



An
Coimisiún
Pleanála

Inspector's Report

PL-501090-CE-26

Development	The change of use of the existing retail unit to a one-bedroom apartment and all associated site works.
Location	No. 8 Curtins Lane, Ennis, County Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2660044
Applicant	Guy Urbin.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant	Guy Urbin
Observers	None

Date of Site Inspection

16th June 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The site is located in the central area of the town of Ennis. The site is located on the western side of Curtins Lane which is a narrow pedestrian laneway linking Market Street to the south and Parnell Street to the north. The site and immediate area is located within a town centre with a mix of uses which are predominantly retail and commercial uses. The adjoining property to the north was vacant at the time of inspection.
- 1.2. On the site is a three storied building of a relatively recent construction which at ground floor level has a commercial business unit with a shop/display area, a workshop area and a kitchenette and WC. There are residential units at first and second floor levels.
- 1.3. The ground floor elevation has a central doorway with two windows comprising three arch display sections on either side of the doorway. There is also signage associated with the commercial unit on the ground floor over the doorway and on two panels of the elevation.
- 1.4. The site is located within an Architectural Conservation Area.
- 1.5. The site has a stated area of 0.010 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 30th January 2026 was for;
 - The change of use of the existing retail unit to a one-bedroom apartment and all associated site works.
 - The proposed development provides for minor alteration to the front elevation of the property relating to the replacement and reconfiguration of the existing front windows and door which alters the current windows which are of a retail nature to windows where the glazing area is broken down by the placement of wider vertical mullions.
 - The proposal provides for a one bedroomed residential unit with a bedroom 15.96m² in floor area, living space 25.44m² in floor area, kitchen area 12.03m²

in area, a wet room 6.13m² in floor area, storage area 2.72m² in floor area and associated circulation space.

- The floor area of the proposed change of use is stated as 65.97m² within an existing building with a stated area of 221.6m².

2.2. A cover letter was submitted with the application outlining the basis of the application and compliance with national guidance.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The decision of the Planning Authority was to refuse planning permission. One reason was stated. The refusal refers to the provisions of the current Clare County Development Plan 2023–2029, and in particular objectives V3(a)5 and V3(a)6; the loss of commercial space on a pedestrian street diminishing the viability and vitality of the street and detracting from the townscape.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 6th March 2026 refers to the planning history, development plan provisions, submissions received and an assessment of the development.

3.2.2. The assessment focused on the principle of the development located on a pedestrianised shopping street. It notes residential is acceptable in principle but also refers to objectives V3(a)5 and V3(a)6 and states concerns in relation to the changes in the elevation to the front elevation detracting from the commercial amenities of the town centre. Refusal was recommended.

3.3. Other submissions

Municipal Engineers report dated the 9th February 2026 raised no objections to the development.

The application was referred to a number of statutory bodies and no responses were received.

4.0 Planning History

4.1.1. No planning history relating to the site.

4.1.2. There are applications in the area which refer to various changes of use.

Noted is P.A. Ref. No. 2460551 in which change of use from offices to residential at ground floor use on a property in Parnell Street was refused.

ABP 305264-19 is an appeal case referred to in the grounds of appeal as precedent for change of use from retail unit to apartment and change of use from office meeting room and basement to apartment with rear utility areas for both apartments at 13 and 14 Lower Mall, Wicklow Town.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The statutory development plan is the Clare County Development Plan 2023–2029.

5.1.2. The site is located within the mixed zone zoning within the Ennis zoning map and within an Architectural Conservation Area (ACA).

5.1.3. There is no identified retail core within the town.

5.1.4. Volume 1 of the plan in Section 5.2.2 relates to Living in our Towns and Villages with the Development Plan Objective: CDP 5.3 which states it is an objective of the Development Plan:

a) To encourage the reuse of upper floors above commercial premises for residential accommodation;

b) To promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses;

c) To encourage the development of new residential accommodation in or adjoining town centres and to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity;

d) To support the procurement of vacant town centre residential property by Clare County Council to ensure its continued use for residential purposes into the future; and

e) To support opportunities for the delivery of serviced sites for housing within towns and villages.

