

An
Bord
Pleanála

Board Direction
ABP-RL19.RL3577

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/02/2024.

The Board decided, as set out in the following Order, that the alteration to the existing access is development and is not exempted development:

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of buildings A, B, C and D to a use for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Millhouse, Killeenmore, Tullamore, Co. Offaly under the provisions of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended is or is not development or is or is not exempted development:

AND WHEREAS Niall Stack requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 5th day of April, 2017 stating that (i) the use of Buildings A, C and D is development and is not exempted development and (ii) the use of Building B is development and is exempted development:

AND WHEREAS Niall Stack referred this declaration for review to An Bord Pleanála on the 27th day of April, 2017:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Class 4(1)(a) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended and
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended; and
- (f) The planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

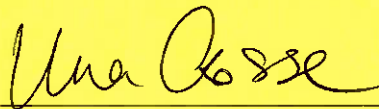
- (a) The change of use of buildings A, B, C and D from former uses and permitted uses to a use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, involves a material change of use within the meaning of Sections 2 & 3 of the Act and therefore constitutes development under Section 3 of the Act;
- (b) That development relating to buildings A, B, C and D do not fall within the scope of Article 6(1) of the Planning and Development Regulations, 2001, as amended and in that the development is not of a class specified in column 1 of Part 1 of Schedule 2, Class 14(f),
- (c) Having regard to condition No. 3 of planning reference PI 95/140 the development relating to Building C does not fall within the scope of

Article 9(1)(a)(i) of the Planning and Development Regulations,
2001, as amended; and

(d) No requirement for environmental impact assessment or appropriate
assessment arises.

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 use of
buildings A, B, C and D to a use for persons with an intellectual or physical
disability or mental illness and persons providing care for such persons at
Millhouse, Killeenmore, Tullamore, Co. Offaly is development and is not
exempted development.

Board Member:



Una Crosse

Date: 09/02/2024