

An
Bord
Pleanála

Board Direction
ABP-315684-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/05/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the change of use of a premises from a funeral home to a coffee shop is or is not development or is or is not exempted development:

AND WHEREAS Boardwalk Coffee Limited requested a declaration on this question from Cork County Council and the Council issued a declaration on the 17th day of January, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 1st day of February, 2023:

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, as amended,
- (c) Article 5(1) and Article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Schedule 2 Part 1 of the Planning and Development Regulations, 2001, as amended,
- (e) Schedule 2 Part 4 of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the previous permitted use of the premises as a funeral home,
- (h) the nature of the existing use of the premises where the primary use is the sale of beverages and food items for consumption both on the premises and off the premises.
- (i) the report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that:


- (a) The previous use of the premises was a funeral home permitted under planning reference 94/58001.
- (b) The change of use of the premises to a 'coffee shop' where the primary use of the premises is the sale of beverages and food items for consumption both on the premises and off the premises, does not constitute use as a 'shop' as defined in article 5(1) of the Planning and Development Regulations, 2001 (as amended).
- (c) The use of the subject premises as a "coffee shop" has resulted in a change of use of these premises from its authorised use as a funeral

home and this change of use is a material one as it raises material planning considerations relating to land use policy, odours, traffic, litter, and hours of operation. It thus constitutes development under Section 3(1) of the Planning and Development Act, 2000, as amended.

- (d) There are no exemptions in the Planning and Development Act, 2000 (as amended) or in the Planning and Development Regulations, 2001 (as amended), by which this development would constitute exempted development.

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 change of use of a premises from a funeral home to a coffee shop at no. 12 the Mall, Youghal, Co. Cork is development and is not exempted development.

Board Member:



Joe Boland

Date: 14/05/2024