Comhairle Contae Chill Dara
Kildare County Council

Date: 18th August 2026
Our Ref: ED/1379

SBLN Ltd.,
t/a Fairpoint Care Services,
c/o Kevin Hughes,
Hughes Planning and Development Consultants,
85 Merrion Square,
Dublin 2 D02 FX60

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 1577 Pairc Mhuire, Newbridge, Co Kildare W12 H028.

Dear Sir/Madam,

I refer to your correspondence received on 17th July 2026 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

pp

Senior Executive Officer,
Planning Department.

Comhairle Contae Chill Dara
Kildare County Council

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1379

WHEREAS a question has arisen as to whether the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f) at 1577 Pairc Mhuire, Newbridge, Co Kildare W12 H028, is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 17th July 2026

AND WHEREAS SBLN Ltd, t/a Fairpoint Care Services requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare 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
(c) Documentation received with the application

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

(a) Section 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended)
(b) Articles 6 and 9 and Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001(as amended)
(c) The nature, extent and purpose of the works

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f) at 1577 Pairc Mhuire, Newbridge, Co Kildare W12 H028 **IS development and IS EXEMPTED Development** pursuant to Section 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and Article 6, and 9 and Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001(as amended)

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Coimisiún of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

18th August 2026

PP
Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING, ENTERPRISE & ECONOMIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development and exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1379

Name Of Applicant(s):	SBLN Ltd., t/a Fairpoint Care Services
Address Of Development:	1577 Páirc Mhuire, Newbridge, Co. Kildare W12 H028
Question to which this Declaration is sought:	Whether the use of 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028 a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f), is or is not development and whether development constitutes exempted development or does not constitute exempted development?
Due date	14/08/2026

Declaration Question

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000, as amended, to establish whether under Section 5 of the Act:

Whether the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

is or **is not** development and **is** or **is not** exempted development.

Site Location

Pairc Mhuire is two-storey end terrace house (terrace of 4 no. dwellinghouses) running SE to NW with front and rear garden area (triangular shaped site) on the corner of the main estate road (No.1577-1578, 1579-1580 running perpendicular) of houses from No.1565 to No.1576. Front of dwellinghouse faces onto a public green. No.1577 is attached to the northwest while No.1576 is adjoining to the west.

Planning History

Planning Application(s)

1882 - conversion of existing garage to the side to accommodate new family flat, alterations to the existing elevations, raised roof height, new rooflights and all associated site, drainage and landscape works granted to R Heavey

Enforcement Case Files – No UDs on site.

Relevant Legislative Background

Primary Legislation: Planning and Development Act 2000 (as amended)

Section 2(1)

> *'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

The use of the dwelling house for the care of a maximum of 6 children under 18 years of age and 2 staff members at any one time does not comprise works and therefore Section 2(1) of the Act is not relevant.

Section 3(1)

> *In this Act, 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.*

The use of the dwelling house for the care of a maximum of 6 children under 18 years of age and 2 staff members at any one time would comprise a material change in the use of the dwelling house and is therefore relevant.

Section 4(1)

There are no exemptions under Section 4 for this type of development.

Secondary Legislation: Planning and Development Regulations 2001 (as amended)

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.

Article 9(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

Exempted Development – Part 1 of Schedule 2, Class 14 *Change of Use*

Class 14	**Conditions & Limitations**
Development consisting of a change of use -	
(f) 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	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.

Under Part 1 of Schedule 2, Class 14 *Change of Use* of the Planning and Development Regulations 2001 (as amended),

Whether the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

would comply with the conditions and limitations set out therein and would therefore be deemed to be exempt.

Article 6(3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

There are no relevant classes under Article 6(3).

Article 9 (1)(a)(i)

The items laid out under Article 9 have been reviewed and it has been established that there are no restrictions applicable for the proposed development:

EIA and AA Screening

Section 5(7) EIA Screening
The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

An Appropriate Assessment Screening accompanies this report.

Assessment

Question 1 - Is it development?

Under Part 1 of Schedule 2, Class 14 *Change of Use* of the Planning and Development Regulations 2001 (as amended),

Whether the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended). It is deemed that the proposal as described would be Development under Section 3(1) of the Act.

Question 2 - Is it or is it not exempted development?

Is the development of:

the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

exempted development?

The development is exempted under Class 14(f) of Part 1 of Schedule 2, (*Change of Use)* of the Planning and Development Regulations 2001 (as amended),

Conclusion
Having regard to:

1. Sections 2, 3 and 4 of the Primary Legislation (Planning and Development Act 2000 (as amended)),
2. Articles 6 and 9 and Class 14 of Part 1 of Schedule 2 of the Secondary Legislation (Planning and Development Regulations, 2001(as amended)),

it is considered that

the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

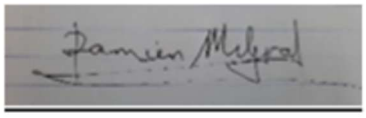
constitutes development as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that:

the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

is development and **is** exempted development.



14/08/2026.

