

An  
Bord  
Pleanála

Board Direction  
ABP-301064-18

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The submissions on this file and the Inspector's report were considered at a Board meeting held on November 14<sup>th</sup> 2018.

The Board decided, on a vote of 3 to 2, generally in accordance with the Inspector's recommendation, and as set out in the following Order, that the change of use of the permitted nursing home under planning permission register reference TA/140621 to a residential drug rehabilitation facility, at the old National School, Ballivor Village, County Meath, is development and is not exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the change of use of the permitted nursing home under planning permission register reference TA/140621 to a residential drug rehabilitation facility, at the old National School, Ballivor Village, County Meath, is or is not development or is or is not exempted development.

**AND WHEREAS** Ballivor Community Group, c/o Noel French, requested a declaration on this question from Meath County Council on the 19<sup>th</sup> day of February 2018.

**AND WHEREAS** Meath County Council referred this question to An Bord Pleanála for decision, on the 27<sup>th</sup> day of February 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, as amended,
- (b) Article 10 (1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 8 and 9 of Part 4 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the site and in particular planning permission register reference number TA/140621, and
- (e) The nature of the subject development, as outlined in planning authority declaration file reference number TAVS51639, which includes the provision of drug rehabilitation therapy.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (f) The permitted use on site is as a nursing home, and is therefore a class of use coming within the scope of Class 9 (b) of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (g) The proposed use, as a residential drug rehabilitation facility, would be a factual change of use from use as a nursing home, and such change of use would raise material planning considerations, including different patterns of traffic and pedestrian activity/movements, a different service to a different user group, including a population with a broader age profile and who are

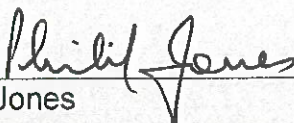


drug dependent, and with limited interaction with the local community, and is therefore a material change of use, and is development;

- (h) This material change of use would generally come within the scope of Article 10 (1) of the Planning and Development Regulations 2001, as amended, being a change of use within Class 9 of Part 4 of Schedule 2 to these Regulations, from Class 9 (b) to Class 9 (a), but would be inconsistent with the use included in the planning permission for the nursing home, by reason of the significant differences in the services provided, the age profile of the likely occupants, the greater geographical areas that would be served by the facility and the limited interaction with the local community within this small village, and would, therefore, pursuant to Article 10 (1)(c), not be exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use of the permitted nursing home under planning permission register reference TA/140621 to a residential drug rehabilitation facility, at the old National School, Ballivor Village, County Meath, is development and is not exempted development.

Board Member

  
Philip Jones

Date: 14<sup>th</sup> November 2018