



An  
Bord  
Pleanála

**Board Order**  
**06F.RL.3539**

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5/042/16**

**WHEREAS** a question has arisen as to whether the change of use from the sale and display for sale of motor vehicles to use as a shop at the former Tom Walsh Motors, Grange Road, Baldoyle, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Emma Pillion care of Emma Pillion Planning of Fardrum, Athlone, County Westmeath requested a declaration on the question from Fingal County Council and the Council issued a declaration on the 15<sup>th</sup> day of December, 2016 stating that the matter is not exempted development:

**AND WHEREAS** Emma Pillion care of Emma Pillion Planning referred the declaration for review to An Bord Pleanála on the 20<sup>th</sup> day of January, 2017:

**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, including the provisions of Section 4(4), as amended, in respect of Environmental Impact Assessment and Appropriate Assessment,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14(a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) The planning history and permitted uses on the site:

**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 change 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 Guidelines for Planning Authorities on Retail Planning, issued by the Department of the Environment, Community and Local Government in April, 2012), in relation the potential for impact on neighbouring residential property and in relation to pedestrian 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, and is therefore development;

