



An  
Bord  
Pleanála

**Board Direction**  
**ABP-304204-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/10/2019.

The Board decided, as set out in the following Order, that

**WHEREAS** a question has arisen as to whether the change of use from car dealership to retail sale of convenience goods is or is not development or is or is not exempted development:

**AND WHEREAS** Cavan County Council requested a declaration on this question to An Bord Pleanála on the 31<sup>st</sup> day of May, 2016:

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) article 5, 6 and article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area,

- (f) the arrangements for access to and within the site,
- (g) the submission on file,
- (h) the Inspector's report.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the proposed change of use pertaining to the former car sales premises would generally come within the scope of the exemption provided in Class 14 (a) of Part 1 of Schedule 2 to the Planning and Development Regulations, as amended;
- (b) the said 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).

**THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the change of use from car dealership to retail sale of convenience goods is development and is exempted development.

**Board Member:**

**Date:** 21/10/2019

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Terry Ó Niadh