



An
Bord
Pleanála

Board Order ABP-303529-19

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Reference Number: VS-0078

Appeal by Discalced Carmelite nuns of the Carmelite Monastery of Saint Joseph care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015 against the entry on the Vacant Sites Register by Dún Laoghaire-Rathdown County Council on the 20th day of December, 2018 in respect of the site described below.

Description: Area of land to the east of the Carmelite Monastery, Kilmacud Road Upper, Stillorgan, Blackrock, County Dublin.

Decision

The Board in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, and based on the reasons and considerations set out below, hereby determines that the above area of land was not a vacant site within the meaning of that Act for the period concerned.

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.

Reasons and Considerations

Having regard to:

- (a) the information submitted to the Board by the planning authority in relation to the entry of the area of land on the Vacant Sites Register,
- (b) the grounds of appeal submitted by the appellant,
- (c) the report of the Inspector,
- (d) the fact that the area of land is a garden or portion of ground attached to and usually occupied with a dwelling (the Carmelite Monastery) or otherwise required for the amenity of convenience of the dwelling, and is therefore part of a 'home' for the purpose of section 5 of the Urban Regeneration and Housing Act 2015 (as amended) and therefore does not meet the definition of 'site' for the purpose of that section of the Act,
- (e) the fact that the area of land is used for amenity purposes associated with the Carmelite community and is therefore not vacant or idle,

