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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cavan County Council.**

**Planning Register Reference Number: Enf 18-092.**

**WHEREAS** a question has arisen as to whether the change of use from car dealership to retail sale of convenience goods at Pollamore Near, Dublin Road, Cavan is or is not development or is or is not exempted development:

**AND WHEREAS** this question was referred to An Bord Pleanála by Cavan County Council on the 10<sup>th</sup> day of April, 2019:

**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) Parts 1 and 4 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) the arrangements for access 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 former car sales premises 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, 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 2000 Act, hereby decides that the change of use from car dealership to retail sale of convenience goods at Pollamore Near, Dublin Road, Cavan is development and is exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Terry Ó Niadh**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**