

An
Bord
Pleanála

Board Direction
ABP-321742-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2025.

The Board decided, generally in accordance with the Inspector's recommendation, as set out hereunder.

WHEREAS a question has arisen as to whether:

- (a) The operation of a shop within a former restaurant, and
- (b) The change of use of:
 - i. a former dwelling house to shop storage, and
 - ii. a shop, to shop storage.

is or is not development or is or is not exempted development:

AND WHEREAS Cork County Council requested a declaration on this question from An Bord Pleanála on the 21st day of January, 2025:

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

- (a) Sections 3, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the site that includes permission for the development of a filling station with dwelling, restaurant and shop,
- (e) The pattern of development in the area,
- (f) Access arrangements to and within the site,
- (g) The submissions on file, and
- (h) The Inspector's report.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the operation of a shop within a former restaurant would generally come within the scope of the exemption provided in Class 14 (c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (b) the change of use to a shop is not subject to any of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended.
- (c) The change of use of:
 - a. a former dwelling house to shop storage does not come within the scope of exemptions provided in the Planning and Development Regulations, 2001, as amended, and
 - b. a shop, to shop storage would generally come within the scope of the exemption provided in Class 4(1)(h) of the Planning and Development Act, 2000, as amended as it

relates to the internal configuration of the permitted building.
This change of use to shop storage is not subject to any of
the restrictions on exemption set out in Article 9 of the
Planning and Development Regulations, 2001, as amended.

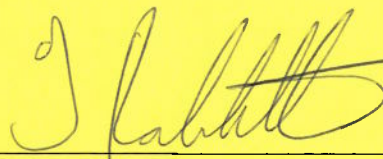
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred
on it by section 5 (4) of the 2000 Act, as amended, hereby decides that the

(a) The operation of a shop within a former restaurant is development
and is exempted development, and

(b) The change of use of:

- a. a former dwelling house to shop storage is development and
is not exempted development, and
- b. a shop, to shop storage is development and is exempted
development.

Board Member:



Tom Rabbette

Date: 09/05/2025