



Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: R566/20

WHEREAS a question has arisen as to whether the replacement of the signage on the front elevation of number 53 North Main Street, Cork is or is not development, and is or is not exempted development and whether the current use of number 53 North Main Street, Cork as a licensed café/restaurant is or is not a material change of use from the use permitted under TP12/35314 and TP13/35544 and is or is not development:

AND WHEREAS the question was referred to An Bord Pleanála by Cork City Council on the 2nd day of March, 2020:

AND WHEREAS An Bord Pleanála considered it appropriate that the question should be reformulated as follows –

Whether the replacement external signage on the front elevation of number 53 North Main Street, Cork, is or is not development and is or is not exempted development, and whether a material change of use from licensed café/restaurant use to public house with ancillary café/restaurant use has occurred at number 53 North Main Street, Cork:

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

- (a) sections 2, 3, 4 and 32 of the Planning and Development Act 2000, as amended,
- (b) articles 5 to 11 of the Planning and Development Regulations 2001, as amended,
- (c) Part 1 of Schedule 2 - Exempted Development – General of those Regulations, with particular reference to Class 14,
- (d) the planning history of numbers 52 and 53 North Main Street, with particular reference to planning register reference numbers TP12/35314 and TP13/35544,
- (e) the submissions of the parties to the referral, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the authorised use of the premises at number 53 North Main Street and the authorised signage on the premises are as set out in planning register reference number TP12/35314, as amended by planning register reference number TP13/35544,
- (b) the nature of the existing use on site as a public house with ancillary café/restaurant use is materially different from a licenced café/restaurant use for which permission was granted and that this constitutes a material change of use as no planning permission exists for the public house use at number 53 Main Street and would, therefore, constitute development,

- (c) the replacement signage on the premises which is materially different in design and scale from that for which permission was granted and would, therefore, constitute development, and
- (d) there are no exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby such development would be exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the replacement signage on the front elevation of number 53 North Main Street, Cork and the change of use from licensed café/restaurant to use as a public house with ancillary café/restaurant use at number 53 North Main Street, Cork are development and are 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.

Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this day of 2020