

An
Bord
Pleanála

Board Order 19.RL.3577

Planning and Development Acts 2000 to 2022

Planning Authority: Offaly County Council

Planning Register Reference Number: DEC 17/5

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 under the provisions of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, at Millhouse, Killeenmore, Tullamore, County Offaly is or is not development or is or is not exempted development:

AND WHEREAS Niall Stack of Killeenmore, Tullamore, County Offaly 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) Sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 of those Regulations, and
- (d) the planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

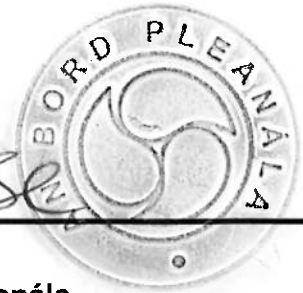
- (a) the change of use of buildings A, B, C and D from former uses and permitted uses to a use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, involves a material change of use within the meaning of Sections 2 and 3 of the Planning and Development Act, 2000 and therefore constitutes development under Section 3 of that Act,
- (b) the 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, in that the development is not of a class specified in column 1 of Part 1 of Schedule 2, Class 14(f) of those Regulations,
- (c) having regard to condition number 3 of planning register reference number 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 Planning and Development Act, 2000, as amended, 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.



Una Crosse



Una Crosse

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

Dated this 29th day of February 2024