5.1.5. Chapter 16 relates to Architectural, Archaeological and Cultural Heritage

In relation to Architectural Heritage Development Plan Objective CDP 16.5 in relation to Architectural Conservation Areas (ACAs) states it is an objective of Clare County Council:

a) To ensure that new developments within or adjacent to an ACA respect the established character context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;

b) To protect from demolition or removal and non-sympathetic alterations, existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA;

c) To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that does not detract from and is complementary to the character of the ACA; and

d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

5.1.6. Appendix1 refers to Development Management Guidelines and section A1.4.2 Urban Residential Development.

In relation to Apartment Developments, it is indicated that the Planning Authority, in assessing proposals for apartment developments, will have regard to the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) (or as updated/superseded) and the 'Urban Development and Building Height Guidelines' (2018). All new apartment developments shall accord with or exceed the minimum floor areas indicated in these guidelines.

5.1.7. Clare County Development Plan 2023–2029 Volume 3a refers to the Ennis Municipal District Settlement Plan.

5.1.8. Section 1.6 refers to Ennis Town Centre and that Ennis town centre is at the economic, cultural and social heart of Ennis and County Clare. The town centre has evolved over time and is now the focus for retail, business and community activities. It is important to ensure that any future plans or proposals for the town centre take a holistic view to ensure that the future development of the town is balanced and sustainable.

Section 1.6.1 outlines Strategic Aims for Ennis Town Centre Strategic which include;

- To support and strengthen the town centre and provide for the future expansion of the town centre by bringing forward anchor developments at key sites;
- To retain residential accommodation in the town centre and support the provision of additional accommodation in this area;
- To make the town centre a more attractive and appealing space, by improving the public realm and green infrastructure network;

5.1.9. Section 1.7.2 outlines a Retail Strategy for Ennis with the Objective V3(a)5 which states;

5.1.10. It is an objective of Clare County Council:

- a) To protect and enhance the vitality and mix of Ennis town centre land-use activities;
- b) To improve the suitability of the Ennis town centre retail accommodation for modern retailers, whilst preserving the town's attractive historic character;
- c) To accommodate the need for additional non-bulky comparison goods floor space within the town centre or town centre expansion area, ensuring it is integrated into the existing shopping facilities;
- d) To provide for neighbourhood facilities to serve existing neighbourhoods and those planned for growth;
- e) To encourage a new focus of high quality out-of-centre bulky comparison retail warehousing provisions in identified areas, limiting the range of goods which can be sold from any new premises to those that will not compete with the town centre.

5.1.11. Section 1.7.3 refers to Retailing in Ennis Town Centre and that Ennis town centre is the core retail area in the town and the wider municipal district area. It is a priority to focus on facilitating the potential for further retail growth and development in the town centre, whilst also attempting to harness the benefits of a strong retail sector to achieve other aspects of town centre enhancement and economic growth. The future Ennis and Environs Local Area Plan will seek to preserve existing shops and enhance the retail offer via a multi-faceted approach to the land-use planning of Ennis town centre, including the management and planning of town space in respect of pedestrian priority, universal access, carparking and mobility, place making, and the enhancement and general usability of public spaces.

Related to this is Objective V3(a)6 which states it is an objective of Clare County Council:

- a) To reinvigorate Ennis as the county's most dynamic retail experience underpinned by a wide range of mainstream, independent and niche retail and service outlets that attract both residents and visitors to shop, sit and stroll, whilst re-establishing the town's rich historic charm and urban character; and
- b) To promote, facilitate and manage improved access, parking and pedestrian and cyclist circulation arrangements within Ennis town centre and provide high quality public spaces creating an attractive and vibrant town centre for residents and visitors to shop, socialise and for recreation.