Martin Ryan
Senior Executive Planner
14/08/2026

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether *the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)*

AS INDICATED on the plans and particulars received by the Planning Authority on 17/07/2026

AND WHEREAS SBLN Ltd., t/a Fairpoint Care Services requested a declaration on the said question from Kildare County Council,

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

1. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
2. Articles 6 and 9 and Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001(as amended)

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

the use of a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f)

IS development and IS EXEMPTED development pursuant to Section (2, 3, 4 and 5) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION

(A) Project Details	
Planning File Ref	ED1379
Applicant name	SBLN Ltd., t/a Fairpoint Care Services
Development Location	1577 Páirc Mhuire, Newbridge, Co. Kildare W12 H028
Site size	0.018Ha
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	5km Pollardstwon Fen
Description of the project/proposed development – Change of use of dwelling to residential care	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No **If answer is yes, identify list name of Natura 2000 site likely to be impacted.**
1	**Impacts on sites designated for freshwater habitats or species.** <u>Sites to consider</u>: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?*	
2	**Impacts on sites designated for wetland**	*Is the development within a Special Area of*	

	habitats - bogs, fens, marshes and heath. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	*Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	
3	**Impacts on designated terrestrial habitats.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?*	
4	**Impacts on birds in SPAs** Sites to consider: Poulaphouca Resevoir	*Is the development within a Special Protection Area, or within 5 km of same?*	

Conclusion:
If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.
No further assessment in relation to habitats or birds is required.
If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT *Selected relevant category for project assessed by ticking box.*		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the scale and nature of the proposed works, it is not considered that there will be any impact on the nearest SAC.		

Name:	Damien McGrath
Position:	Asst Planner
Date:	14/08/2026.

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Executive's Order number: CE63325, do hereby make the following Order:

ORDER NO: DO67290 **Section:** Planning

SUBJECT: ED/1379
SBLN Ltd t/a Fairpoint Care Services C/O Kevin Hughes, Hughes Planning and development Consultants, 85 Merrion Square, Dublin 2. Exempt Development Application for the use of a residential home to provide residential accommodation for persons with an intellectual or physical care and at 1577 Pairc Mhuire, Newbridge, Co Kildare W12 H028

SUBMITTED: File Ref. ED1379 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 18TH DAY
OF AUGUST YEAR 2026

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 17th July 2026
Our Ref: ED/1379

SBLN Ltd.,
t/a Fairpoint Care Services,
c/o Kevin Hughes,
Hughes Planning and Development Consultants,
85 Merrion Square,
Dublin 2 D02 FX60.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 1577 Páirc Mhuire, Newbridge, Co. Kildare W12 H028.

Dear Sir,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 17th July 2026 in connection with the above.

Please find enclosed Receipt no. FIN1/0/526564 for €80 application fee.

Yours sincerely,

pp Norma O'Connor

Senior Executive Officer,
Planning Department.

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname T/A Fairpoint Care Services Forenames SBLN Ltd.
Phone No..... E-Mail Address .....
2. Address 2-3 Lurgan Street, Smithfield, Dublin 7 D07PF57

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname Hughes Forenames Kevin
Phone No (01) 539 0710 E-Mail Address info@hpdc.ie
2. Address Hughes Planning and Development Consultanst, 85 Merrion Square, DUblin 2, D02FX60

Section 3	Company Details (if applicable)

1. Name of Company SBLN Ltd. T/A Fairpoint Care Services
Phone No..... E-Mail Address .....
2. Company Reg. No. 648154
3. Address 2-3 Lurgan Street, Smithfield, Dublin 7 D07PF57

Section 4	Details of Site

1. Planning History of Site N/A
2. Address of Subject Site (including Eircode) 1577 Pair Mhuire, Newbridge, Co. Kildare, W12H028
3. Ordnance Survey Sheet No 3605-20, 3606-16
4. Please state the Applicants interest in the site Owner

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5. What is the question to which this Declaration is sought.....

'Whether the use of 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028 a residential home to provide residential accommodation for persons with an intellectual or physical care under Class 14(f), is or is not development and whether development constitutes exempted development or does not constitute exempted development?

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought *(specific details required)*.....

Class 14(f)

7. Please give any additional information that may be relevant (*Use separate page if necessary*).....

N/A

Section 5	**The following must be submitted for a valid application**

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

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Section 6	**Declaration**

I, Kevin Hughes certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: _____ Date: 8th July 2026

HUGHES
PLANNING
& DEVELOPMENT CONSULTANTS

FROM: Hughes Planning and Development Consultants,
Dublin 2, D02 FX60

TO: Kildare County Council,
Planning Department,
Head Office Áras Chill Dara,
Devoy Park, Naas,
Co. Kildare,
W91 X77F

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Planning Department
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+353 (0)1 539 0710 info@hpdc.ie www.hpdc.ie
H.P.D.C Limited Company Number 517203

PLANNING REPORT

Section 5 Application – Declaration of Exempted Development

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The accommodation of persons with an intellectual or physical disability or mental illness and persons providing care at 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028

Kildare County Council

JULY 2025

SUBMITTED ON BEHALF OF:
SBLN Ltd T/A Fairport Care Services

HUGHES PLANNING
& DEVELOPMENT CONSULTANTS

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpdc.ie www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany an application for a Section 5 Declaration of Exempted Development, on behalf of SBLN Ltd T/A Fairport Care Services concerning the proposed change of the use at 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028.

