



An
Bord
Pleanála

Inspector's Report ABP-308257-20

Question	Whether the proposed use of a dwelling as a residence for persons recovering from addiction is development which is exempted development
Location	No. 1 Stratton Pines, Bishopstown, Cork
Declaration	
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	RS72/20
Applicant for Declaration	Cuan Mhuire
Planning Authority Decision	Is development and is not exempted development
Referral	
Referred by	Cuan Mhuire
Owner/ Occupier	Cuan Mhuire
Observer(s)	None
Date of Site Inspection	11 th March 2022
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site is located in the suburban area of Bishopstown, in the south-western outskirts of Cork City. Stratton Pines is an established housing estate located between Waterfall Road (to the north) and the N40 (to the south). It has a site area of 0.012ha and comprises a semi-detached 2-storey house (stated as 121sq.m floor area and including 4 bedrooms). The property has a front and rear garden and a garden shed.
- 1.2. The original design of the houses within the estate appears to include an integral single-storey side extension/annexe. The subject site (No. 1) has such an annexe but has been extended at ground floor level to the north. The submitted layout shows a living room, kitchen/dining room, a meeting room and a bedroom at ground floor level (Bedroom 1) and 3 further bedrooms (Bedrooms 2 and 3 and the Carer's bedroom) and a bathroom at first floor level. Each of the bedrooms accommodate two single beds. Following my internal site inspection, however, it was evident that the annexe had recently been extended into the roofspace with a new staircase leading from Bedroom 1 and two rooms in the attic, one on either side of the staircase together with a new bathroom (WC and basin).

2.0 The Question

- 2.1. Whether the proposed use of the dwelling as a residence for persons recovering from addiction (alcohol, drugs and gambling) and persons providing care for such persons is development which is exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

The proposed use of the dwelling as a facility for those recovering from addictions does not fall under Class 14(f) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) as the facility would operate as a transitional recovery facility providing counselling services rather than providing primarily residential care for persons with an intellectual or physical disability or

mental illness and that the proposed change of use is therefore 'development' and 'is not exempted development'.

In making this Declaration the planning authority had regard, particularly to:

- (a) Section 3 of the Planning and Development Act 2000 (as amended)
- (b) Schedule 2, Part 1, Exempted Development, change of Use Class 14(f) of the Planning and Development Regulations 2001 (as amended)
- (c) The nature of the proposed use and users of the facility

3.2. Planning Authority Reports

3.2.1. Planning Report

No planning report has been provided by the planning authority. However, the P.A. asked for further information (21/05/20) as follows:

- Clarification of the nature of the facility proposed noting the limitations of the exemptions in terms of users and use as outlined under Class 14(f), Schedule 2 of Part 1 of the Planning and Development Regulations, 2001. It was requested that the nature of the users to be catered for be outlined, together with all treatments facilitated on site and the full nature of the care to be given in this context.
- Existing and proposed floor plans.
- No. of carers on site at any one time and whether the carers would be resident on the site and present at all times.
- Clarification of the maximum number of residents on site at any one time and the likely length of stay.
- Confirmation of the name of the applicant and ownership of the site.

4.0 Planning History

4.1.1. No planning history.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2015-2021

No provisions of relevance.

5.2. Natural Heritage Designations

None relevant.

6.0 The Referral

6.1. Referrer's Case

6.1.1. Question posed – Section 5 Declaration Form

- Is the change of use from a single dwelling to a facility for those recovering from addictions at No. 1 Stratton Pines, Bishopstown, Cork development, and if so, is it exempted development?
- The Board is invited to concur with the referring party that the change of use, to a facility for the care of persons with an intellectual or mental illness, by reference to Class 14(f) of the Regulations, is exempted development.
- The referring party is of the opinion that this change of use would be deemed Exempted Development as the proposal is to provide for independent living for no more than 6 people, who have completed the Cuan Mhuire Recovery Program.

