

**DUBLIN CITY COUNCIL  
ORDER OF THE ADMINISTRATIVE OFFICER  
PLANNING & DEVELOPMENT ACTS 2000 (AS AMENDED)**



Application Number 0149/23  
 Application Type Section 5  
 Registration Date 28-Apr-2023  
 Decision Date  
 Decision Order No. P3231  
 Location Lennox Street Grocer, 38 Lennox Street, Portobello, Dublin 8  
 Proposal EXPP: 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 provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended)?  
 Applicant La Gourmande

**RECOMMENDATION:** I hereby endorse the recommendation of the Planning Officer to declare that the above-proposed development is NOT EXEMPT from the requirement to obtain planning permission.

**REASONS & CONSIDERATIONS:**

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 provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended)?

Dublin City Council in considering this section 5, had regard particularly to:

- a) Sections 2, and 3 of the Planning and Development Act, 2000, as amended;
- b) Articles 5 (1), 6(1), and 10(1) of the Planning and Development Regulations, 2001, as amended;
- c) Class 1 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 as amended;
- d) The planning history of the site;
- e) The existing use of the retail unit
- f) The information submitted on behalf of the application/operator regarding the nature of the use of the premises.

AND WHEREAS Dublin City Development has concluded that:

<b>AN BORD PLEANALA</b>	
LDG- <u>064475-23</u>	
ABP- _____	
<b>21 JUN 2023</b>	
Fee: € <u>220</u>	Type: <u>CHQ</u>
<u>17:09</u>	<u>HANO</u>



- a) The use of part of the ground floor retail unit of this premises for the hosting of events or promotions whereby food and alcoholic beverages are consumed for a fee
- b) 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), as amended, as the use described is more akin to a restaurant/cafe use which is expressly excluded from the definition of 'shop' under Article 5(1) of the Planning and Development Regulations 2001, as amended.
- c) The use would constitute a material change of use and would therefore constitute development within the scope of Section 3(1) of the Planning and Development Act, 2000, as amended,
- d) The change of use is not within the scope of the exemption provided in Article 10(1) of the Planning and Development Regulations 2001, as amended.

And therefore Dublin City Council, conclude that is development and is not exempted development.

Signed: Muirin Gowen  
For Senior Staff Officer

Date: 23/05/23

**ORDER:** In accordance with the above recommendation, I direct the issuing of a declaration under Section 5 of the Planning & Development Act 2000 (as amended), that the above proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000-(as amended).

Fiona Murphy  
Fiona Murphy  
Administrative Officer

25/5/23  
Date

To whom the appropriate powers have been delegated by order of the Chief Executive, Dublin City Council (Order No. CE 6393) dated the 22nd May 2023.