This report sets out the nature and extent of the change of use considered to be exempted development and the question before the Planning Authority is as follows:

> ***'Whether the use of 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028 a residential home to provide residential accommodation for persons with an intellectual or physical disability or mental illness and persons providing care under Class 14(f), is or is not development and whether development constitutes exempted development or does not constitute exempted development?'***

We submit, from the outset, that the change of use at 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028, constitutes exempted development pursuant to Class 14(f) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). We note that no works are being sought with regard to this declaration and only relates to the change of use.

2.0 Site Description

The subject development, known as 1577 Páirc Mhuire, is located within walking distance of Newbridge town centre. 1577 Páirc Mhuire is a semi-detached, two storey dwelling comprising a single-storey semi-detached garage to the northeast.

The site is within a residential estate bounded to the north and south by semi-detached and terraced houses dwellings of similar architectural style. It is conveniently located within minutes of Newbridge town centre and close to a range of essential services including Whitewater Shopping Centre. Additionally, the property benefits from an extensive transport network, including proximity to the Newbridge Station, various priority bus routes, and the M7 Motorway, which provides direct connections throughout Kildare and to Dublin city centre and beyond.



Figure 1.0 Aerial view of the subject site (outlined in red).

Kildare County Council
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Figure 2.0 Streetview image of the subject site

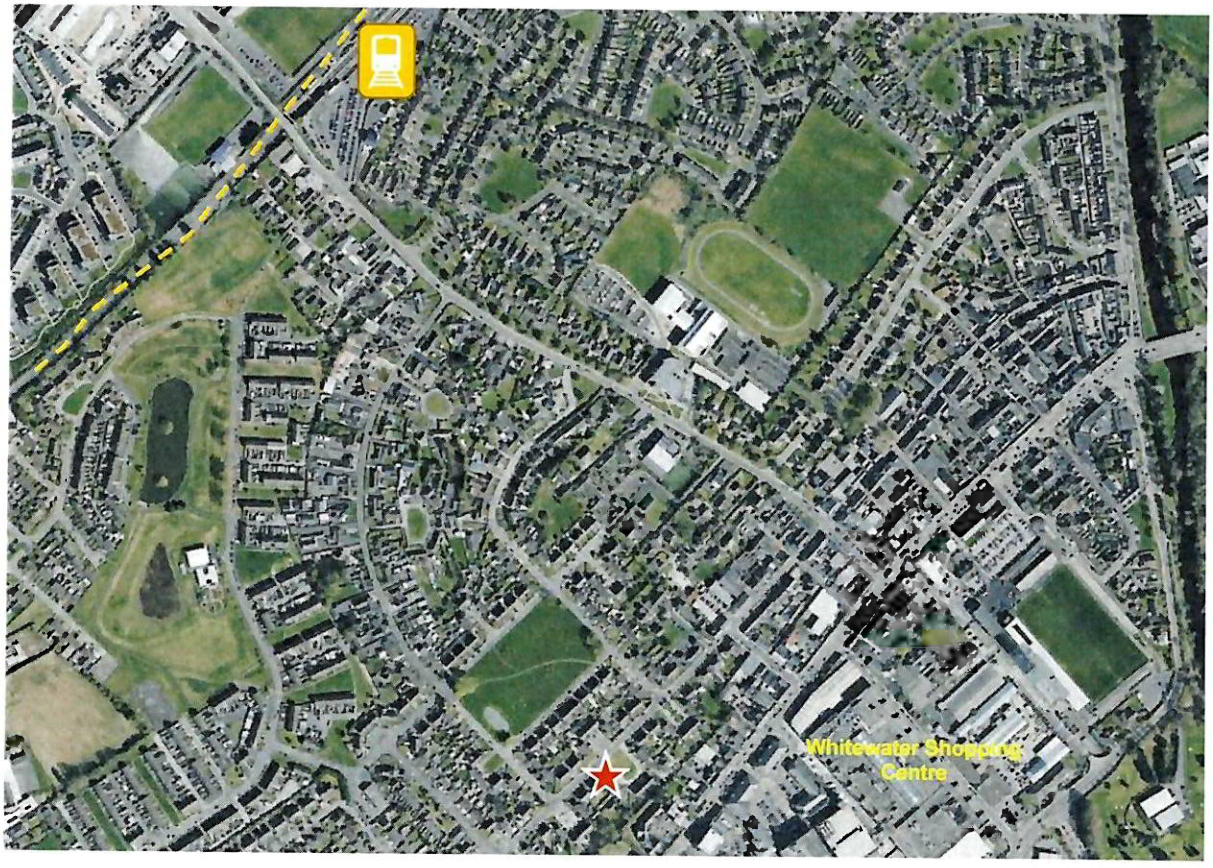


Figure 3.0 Aerial image of the subject site (red star) within the wider context of Newbridge.

