



An
Bord
Pleanála

Board Direction
ABP-303392-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 2nd, 2019.

The Board decided, as set out in the following Order, that the change of use of a monastery to use as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, Dublin 24, is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the change of use of a monastery to use as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, Dublin 24, is or is not development or is or is not exempted development:

AND WHEREAS Councillor Brian Lawlor requested a declaration on this question from South Dublin County Council and the Council issued a declaration on the 4th day of December 2018 stating that the matter was development and was exempted development:

AND WHEREAS Councillor Brian Lawlor referred this declaration for review to An Bord Pleanála on the 8th day of January 2019:

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)(f) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(4) of the Planning and Development Act 200, as amended,
- (e) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (g) the planning history of the site, and the nature of the subject use.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The change of use of the existing premises from use as a monastery to use as a hub/hostel for homeless families would represent a change of use, and such change of use would raise issues relevant to the proper planning and development of the area, and would, therefore, constitute a material change of use, and is therefore development;
- (b) On the basis of the documentation submitted with the referral by the planning authority, this development has taken place on behalf of South Dublin Co. Council (a local authority) pursuant to a contract entered into by the local authority (and a service provider) acting in its capacity as a housing authority.
- (c) The development in question comes within the scope of the exemption provided for under Section 4(1)(f) of the Planning and Development Act, 2000, as amended, and is therefore 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 change of use of a monastery to use as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, Dublin 24, is development and is exempted development.

Note: In making its decision, the Board considered that the issue of material contravention of the South Dublin County Development Plan, and of Section 178 of the Planning and Development Act, which were raised by the referrer, are not relevant to the matter of whether or not the development in question is, or is not, exempted development, because the exemption in question in this instance, that is, Section 4(1)(f), is a stand-alone exempted development provision, and Section 178 is not specified in the Act as being a restriction on exemption.

[Please issue a copy of this Direction to the parties with the Board Order.]

Board Member

Date: 2nd September 2019

Philip Jones