



An
Bord
Pleanála

Board Direction
ABP-316016-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2024.

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

WHEREAS a question has arisen as to whether

- (a) Whether the repurposed shipping container utilised as a tea / coffee take away counter operating as The Tram Café (selling tea and coffee and associated goods) and the associated public toilets, is or is not development or is or is not exempted development,
- (b) Whether the outdoor seating areas ancillary to the café is or is not development or is or is not exempted development,
- (c) Whether the utility connections (electricity, water) to the café is or is not development or is or is not exempted development, and
- (d) Whether the café signage is or is not development or is or is not exempted development;

AND WHEREAS the said questions were referred to An Bord Pleanála by Tom Phillips of Tom Phillips and Associates on the 9th of March 2023;

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

- (a) Sections 2(1), 3(1), 4(1)(f), 178(2) and 179 of the Planning and Development Act 2000, as amended,
- (b) the contract entered into by Dublin City Council and the operator for provision of the café unit with integrated toilet facilities,
- (c) the provisions of the Dublin City Development Plan 2022-2028, and
- (d) the pattern of development in the area;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the repurposed shipping container operating as The Tram Café with a tea / coffee take away counter (selling tea and coffee and associated goods) and the associated public toilets is development and is exempted development,
- (b) the outdoor seating areas ancillary to the café is development and is exempted development,
- (c) the cafe signage is development and is exempted development,

having regard to the nature of the development being works that the operator of the café carried out on behalf of, or jointly or in partnership with the local authority, the development comes within the scope of section 4(1)(f) of the Planning and Development Act 2000 as amended;

- (d) the utility connections (electricity, water,) to the café is not development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Planning and Development Act as amended, hereby decides that the said development as set out at (a) to (c) inclusive, above, is development and is exempted development.

Board Member:


Stewart Logan

Date: 21/03/2024

Note: In making its decision, the Board noted the location of the subject site on unzoned lands outside of the Conservation Area identified in the Dublin City Development Plan 2022-28.