5.2. National Guidance

Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025).

The Guidelines set out guidance, standards and policy requirements in relation to the design of apartment developments to take account of current Government policy and economic, social and environmental considerations. The guidance is primarily in relation to new development but does outline standards in relation to internal space standards for different types of apartments; storage spaces; and amenity spaces including balconies/patios and apply to all housing or mixed-use developments including proposals involving existing buildings which are to be wholly or partly redeveloped or refurbished for residential use that includes apartments, such as for example, vacant upper floors above commercial premises.

Section 3.3 refers to apartment floor areas with a minimum floor area for a one bedroom apartment (2 persons) of 45m², section 3.7 internal storage and section 3.8 private amenity space where a minimum space of 5m² is stated for a one bedroomed apartment and where it is also indicated for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed, on a case-by-case basis, subject to overall design quality. The standards are further restated in Appendix 1.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within a site designated as a Natura 2000 site or NHA/pNHA.

6.0 EIA Screening

- 6.1. The proposed development relates to a change of use which does not involve works and therefore is not a project to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

7.0 The Appeal

7.1. Grounds of Appeal

The appellant grounds of appeal in summary refers to;

- The appellant refers to personal circumstances of who is retiring and the current business will cease.
- The appellant currently resides in the flat in the upper floors and have on medical grounds been advised to relocate to the ground floor.
- Reference is made to the property being unoccupied for a considerable period reflecting limited commercial demand at this location and the proposal does not therefore result in the loss of a long established commercial use but rather represents the continued active use of a unit which has historically struggled to attract and retain occupancy.

- Although the font elevation is being altered the proposal retains a strongly glazed frontage and does not materially detract from the appearance of the property or the character of the laneway.
- Reference is made to national policy context, the National Planning Framework (NPF) promoting development in urban areas and the reuse of underutilised buildings.
- Reference is made to provisions of the current Clare CDP.
- In relation to stated reasons for refusal the conclusion stated is not supported by the development plan or by the actual characteristics of the site.
- The site is in an area zoned mixed use and does not require every individual building or unit must retain a commercial use at ground floor level but seeks to ensure an appropriate mix of use across the wider town centre area.
- The use of the ground floor is considered appropriate and the plan contains clear support for town centre living and objectives V3(a)5 and V3(a)6 do not require blanket retention of every ground floor commercial unit.
- Noting the planning authority's concerns in recent cases which has focused on primary retail streets the current appeal site does not share those characteristics.
- Reference is made to the retail strategy and the high level 18% vacancy rate within Ennis town centre and that town centres must evolve and current vacancy rates continue to reflect the high vacancy rate and a map indicating current vacant is submitted.
- Curtins Lane is not a primary retail street and visibility from primary retail streets of the site is poor and the lane does not have strong footfall.
- No issues are raised in relation to visual impact of the proposed alterations to the front elevation.
- Reference is made to Article 10.6 of the Planning and Development Regulations and although the proposal does not fall within the exemption the article reflects a clear policy national direction towards facilitating the residential reuse of underutilised commercial premises.

- In the absence of a permission the premises is likely to remain vacant for a prolonged period.
- Reference is made to ABP 305264-19 and the approach in that decision is directly applicable to the current proposal.
- In the case of P24/60551 where a change of use was refused on Parnell Street this decision is understandable in the context of being on an active commercial street and reference is made to P20/517 where a change of use was permitted on a laneway and the decisions reflect the specific circumstances of individual sites.
- The proposed development will not undermine the vitality or viability of Ennis Town Centre and relates to a single marginal site on a secondary laneway with limited footfall and a high level of vacant units.

7.2. Planning Authority Response

- 7.2.1. The planning authority in a response dated the 13th April 2006 indicate that a comprehensive assessment of the application was undertaken and the permission was refused due to the undesirable loss of active commercial premises which would occur and that the proposal would set an undesirable precedent in the town.