3.0 Planning History

A review of the Kildare County Council Planning register revealed no planning history at the subject site.

4.0 Planning Context

4.1 Newbridge Settlement Plan - Kildare County Development Plan 2023-2029 Variation 2

The Kildare County Development Plan 2023-2029 is the relevant statutory policy document for the subject site. A new Settlement Plan for Newbridge took effect on the 26th of February 2026 as a replacement to the Newbridge Local Area Plan 2013-2023 (as amended and extended to 2021). As there is no longer a legislative provision for local area plans under the Planning and Development Act (2024) the settlement plan for Newbridge was prepared by way of a Variation to the County Development Plan under Section 13 of the Planning and Development Act 2000 (as amended) and in accordance with objective CS O9.

Objective CS09 *To ensure that up-to-date settlement plans (specifics to be determined through the County Development Plan review/variation) are in place for those County Kildare settlements in the Settlement Hierarchy in accordance with the obligations of the planning legislation and in accordance with relevant Ministerial Guidelines, regional planning objectives, and the County Development Plan*

As such, the proposal site is subject to the zoning designation of the Newbridge Settlement Plan and is zoned 'B: Existing Residential / Infill'. The objective for this zoning is:

To protect and enhance the amenity of established residential communities and promote sustainable intensification.

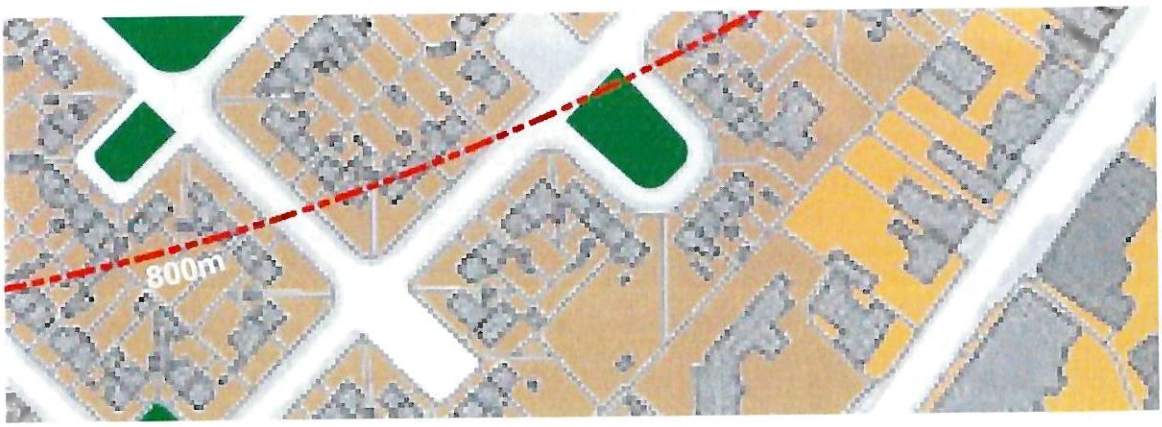


Figure 7.0 Extract from the Newbridge Settlement Plan Map showing the subject site is zoned 'B: Existing Residential / Infill' (outlined in yellow) and just over 800m from the Newbridge train staion

Permitted in Principle

Land uses which are classified as 'Permitted in Principle' will normally be permitted, subject to compliance with relevant policies, standards and requirements contained in the Plan. According to the Development Plan, uses which are 'Permitted in Principle' on land zoned 'B: Existing Residential / Infill' are as follows:

Group / Special Needs Housing**, Nursing Home, and Park / Playground, Playing Fields, **Residential unit(s)

It is acknowledged that various residential uses are 'Permitted in Principle' use under 'B' zoning. It is considered that the proposed use of the dwelling, to provide accommodation to persons with with an intellectual or physical disability or mental illness and persons providing care under Class 14(f), can be can be categorised as 'Group / Special Needs Housing' and is therefore 'Permitted in Principle' in accordance with the 'B' zoning objective of the Kildare County Development Plan 2023-2029.

4.2 Kildare County Development Plan 2023-2029

Further to the above, we note the following policies and objectives outlined in the Development Plan:

Policy HO P7 *Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.*

Policy HO P8 *Ensure that groups with specialist housing needs, such as older persons, people with disabilities, the homeless, Travellers, those in need of emergency accommodation including those fleeing domestic violence, are accommodated in a way suitable to each of their specific needs.*

Objective HO O26 *Support access for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated, timely and sustainable manner, which promotes equality of opportunity, individual choice, and independent living.*

Objective HO O28 *Support and provide housing that meets the diverse needs of disabled people and to implement the County Kildare Access Strategy - A Universal Access Approach 2020-2022 (and any subsequent reviews and plans). The Council will support and promote the principles of Universal Design in new and refurbished housing and in community buildings in the County.*

In light of the above, the proposed development, which is considered exempt under Class 14(f), aligns with national policy directives, and represents a practical, socially beneficial use of existing infrastructure. It is submitted that the proposal is appropriate for the site and consistent with the overarching aims of the Kildare County Development Plan 2023-2029 to facilitate adaptable and socially responsive land use.

