



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 0149/23

WHEREAS a question has arisen as to whether the hosting of events or promotions whereby food and alcoholic beverages are consumed for a fee is considered development and if so, does it constitute exempted development under the Planning and Development 2000, as amended, and the Planning and Development Regulations 2001, as amended, at Lennox Street Grocer, 38 Lennox Street, Portobello, Dublin.

AND WHEREAS La Gourmande Limited care of Tom Phillips and Associates, Town Planning Consultants of 80 Harcourt Street, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 25th day of May, 2023 stating that the said matter is development and is not exempted development:

AND WHEREAS La Gourmande Limited care of Tom Phillips and Associates, Town Planning Consultants of 80 Harcourt Street, Dublin referred the declaration for review to An Bord Pleanála on the 21st day of June, 2023:

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) the definition of ‘shop’ under article 5 (1) of the Planning and Development Regulations, 2001, as amended,
- (c) article 6, article 9 and article 10 of those Regulations,
- (d) part 1 and part 4 of Schedule 2 to those Regulations,
- (e) the planning history of the site,
- (f) the pattern of development in the area

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of the subject premises for hosting of events or promotions whereby food and alcoholic beverages are consumed for a fee does not constitute use as a “shop” as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended, because the definition of ‘shop’ under Article 5(1) of the said Regulations does not provide for consumption of alcoholic beverages or food on the premises, and
- (b) the change of use of the subject premises, from use as a shop to use for the hosting of events or promotions whereby food and alcoholic beverages are consumed for a fee raises issues that are material in terms of the proper planning and sustainable development of the area and this change constitutes a material change of use and is, therefore, “development” within the meaning of section 3 of the Planning and Development Act, 2000, and
- (c) there are no provisions in the Act or Regulations whereby such development would be exempted.

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 a shop for the hosting of events or promotions whereby food and alcoholic beverages are consumed for a fee, at 38 Lennox Street, Portobello, Dublin is development and is not exempted development.



Mick Long

Member of An Bord Pleanála

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

Dated this ^{1st} day of *August* 2024.