Section 3(3) of the Planning and Development Act, 2000 (as amended), and
- (e) The proposed development would not come within the scope of exempted development under Article 10(6)(c), and
- (f) In any event, the restrictions on exemptions provided for in Articles 10(d)(vi) and 10(6)(d)(xi) of the Planning and Development Regulations 2001, (as amended), applies as the proposed residential unit would not provide storage spaces in compliance with the minimum storage requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the

change of use from ground floor public house with overhead residential to 3 bed residential unit at Georges Street, Gort, Co. Galway, is development and is not exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Kenneth Moloney
Senior Planning Inspector

19th March 2026

Form 1 - EIA Pre-Screening

Case Reference	ABP-321056-24
Proposed Development Summary	Whether the change of use from ground floor commercial space to 3 bed residential is, or is not development and is, or is not exempted development.
Development Address	Georges Street, Gort, Co. Galway.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321056-24
Proposed Development Summary	Whether the change of use from ground floor commercial space to 3 bed residential is, or is not development and is, or is not exempted development.
Development Address	Georges Street, Gort, Co. Galway
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development involves the proposed change of use from ground floor public house and overhead accommodation to a 3-bedroom residential unit and involves internal alterations and refurbishment to facilitate the change of use.</p> <p>During the construction phase in respect of the alterations and the refurbishment works the development would generate waste. However, given the moderate size of the development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the use. Any potential contamination arising from the existing use would be limited in scale, having regard to the modest scale of the alteration / refurbishment works and would have a localised impact. No demolition works are proposed. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,</p>	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance.</p> <p>The nearest designated European Sites to the referral site are the Coole-Garryland Complex SAC located approximately 1.3 km from the subject site, and the Coole-Garryland Complex SPA located 1.7 km from the referral site</p> <p>Given that there are no hydrological connections I have concluded in my AA Screening that the development</p>

cultural or archaeological significance).	would not likely have a significant effect on any European site. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale and nature of development in question, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)