5.0 Legislative Provisions and Basis of Exemption

5.1 Class 14(f) – Exempted Change of Use

Under Section 5 of the Planning and Development Act, 2000 (as amended), a person can seek a formal declaration from the planning authority to establish if there is a requirement for planning permission for a specific proposal. An application can be made in writing to the planning authority, to determine whether a proposal requires permission or is considered an exempted development.

As mentioned above Section 5(1) of the Planning and Development Act, 2000 (as amended), states the following in regard to exempted developments in which the Section 5 application can be obtained:

> *"If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter."*

With regard to this Section 5 application and the change of use of the subject dwelling, we note the provisions of Class 14(f) of the Planning and Development Regulations 2001 (as amended), as set out in Schedule 2, Part 1, Article 6, and introduced through S.I. No. 582 of 2015 (Planning and Development (Amendment) (No. 4) Regulations 2015). The relevant provisions state:

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CLASS 14

Development consisting of a change of use—

(f) 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

The regulations place a limit on the exemption as follows:

> *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*

On this basis, the proposed change of use, to accommodate up to 6 persons who may have an intellectual or physical disability or mental illness, together with up to 2 resident carers, falls within the scope of Class 14(f) and therefore constitutes exempted development.

6.0 Conclusion

It is considered that the change of use at ***1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028***, is exempted development under Class 14(f) set out in Part 4 of Schedule 2 of the Planning and Development Regulations 200 (as amended). In addition, it is noted that no works are being sought as part of this declaration. Therefore, the question before the Planning Authority is as follows:

> ***'Whether the use of 1577 Páirc Mhuire, Newbridge, Co. Kildare, W12 H028 a residential home to provide residential accommodation for persons with an intellectual or physical disability or mental illness and persons providing care under Class 14(f), is or is not development and whether development constitutes exempted development or does not constitute exempted development?'***

We respectfully request Kildare County Council to make a formal declaration under Section 5 of the Planning and Development Act 2000 (as amended) to determine whether the proposed use of the building, as outlined in this report, constitutes exempt development. It is noted that no physical works are being sought as part of this application, and the request pertains solely to the determination of the proposed change of use.

Should you have any queries or require further information, including access to the building, please do not hesitate to contact the undersigned.

Kevin Hughes MIPI MRTPI
Director for HPDC

Appendix A – OS Map

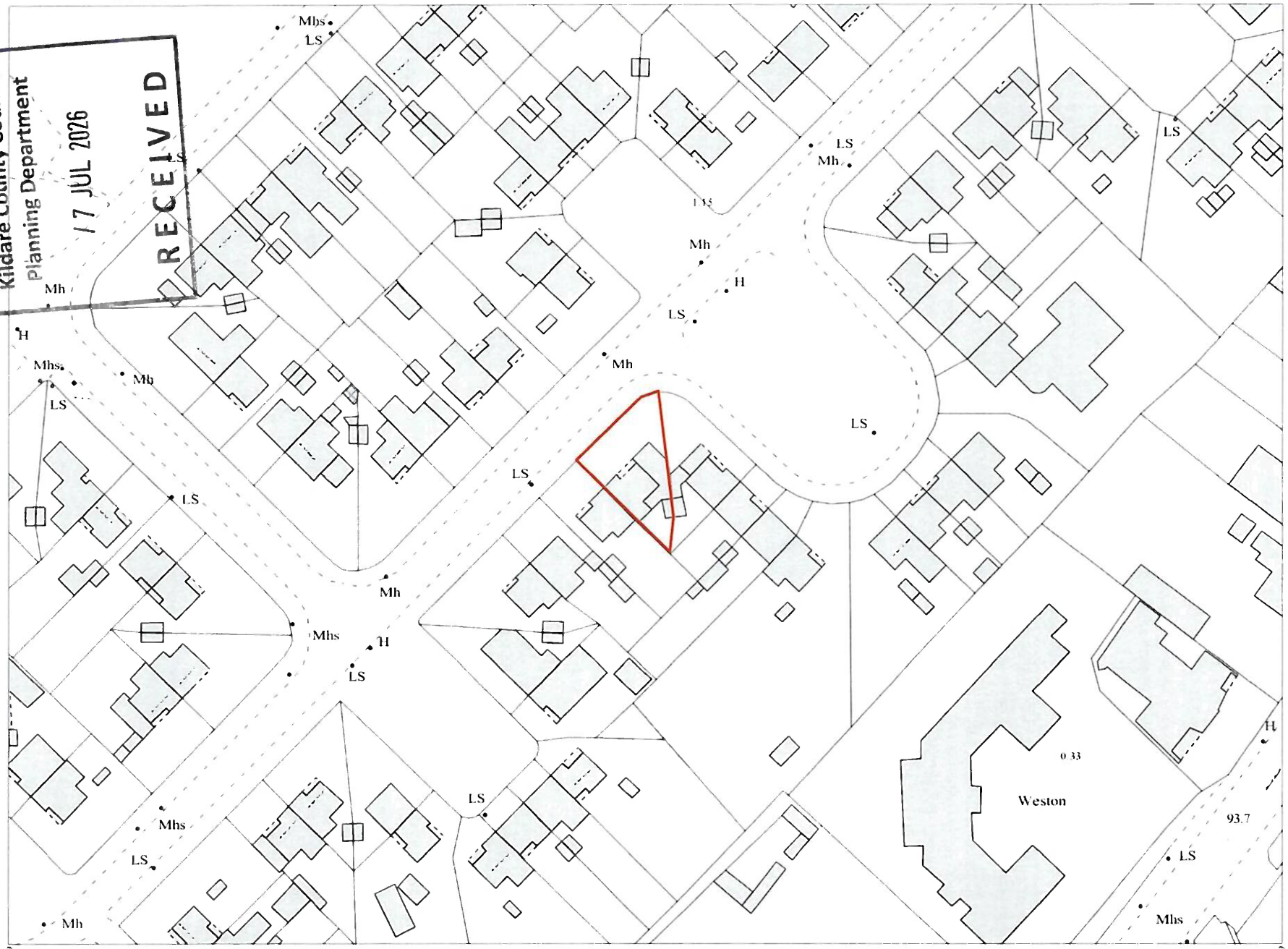
Kildare County Council
Planning Department
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Appendix B – Architectural Drawings prepared by Bright Design

