



An  
Bord  
Pleanála

Board Direction  
ABP-310420-21

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/09/2022.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the creation of a hardstanding area for the storage of refuse bins at Tullyvale, Valley Drive, Druids Valley, Cherrywood, Dublin 18, is or is not development or is or is not exempted development:

**AND WHEREAS** Tullyvale Management Company requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council decided to issue a declaration on the 6<sup>th</sup> day of May 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** Tullyvale Management Company referred this declaration for review to An Bord Pleanála on the 1<sup>st</sup> day of June 2021:

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

- (a) sections 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) the planning history of the site,
- (c) the pattern of development in the area, and
- (d) the existing use of the site.

**AND WHEREAS** An Bord Pleanála has concluded that the construction of a hardstanding area for the storage of refuse bins and the associated change in the use and character of the land from a grassed area previously used as open space to a bin storage area is a material change of use and is therefore development and is not 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 works as described is development and is not exempted development.

**Board Member:** Maria Fitzgerald **Date:** 19/09/2022  
Maria FitzGerald