



Our Ref: S5.3.26

Shakapoke Ltd (Dave McParland)  
28 Herbert Park,  
Ballsbridge,  
Dublin 4  
D04 HOC8

30/03/2026

**Planning Declaration under Section 5 of the Planning & Development Act, 2000 (as amended) & the Planning & Development Regulations, 2001, (as amended).**

**Re:** The Declaration of Exempted Development Form has indicated that the proposed development involves the following:  
Continued use as retail (food) – health focused retail deli.

**At:** 4 Middle Street, Galway

A Chara,

I refer to your recent application for a Declaration of Exemption under the provisions of the above and I wish to inform you that the proposed development is **not** an Exempted Development for the following reasons:

Having regard to the established planning history, the permitted use of the unit as retail, and the definitions set out in Article 5 of the Planning and Development Regulations 2001 (as amended) and section 3 of the Planning and Development Act 2000 (as amended), it is considered that the proposed “health focused deli” does not fall within the definition of a “shop”. The proposal would constitute a material change of use from the authorised retail use and therefore amounts to “development” within the meaning of section 3 of the Act. Accordingly, the development is not exempted development and would require planning permission.

The planning history shows no record of planning permission authorising the use of the unit as a restaurant, retail food deli or similar food outlet. The continued use of the premises as a health focused retail deli therefore constitutes a material change of use which is not established by any previous permission. On this basis, the development cannot be regarded as exempted development.

Therefore, the proposal is development and is not exempted. It is considered that the proposed health focused deli use does not fall under the definition of a shop and is considered a material change of use from the previously permitted retail use on the site.

It must be emphasised that this opinion is given without prejudice to the provisions of Section 5(3) of the Planning & Development Act 2000 (as amended).

If applicants are dissatisfied with the determination of the Council in relation to a declaration of exempted development, then, within 4 weeks of the date that the declaration is issued by the Council, the person issued with the declaration can refer it to An Coimisiún Pleanála for review of the matter.

**Mise le meas,**



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**Senior Planner  
Planning Department.**