



An
Bord
Pleanála

Board Direction
ABP-317344-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/07/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the holding of occasional wine tasting with finger food as an ancillary event at a retail store on a once-per-month basis is or is not development or is or is not exempted development at Lennox Street Grocer, 38 Lennox Street, Portobello, Dublin 8,

AND WHEREAS La Gourmande requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 25th day of May, 2023 stating that the matter was development and was not exempted development,

AND WHEREAS La Gourmande referred this declaration for review to An Bord Pleanála on the 21st day of June 2023,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) The definition of 'shop' under article 5(1) of the Planning and Development Regulations, 2001, as amended
- (c) Article 6, article 9 and article 10 of the Planning and Development Regulations, 2001, as amended,
- (d) Part 1 and part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of the subject premises for the holding of occasional wine tasting with finger food does not constitute use as a "shop" as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended, because the definition of 'shop' under Article 5(1) of the said Regulations does not provide for consumption of alcoholic beverages or food on the premises, and
- (b) the change of use of the subject premises, from use as a shop for the holding of occasional wine tasting with finger food as an ancillary event on a once-per-month basis raises issues that are material in terms of the proper planning and sustainable development of the area and this change constitutes a material change of use and is, therefore, "development" within the meaning of section 3 of the Planning and Development Act, 2000, and
- (c) There are no provisions in the Act or Regulations whereby such development would be exempted.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the holding of occasional wine tasting with finger food as an ancillary event at a retail store on a once-per-month basis is development and is not exempted development.

Board Member:  _____
Mick Long

Date: 29/07/2024