

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 25/52

NAME OF APPLICANT: Barlahan Ltd

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6

WHEREAS a question has arisen as to:

- Whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 is or is not development and is or is not exempted development.

AS INDICATED on the particulars received by the Planning Authority on the 25th March 2025 and 24th April 2025.

AND WHEREAS Barlahan Ltd, requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Offaly County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 of the Planning and Development Regulations 2001 (as amended) and;
- (c) Schedule 2, Part 1, Class 14 (f) (exempted Development –Change of Use) of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Offaly County Council has concluded that –

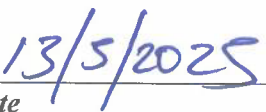
- The works are considered development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) hereby decides that;

- The proposal for the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 is development and is exempted development.

MATTERS CONSIDERED In making its decision, the Planning Authority 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 include any submissions and observations received by it in accordance with statutory provisions.


Administrative Officer


Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

OFFALY COUNTY COUNCIL

Planning Report

Section 5 Declaration

File Reference:	Dec 25/52
Question:	Whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs is or is not development and is or is not exempted development.
Applicant:	Barlahan Ltd,
Location:	
Date received:	25 th March 2025 (further information received on 24 th April 2025)

SECOND REPORT ON FILE

1. PROPOSAL

The question has arisen as to whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 is or is not development and is or is not exempted development

2. REVIEW OF FURTHER INFORMATION

Further information was sought by the Planning Authority on 17th April 2025 and subsequently received by the Planning Authority on 24th April 2025. This report should be read in conjunction with the previous planner's report dated 8th April 2025. The following Further Information was sought and the response is as follows:

1. In order to clarify if the proposed use complies with class 14, Part 1, of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the Applicant is requested to clarify that the number of resident carers will be less than 2 at any one time. It is noted that a rotational team of six social workers is indicated in the request for a declaration.

Applicants Response: The Applicant has indicated that the number of resident carers will be less than 2 at any one time

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority, who subsequently are satisfied with the response.

3. APPROPRIATE ASSESSMENT (AA)

The subject site is located 1.68km from SAC 000571-Charleville Woods.

Having regard to whether the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision that provides a high quality, holistic,

therapeutic and stable home to children with very complex needs is or is not development and is or is not exempted development at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 and due to a lack of any pathway to a European site it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

4. EIA SCREENING:

No Screening required, see appendix A attached.

5. OTHER SCREENING:

The proposed development is not contrary to the RSES and so it was not referred to the Eastern and Midland Regional Assembly

6. Evaluation

I consider that the proposed development complies with the provisions of Class 14 (f) of Part 1, Schedule 2 and is thereby considered to constitute exempted development in accordance with Article 6 of the Regulations.

7. Conclusion

Having regard to:

- Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and;
- Schedule 2, Part 1, Class 14 (f) (exempted Development –Change of use, of the Planning and Development Regulations 2001 (as amended);

It is considered that the proposal for a change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and is **exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

**Declaration on Development and Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)**

WHEREAS a question has arisen as to:

- Whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 is or is not development and is or is not exempted development.

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AND WHEREAS Offaly County Council has concluded that –

- The works are considered development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) hereby decides that;

- The proposal for the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision to children with very complex needs at 1 Droim Liath, Collins Lane, Tullamore, Co. Offaly R35 A5W6 is **development** and is **exempted development**.

Michael Duffy

Michael Duffy

Executive Planner

9th May 2025

Ed Kelly

Ed Kelly

ASEP

13th May 2025

Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	Dec 25/52
Development Summary:	Whether or not the change of use of from a dwelling unit to home care unit to facilitate enhanced residential provision that provides a high quality, holistic, therapeutic and stable home to children with very complex needs is or is not development and is or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	No Screening required