6.1.2. Further information provided in response to FI request from P.A.

1. Clarification of nature of facility in relation to Class 14(f) –

- Cuan Mhuire is Ireland's largest provider of Addiction Treatment Services. As part of its continuum of care to those who seek its help, it operates a number of Supported Housing Projects nationwide to cater for those who have satisfactorily completed a treatment programme and are homeless.

- The current supportive housing capacity is insufficient to meet the needs of those who do not have any suitable post treatment accommodation. It is widely accepted within the field of addiction that the lack of suitable post-treatment accommodation is absolutely detrimental to outcomes. As a result, Cuan Mhuire has developed a network of 120 supportive beds nationwide.
- Given the extent of both substance abuse and homelessness in Ireland and the link between the two, Cuan Mhuire proposes to accommodate 6 no. female service users at the Bishopstown site having completed their primary treatment.
- The treatment that the residents will receive falls within the scope of Schedule 2, Part 1, Class 14(f) of the Planning and Development Regulations 2001 (as amended). There are similar Cuan Mhuire projects around the country which have been exempted under other classes of development.

2. Clarification of layout and number of carers

- Existing and proposed floor plans are included.
- There will be one full time carer on site at all times.

3. Clarification on the maximum number of residents and the likely length of stay

- There are four bedrooms which will provide accommodation for 6 no. residents and one carer. This is the recovery to living stage of the Cuan Mhuire service and it typically lasts from 3 to 18 months, depending on the individual's need. Once Cuan Mhuire is satisfied that the individual has recovered and is comfortable with independent living, they can move off site.
- Cuan Mhuire has strict control over access on site and visiting times are restricted to weekends only.
- Based on the average time for independent recovery, it would be envisaged that 24-38 residents in total could be accommodated per annum.
- The owner of the premises is Cuan Mhuire.

6.1.3. Submission to Board

- **Reason for P.A. decision** - The principal reason for the Council's decision seems to be the interpretation of Class 14(f). The conditions and limitations of this class are that the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.
- **The proposed layout** - The layout includes 3 no. bedrooms for 6 no. residents, one bedroom for the carer, a kitchen and dining room with living room and one meeting room. This complies with the conditions and limitations cited above.
- **The nature of the facility** – The P.A.'s decision seems to be based on the transitional nature of the recovery facility and the provision of counselling services. The aspects of concern seem to be firstly, that people suffering from addictions are not seen as fulfilling the 'mental health' category and secondly, that there is an issue with the provision of alleged counselling services. It is clarified that there is no risk of alcohol consumption at the facility, which is a "dry facility", as the residents must complete an addiction treatment programme and must be homeless to be admitted to the facility.
- **Mental illness includes addiction** – Reference is made to research findings of various bodies such as World Health Organisation, The National Institute of Health and the American Psychiatric Association, which provide definitions for mental disorders and addiction. WHO includes 'disorders due to drug abuse' in its definition of 'mental disorders'. The definitions of addiction include brain disorders and mental illness. It is contended that those for whom this house is intended are suffering from a mental illness, i.e. addiction. It is further submitted that for this to be considered otherwise, would have serious long-lasting effects in addressing and in the provision of services for persons suffering addiction worldwide.
- **Carer on site** – the carer in these facilities would be a case worker and can have various different qualifications.
- **Counselling services** – there are no plans to provide counselling services on site as residents would have access to such services off site through the HSE.

Notwithstanding this, it is submitted that the exclusion of such supports as a condition for providing accommodation in a facility such as this one is absurd and would have serious implications for people living in such facilities.

- **Exempted development** - there is no doubt that the residents that would be accommodated in this facility fully comply with the definition set out in Class 14(f), Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

It is considered that this question may be rephrased as follows:

Whether the change of use from a single dwelling to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care comes within the scope of Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended).

6.2. **Planning Authority Response**

No further comment.

7.0 **Statutory Provisions**

7.1. **Planning and Development Act, 2000**

Section 2(1) – Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

House means a building or part of a building which is being or has been occupied as a dwelling...