Surveyed 1989
Revised 2016
Levelled 1987

Urban PLACE Map

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ITM CENTRE PT COORDS

679988,71 4839

DESCRIPTION

MAP SHEETS

1:1 000
3605-20 3606-1 6

Authorised Internet Map

Arna thiomsu agus arna fhoilsiu ag Suirbhéireacht Ordanais Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.
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Ní tharspeanann léarscáil de chuid Ordanais Shuirbhéireacht na hÉireann teorainn phoiblí dlathúil de mhaoin namh, na úinéireacht de ghnéithe fhisiciúla.
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N

Scale:- 1:1,000
Scála:- 1:1,000

0 20 40 60 80 100 Metres
0 50 100 150 200 250 Feet

Plot Ref. No. 19768362_1_1
Plot Date 04-JAN-2018

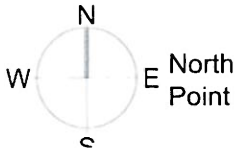
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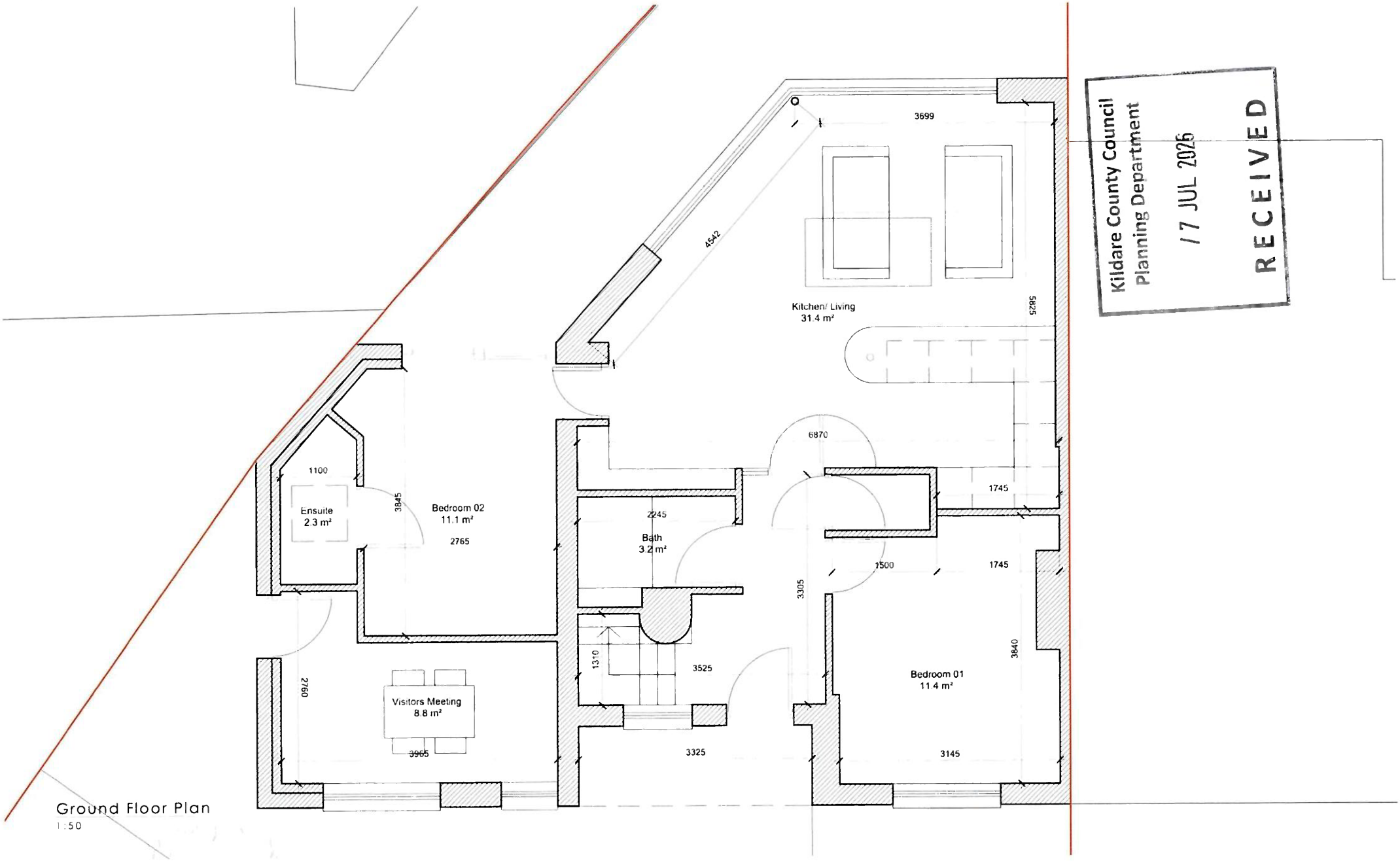
Site Layout Plan
1:500

