



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301038-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2019.

The Board decided, as set out in the following Order, that

Board Order as follows: -

**WHEREAS** a question has arisen as to whether:

The use of the rear yard, associated with a public house, to accommodate bouncy castles for the purposes of communion and/or confirmation parties and similar functions on a limited number of occasions is or is not development or is or is not exempted development:

**AND WHEREAS** on behalf of Cathal Byrne, Tony Ewbanks, care of Environmental Heritage Planning, 154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth, requested a declaration on this question from Louth County Council and the Council issued a declaration on the 1st day of February, 2018 stating that the matter was development and was not exempted development:

**AND WHEREAS** Tony Ewbanks on behalf Cathal Byrne referred this declaration for review to An Bord Pleanála on the 28th day of February, 2018:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended;
- (b) Section 3(1) of the Planning and Development Act, 2000;
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended;
- (d) Articles 6 and 10 of the Planning and Development Regulations, 2001, as amended;
- (e) the planning history of the site including planning register reference number 15/680 and 16/224;
- (f) the character and pattern of development in the area; and
- (g) the submissions on file:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The use of the rear yard for accommodating bouncy castles associated with events such as communions and/or confirmations or similar events for a limited number of days per year is a change of use;
- (b) The use of the area in question for accommodating bouncy castles would give rise to an intensification/increase in floor area associated with the public house which is not considered ancillary to the public house;
- (c) The use of the area in question would give rise to material planning consequences arising in relation to traffic, noise and general disturbance and accordingly this use constitutes a material change of use in this particular instance, and is, therefore, development;
- (d) The planning history pertaining to the site which establishes the use of the yard for purposes of storage and means of emergency fire exit and the use of the area for accommodating a bouncy castle is inconsistent with the specified use;
- (e) This use does not come within the scope of Class 37 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as the occasions referred to are not considered to be local events;

**NOW THEREFORE** an Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the use of the premises of the public house to accommodate bouncy castles for the purpose of communion, and/or confirmations and similar functions on a limited number of occasions is development and is not exempted development.

**Board Member:**

**Date:** 08/03/2019

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Terry Ó Niadh