Section 3(1) – Development means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 – Exempted Development

Section 4(1)(h) – development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which

affect only the interior of the structure or which 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.

Section 4(4) – Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

7.2. **Planning and Development Regulations, 2001 [as amended]**

Part 2 Exempted Development

Article 5(1) – ‘care’ means personal care, including help with physical, intellectual or social needs.

Article 6(1) – Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Schedule 2 Part 1

Class 1 – The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house. There are several limitations including an overall floor area limit of 40sq.m (including any previous extensions) and a floor area of any extension above ground floor level of 12sq.m (semi-detached house).

Class 14(f) – Development consisting of a change of use from use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. Conditions/limitations include the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 9(1) Development to which Article 6 relates shall not be exempted development if the carrying out of such development would (a);

- (i) Contravene a condition attached to a permission or be inconsistent with any use specified in a permission,
- (viiB) require an Appropriate Assessment.
- (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure, the use of which is unauthorised
- (c) If it is development to which Part 10 applies (EIA)

8.0 Precedent Cases

By reference to the board's referrals database the following precedent cases are noted.

8.1. ABP Ref. RL2616

59A Kerry Mount Rise, Foxrock, Dublin 18 – Whether a change of use of a single dwelling unit to a residential care unit for persons with a physical or intellectual disability or mental illness and persons providing care is development and/or is exempted development. The Board decided (2009) by reference to Class 14, Part 1, Schedule 2 of the Regulations, that the change of use was development and was exempted development.

8.2. ABP Ref. RL2851

The Millhouse, Whitechurch Road, Rathfarnham, Dublin - Whether a change of use from a domestic dwelling to residential with support living and proposed modifications/alterations to a protected structure was or was not development and/or was or was not exempted development. The Board decided (2011) that the change of use was development and exempted development by reference, in particular, to Class 14, Part 1, Schedule 2 of the Regulations, but that the proposed works were development and not exempted development by reference, in particular, to Section 57(1) of the Act.

8.3. ABP Ref. RL3060

Coralstown, Killucan, County Westmeath - Whether works to partially repair and reconstruct a defective section of a house and to change the use to a residence for 5 persons with intellectual disabilities was development and exempted development. The Board decided (2013) that the works elements were considered to fall within the scope of Section 4(1)(h) of the Act and the change of use element was considered to fall within the scope of Class 14, Part 1, Schedule 2 of the Regulations.

8.4. **ABP Ref. RL3406**

Gainvale House, Multyfarnham, County Westmeath - whether a change of use of a house to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons was development and/or was exempted development. The Board decided (2016) that the change of use was development and was exempted development by reference, in particular, to Class 14, Part 1, Schedule 2 of the Regulations.

8.5. **ABP Ref. 304612**

Glencarrig Nursing Home, Firhouse Road, Tallaght – whether a change of use of a permitted nursing home to a residential drug rehabilitation facility is/is not development and is/is not exempted development. The facility was to be owned and operated by De Paul as a residential care facility intended to accommodate women and children who had completed a drug rehabilitation programme with a view to assisting them with independent living skills to live back in the community. It was a specific requirement that the residents be alcohol and drug-free and the facility would be supervised on a 24 hour basis. The reference related to a change of use within Class 9 from a nursing home (Class 9(b)) to the provision of residential accommodation and care to people in need of care (but excluding the use of a house for this purpose) (Class 9(a)). The Board decided (2020) that the change of use was material, and therefore development, but was exempted development by reference to Article 10 of the Regulations, as both uses fell within Class 9.

It is noted that the Inspector's report drew a distinction between a facility intended as a residential drug rehabilitation facility and the residential care facility for people who had completed a drug rehabilitation programme. Reference was made to a Board decision whereby a change of use from a nursing home to a drug rehabilitation centre where treatment was provided, and which the Board had previously

determined that the change of use was not exempted development, (as set out in the Ballivor Co. Meath Case 301064, which was subsequently quashed by the High Court on procedural grounds).

