



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 0501/17

WHEREAS a question has arisen as to whether the current use of the property as short term lettings based on internet bookings is a change of use from the established use of short term lettings as bedsits and, if it is, whether it is a material change of use at number 28 Leinster Square, Rathmines, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Dolores O'Donoghue care of Kieran Rush Consult Ltd of 24 Templeville Road, Dubin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 25th day of January, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Dolores O'Donoghue referred the declaration for review to An Bord Pleanála on the 21st day of February, 2018:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) the following submissions:
 - (i) the referrer's submission, and
 - (ii) the planning authority's assessment and declaration,
- (d) the report of the Inspector, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of the building for a short-term holiday letting based on internet bookings is a change of use from the current established use for lettings for bedsits, in the light of the different matters that it raises for planning assessment compared to those which would have arisen for original use as residential accommodation, including intensification of use and associated disturbance at neighbourhood level and as the building is exclusively used for commercial short term letting purposes on a year round basis, is a material change of use and is, therefore, development, and
- (b) that neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended, provide any exemption in respect of such material change of use:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use of the property from the established use of short term lettings as bedsits to short term lettings based on internet bookings is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.