

An
Bord
Pleanála

Board Order
ABP-304612-19

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: ED 19/0009

WHEREAS a question has arisen as to whether the change of use of a nursing home to a residential rehabilitation care centre at Glencarrig Nursing Home, Glencarrig Court, Firhouse Road, Tallaght, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Brian Lawlor of 7 Beechdale Court, Ballycullen, Dublin requested a declaration on this question from South Dublin County Council and the Council issued a declaration on the 9th day of May, 2019 stating that the matter is exempted development:

AND WHEREAS Brian Lawlor referred the declaration for review to An Bord Pleanála on the 4th day of June, 2019:

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

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000, as amended
- (c) section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) Article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Class 9 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site and the nature of the subject use, and
- (h) the report of the Inspector on this file:

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AND WHEREAS An Bord Pleanála has concluded that -

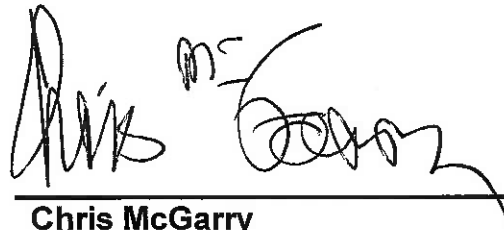
- (a) modification of the nursing home for use as a residential rehabilitation care centre would involve the carrying out of works (of a minor nature) to the interior of the property,
- (b) the change of use of the existing premises from use as a nursing home to a residential rehabilitation care centre for women and children would represent a change of use, and such change of use would raise issues relevant to the proper planning and sustainable development of the area, and would, therefore, constitute a material change of use,
- (c) the proposed works and material change of use constitute development,
- (d) the proposed works being minor in nature and being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, and are, therefore, exempted development, and
- (e) the proposed material change of use comprises a change of use that falls within the scope of Class 9 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, being a change of use from a nursing home (Class 9(b)) to the provision of residential accommodation and care to people in need of care (Class 9(a)) and is, therefore, exempted development:



NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use from a nursing home to a residential rehabilitation care centre at Glencarrig Nursing Home Glencarrig Court, Firhouse Road, Dublin is development and is exempted 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.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 2nd day of March 2020.