



An
Coimisiún
Pleanála

Inspector's Report PL-501561-DR-26

Development	Material Change of Use of Premises from Class 1 To Class 4.
Location	Unit 5 and 6, Loughlinstown Shopping Centre, Loughlinstown Drive, Loughlinstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0247/WEB
Applicant(s)	Rustic Honey Limited
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Rustic Honey Limited
Observer(s)	None
Date of Site Inspection	9 th August 2026
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site consists of units 5 & 6 (site area is 0.015ha) is located towards the north-western corner of the existing Loughlinstown Shopping Centre. The shopping centre consists of a single and two storey L-shaped neighbourhood centre development, including retail and commercial premises at ground floor level and residential use at first floor level, served by surface car parking and access off Loughlinstown Drive.

2.0 Proposed Development

- 2.1. The retention development consists of:
- Material change of use of premises from Class 1 “use as a shop” (comprising Café and Bakery) to Class 4 “light industrial” (comprising ancillary wholesale bakery production facility).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refusal for the following reason:

The proposed retention of a Change of Use from a Shop to Light Industrial unit is neither permitted in principle or open for consideration under “NC” zoning which seeks to “To protect, provide for and or improve mixed use neighbourhood centre facilities”. The proposed development is considered, therefore, to be a material contravention of the zoning objective for the subject site. The proposed development is not compatible with the overall policies and objectives for the zone, would have undesirable effects, would set an unwelcome precedent and would not be consistent with proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The site is subject to zoning objective “NC” – “to protect, provide for and/or improve mixed use neighbourhood centre facilities”. The applicant has described the use as “Industry Light”. “Industry-Light” is not permitted in principle and is not open for consideration under “NC” zoning objective. Under Section 13.1.5 of the CDP: “Uses which are not indicated as “Permitted in Principle” or “Open for Consideration” will not be permitted”. Therefore, the Planning Authority is not satisfied that the development would be compatible with the overall policies and objectives for the zone, would have undesirable effects and would not be consistent with proper planning and sustainable development of the area. Therefore, the application should be refused.
- Under Section 12.6 Towns and Villages and Retail Development of the CDP it is outlined that Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediately surrounding neighbourhood and will consequently be generally small in scale. Loughlinstown Shopping Centre is an established neighbourhood centre offering a number of different services to the local community. Overall, the change of use from a “shop” to “Industry-Light” is not considered to be acceptable by the Planning Authority as the use for the NC zoning objective is not compliant with the use class and is neither permitted in principle or open for consideration.
- Given that the proposal is not open to the public and local community it will interface poorly with the rest of the units in the Neighbourhood Centre. The proposed development is therefore not considered to be acceptable with regard to the visual impact on the host area.
- Property Management section of DLR recommend further information regarding consent from Dun Laoghaire-Rathdown County Council as “Landlord” be provided as part of the application. As the proposal is being refused it is not considered appropriate to request the Further Information in this instance.
- Environmental Health noted that details for managing ventilation, noise and odour are not shown in the drawings submitted and should a further application be made in the interest of neighbouring residential amenity the applicant is advised that this information should be submitted.

3.2.2. Other Technical Reports

- Property Management Section: Further Information required in relation to consent from Dun Laoghaire-Rathdown County Council as “Landlord” be provided as part of the application.
- Environmental Health Officer: No objection subject to conditions.
- Environmental Enforcement: No objection subject to conditions.
- Transport Planning: No objection subject to conditions.
- Drainage Planning: No objection.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

PA Reg: D03A/1094: Permission granted for new first floor extension (apartment) over existing shop unit 5 and new ground floor shop front incorporating separate entrance for first floor apartment.

Adjacent site

D04A/0352: Permission granted for first floor extension apartment over shop unit 4, a new ground floor entrance to the first-floor apartment incorporated into new shop front.

Planning Enforcement

ENF 36125: Live case remains open regarding a material change of use of premises from Class 1 “use as a shop” to Class 4 “light industrial” without the benefit of a grant of planning permission and which does not constitute exempt development.

5.0 Policy Context

5.1 Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

The subject site is zoned as objective “NC” which seeks “to protect, provide for and or improve mixed use neighbourhood centre facilities”.

Chapter 2 refers to Core Strategy

Chapter 3 refers to Climate Action

Chapter 4 refers to Neighbourhood – People, Homes and Place

Chapter 7 refers to Towns, Villages and Retail Development

Chapter 12 refers to Development Management

Chapter 13 refers to Land Use Zoning Map.

The site is subject to zoning objective “NC” to protect, provide for and/or improve mixed-use neighbourhood centre facilities.

