



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5W/13/19

WHEREAS a question has arisen as to whether the change of use from a car sales premises for the sale or leasing, or display for the sale or leasing of motor vehicles, to use for the sale of furniture at Unit 10, North Park, North Road, J5 M50, Finglas, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Kilian and Bronwen Coyle care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin requested a declaration on the said question from Fingal County Council and the said Council issued a declaration on the 26th day of July, 2019 stating that the said matter is development and is not exempted development:

AND WHEREAS Kilian and Bronwen Coyle referred the declaration for review to An Bord Pleanála on the 22nd day of August, 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) Article 5, 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to 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 location of the site and its proximity to the M50,
- (g) the submissions on file, and
- (h) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted use of the site is for the sale or leasing, or display for sale or leasing, of motor vehicles,
- (b) the proposed change of use from the permitted use to use as a shop is a factual change of use and this change of use would raise material planning considerations, including planning policy, in relation to the location of retail development (as outlined in the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in 2012) and in relation to the potential for impact on neighbouring property and traffic safety and accordingly is a material change of use within the meaning of Section 3(1) of the Planning and Development Act 2000, as amended, which, therefore, constitutes development, and

- (c) the proposed change of use comes 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, but, in this instance, it is considered that the exemption is restricted by the provisions of Article 9(1)(a)(iii) as, having regard to the inadequacy of car parking within the control of the applicant, the development would endanger public safety by reason of traffic hazard or obstruction of road users, and the development would, therefore, not be exempted development:

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 change of use from a car sales premises for the sale or leasing, or display for the sale or leasing of motor vehicles, to use for the sale of furniture at Unit 10, North Park, North Road, J5 M50, Finglas, Dublin is development and is not 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.

Chris McGarry

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

Dated this day of 2020.