



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/046/18

WHEREAS a question has arisen as to whether the use of a small area, comprising two connected rooms at ground level within an existing dwelling at Leaca Bán, Tooman, Lusk, County Dublin as a private oratory for religious worship exclusively for the resident priest Father George Albrecht and by individuals who are personally and individually known to Father Albrecht, in a manner which is incidental to the use of the property as a dwelling by the referrer is development:

AND WHEREAS Father George Albrecht care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 4th day of December, 2018 stating that the matter was not exempted development:

AND WHEREAS Father George Albrecht care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin referred this declaration for review to An Bord Pleanála on the 18th day of December, 2018:

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

- (a) sections 2(1), 3(1) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended and, in particular, Class 7 of this Part,
- (c) the planning history of the site,
- (d) the scale, nature and layout of the oratory/chapel, the description of the use carried on therein, including use by visiting members of the congregation and the services carried on therein, and
- (e) the pattern of development on un-zoned land in this rural area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of part of the house as an oratory for religious worship does not constitute use as a house as defined at section 2(1) of the Planning and Development Act, 2000, as amended, and therefore such use is a change of use,
- (b) the change of use from use as part of a house to use as a private oratory, for use of members of the congregation, raises issues which are material in relation to the proper planning and sustainable development of the area, and this change of use constitutes a material change of use having regard to potential impacts on the amenity of the wider area, potential impacts on the amenity of adjoining residential property, access/car parking issues including the additional car parking requirements to serve such a use, access and vehicle manoeuvres

within the site, pedestrian/vehicular conflicts and measures to address same, and is therefore development,

- (c) the development does not come within the scope of section 4(1)(j) of the Planning and Development Act, 2000, as amended, as the use as a private oratory for religious worship by members of the congregation in this instance is not considered incidental to the enjoyment of the house,
- (d) the development would correspond to use for public worship or religious instruction as defined in Class 7(a) of Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and
- (e) there are no other provisions in the Act or Regulations whereby such development would be exempted development:

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 use of part of a dwelling house for use as a private oratory for use of the visiting members of the congregation at Leaca Bán, Tooman, Lusk, County Dublin 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.