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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0439/18**

**WHEREAS** a question has arisen as to whether -

- (a) the erection of a mock-up non-functional apartment unit, internally within an existing public house at Swiss Cottage Bar and Restaurant, Swords Road, Santry, Dublin is or is not exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended, and
- (b) the erection of a hoarding associated with site investigation works at Swiss Cottage, Swords Road, Santry, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Cinamol Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin requested a declaration on the question from Dublin City Council and the Council issued a declaration on the 22<sup>nd</sup> day of February, 2019 stating that -

- (a) the erection of the mock-up non-functional apartment unit is development and is not exempted development, and

- (b) the erection of the hoarding is development and is exempted development:

**AND WHEREAS** Cinamol Limited referred the declaration for review to An Bord Pleanála on the 21<sup>st</sup> day of March, 2019:

**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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 16 and 45 of Part 1 of Schedule 2 to those Regulations,
- (d) the nature and extent of the subject works, and the planning history of the subject site, and
- (e) the documentation on file, including photographs supplied by the referrer, and the report of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the erection of the mock-up non-functional apartment unit and of the hoarding both involved the carrying out of works, and is therefore development as defined under Section 3 of the Planning and Development Act, 2000, as amended;
- (b) the erection of the mock-up apartment within the Swiss Cottage public house, which is described in the referral as a “temporary structure used

for the purpose of design development in advance of a planning application” for housing development, does not consist of the maintenance, alteration or improvement of this existing structure, (that is, the public house) , but consists of the erection of a new structure within that existing structure, and therefore does not come within the scope of the exemption provided for under Section 4 (1)(h) of the Planning and Development Act, 2000, as amended. It is therefore not exempted development;

- (c) the erection of the hoarding around the exterior of the site of the Swiss Cottage public house is related to site investigation works, which works come within the scope of Class 45 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the hoarding therefore comes within the scope of Class 16 of this Part, and accordingly is 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

- (a) the erection of a mock-up non-functional apartment unit, internally within an existing public house at Swiss Cottage Bar and Restaurant, Swords Road, Santry, Dublin is development and is not exempted development, and
- (b) the erection of a hoarding associated with site investigation works at Swiss Cottage, Swords Road, Santry, Dublin, is development and is 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.

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**Philip Jones**

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

**Dated this            day of            2019.**