

Lisheen
Carrickbrack Road
Sutton
Dublin 13

5 March 2019

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG- <u>013908-14</u>	
ABP- <u>05</u>	
06 MAR 2019	
Fee: € <u>220.00</u>	Type: <u>pmo</u>
Time: <u>9.00</u>	By: <u>Post</u>

Re: Declaration under Section 5, Planning and Development Act 2000
Unit 3, Limerick Road, Shesherahkeale, Nenagh, Co. Tipperary E45 TP48

Dear Sir / Madam,

I write to appeal against the decision by Tipperary County Council dated 20th February 2019, a copy of which I enclose, on the basis that in my considered opinion I believe the breakdown of goods offered for sale in this toy shop comprises some 80% low order comparison goods with some 20% bulky goods, rather than vice versa.

I also enclose a postal order in the sum of €220 in respect of the appropriate fee.

Yours sincerely,



Eanna F O'Briain



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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AN BORD PLEANÁLA
06 MAR 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

S5/19/6

20th February, 2019

Eanna F. O'Briain,
Lisheen,
Carrickbrack Road,
Sutton,
DUBLIN 13.

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir,

I refer to your application for a Section 5 Declaration received on 29th January, 2019 in relation to the following proposed works:-

Operation of a Toy Shop in a retail warehouse in a bulky goods retail park at World of Wonder, Unit 3, Limerick Road, Shesherahkeale, Nenagh, Co. Tipperary.

WHEREAS a question has arisen as to whether the operation of a toy shop in a retail warehouse in a bulky goods retail park is development and if so is it exempted development at World of Wonder, Unit 3, Limerick Road, Shesherahkeale, Nenagh, Co. Tipperary.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to -

- Sections 2 and 3 of the Planning and Development Act, 2000, as amended
- Planning Register Reference N32/4101 (03/52/4101)
- Retail Planning Guidelines definition of "Bulky Goods"
- The 1st occupation of Unit 3 for the sale of toys

AND WHEREAS Tipperary County Council has concluded that –
The operation of Unit 3 as a toy shop is not development as set out under Section 3 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000, as amended, it is hereby decided that the operation of Unit 3 at Nenagh Retail Park, Limerick Road, Nenagh, Co. Tipperary as a toy shop is not development.

This decision is based on the information presented as part of the Section 5 Declaration Application received on 29th January, 2019.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours faithfully,



for Director of Services.