



An
Bord
Pleanála

**Board Direction
ABP-305016-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/02/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed use of the dwelling at Grove, Cloghan, County Offaly as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons is or is not development or is or is not exempted development;

AND WHEREAS, Maple Healthcare Ltd, The Atrium, John's Lane, Naas, County Kildare requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 3rd day of July, 2019 stating that the matter was development and was not exempted development;

AND WHEREAS Maple Healthcare Ltd referred this declaration for review to An Bord Pleanála on the 30th day of July, 2019;

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

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and Classes 3, 6(b), 14(f) and 50(a) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The change of use is development and is exempted development as it falls within the scope of Class 14(f) of the Regulations;
- (b) The associated internal layout changes are development and exempted development as they fall within the scope of Section 4(1)(h) of the Act being works affecting only the interior of the structure.
- (c) The associated external modifications to windows and doors are development and are exempted development as they fall within the scope of Section 4(1)(h) of the Act being works of a minor nature that 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.
- (d) The associated detached recreation room is development and is exempted development as it falls within the scope of Class 3, Part 1, Schedule 2 of the Regulations being less than 25sqm in floor area and not exceeding 3m in height.
- (e) The additional hard surfacing areas are development and are not exempted development as the cumulative area exceeds the relevant limit of 25sqm as provided for in Class 6(b), Part 1, Schedule 2 of the Regulations.

The demolition of the former garage is development and is not exempted development as the garage exceeded the relevant floor area limit of 40sqm as provided for in Class 50(a), Part 1, Schedule 2 of the Regulations.

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 of the dwelling at Grove, Cloghan, County Offaly as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons and the associated works comprising; internal layout changes; external modifications to windows and doors; and the construction of a detached recreation room is development and is exempted development.

The additional hard surfacing areas and the demolition of the former garage is development and is not exempted development.

Board Member:

Date: 15/02/2021

Stephen Bohan