EXISTING SITE LAYOUT PLAN

1:500



1577 Páirc Mhuire,
Co. Kildare. W12 H028



Ground Floor Plan
1:50

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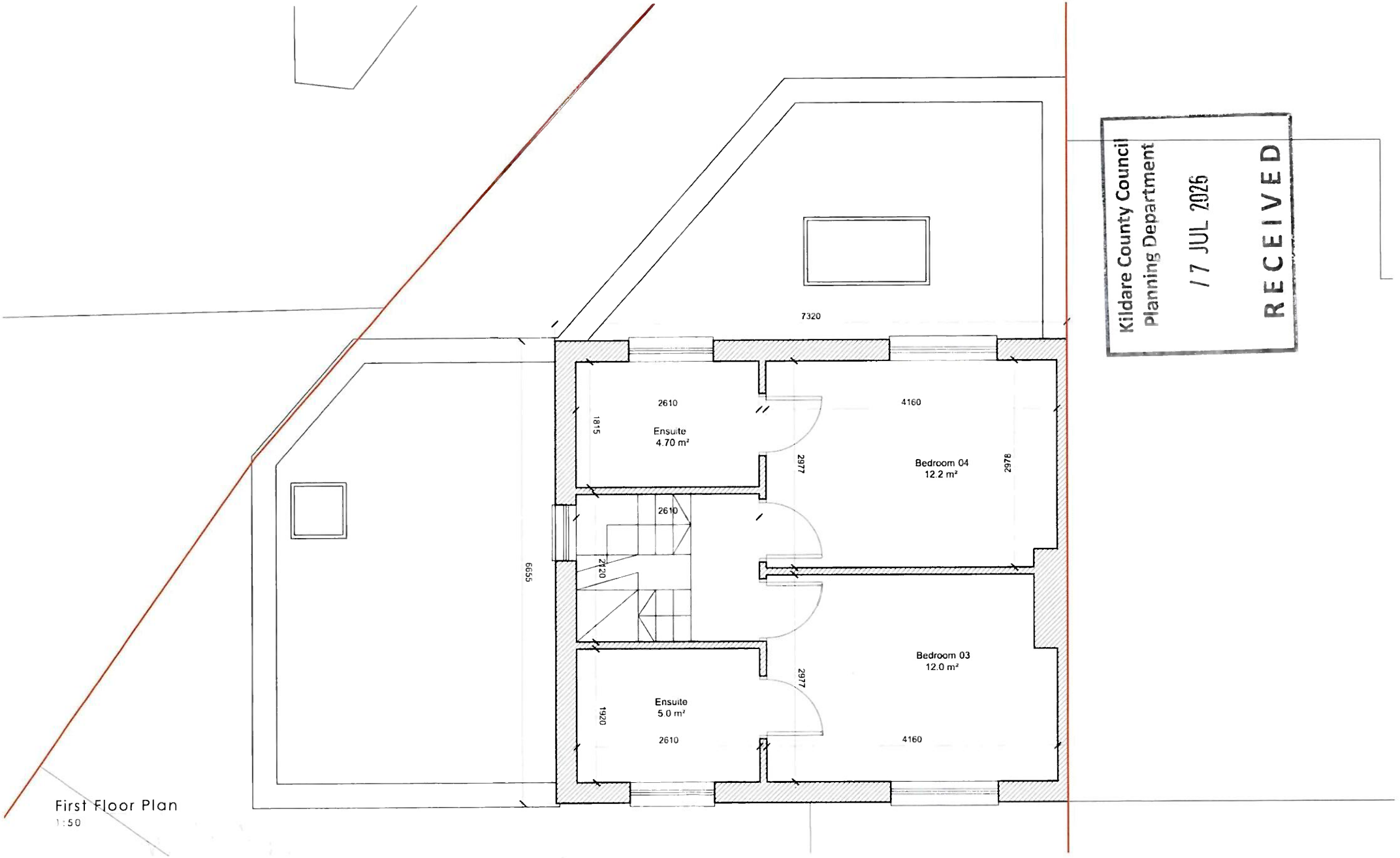
EXISTING GROUND/FIRST & ATTIC FLOOR PLANS

