



An
Bord
Pleanála

Board Direction
ABP-304098-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2020.

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

WHEREAS a question has arisen as to whether the change of use from furniture manufacturer and storage facility to a commercial self-storage facility at 132a Richmond Road, Dublin 3, is or is not development or is or is not exempted development:

AND WHEREAS Brendan Stanley of Dublin City Storage, 132a Richmond Road, Dublin 3, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 6th day of March, 2019, stating that the matter is development and is not exempted development:

AND WHEREAS Brendan Stanley referred this declaration for review to An Bord Pleanála on the 1st day of April, 2019:

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

- (a) sections 2, 3, 4 and 157 of the Planning and Development Act 2000, as amended,

- (b) articles 5 and 10 of the Planning and Development Regulations 2001-2019 and Classes 4 and 5 of Part 4 of Schedule 2 to those Regulations,
- (c) the planning history of the site,
- (d) the provisions of the Dublin City Development Plan 2016-2022,
- (e) the submissions on file from the referrer:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the previously use of the site for light industrial purposes as a saw mill for furniture manufacturing and associated storage and change to the current use of the site for commercial self-storage, constitutes a change of use, which is considered to be a material change of use and is, therefore, development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and;
- (b) there are no provisions in the Planning and Development Act 2000, as amended or in the Planning and Development Regulations 2001-2019, made thereunder, whereby the said change of use is exempted development, and;
- (c) on the basis of the planning history of the site, the Board is satisfied that the said commercial self-storage use is not an authorised use and;
- (d) on the basis of the evidence submitted on the file, the Board is satisfied that the said commercial self-storage use did not commence prior to the 1st day of October 1964, being the operative date of the Local Government (Planning and Development) Act 1963, and hence is satisfied that the use is not an established use and;
- (e) the provisions in the Planning and Development Act 2000, as amended, which prevent the issuance of a warning letter or enforcement notice, or the taking of proceedings for any offence under the Act in respect of unauthorised development after a period of seven years from the commencement of that development, do not alter the status of that development nor do they establish it as 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 use of 132a Richmond Road, Dublin 3 as a self-storage facility, is development and is not exempted development.

Board Member:

Date: 17/01/2020

Maria FitzGerald