



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: S5/2018/1

WHEREAS a question has arisen as to whether the use of rear yard to accommodate bouncy castles for the purposes of Communion, Confirmation and similar functions from 12 p.m. (midday) to 7 p.m. on not more than ten occasions per annum at The Bodhrán Bar, 84 Bridge Street, Dundalk, County Louth is or is not development or is or is not exempted development:

AND WHEREAS Rockvalley Taverns Limited care of Tony Donagher of 7 Main Street, Carrickmacross, County Monaghan requested a declaration on this question from Louth County Council and the Council issued a declaration on the 1st day of February, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Cathal Byrne care of Environmental Heritage Planning Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth referred the declaration for review to An Bord Pleanála on the 28th day of February, 2018:

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;
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended;
- (d) Articles 6 and 10 of the Planning and Development Regulations, 2001, as amended;
- (e) the planning history of the site including planning register reference numbers 15/680 and 16/224;
- (f) the character and pattern of development in the area, and
- (g) the submissions on file:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the use of the rear yard for accommodating bouncy castles associated with events such as Communion and/or Confirmations or similar events for a limited number of days per year is a change of use;

- (b) the use of the area in question for accommodating bouncy castles would give rise to an intensification/increase in floor area associated with the public house which is not considered ancillary to the public house;
- (c) the use of the area in question would give rise to material planning consequences arising in relation to traffic, noise and general disturbance and accordingly this use constitutes a material change of use in this particular instance, and is, therefore, development;
- (d) the planning history pertaining to the site which establishes the use of the yard for purposes of storage and means of emergency fire exit and the use of the area for accommodating a bouncy castle is inconsistent with the specified use, and
- (e) this use does not come within the scope of Class 37 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as the occasions referred to are not considered to be local events:

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 use of rear yard to accommodate bouncy castles for the purposes of Communion, Confirmation and similar functions from 12 p.m. (midday) to 7 p.m. on not more than ten occasions per annum at The Bodhrán Bar, 84 Bridge Street, Dundalk, County Louth is development and is not exempted development:

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Ó Niadh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.