



Board Direction

Ref: 15.RL3463

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 29th 2016.

The Board decided, generally in accordance with the recommendation of the Inspector, that the change of use of a house to use as a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons, at Hampton Lodge, Tullydonnell, Dunleer, Co. Louth is development and is exempted development.

Board Order to be worded as follows:-

WHEREAS a question has arisen as to whether the change of use of a house to use as a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons at Hampton Lodge, Tullydonnell, Dunleer, Co. Louth is or is not development or is or is not exempted development.

AND WHEREAS this question was referred to An Bord Pleanála by Louth County Council on the 29th day of February 2016.

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

- (a) Section 2 and 3 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) Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (d) The nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier, as a residence for persons with an intellectual / physical disability or mental illness with particular needs for comprehensive care, staffing, guidance and accommodation facilities.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The change of use of a house to a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons constitutes a material change of use, and is therefore development, as defined in section 3 of the Planning and Development Act 2000, as amended,
- (b) This change of use comes within the scope of Class 14 (f) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and would therefore constitute exempted development, and,
- (c) None of the restrictions on exemption set out in Article 9(1)(a) of these Regulations apply in this instance.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the change of use of a house to use as a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons at Hampton Lodge, Tullydonnell, Dunleer, Co. Louth is development and is exempted development.

Note: In arriving at its decision, the Board had regard to the planning history of the site, and considered all of the restrictions on exemption set out in Article 9 (1)(a) of the Regulations, and concluded that none of these restrictions applied in this instance.

Board Member: _____ Date: 29th July 2016
Philip Jones