



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301688-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2019.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether conversion of the premises (Protected Structures) at 57,59 and 61 Cabra Road, Dublin 7 to a supported homeless accommodation facility is or is not development or is or is not exempted development:

**AND WHEREAS** Kevin O'Sullivan, 27 Cabra Road, Dublin 7 requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 2<sup>nd</sup> day of May, 2018 stating that the matter was development and was exempted development:

**AND WHEREAS** Kevin O'Sullivan, 27 Cabra Road, Dublin 7 referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of May, 2018:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Article 5 of the Planning and Development Regulations, 2001, as amended,
- (e) Article 10 of the Planning and Development Regulations, 2001, as amended,
- (f) Part 4 (Class 9) of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the nature of the uses previously and currently on site,
- (i) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a)

The permitted use of the premises is as a nursing home,
- (b)

The proposed use, as a supported homeless accommodation facility, would be a change of use from use as a nursing home, and this change would be material in planning terms because the supported homeless accommodation facility would provide a different service to a different user group, including a population with a broader age profile, and is therefore a material change of use, and is development,
- (c)

Nursing home use and homeless accommodation in the manner described by the owner both fall within the scope of the classes of use

as described in Class 9 of Schedule 4 to the Planning and Development Regulations, 2001, as amended,

(d)

This material change of use would come within the scope of Article 10 (1) of the Planning and Development Regulations 2001, as amended, being a change of use within Class 9 of Part 4 of Schedule 2 to these Regulations, from Class 9 (b) to Class 9 (a), and would, therefore, be exempted development.

**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 conversion of the premises (Protected Structures) at 57,59 and 61 Cabra Road, Dublin 7 to a supported homeless accommodation facility is development and is exempted development.

**Board Member:**

**Date:** 07/02/2019

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Terry Prendergast