8.6. 305016 Grove, Cloghan, Co. Offaly

Whether a proposed use of a dwelling by Maple Healthcare as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is development and is/is not exempted development. There was no dispute between the parties as to whether this was a material change of use or whether the change of use constituted exempted development by reference to Class 14(f). The Board agreed and decided that it was exempted development in Feb 2021. However, it decided that some of the works involved were not exempted development.

8.7. 308306 Mylerstown, Naas, Co. Kildare

Whether the change of use from residential use to accommodation for people with intellectual disability, physical disability or mental illness is or is not development and is/is not exempted development. The Board decided (Feb. 2021) that the change of use was material and was development and that by reference to Class 14(f) of the Regulation, that it was exempted development.

8.8. 309565 Knockadreet, Roundwood Co. Wicklow

Whether a change of use of a house to a registered Children's Residential Home is or is not development and is or is not exempted development. The Board decided (July 2021) that the change of use was material and therefore development, and that by reference to Class 14(f) that the change of use was exempted development.

9.0 Assessment

It is noted that the proposal before the Board in this referral relates to the proposed change of use of the dwelling to use as a residence for persons recovering from addiction, which the Referring Party considers as a residential unit for 6 persons with

intellectual or physical disability or mental illness and persons providing care. Based on the submissions as summarised above, it is considered that the question may be rephrased as follows:

Whether the change of use from a single dwelling to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care comes within the scope of Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended).

9.1. Is or is not development

- 9.1.1. In relation to the proposed change of use it is not disputed by the Referrer or the planning authority that this would constitute a material change of use and this has also been confirmed in several precedent cases that have come before the Board (See section 8.0 above). The change of use, therefore, constitutes development.
- 9.1.2. However, it was also noted during my site inspection that certain modifications and extensions to the existing dwelling have been carried out, some of which have not been included in the submitted floor plans, and none of which have been included in the referral. As previously stated, the dwelling was extended at some point in the past at ground floor level, to the side. This appears to have included the conversion of the integral garage as well as the extension of the former garage to the side and the rear. Although this issue did not form part of the question posed by the referring party, they constitute works that have been undertaken at the property and I am not aware of any planning permission relating to these works. Furthermore, the said extension appears to have been altered and extended into the roof space recently, as noted during my site inspection. The works involve the insertion of an internal staircase into Bedroom 1, the creation of two rooms at first floor level of the extension with 2 no. velux roof lights in the rear roof slope and a bathroom and landing area.
- 9.1.3. All of these modifications involve the carrying out of works as defined for the purposes of the Act and, therefore, constitute development. The works involving the garage conversion, side extension and attic conversion constitute works which are development, by reference to Sections 2 and 3 of the Planning and Development Act 2000 (as amended).

9.2. Is or is not exempted development

9.2.1. In relation to the change of use, the Board has previously determined, in several cases that have come before it, that a change of use from a domestic dwelling to a residential unit which provides accommodation for people with physical or intellectual disabilities and/or mental illness and where care is being provided, falls within the scope of Class 14(f), Part 1, Schedule 2, of the Regulations (see section 8.0 above).

9.2.2. The planning authority seems to doubt the residential nature of the use and the fact that care is being provided, as it is considered that the

“facility would operate as a transitional recovery facility providing counselling services rather than providing primarily residential care for persons with an intellectual or physical disability or mental illness”.

The dispute in this instance appears to arise in terms of what constitutes ‘physical or intellectual disability’ and/or ‘mental illness’, whether the users of the facility would fall within such categories and reside within the facility, or whether it would operate instead as a centre for rehabilitation and recovery for people recovering from addiction. It is noted however, that in previous similar reference cases, the Board’s examination of the relevance of Class 14(f) has centred on issues such as whether the use involves the provision of care and the need for care, rather than the nature of the disability or illness. Furthermore, it is noted that in terms of the issue of ‘rehabilitation’, the Board has drawn a distinction between a rehabilitation facility where treatment is provided and a residential facility where persons recovering from addiction who have already completed a rehabilitation treatment programme will be residing on a temporary basis (ABP.304612-19).