Permitted in Principle uses include Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark, Community Facility, Craft Centre/Craft Shop, Childcare Service, Civic Use Cultural Use, Doctor/ Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, Offices less than 300 sqm., Open Space, Public House, Public Services, Residential, Residential Institution, Restaurant, Service Garage, Shop-Neighbourhood, Sports Facility, Tea Room/ Café, Veterinary Surgery.

Open for Consideration uses includes Aparthotel, Cash and Carry/Wholesale Outlet, Home Based Economic Activities, Hotel/Motel, Household Fuel Depot, Motor Sales Outlet, Nightclub, Off-License, Office Based Industry, Offices over 300 sqm, Place of Public Worship, Residential – Build to Rent (subject to retaining an appropriate mix of uses), Service Station, Shop-Specialist, Shop District, Student Accommodation (subject to retaining an appropriate mix of uses), Travellers Accommodation.

Section 13.1.5 Not Permitted/Other Uses

Uses which are not indicated as “Permitted in Principle” or “Open for Consideration” will not be permitted. There may, however, be other uses not specifically mentioned throughout the Use Tables that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question.

5.2 Natural Heritage Designations

The subject site is not located within a designated protected area. The nearest protected sites are:

- Loughlinstown Woods pNHA (site code: 001211) is located approximately 20 metres southwest of the subject site.
- Dalkey Coastal Zone and Killiney Hill pNHA (site code: 001206) is located approximately 650metres northeast from the subject site.
- Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 2km northeast of the subject site.
- Dingle Glen pNHA (site code: 001207) is located approximately 3km west of the subject site.
- Dalkey Islands SPA (site code: 004172) is located approximately 3.7km northeast of the subject site.
- Ballyman Glen pNHA & SAC (site code: 000713) is located approximately 4.5km south of the subject site.

6.0 EIA Screening

- 6.1. The proposed development does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal have been received from the applicant. The comments submitted are:

- Revised drawings & plans submitted to address the refusal reason, a coffee dock and bakery sales area will be created to the front of Unit 5 and Unit 6. This would restore a retail component to the front of the units, which had previously been in place within unit 5 only. Also request the Commission to consider a temporary permission for two years to limit the bakery production and wholesale use to a set-term. This will allow the applicant to relocate if required and are in the interest of the long-term sustainability of the neighbourhood centre, as well as sustaining local jobs.
- Use: The nature of the use is much more akin, to a starter type industry that is permitted in principle under the zoning. A bakery, particularly an artisan bakery such as this, is not a specified use under the land use zoning matrix of the CDP. Section 13.1.5 of the CDP recognises that there “may, however, be other uses not specifically mentioned throughout the “Use Tables” that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question”. It is submitted that this is the case in this instance. The permitted in principle and open for consideration uses consist of a wide range that are similar to the nature of the function of the business in this instance that includes enterprise centre and wholesale outlet (but where the processing and manufacturing of goods is excluded). Because of the nature of the goods being sold in this instance, that are bakery goods that are produced on site, the application was made in terms of it being a light industry use.
- Other issues: The applicant is willing to provide details regarding noise, air and waste in compliance with a positive decision in this instance. The applicant notes the request by Property Management Section, the applicant has sufficient legal interest in the making of the application, as can be fully confirmed by the declaration by the Council themselves that it was a valid

planning application. As the communal areas are in the ownership of the council, the applicant does not have the ability to provide cycle parking in the communal areas. This can be address via a condition, or via an initiative from the Council themselves.

- **Material Contravention:** The applicant is aware that the Commission is restricted under planning law from granting permission for a development if it materially contravenes the land use zoning of the area. By including a retail use across both units that will operate fully in accordance with the zoning objective of the site and shopping centre. The revised scheme is fully in accordance with the pattern of development and zoning objective for the area, and fully addresses the concerns of the Council, and enables the Commission to positively determine the application in this instance.
- **Site History:** The business is Rustic Honey Food Ltd established in 2019 and currently operates these units and a café within Cherrywood Business Park. They currently employ 6 full time and 1 part-time staff member; all are local residents. The applicant ran a café from unit 6 from 2021 until 2024, as the wholesale aspect grew, additional space was required.

7.2. Applicant Response

- As above.

