



An
Bord
Pleanála

Board Direction
ABP-318478-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/01/2025.

The Board decided by majority decision 2:1, generally as recommended by the Inspector and as set out hereunder.

WHEREAS a question has arisen as to whether the restoration and refurbishment of an outbuilding at Lower Road/Lower Lucan Road, Strawberry Beds, Castleknock, Dublin 15 is or is not development or is or is not exempted development:

AND WHEREAS Declan Ferguson requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 23rd day of October, 2023 stating that the matter was development and was not exempted development:

WHEREAS Peter Rafter and Julia Harun referred this declaration for review to An Bord Pleanála on the 16th day of November, 2023:

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

- (a) the nature, scale, extent and scope of the works proposed / executed,
- (b) the existing and past site context,
- (c) Sections 2(1), 3(1), 4(1)(h) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 1 and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the referral site,
- (g) relevant precedent referrals and judgements, and
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The restoration and refurbishment of the outbuilding constitutes “works” that are “development” under Section 3(1) of the Planning and Development Act 2000, as amended;
- (b) This outbuilding is derelict with no functional use, and is associated with, and ancillary to, an unroofed structure, a structure that is in a ruinous and derelict state, where there is no evidence of any residential use in recent times, or for a significant period of time, with such a status previously concluded upon by An Bord Pleanála in its determination of case reference numbers ABP-308807-20 and ABP-310767-21, and by the planning authority in its determination of case reference number FSW/07/19, and
- (c) The nature, scope and extent of the works associated with the restoration of the outbuilding, including those already executed to restore the structure from its previous ruinous state, would not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, as these works would comprise of the

alteration of this structure in a manner that would materially affect the external appearance of the structure so as to render the appearance inconsistent with its character and the character of adjacent structures, namely the adjacent unroofed structure.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the 2000 Act, as amended, hereby decides that the restoration and refurbishment of an outbuilding at Lower Road/Lower Lucan Road, Strawberry Beds, Castleknock, Dublin 15 is development and is not exempted development.

Board Member:


Tom Rabbette

Date: 15/01/2025