



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: D/278/17

WHEREAS a question has arisen as to whether the conversion of attic space to a habitable bedroom and the installation of one number new window and two number velux windows to the rear elevation and the change of use from a house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Carrigaunroe, Shanballymore, Mallow, County Cork is or is not development or is or is not exempted development:

AND WHEREAS Tony Gallagher and Thomas O'Flynn care of Carrigaunroe, Shanballymore, Mallow, County Cork requested a declaration on the question from Cork County Council and the Council issued a declaration on the 2nd day of January, 2018 stating that the matter is development and is exempted development:

AND WHEREAS Tony Gallagher and Thomas O'Flynn referred the declaration for review to An Bord Pleanála on the 29th day of January, 2018:

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,
- (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 the Planning and Development Regulations, 2001, as amended, and
- (d) the submissions of the parties with respect to the nature and extent of the physical conversion works to the subject building and the nature and intensity of its new use:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the conversion works constitute development that is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) the change of use from a dwellinghouse to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is a material change of use and therefore is development. However, as this development comes within the parameters of Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, it constitutes exempted development, and

- (c) neither the conversion works nor the material change of use are the subject of any of the restrictions cited under Article 9(1)(a) of the Planning and Development Regulations, 2001, as amended.

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 conversion of attic space to a habitable bedroom and the installation of one number new window and two number velux windows to the rear elevation and the change of use from a house to use as a residence for not more than six persons with intellectual or physical disability or mental illness and not more than two persons providing resident care for such persons at Carrigaunroe, Shanballymore, Mallow, Co. Cork is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Eugene Nixon
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.