

An
Bord
Pleanála

Board Order
ABP-320071-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 0166/24

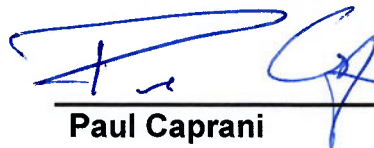
WHEREAS a question has arisen as to whether the use of a residential building, where care is not provided, to house homeless families at 27 Hatch Place, Dublin is or is not development or is or is not exempted development,

AND WHEREAS Rosado Developments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 5th day of June 2024, stating that the matter is development and is not exempted development,

AND WHEREAS Rosado Developments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin referred this declaration for review to An Bord Pleanála, on the 2nd day of July 2024,

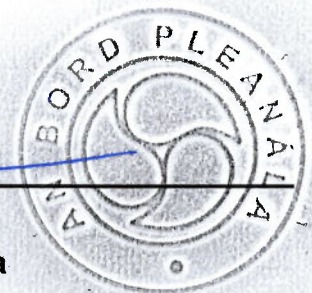
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 138(1) of the Planning and Development Act, 2000, as amended, hereby dismisses the said referral under subsection (1)(b)(i) of Section 138 of the said Act based on the reasons and considerations set out below:

The Board concluded that the Judgement of Heslin J in *Narconon Trust v An Bord Pleanála and Others* has applicability in the instance of the subject referral case. The Board noted that the previous determination of Dublin City Council in relation to substantially the same question and in respect of the same property under register reference 0105/24 has been declared as development which is not exempted development and there has been no change in the planning facts or circumstances since the previous determinations were made that would have relevance to the referral case now before the Board. The Board is, therefore, satisfied that, in the particular circumstances, the referral should not be further considered by it.



Paul Caprani

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



Dated this 29th day of March 2025.