

An
Bord
Pleanála

Board Direction
ABP-317171-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of the land as a motor parts and sales area is or is not development or is or is not exempted development:

AND WHEREAS Joseph Boland requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 27th day of April, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Joseph Boland referred this declaration for review to An Bord Pleanála on the 23rd day of May, 2023:

AND 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 10(2) of the Planning and Development Regulations, 2001, as amended,

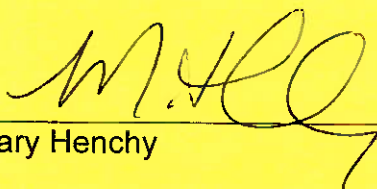
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the site,
- (e) The submissions made by the referrer and the documentation contained on the referral file,
- (f) The fact that the use of the site for motor sales and the retail sale of motor parts is a material change of use of the site or part of the site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The use of the site or the partial use of the site which has changed from its established use to the sale / display / leasing of motor vehicles and for the retail sale of motor parts is a material change of use to the land and constitutes development within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) There are no provisions within the Planning and Development Act 2000 (as amended) and in the Planning and Development Regulations 2001 (as amended) whereby the said change of uses are exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the use of the land as a motor parts and sales area is development and is not exempt development.

Board Member:


Mary Henchy

Date: 04/07/2024