

An
Bord
Pleanála

Board Direction
BD-014916-23
ABP-312407-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/12/2023.

The Board decided to refuse permission for the following reasons and considerations.

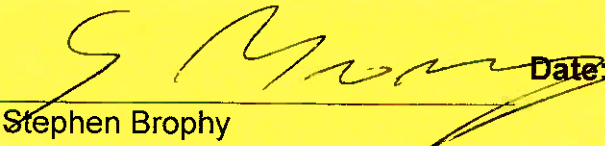
Reasons and Considerations

1. The proposed development comprising the change of use from a vacant cafe/restaurant unit to use as a gym would materially contravene the zoning objective for the area as Mixed Use Inner Core (MIC) in the 'Dún Laoghaire Rathdown County Development Plan 2022-2028' which seeks 'to consolidate and complete the development of the mixed use Inner Core to enhance and reinforce sustainable development', as while a restaurant is 'permitted in principle' a gym is neither 'permitted in principle' nor 'open for consideration' under the MIC zoning objective of the site. Therefore, the proposed development is contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the decision of the local authority and noted that, notwithstanding the adoption of a new development plan since this decision, the zoning of the site and the 'permitted in principle' and 'open for consideration' uses thereupon are materially unchanged. The Board had regard to the provisions of section 13.1.5 of the Dun Laoghaire Rathdown Development Plan 2022-2028, which provides that 'Uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be

permitted' and noted that 'gym' use is not a category which can be considered on a case-by-case basis under the provisions of section 13.1.5 of the plan.

Board Member



Stephen Brophy

Date: 21/12/2023