



An
Bord
Pleanála

Board Order
ABP-321591-25

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: S5 2024/64

WHEREAS a question has arisen as to whether the change of use of a public house to three residential units at Number 12 Thomas Street, Drogheda is or is not development or is or is not exempted development:

AND WHEREAS Robbie Gogan care of Robert Kenny Architectural and Engineering Services of Townley Hall, Drogheda, County Louth requested a declaration on this question from Louth County Council and the Council issued a declaration on the 2nd day of December 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Robbie Gogan referred this declaration for review to An Bord Pleanála on the 6th day of January, 2025:

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

- (a) Section 2(1) and Section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 9(1) and Article 10(6) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 12 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the nature and extent of work carried out,
- (f) the report and recommendation of the Planning Inspector,
- (g) any relevant precedent referrals and judgments, and
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The residential use is a material change in the use of the public house at Number 12 Thomas Street, being development;
- (b) the works to the public house at Number 12 Thomas Street to facilitate the residential use is development;
- (c) the development would not come within the scope of exempted development under Article 10(6)(d) because the works
 - (i) primarily affect the exterior of the structure and
 - (ii) materially affect the external appearance of the structure so as to render its appearance inconsistent with the vernacular character of the structure when it functioned as a public house;

- (d) it is not satisfied that the new entrance door to Unit number 3 would not endanger public safety by reason of traffic hazard or obstruction of road users, and therefore is not satisfied that the development would not contravene Article 9(iii); and
- (e) the subject change of use from a public house to three number residential units is therefore, development and is not exempted development within the meaning of the Planning and Development Act, 2000 as amended, or the Planning and Development Regulations, 2001, as amended.

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 change of use of a public house to three residential units at Number 12 Thomas Street, Drogheda is development and is not exempted development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *8th* day of *May* 2025.