7.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

- None

7.5. Further Responses

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Material Contravention
- Appropriate Assessment
- Water Framework Directive

8.2. **Principle of Development**

The subject units 5 & 6 are currently operating as light industry without the benefit of planning, the previous use was as a shop. The subject site is subject to zoning objective "NC" which seeks to protect, provide for and/or improve mixed use neighbourhood centre facilities. "Light-Industry" is not permitted in principle or open for consideration under zoning objective "NC". The Planning Authority refused retention of the change of use from a shop to light industrial unit as it is neither permitted in principle or open for consideration under "NC" zoning objective which seeks to "To protect, provide for and or improve mixed use neighbourhood centre facilities". The proposed development is considered, therefore, to be a material contravention of the zoning objective for the subject site. The proposed development is not compatible with the overall policies and objectives for the zone, would have undesirable effects, would set an unwelcome precedent and would not be consistent with proper planning and sustainable development of the area.

8.3. The grounds of appeal state that they are aware that the Commission is restricted under planning law from granting permission for a development if it materially contravenes the land use zoning of the area. In order to address this issue, the grounds of appeal include revised drawings and plans which now include a coffee dock and bakery sales area to the front of unit 5 and unit 6 which accords with the zoning objective of the site and shopping centre. The proposed use a bakery,

particularly an artisan bakery is more akin to a starter type industry that is permitted in principle under the zoning. Section 13.1.5 of the CDP recognises that there “may, however, be other uses not specifically mentioned throughout the “Use Tables” that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question”. It is submitted that this is the case in this instance. The permitted in principle and open for consideration uses consist of a wide range that are similar to the nature of the function of the business in this instance that includes enterprise centre and wholesale outlet (but where the processing and manufacturing of goods is excluded). Because of the nature of the goods being sold in this instance, that are bakery goods that are produced on site, the application was made in terms of it being a light industry use. The appellant also requests that the Commission consider a temporary permission for two years to limit the bakery production and wholesale use to a set-term. This will allow the applicant to relocate if required and is in the interest of the long-term sustainability of the neighbourhood centre, as well as sustaining local jobs.

- 8.4. The Planning Authority has outlined that the applicant sought permission to retain the change of use from shop (comprising café and bakery) to light industrial (comprising ancillary wholesale bakery production facility). The change of use is not permitted in principle and is not open for consideration under “NC” zoning objective and the planning authority is not satisfied that the development would be compatible with the overall policies and objectives for the zoning and does not comply with Section 12.6 Towns and Villages and Retail Development of the CDP as it is outlined that Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediate surrounding neighbourhood and will consequently be generally small in scale.
- 8.5. I have considered the zoning objective “NC” and I note that “industry-light” use is not considered as an appropriate use in this neighbourhood centre under “Permitted in Principle” or “Open for Consideration”, therefore, I consider the retention change of use does materially contravene zoning objective “NC” of the CDP and is not compatible with the overall policies and objectives for the zoning. The retention development does not comply with the zoning objective which seeks to protect, provide for and/or improve mixed use neighbourhood centre facilities, the “light-

industrial” use is not a mixed use and will not provide a neighbourhood facility and therefore, shall be refused permission.

- 8.6. I acknowledge that the appellant has recognised that the change of use cannot be considered as it does not fall within the uses identified for “Permitted in Principle” or “Open for Consideration” as per zoning objective “NC”. The appellant has presented an alternative proposal which includes a coffee dock and bakery sales area (26.4sqm) to the front of Unit 5 and Unit 6. The production area is 83.3sqm, fridge, storage and staff area are provided to the rear of Unit 5 and Unit 6. I will consider whether this revised proposal and design is compatible with the zoning objective for “NC”. I note Section 12.6 Towns and Villages and Retail Development of the CDP states; “as our towns and villages enhance their multi-functional role retail is still a key element. Retail development must therefore conform to the highest design standards. It should be designed and sized to be appropriate in scale in relation to the planned catchment area. Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediately surrounding neighbourhood and will consequently be generally small in scale. In dealing with applications in local centres any analysis should take cognisance of changing shopping trends and the social and economic circumstances of the area”.
- 8.7. I notice that Tea Room/Café is permitted in principle under zoning objective “NC”. The question is whether the substantial use of Unit 5 and Unit 6 is compatible with zoning objective “NC” and section 12.6 of the CDP. I am not satisfied that the partial use of the units to coffee dock and bakery sales area will overcome the concerns raised by the Planning Authority as the majority of the units will be in use as “Industry-Light” which is not permitted in principle or open for consideration. In addition, as outlined above, the retail area shall be appropriate in scale to the catchment area. It is my opinion that the revised proposal which provides a relatively small coffee dock/bakery sales areas are not sufficient to cater for the catchment area and therefore is not an appropriate use nor does it comply with zoning objective “NC” and should be refused.
- 8.8. I further note the appellant has stated that a café did operate from 2021 to 2024 in unit 6 but closed as additional space was required as the business grew, therefore, I query whether a coffee dock/bakery sales area can be provided at this stage in the unit. I note the appellant has suggested a temporary two-year permission to allow

them to find alternative accommodation however, the appellant has been in operation since 2019 and has operated the business in an authorised premises for a substantial period of time, in this regard I do not consider that a temporary two-year permission is warranted nor does it comply with the zoning objective NC.

