



An
Bord
Pleanála

Board Direction
ABP-300805-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/10/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

Whereas a question has arisen as to whether the conversion of attic space to a habitable bedroom and the installation of 1 no. new window and 2 no. Velux windows to the rear elevation and the change of use from a house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Carrigaunroe, Shanballymore, Mallow, Co. Cork is or is not development and is or is not exempted development.

And whereas this question was referred to An Bord Pleanála by Tony Gallagher and Thomas O'Flynn on 29th January 2018.

And whereas An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000 – 2017.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001 – 2018.
- (c) Class 14(f) of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 – 2018.
- (d) The submissions of the parties with respect to the nature and extent of the physical conversion works to the subject building and the nature and intensity of its new use

And whereas An Bord Pleanála has concluded that –

- (a) The conversion works constitute development that is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000 – 2017.
- (b) The change of use from a dwelling house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is a material change of use and thus development, yet, as this development comes within the parameters of Class 14(f) of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 – 2018, it constitutes exempted development.
- (c) Neither the said conversion works nor the material change of use are the subject of any of the restrictions cited under Article 9(1)(a) of the Planning and Development Regulations, 2001 – 2018.

Now therefore An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000 – 2017, hereby decides that the conversion of attic space to a habitable bedroom and the installation of 1 no. new window and 2 no. Velux windows to the rear elevation and the change of use from a house to use as a residence for not more than six persons with intellectual or physical disability or mental illness and not more than two persons providing resident care for such persons at Carrigaunroe, Shanballymore, Mallow, Co. Cork is development and is exempted development.

Board Member:

Date: 31/10/2018

Eugene Nixon