



Planning and Development Acts 2000 to 2020

Planning Authority: Offaly County Council

Planning Register Reference Number: DEC 19/10

WHEREAS a question has arisen as to whether the proposed use of the dwelling as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Grove, Cloghan, County Offaly is or is not development or is or is not exempted development:

AND WHEREAS Maple Healthcare Limited of The Atrium, John's Lane, Naas, County Kildare requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 3rd day of July, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS Maple Healthcare Limited referred the declaration for review to An Bord Pleanála on the 30th day of July, 2019:

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

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and Classes 3, 6(b), 14(f) and 50(a) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the change of use is development and is exempted development as it falls within the scope of Class 14(f) of the Planning and Development Regulations, 2001, as amended,
- (b) the associated internal layout changes are development and exempted development as they fall within the scope of section 4(1)(h) of the Planning and Development Act, 2000, being works affecting only the interior of the structure,
- (c) the associated external modifications to windows and doors are development and are exempted development as they fall within the scope of section 4(1)(h) of the Act, being works of a minor nature that do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures,

- (d) the associated detached recreation room is development and is exempted development as it falls within the scope of Class 3 of Part 1 of Schedule 2 of the Regulations being less than 25 square metres in floor area and not exceeding three metres in height,
- (e) the additional hard surfacing areas are development and are not exempted development, as the cumulative area exceeds the relevant limit of 25 square metres as provided for in Class 6(b) of Part 1 of Schedule 2 of the Regulations, and
- (f) the demolition of the former garage is development and is not exempted development, as the garage exceeded the relevant floor area limit of 40 square metres as provided for in Class 50(a) of Part 1 of Schedule 2 of the Regulations:

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, at Grove, Cloghan, County Offaly –

- (a) the change of use of the dwelling to a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons and the associated works comprising; internal layout changes; external modifications to windows and doors; and the construction of a detached recreation room is development and is exempted development, and
- (b) the additional hard surfacing areas and the demolition of the former garage is development and is not 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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.