

## 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 20<sup>th</sup> 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.

ABP-303529-19 An Bord Pleanála Page 1 of 3

## **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,

ABP-303529-19 An Bord Pleanála Page 2 of 3

- (f) the fact that the most recent purchase of the area of land occurred prior to it becoming residential land, and before, on or after the commencement of section 63 of the Planning and Development (Amendment) Act, 2018,
- (g) the recorded date of site inspection (12<sup>th</sup> November 2018) provided by the planning authority in its submitted documentation, and
- (h) the absence of sufficient appropriate records to support the contention of the planning authority that the area of land was vacant or idle for the period of 12 months preceding the date of placing it on the register,

the Board considers that it is appropriate that a notice be issued to the planning authority who shall cancel the entry on the Vacant Sites Register.

John Connolly Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2019

ABP-303529-19 An Bord Pleanála Page 3 of 3