

An  
Bord  
Pleanála

Board Direction  
ABP-312025-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2022.

**WHEREAS** a question has arisen as to whether the change of use of Unit 17, Kilmore Business Park, Dublin Road, Cavan, from “office ancillary” to motor sales facilities to “office use” to be occupied by HSE administrative services is or is not development and is or is not exempted development:

**AND WHEREAS** Donal Watters requested a declaration on this question from Cavan County Council and the Council issued a declaration on the 1<sup>st</sup> day of November 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of November 2016:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,

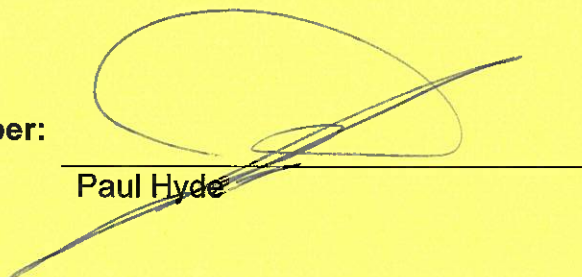
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 10(1) & (2) of the Planning and Development Regulations, 2001, as amended,
- (e) Classes 2 and 3 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) The planning history of the site:

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

- (a) The authorised use of the site is a motor sales and service facility and as such *sui generis* under Article 10(2)(b)(iii) of the Planning and Development Regulations, 2001, as amended.
- (b) The proposed use lies within Class 3 of Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001, as amended.
- (c) The proposed change of use of the upper floors of the building on the site from a motor sales and service facility to a Class 4 office would entail a material change of use.

**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 proposed change of use is development and is not exempted development.

**Board Member:**



Paul Hyde

**Date:** 24/03/2022