1:50



North Point

1577 Páirc Mhuire,
Co. Kildare, W12 H028



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First Floor Plan
1:50

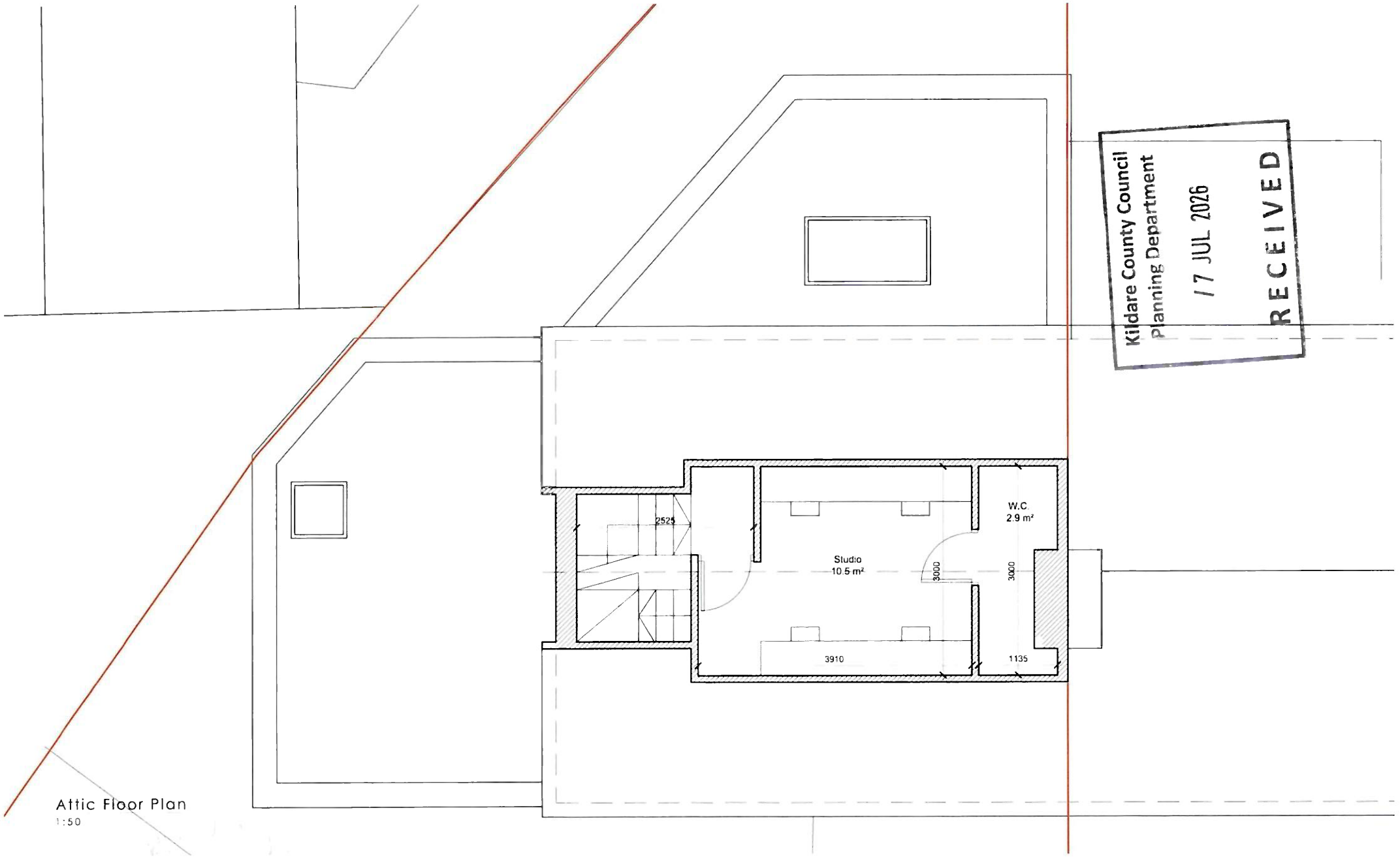
EXISTING GROUND/FIRST & ATTIC FLOOR PLANS

1:50



North
Point

1577 Páirc Mhuire,
Co. Kildare, W12 H028



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Attic Floor Plan
1:50

EXISTING GROUND/FIRST & ATTIC FLOOR PLANS

1:50



North
Point

1577 Páirc Mhuire,
Co. Kildare. W12 H028

FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
17/07/2026 12:10:44

Receipt No. : FIN1/0/526564

Hughes T/A Fairpoint Care Services

PLANNING EXEMPT DEVELOP FEES		80.00
GOODS	80.00	
VAT Exempt/Non-vatable		

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0.00

Issued By : Sally Pallister Finance Section
From : Financial Lodgement Area
Vat reg No.0440571C