

An
Bord
Pleanála

Board Order
ABP-321742-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council.

Planning Register Reference Number: REF001/2025.

WHEREAS a question has arisen as to whether

- (a) The operation of a shop within a former restaurant, and
- (b) The change of use of:
 - (i) a former dwelling house to shop storage, and
 - (ii) a shop, to shop storage,

at Burgess Service Station, Burgess Lower, Killeagh, County Cork is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cork County Council on the 22nd day of January 2025:

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

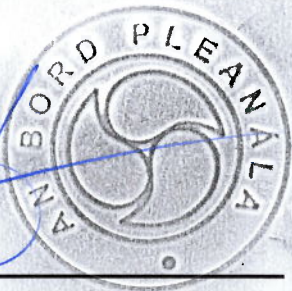
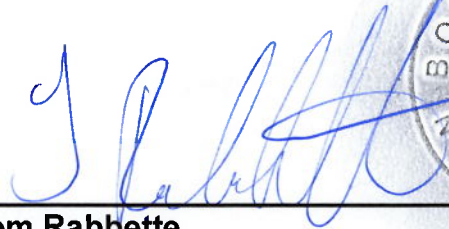
- (a) Sections 3, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site that includes permission for the development of a filling station with dwelling, restaurant and shop,
- (e) the pattern of development in the area,
- (f) access arrangements to and within the site,
- (g) the submissions on file, and
- (h) the Planning Inspector's report.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the operation of a shop within a former restaurant would generally come within the scope of the exemption provided in Class 14(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (b) the change of use to a shop is not subject to any of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended.
- (c) The change of use of:
 - (i) a former dwelling house to shop storage does not come within the scope of exemptions provided in the Planning and Development Regulations, 2001, as amended, and
 - (ii) a shop, to shop storage would generally come within the scope of the exemption provided in Class 4(1)(h) of the Planning and Development Act, 2000, as amended as it relates to the internal configuration of the permitted building. This change of use to shop storage is not subject to any of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that -

- (a) The operation of a shop within a former restaurant is development and is exempted development, and
- (b) The change of use of:
 - (i) a former dwelling house to shop storage is development and is not exempted development, and
 - (ii) a shop, to shop storage is development and is exempted development.



Tom Rabbette

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

Dated this 14th day of May 2025.