9.2.3. The planning authority’s position is that persons recovering from addiction do not fall within the scope of Class 14(f). However, ‘**Care**’ is defined in Article 5 of the Planning and Development Regulations 2001 (as amended) as ‘personal care, including help with physical, intellectual or social needs’. The submissions from Cuan Mhuire provide further detail on the nature of the use.

9.2.4. It is stated that Cuan Mhuire is one of the largest providers of Addiction Treatment Services in the country and that the operation of supported housing projects is a key element in the continuum of care provided to recovering addicts. The fully supervised residential centre is intended as a ‘step-up’ facility to provide accommodation for

women who had previously been engaged in substance abuse and have now completed a rehabilitation programme. The facility is intended to assist them in their efforts to return to fully independent living. The pre-requisites for being offered accommodation at the unit is to have successfully completed the addiction treatment programme and to be homeless. It is stated that the longer term outcomes for such individuals is seriously undermined by the lack of availability of such supportive beds in the community.

9.2.5. The proposed facility is for a maximum of 6 residents with one full-time 'carer' on site. This person would be a qualified professional. It is stated that there is no risk of alcohol consumption as it would be a "dry facility" and residents must have completed the treatment programme. The 'Recovery to Living Stage' typically lasts for 3 to 18 months, depending on the individual, and once they are fully recovered and comfortable with independent living, they can move off site.

9.2.6. It is noted that the Referring Party has made a case for individuals recovering from alcohol or drug abuse as having mental health issues, and to the description by authorities such as the World Health Organisation of 'addiction' amounting to a 'mental illness'. It is considered that the use as described in the submissions and submitted plans, is one which is intended to provide residential care for vulnerable adults who require care and assistance in their transition from recovery from addiction to independent living in a community setting. It is clear that 'care' as defined in Article 5 will be required to be provided and will be provided by the resident carer, and is likely to include help and support with at least physical and social needs and for people who are likely to have mental health issues arising from their addiction and previous substance abuse. It is considered, therefore, that the use of the premises falls within the scope of Class 14(f).

9.2.7. The submissions further indicate that the number of residents to be accommodated at the facility would be a maximum of six and that the number of resident carers will not exceed two. It is clear from my observations on site that the internal layout is such that there are three double bedrooms and a single bedroom as shown on the submitted plans, which is consistent with the stated intentions. Although I observed that additional space had recently been created in the attic of the side extension, which was not shown on the submitted plans, it was not clear whether this space is intended to be used as additional accommodation, and the developer has not

provided any such information. Thus, provided that the number of residents does not exceed 6 and the number of carers does not exceed two, the proposal would meet the relevant conditions/limitations of Class 14(f).

- 9.2.8. I conclude, based on the documentation provided on file that the proposed use of the house would be consistent with and fall within the scope of Class 14(f). It is noted that the Board has decided in a number of similar proposals that a change of use from a private residential dwelling to a residential care unit for persons with intellectual disability, physical disability or mental illness and persons providing care was exempted development under Class 14(f). These include RL2616 (Kerrymount Rise, Foxrock, Dublin 18), RL3406 (Multyfarnham Co. Westmeath), ABP.305016 (Grove, Cloughan, Co. Offaly), ABP.308306 (Mylerstown Naas, Co. Kildare) and ABP.309565 (Knockadreet, Roundwood, Co. Wicklow).

