



An  
Bord  
Pleanála

**Board Direction**  
**ABP-305107-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/11/2019.

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

**WHEREAS** a question has arisen as to whether the alterations to the internal layout of the permitted licensed premises at 52/53 North Main Street, Cork are or are not development and are or are not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Black Dog Bar and Nightclub Ltd. on the 6<sup>th</sup> day of August, 2019:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had particular regard to:

- (a) sections 2, 3, 4 and 32 of the Planning and Development Act 2000 (as amended),
- (b) articles 5-11 of the Planning and Development Regulations 2001 (as amended), with particular reference to articles 6(1) and 9(1)(a)(viii),
- (c) Part 1 of Schedule 2 *Exempted Development – General* of the Regulations, with particular reference to Class 14,
- (d) the planning history of Nos. 52 and 53 North Main Street, with particular reference to Planning Permissions Ref. Nos. 12/35314 and 13/35544, and noting that the current use of No. 53 North Main Street presents as a public house whose permitted use is as a licensed café/restaurant and for which no

planning permission appears to exist for use as a public house either independently or associated with the public house use at No. 52 North Main Street,

- (e) the submissions of the parties to the referral, and
- (f) the report of the Inspector

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

- (a) the internal alterations carried out to 53 North Main Street, including alterations in the form of stairway provision, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure, are development and are exempted developments in accordance with the provisions of section 4(1)(h) of the Planning and Development Act.
- (b) the alteration to the layout of No. 53 North Main Street, Cork, in the form of the provision of a 'Service Kitchen' to the rear of the premises, constitutes development which is material for the purposes of the Planning and Development Act and is not exempted development as no planning permission currently exists for this extended floorspace.

**NOW THEREFORE** the Board, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that the alterations in the form staircase provision and other minor alterations constitute development which is exempted development and that the alterations in the form of a Service Kitchen to the layout of the permitted licensed premises at 52/53 North Main Street, Cork constitute development and development that is not exempted development.

**Board Member:**

**Date:** 11/11/2019

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Terry Ó Niadh