8.0 Assessment

- 8.1. The main issues in this appeal relate to the stated reasons for which relate to the principle of the development in the context of the provisions of the current County Development Plan and national guidance. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.
- 8.2. The mixed use zoning that applies to this site allows for a wide range of uses including residential and therefore the change of use from retail/ commercial to residential use would be in principle be an acceptable use in accordance with the town centre zoning that applies to this site.
- 8.3. The key issue therefore is how would the proposed development impact on Ennis Town Centre and the objectives in the County Development Plan and the Ennis Town Plan.

In relation to objectives the CDP provide for Development Plan Objective CDP 5.3 which includes that it is an objective of the Development Plan to encourage the development of new residential accommodation in or adjoining town centres; to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity; to encourage the reuse of upper floors above commercial premises for residential accommodation; to promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses. The overriding objective is therefore to encourage and support residential development in town centres as part of a mix of vibrant uses in the town centre. It is noted that there is specific reference to upper floors but residential use at ground floor level is not specifically precluded.

The statutory plans also in their objectives do emphasise the importance of town centres in relation to their retail function. In particular the Clare County Development Plan 2023–2029 Volume 3a which refers to the Ennis Municipal District Settlement Plan in section 1.6 refers specifically to Ennis Town Centre and section 1.6.1 outlines Strategic Aims for Ennis Town Centre Strategic which include; to support and strengthen the town centre and provide for the future expansion of the town centre by bringing forward anchor developments at key sites and to retain residential accommodation in the town centre and support the provision of additional accommodation in this area.

- 8.4. Section 1.7.2 outlines a Retail Strategy for Ennis with the Objectives V3(a)5 and Objective V3(a)6 and it is the planning authority assessment of the current proposal that having considered these particular objectives that the proposal as submitted will result in a loss of commercial space on a pedestrian street diminishing the viability and vitality of the street and detracting from the townscape.
- 8.5. Specifically in relation to Objective V3(a)5 the objective provides for the protection and enhancement of the vitality and mix of Ennis town centre land-use activities. In relation to this objective the overriding emphasis is preserving a retail core but does support the protection and enhancement of the vitality and a mix of Ennis town centre land-use activities which would include residential.
- 8.6. Specifically in relation to section 1.7.3 and Objective V3(a)6 reference is made to retailing in Ennis Town Centre and that Ennis town centre is the core retail area in

the town and the wider municipal district area and that it is a priority to focus on facilitating the potential for further retail growth and development in the town centre, and will seek to preserve existing shops and enhance the retail offer via a multi-faceted approach to the land-use planning of Ennis town centre. This is further stated Objective V3(a)6 which states it is an objective to reinvigorate Ennis as the county's most dynamic retail experience underpinned by a wide range of mainstream, independent and niche retail and service outlets.

The overall Objectives V3(a)5 and Objective V3(a)6 as stated are reasonable in the context of the protection and enhancement of the vitality and mix of Ennis town centre land-use activities and therefore a continued use of the ground floor units for retail/ active commercial use is therefore desirable to ensure the vitality and vibrancy of the town centre and mix of uses to assist in maintaining vitality and vibrancy.

It does not necessarily require or infer that all ground floor uses in Ennis Town Centre require to be retail or commercial or that residential uses at ground floor level would not also be beneficial to maintaining the vibrancy of the town centre area. Retail and residential use are both important uses in maintaining vibrancy of town centres areas.

