

An  
Bord  
Pleanála

Board Direction  
ABP-314952-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/09/2023.

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

**WHEREAS** a question has arisen as to whether the proposed change of use from a premises for the sale and display of motor vehicles to use as a shop at Lee Garage, Model Farm Road, Cork is or is not development or is or is not exempted development,

**AND WHEREAS** Lee Garage Cork Limited care of John Spain and Associates of 39 Fitzwilliam Place, Dublin requested a declaration on this question from Cork City Council,

**AND WHEREAS** the said question was referred to An Bord Pleanála by Cork City Council on the 27<sup>th</sup> day of October, 2022,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 5, 6 and 9 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,
- (e) the pattern of development in the area,
- (f) access arrangements to and within the site,
- (g) the submissions on file, and
- (h) the Inspector's report,

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

- (a) the proposed change of use pertaining to the car sales showroom would generally come within the scope of the exemption provided in Class 14(a) 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,

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the proposed change of use from a premises for the sale and display of motor vehicles to use as a shop at Lee Garage, Model Farm Road, Cork is development and is exempted development.

**Board Member:**

  
Patricia Calleary

**Date:** 20/09/2023