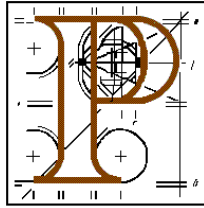


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Authority Reference Number: S5-9-15

An Bord Pleanála Reference Number: 25 RL.3406

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 the said question from Westmeath County Council and the said Council issued a declaration on the 26th day of August, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Nua Healthcare Services care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin referred the declaration for review to An Bord Pleanála on the 22nd day of 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 2000 Act, hereby decides that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gaineville House, Multyfarnham, County Westmeath 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.

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

Dated this day of 2016.