

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/014/23

WHEREAS a question has arisen as to whether the use of land as a motor parts and sales area at Boland's Motor Salvage, Nevinstown, Cloghran, Swords, County Dublin is or is not development or is or is not exempted development,

AND WHEREAS Joseph Boland care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin requested a declaration on the said question from Fingal County Council and the Council issued a declaration on the 27th day of April, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Joseph Boland care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin referred the declaration for review to An Bord Pleanála on the 23rd day of May, 2023,

AND WHEREAS An Bord Pleanála, in considering the 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, and
- (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:

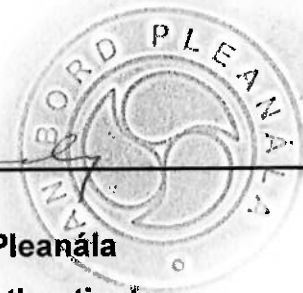
- (a) the use of the site or the partial use of the site which has changed from its established use to the sale/display/leasing of motor vehicles and for the retail sale of motor parts is a material change of use to the land and constitutes development within the meaning of Section 3(1) of the Planning and Development Act 2000, as amended, and

- (b) there are no provisions within the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, whereby the said change of uses is 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 land as a motor parts and sales area at Boland's Motor Salvage, Nevinstown, Cloghran, Swords, County Dublin is development and is not exempted development.



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



Dated this 11th day of July 2024.