



Board Direction

Ref: 25.RL3406

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19th February 2016.

The Board decided, generally in accordance with the Inspector, that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons, is development and is exempted development, all at Gaineville House, Multyfarnham, County Westmeath.

WHEREAS a question has arisen as to whether the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons, all at Gaineville House, Multyfarnham, County Westmeath, is or is not development, or is or is not exempted development:

AND WHEREAS Nua Healthcare Services of the Atrium, John's Lane, Naas, County Kildare, requested a declaration on this question from Westmeath County Council, and the Council issued a declaration on 26th August 2015, stating that the said matter is development and is not exempted development:

, referred this question to

AND WHEREAS Nua Healthcare Services, care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin, referred the declaration for review to An Bord Pleanála on 22nd September 2015:

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, and
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14(f) of Part 1 of Schedule 2 to those Regulations, and
- (d) the listing of Gaineville House on the record of protected structures, and the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (i) the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore, constitutes development, and
- (ii) having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the conditions and limitations set out for that class of development, in the circumstances of this case:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Act, hereby decides that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons, is development and is exempted development, all at Gaineville House, Multyfarnham, County Westmeath.

Board Member: _____ Date: 12th April 2016
Fionna O' Regan