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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0319/23**

**WHEREAS** questions have arisen as to, at 3A Church Lane, Rathmines, Dublin,

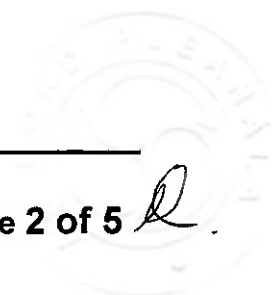
- (a) whether the change of use of the property from a store/lock up to a photography business is development which is not exempted development,
- (b) whether the works carried out to the facade of the property is development, which is not exempted development, and
- (c) whether the signage erected on the property is development which is not exempted development:

**AND WHEREAS** Marcus Hayes care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin requested a declaration on these questions from Dublin City Council and the Council issued a declaration on the 26<sup>th</sup> day of September 2023 stating that the matters were exempted development:

**AND WHEREAS** Marcus Hayes care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin referred this declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of October, 2023:

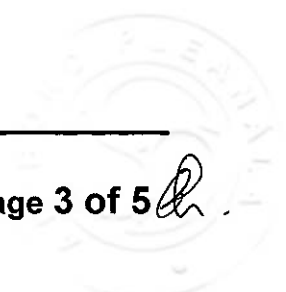
**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section's 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 5(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Article 6(2) and 9(1) of those Regulations, 2001,
- (d) Article 10(1) and Parts 2 and 4 of Schedule 2 to those Regulations, 2001, including in particular Class 2, Class 4 and Class 5 thereof,
- (e) the planning history of the site and the pattern of development in the area,
- (f) the documentation submitted with the referral, and
- (g) the report and recommendation of the Planning Inspector:



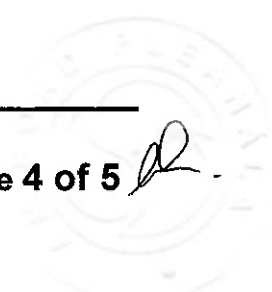
**AND WHEREAS** An Bord Pleanála has concluded, in relation to question (a) that -

- (a) The use of the premises as a photography business is within the scope of Class 4 (that is, use as a light industrial building), and does not represent use for professional or other services under Class 2 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (b) It has not been satisfactorily established that the use of the premises for light industrial purposes is either authorised under a grant of planning permission or that such use ever existed prior to the 1<sup>st</sup> October, 1964 at the premises.
- (c) The use of the premises as a photography business is within the scope of Class 4, was therefore a change of use, which was materially different from other commercial uses in respect of, that is, patterns of use and levels of visitation by members of the public, to that of other uses which existed at the premises and the change of use is, therefore, material and constitutes development, as defined under the Planning and Development Act 2000, as amended.
- (d) There are no provisions 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, and the proposed material change of use in this instance is, therefore, not exempted development:



**AND WHEREAS** An Bord Pleanála has concluded, in relation to question (b) and (c) that –

- (a) The works of alteration to the facade, including the erection of signage, of the property come within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and are, therefore, development.
- (b) The works of alteration to the façade of the property come within the meaning of Section 4(1) of the Planning and Development Act 2000, as amended and are, therefore, exempted development.
- (c) The works of erection of signage on the façade of the property come within the meaning of Class 5, Part 2 of Schedule 2 of the Planning & Development Regulations 2001, as amended, and are, therefore, 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, at 3A Church Lane, Rathmines, Dublin,

- (a) the change of use of the property, at 3A Church Lane, from a store/lock up to a photography business is development and is not exempt development.
- (b) The works carried out to the façade of the property is development and is exempted development.
- (c) The signage erected on the property is development and is exempted development.



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**Mick Long**

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

Dated this *1<sup>st</sup>* day of *October* 2024.