

An  
Bord  
Pleanála

**Board Direction  
ABP-309873-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2022.

**WHEREAS** a question has arisen as to whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to the public and also to Dublin City Council/Dublin Regional Homeless Executive to accommodate homeless people is or is not development and whether development constitutes exempted development or does not constitute exempted development:

**AND WHEREAS** Mark McCaughey and Others requested a declaration on this question from Dublin City Council and the Council did not issue a declaration on the question:

**AND WHEREAS** Mark McCaughey and Others referred this application for review to An Bord Pleanála on the 1st day of April, 2021:

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

- (a) Section 2(1), 3(1), and 4(1)(f) of the Planning and Development Act, 2000, as amended,

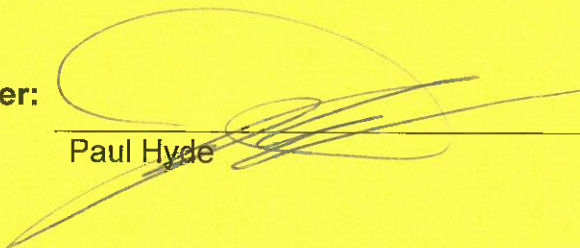
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended
- (c) Classes 6 and 9, of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (d) The definition of 'care' as set out in Article 5 of the Planning and Development Regulations 2001, as amended
- (e) the provisions of the Dublin City Development Plan 2016-2022,
- (f) the submissions on file,
- (g) the information contained in the concurrent Section 5 referral to the Board (ABP Ref. No. 310505-21),
- (h) the planning history of the site, the nature of the uses previously and currently on site and the pattern of development in the area, and
- (i) the report of the Planning Inspector:

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

- (a) the permitted use of the property as a guesthouse continues to be extant and valid, and has not been abandoned,
- (b) the permitted use of the property as a guesthouse would continue without the introduction of any different services, and
- (c) the accommodation of homeless people within the guesthouse would not result in effects which would materially change the use of the property and, therefore, would not constitute development:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3) (b) of the Planning and Development Act 2000, as amended, hereby decides that the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to the public and also to Dublin City Council/Dublin Regional Homeless Executive to accommodate homeless people, is not development.

**Board Member:**

  
Paul Hyde

**Date:** 24/03/2022