9.3. Restrictions on Exempted Development

- 9.3.1. As noted previously, the original house has been extended to the side and the garage appears to have been converted into accommodation. I am not aware of any planning permission for these works, but neither have I any knowledge of when they were carried out or whether they may have come within the scope of exempted development. From the submitted drawings and my observations on site, I estimate that the floor area of the single-storey extension combined with the floor area of the converted garage, would probably be within the 40sq.m floor area limits imposed by Class 1, Part 1, Schedule 2 of the P&D Regulations. It is noted, however, that the said extension is located to the side rather than the rear of the building, which may have implications for any exempted development status.
- 9.3.2. In addition, I noted from my inspection that a new internal staircase had been inserted into Bedroom 1 and that floors, ceilings, doors, a WC with basin and two velux roof lights had been provided within the roof space of the extension. These works were not shown on any of the submitted plans and were not referred to by any of the parties. Thus, the attic floor space and the single-storey extension combined, if both were used as part of the residential accommodation, are likely to exceed the limitations of Class 1. These works may, however, come within the scope of Section 4(1)(h) of the P & D Act, as they may be considered to comprise works for the maintenance, improvement or other alteration of the property which affects only the

interior of the structure, and which do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures. In such circumstances, these works to the roof/roof space of the extension may be considered exempt under Section 4(1)(h).

- 9.3.3. Notwithstanding the foregoing, as there does not appear to be any record of a planning permission for these works, it should be noted that the side extension, garage conversion and/or the works to the attic of the extension may constitute unauthorised development. Article 9(1)(iii) of the P&D Regulations removes exempted development status where such development 'consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure, the use of which is an unauthorised use.' In this instance, based on the information provided and my observations on site, it is not clear whether the works undertaken and/or the use of the structure, have gone beyond what could reasonably be considered to be exempted development. The onus is on the developer to prove that the development in question complies with all of the limitations associated with exempted development, and the responsibility for enforcement matters lies with the planning authority.
- 9.3.4. The Board should note, however, that this issue did not form part of the question posed by the developer, and the planning authority has not raised any of these issues. In these circumstances, I will restrict my considerations to the question posed, i.e. regarding the use of the property as residential accommodation for persons recovering from addiction, and whether this use falls within the description of accommodation for persons with intellectual, physical disability or mental illness and persons providing care. It should further be noted that, by reference to Section 4(4) of the P & D Act 2000 (as amended) and to Article 9(1) (a)(viiB) and sub-article (c) of the P & D Regulations 2001 (as amended), the proposed change of use would not give rise to any consideration for Appropriate Assessment or Environmental Impact Assessment.
- 9.3.5. In conclusion, the proposed change of use from a single dwelling to residential accommodation for those recovering from addiction can be considered as a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care and, therefore, constitutes exempted development in accordance with Article 6 (1) and Schedule 2, Part 1 of the Planning and

Development Regulations 2001 (as amended), as it comes within the scope of Class 14(f). In terms of the physical works and modifications observed on site, it is noted that these do not form part of the question posed by the Referring Party and have not been mentioned in any of the submissions from the planning authority or the referring party, and do not therefore form part of my considerations.

10.0 Recommendation

10.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the proposed use of the dwelling at No. 1 Stratton Pines, Bishopstown, Cork as a residential care unit for persons with an intellectual or physical disability or mental illness and persons providing care for such persons is or is not development or is or is not exempted development;

AND WHEREAS Cuan Mhuire CLG care of RDF Architects & Planning, Unit 19, Charleville Town Centre, Charleville, County Cork requested a declaration on this question from Cork City Council and the Council issued a declaration on the 1st day of September, 2020 stating that the matter was development and was not exempted development;

AND WHEREAS Cuan Mhuire CLG referred this declaration for review to An Bord Pleanála on the 18th day of September, 2020;

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), 9(1) and Classes 1 and 14(f) of Part 1, 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:

The change of use of No. 1 Stratton Pines, Bishopstown, Cork from a single dwelling to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care is development and is exempted development as it falls within the scope of Class 14(f) of the Regulations, 2001;

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 change of use of the dwelling at No. 1 Stratton Pines, Bishopstown, County Offaly as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is development and is exempted development.

Mary Kennelly
Senior Planning Inspector

6th April 2022