



An
Bord
Pleanála

Board Direction
BD-018178-24
ABP-320031-24

WHEREAS a question has arisen as to whether the use of a dwelling house, where care is not provided, as long-term private residential accommodation for protected persons comprising families, women and children is or is not development or is or is not exempted development:

AND WHEREAS Knockmount Properties Limited requested a declaration on this question from Louth Council and the Council issued a declaration on the 30th day of May, 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Knockmount Properties Limited referred this declaration for review to An Bord Pleanála on the 26th day of June, 2024:

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

- (a) Sections 2, 3, 4 of the Planning and Development Act, 2000, as amended;
- (b) articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) Relevant case law;

- (e) the planning history of the site,
- (f) previous referrals to the Board, including referral ABP-307077-20
- (g) the submissions of the referrer, the observers, and the planning authority;
- (h) the pattern of development in the area;
- (i) the number of people to be accommodated on the site and the nature of the accommodation
- (j) the number of staff and the nature of supports proposed; and
- (k) the ratio of bedrooms to other habitable rooms

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The change of use from the established use as a dwelling house to the proposed use as accommodation for protected persons constitutes a change of use
- (b) The change of use raises planning considerations that are materially different to planning considerations relating to the established use,
- (c) The change of use constitutes a material change in the use of the structure

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the change of use of a dwelling house to accommodation for protected persons is development and is not exempted development.

Board Member


Liam Bergin

Date: 13/11/2024