



An
Bord
Pleanála

Board Direction ABP-320071-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2025.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of a residential building where care is not provided, to house homeless families at 27 Hatch Place Dublin, is or is not development or is or is not exempted development.

AND WHEREAS Rosado Developments Limited care of Hughes Planning, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 5th day of June 2024 stating that the matter is development and is not exempted development.

AND WHEREAS Rosado Developments Limited care of Hughes Planning referred this declaration for review to An Bord Pleanála, on the 2nd day of July 2024.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 138(1) of the Planning and Development Act, 2000, as amended, hereby dismisses the said referral under subsection (1)(b)(i) of Section 138 of the said Act based on the reasons and considerations set out below:

The Board concluded, that the Judgement of Heslin J in Narconon Trust v An Bord Pleanála and Others has applicability in the instance of the subject referral case. The Board noted that the previous determination of Dublin City Council in relation to substantially the same question and in respect of the same property under register reference 0105/24 has been declared as development which is not exempted development and there has been no change in the planning facts or circumstances since the previous determinations were made that would have relevance to the referral case now before the Board. The Board is, therefore, satisfied that, in the particular circumstances, the referral should not be further considered by it.

Board Member:


Paul Caprani

Date: 18/03/2025