

Planning and Development Acts 2000 to 2021

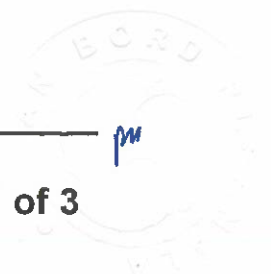
Planning Authority: Cavan County Council

Planning Register Reference Number: 281

WHEREAS a question has arisen as to whether the change of use of Unit 17, Kilmore Business Park, Dublin Road, Cavan, from “office ancillary” to motor sales facilities to “office use” to be occupied by HSE administrative services is or is not development or is or is not exempted development:

AND WHEREAS Donal Watters care of Joe Bonner of The Airport Hub, Unit 1 Furry Park, Old Swords Road, Santry, Dublin requested a declaration on this question from Cavan County Council and the Council issued a declaration on the 1st day of November 2021 stating that the matter was not exempted development:

AND WHEREAS Donal Watters referred the declaration for review to An Bord Pleanála on the 22nd day of November, 2021:



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

- (a) Sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 10(1) and (2) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 2 and 3 of Part 4 of Schedule 2 to those Regulations, and
- (d) the planning history of the site:

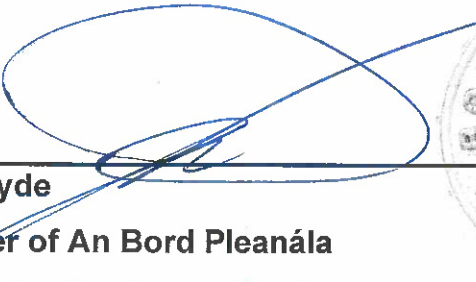
AND WHEREAS An Bord Pleanála has concluded that -

- (a) the authorised use of the site is a motor sales and service facility and as such sui generis under Article 10(2)(b)(iii) of the Planning and Development Regulations, 2001, as amended.
- (b) the proposed use lies within Class 3 of Part 4 of Schedule 2 to those Regulations, and
- (c) the proposed change of use of the upper floors of the building on the site from a motor sales and service facility to a Class 4 office would entail a material change of use:

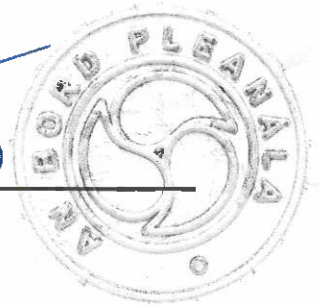
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use of Unit 17, Kilmore Business Park, Dublin Road, Cavan, from “office ancillary” to motor sales facilities to “office use” to be occupied by HSE administrative services 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.



Paul Hyde
Member of An Bord Pleanála
dúily authorised to authenticate
the seal of the Board.



Dated this *4th* day of *april* 2022.