# An Bord Pleanála



### PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

# **Louth County**

Planning Authority Reference Number: S5 2016/01

An Bord Pleanála Reference Number: 15.RL.3463

**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, County 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 29<sup>th</sup> day of February 2016:

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

- (a) sections 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, and
- (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.

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#### 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, County Louth 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.

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