



Planning and Development Acts 2000 to 2017

Planning Authority: Sligo County Council

Planning Register Reference Number: ED286

WHEREAS a question has arisen as to whether the use of Unit 1 for general retailing as a Mr. Price, if the food aisle were removed to comply with condition number 2 of planning register reference number PL 04/70037, and whether the change of use of Unit 1 from a toy shop to a “Mr. Price” at 1 Cleveragh Retail Park, Sligo is or is not development or is or is not exempted development:

AND WHEREAS Corajio trading as ” Mr Price” Branded Bargains of number 1 Airton Road, Tallaght, Dublin requested a declaration on the said question from Sligo County Council and the said Council issued a declaration on the 22nd day of March, 2017 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Corajio trading as Mr Price Branded Bargains referred the declaration for review to An Bord Pleanála on the 18th day of April, 2017:

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

- (a) section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) article 10(1) of the Planning and Development Regulations, 2001, as amended, and
- (c) the planning history of the site and the permission granted under planning register reference number 04/70037:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the authorised use of the premises on the site is as a retail warehouse unit for the sale of bulky goods,
- (b) the current use of the premises is for general retailing involving the sale of mainly non-bulky goods and this would remain the case if the sale of food ceased,
- (c) the change in the use of the premises from a retail warehouse unit to general retailing involves a material change of use, having regard to its character and its material external impacts (such as its possible impact on town centre retailing) on the proper planning and sustainable development of the area and, therefore, constitutes development, and
- (d) the use of the premises on the site for general retailing contravenes condition number 2 of the grant of permission made under planning register reference number 04/70037 and is also inconsistent with use as a retail warehouse specified in that permission, so the restrictions on exemption set out in article 10(1)(b) and (c) of the Planning and Development Regulations, 2001 apply to the development.

