



An
Bord
Pleanála

**Board Direction
21.RL 3573**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 2nd May, 2018.

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 Unit 1 of the Cleveragh Retail Park, Sligo is or is not development or is or is not exempted development:

AND WHEREAS Corajio t/a Mr Price Branded Bargains requested a declaration on this question from Sligo Council and the Council issued a declaration on the 22nd day of March, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 18th day of April 2017:

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

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

amended

- (b) article 10(1) of the Planning and Development Regulations, 2001, as amended, and
- (c) the planning history of the site and the grant of permission made under Reg. Reg. No. 04/70037

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The authorised use of the premises on the site is as a retail warehouse unit for the sale of bulky goods
- (b) The current use of the premises is for general retailing involving the sale of mainly non-bulky goods and this would remain the case if the sale of food ceased
- (c) The change in the use of the premises from a retail warehouse unit to general retailing involved a material change of use, having regard to its character and its material external impacts (such as its possible impact on town centre retailing) on the proper planning and sustainable development of the area and was development
- (d) The use of the premises on the site for general retailing contravenes condition no. 2 of the grant of permission made under Reg. Ref. No.04/70037 and is also inconsistent with use as a retail warehouse specified in that permission, so the restriction on exemption set out in article 10(1)(b) and (c) of the regulations applies to the development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the use of the Unit 1 of the Cleveragh Retail Park, Sligo for general retailing is development and is not exempted development.

Board Member

Date: 03.05.2018

Terry Prendergast