



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 0049/21

WHEREAS a question has arisen as to whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to Dublin City Council/Dublin Regional Homeless Executive to accommodate homeless people at 16 Hollybrook Park (Protected Structure), Clontarf, Dublin is or is not development and whether development constitutes exempted development or does not constitute exempted development:

AND WHEREAS Mark McCaughey and Others care of Martin and Grove Solicitors of 36 Charles Street West, Dublin requested a declaration on the question from Dublin City Council and no declaration issued by the planning authority:

AND WHEREAS Mark McCaughey and Others referred the question for decision to An Bord Pleanála on the 1st day of April, 2021:

AND WHEREAS the Board reformulated the question as follows -

whether the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to the public and also to Dublin City Council/Dublin Regional Homeless Executive to accommodate homeless people at 16 Hollybrook Park (Protected Structure), Clontarf, Dublin is or is not development and whether development constitutes exempted development or does not constitute exempted development:

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

- (a) Section 2(1), 3(1), and 4(1)(f) of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended
- (c) Classes 6 and 9 of Part 4 of the Second Schedule to those Regulations,
- (d) the definition of 'care' as set out in Article 5 of those Regulations,
- (e) the provisions of the Dublin City Development Plan 2016-2022,
- (f) the submissions on file,
- (g) the information contained in the concurrent Section 5 referral to the Board (reference number ABP 310505-21),

(h) the planning history of the site, the nature of the uses previously and currently on site and the pattern of development in the area, and

(i) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

(a) the permitted use of the property as a guesthouse continues to be extant and valid, and has not been abandoned,

(b) the permitted use of the property as a guesthouse would continue without the introduction of any different services, and

(c) the accommodation of homeless people within the guesthouse would not result in effects which would materially change the use of the property and, therefore, would not constitute development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the use of the property as a guest house which provides rooms on a nightly basis offering Bed and Breakfast to the public and also to Dublin City Council/Dublin Regional Homeless Executive to accommodate homeless people at 16 Hollybrook Park (Protected Structure), Clontarf, Dublin is not 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.



Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *30th* day of *November* 2022.