8.9. Having regard to the zoning objective “NC” on the subject site and the subject use as “Light-Industry” which does not comply with “Permitted in Principle” or “Open for Consideration” uses, I consider a refusal is warranted in this case as the retention use is not compatible with the zoning objective “NC”. Regardless of the proposed amendments submitted by the applicant as part of the appeal, I do not consider that the changes proposed are sufficient to address the zoning objective issues or satisfy Section 12.6 of the CDP and therefore shall not be considered further in this assessment.

8.10. **Material Contravention**

8.11. The Planning Authority have refused permission for the retention development and have stated material contravention of the change of use from a shop to light industrial use as it is neither permitted in principle or open for consideration under “NC” zoning objective which seeks to “To protect, provide for and or improve mixed use neighbourhood centre facilities”.

8.12. The grounds of appeal contend that the Commission can overturn this decision as they have presented an alternative plan which includes a coffee dock & bakery sales area.

8.13. I note that the Planning Authorities reason for refusal which states the proposed retention of a change of use from a shop to light industrial unit is neither permitted in principle or open for consideration under “NC” zoning which seeks to “To protect, provide for and or improve mixed use neighbourhood centre facilities”. The proposed development is considered, therefore, to be a material contravention of the zoning objective for the subject site. The proposed development is not compatible with the overall policies and objectives for the zone, would have undesirable effects, would set an unwelcome precedent and would not be consistent with proper planning and sustainable development of the area and is in my view, is sufficiently specific so as to justify “material contravention” in terms of normal planning practice.

8.14. I do not consider Section 37(2)(b) of the Planning and Development Act, as amended applies in this case as the proposal is not of strategic or national importance, there are no conflicting objectives in the development plan, the objectives are clearly stated, insofar as the proposed development is concerned, the proposed retention has been considered in terms of regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government and I do not consider the retention development complies with the policies or guidelines in order to allow a grant of permission. In relation to the pattern of development, and permissions granted, in the area since the making of the development plan, the adjacent developments are in accordance with zoning objective "NC" which are retails in nature.

8.15. I note that the Planning Authority's reason for refusal states that the retention development materially contravenes zoning objective "NC" of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The retention development is not listed as "Permitted in Principle" or "Open for Consideration" and is, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Commission should, therefore, consider itself constrained by Section 37(2)(a) of the Planning and Development Act having regard to the criteria in section 37(2)(b).

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed site is not located within a designated site; the nearest European site is Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 2km northeast of the subject site.

The retention development comprises of a change of use with existing connection to public sewer, water and public drainage. No nature deterioration concerns were raised in the appeal.

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.

The reason for this conclusion is as follows:

- Scale and size of the proposed alterations to an existing dwelling.
- Distance to the nearest European site Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 2km northeast of the subject site.
- Services connection to public water, public sewer and public drain.
- The lack of pathway connections to the SPA/SAC.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located in the urban area of Loughlinstown, Co. Dublin. The site is zoned as “NC”, the objective is to protect, provide for and or improve mixed use neighbourhood centre facilities. There are no rivers or streams in close proximity to the subject site. No water deterioration concerns were raised in the appeals submitted.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & 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.

- Scale and size of the proposed alterations and extensions to an existing dwelling.
- Location of the subject site on zoned lands in an urban area.
- Lack of connection to water bodies.
- Connection to public water, sewer and public drain.

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 planning retention should be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

- 12.1. The site is located within an area under zoning objective “NC” in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the objective for which is “to protect, provide for and or improve mixed use neighbourhood centre facilities”. This objective is considered reasonable. The retention development of “light-industrial” use would materially contravene the zoning objective of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and would not be compatible with the overall policies and objectives for the zone, would have undesirable effects, would set an undesirable precedent for similar type development. The retention development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Jennifer McQuaid

Planning Inspector

2nd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501561-DR-26
Proposed Development Summary	Material Change of Use of Premises from Class 1 To Class 4.
Development Address	Unit 5 and 6, Loughlinstown Shopping Centre, Loughlinstown Drive, Loughlinstown, Co. Dublin.
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____