



An
Bord
Pleanála

Board Order ABP-305025-19

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Authority Reference Number: SD/VS374

Appeal by Joan Moloney care of Mullany Walsh Maxwells of 19 Herbert Place, Dublin in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015, as amended, against the entry on the Vacant Sites Register by South Dublin County Council on the 5th day of July, 2019 in respect of the site described below.

Description: Site adjacent to Silveracre Bungalow, Whitechurch Road, Rathfarnham, Dublin.

Decision

The Board in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, as amended, and based on the reasons and considerations set out below, hereby determines that the above site 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 site on the Vacant Sites Register,
- (b) the grounds of appeal submitted by the appellant,
- (c) the report of the Planning Inspector,
- (d) that the site is used for amenity purposes associated with Silveracre Bungalow and is required for the amenity and convenience of that dwelling. It, therefore, meets the definition of a 'home' as per section 5(2) of the Urban Regeneration and Housing Act 2015, as amended, and does not meet the definition of a 'site' which does not include any structure that is a person's home, and

- (e) the most recent purchase of the site which 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,

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.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019