

An
Bord
Pleanála

Board Order
ABP-315684-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: D/277/22

WHEREAS a question has arisen as to whether the change of use of a premises from a funeral home to a coffee shop at 12 The Mall, Youghal, County Cork is or is not development or is or is not exempted development,

AND WHEREAS Boardwalk Coffee Limited of Unit 4, Yawl Business Park, Foxhole, Youghal, County Cork requested a declaration on the said question from Cork County Council and the Council issued a declaration on the 17th day of January, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Boardwalk Coffee Limited referred the declaration for review to An Bord Pleanála on the 1st day of February, 2023,

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

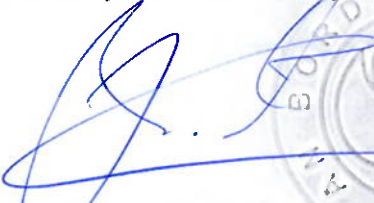

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Article 5(1) and Article 10(1) of the Planning and Development Regulations 2001, as amended,
- (d) Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended,
- (e) Schedule 2 Part 4 of the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site,
- (g) the previous permitted use of the premises as a funeral home,
- (h) the nature of the existing use of the premises where the primary use is the sale of beverages and food items for consumption both on the premises and off the premises, and
- (i) the report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the previous use of the premises was a funeral home permitted under planning register reference number 94/58001,

- (b) the change of use of the premises to a 'coffee shop' where the primary use of the premises is the sale of beverages and food items for consumption both on the premises and off the premises does not constitute use as a 'shop' as defined in article 5(1) of the Planning and Development Regulations 2001, as amended,
- (c) the use of the subject premises as a 'coffee shop' has resulted in a change of use of these premises from its authorised use as a funeral home and this change of use is a material one as it raises material planning considerations relating to land use policy, odours, traffic, litter, and hours of operation. It thus constitutes development under Section 3(1) of the Planning and Development Act 2000, as amended, 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, by which this development would constitute exempted development,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the change of use of a premises from a funeral home to a coffee shop at 12 The Mall, Youghal, County Cork is development and is not exempted development.

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

Dated this *16TH* day of *May* 2024.