- 8.7. The statutory development plans provide for retaining the vibrancy of the retail function of the town centre but also seeks to retain a strong residential function. Both retail and residential would be complementary uses in maintaining this vibrancy. While the continued use of the ground floor units for retail/ active commercial use is desirable the current proposal requires to be considered in the context of the site location. A mix of uses as provided for in the zoning does not as already infer all ground floor should be retail and preclude other uses including residential.
- 8.8. I would concur with this intention of the decision in relation to retaining the use of the ground floor for retail, ensures active frontage on the town centre street. The site however fronts onto a laneway which would not be a primary retail street comparable to Parnell Street to the north where changes of use from retail/commercial at ground floor level have I consider been reasonably refused. The retention of an active use to a vacant use is also desirable and I do consider a residential use at ground floor level on the appeal site combined with the existing use of the upper floors will create and maintain activity that will not be to the detriment of the vibrancy/ vitality of the

town centre. I also consider that the acceptability of the replacement of the retail / commercial use with residential use at ground floor level should not set a precedent for any other such applications in the town centre area and in particular core retail areas. It also would inhibit a future reversion to a commercial use if circumstances are favourable for such a change.

- 8.9. Specifically in relation to the development as proposed, standards are outlined for apartments in the Planning Design Standards for Apartments - Guidelines for Planning Authorities (2025).
- 8.9.1. The proposed one-bedroom apartment unit exceeds the minimum required floor area for a one-bedroom apartment, the habitable rooms meet or exceed minimum room size and width standards, the storage provision provided internally complies with the standards as outlined and the layout provides good internal circulation, natural light and ventilation.
- 8.9.2. The primary issue is that no private external amenity space is proposed or can be provided. The unit accesses the street to the front and there is no rear access to an open area. There are no specific provisions stated in the development in relation to the current proposal other and reference to having regard to the 'Design Standards for New Apartments and will have regard to the 'Design Standards for New Apartments as updated.

It is noted that the guidelines do permit that private amenity space requirements may be relaxed, on a case-by-case basis, subject to overall design quality. The current proposal is a conversion of an existing property rather than a new purpose built residential development and in this proposal a relaxation can be considered. I would also note that the internal space is generous in relation to floor area for a one bedroom apartment. I therefore consider that in the context of the site's location on the town centre location and relative proximity of public open spaces, services and amenities the proposal is acceptable notwithstanding the absence of private amenity open space.

- 8.9.3. The site is within an Architectural Conservation Area and the building on the site is of a modern construction. The elevational changes proposed are minimal and relates to the replacement and reconfiguration of the existing front windows and door which alters the current windows which are of a retail nature to windows where the glazing

area is broken down by the placement of wider vertical mullions. The alterations as proposed are acceptable and do not detract from the visual appearance of the area.

9.0 AA Screening

- 9.1. I have considered the proposal for the change of use of the existing retail unit to a one-bedroom apartment at ground floor level and all associated site works.
- 9.2. The development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having regard to the location, nature and scale of the proposed development confined within an established residential property, and the absence of connectivity to European sites it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

10.0 Water Framework

- 10.1. The subject site is not located immediate to a waterbody The development comprises minor construction works as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the proposed development 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 project, 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:
- Nature of works regarding the nature and scale of the development.
 - The context of the surrounding area.
 - Location and distance from nearest Water bodies and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed 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.

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

12.1. Having regard to the nature of the development; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the provisions of the Clare County Development Plan 2023-2029 and the provisions as stated in the Ennis Municipal District Settlement Plan, as well as national guidance including the Planning Design Standards for Apartments - Guidelines for Planning Authorities (2025); it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area and the proposed development would not seriously injure the retail core of Ennis Town Centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out in accordance with the drawings and particulars as received by the Planning Authority on the 30 th day of January 2026 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.
----	---

	Reason: In the interest of clarity
2.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Derek Daly
Planning Inspector

7th July 2026

Form 1 - EIA Pre-Screening

Case Reference	PL 501090-CE-26
Proposed Development Summary	The change of use of the existing retail unit to a one-bedroom apartment and all associated site works.
Development Address	No. 8 Curtins Lane, Ennis, County Clare.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X No , it is not a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ , it is a Class specified in Part 1 .	No
☐ X No ,	
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?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
No , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) Yes	

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
Yes ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 7th July 2026