Comhairle Contae Chill Dara
Kildare County Council

Date: 15th October 2026
Our Ref: ED/1386

Cyril and Angela Duggan,
c/o Dan Keane Architectural Technologist,
20 Church Street,
Portlaoise,
Co. Laois.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Bloom House, Johnstown, Co. Kildare. W91 TA70.

Dear Sir/Madam,

I refer to your correspondence received on 24th July 2026 and 2nd October 2026 in connection with the above.

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

Yours sincerely,

PP
Senior Executive Officer,
Planning Department.

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

ED/1386

WHEREAS a question has arisen as to whether

1. Under Schedule 2 Article 6 Part 1 Class 14(e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. Under Schedule 2 Article 6 Part 1 Class 14(f): From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons at Bloom House, Johnstown, Co. Kildare. W91 TA70.

AS INDICATED on the plans and particulars received by the Planning Authority on 24th July 2026 and 2nd October 2026

AND WHEREAS Cyril and Angela Duggan 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. Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended),
b. Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended),
c. Class 14(e) and 14(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended),
d. The planning history pertaining to the subject site, and
e. The plans and particular submitted with the Declaration application and the nature, extent and purpose of the change of use.

AND WHEREAS Kildare County Council has concluded that:

a. The change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling and from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended),
b. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and contained in Class 14(e) and 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 -

1. Under Schedule 2 Article 6 Part 1 Class 14(e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

2. Under Schedule 2 Article 6 Part 1 Class 14(f): From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons at Bloom House, Johnstown, Co Kildare. W91 TA70

IS development and IS NOT EXEMPTED development pursuant to the provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (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.

15th October 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/1386

Name Of Applicant(s):	Cyril and Angela Duggan
Address Of Development:	Bloom House, Johnstown, Co. Kildare W91 TA70.
Question to which this Declaration is sought:	FI Response - Change of use as 2 or more dwellings for use as a single dwelling and use as house for persons with intellectual, physical disability or mental illness and persons
Due date	23/10/2026

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:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

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

Site Location

The site is located on Main Street in the village of Johnstown, ca. 2.5km north east of Naas Town Centre and ca. 65m from the N7. The site contains a single storey vacant dwelling which is at a higher elevation than the road. The site lies in close proximity to protected structure B19-22 Johnstown House, east of the site. The Morrell River bounds the rear of the site.

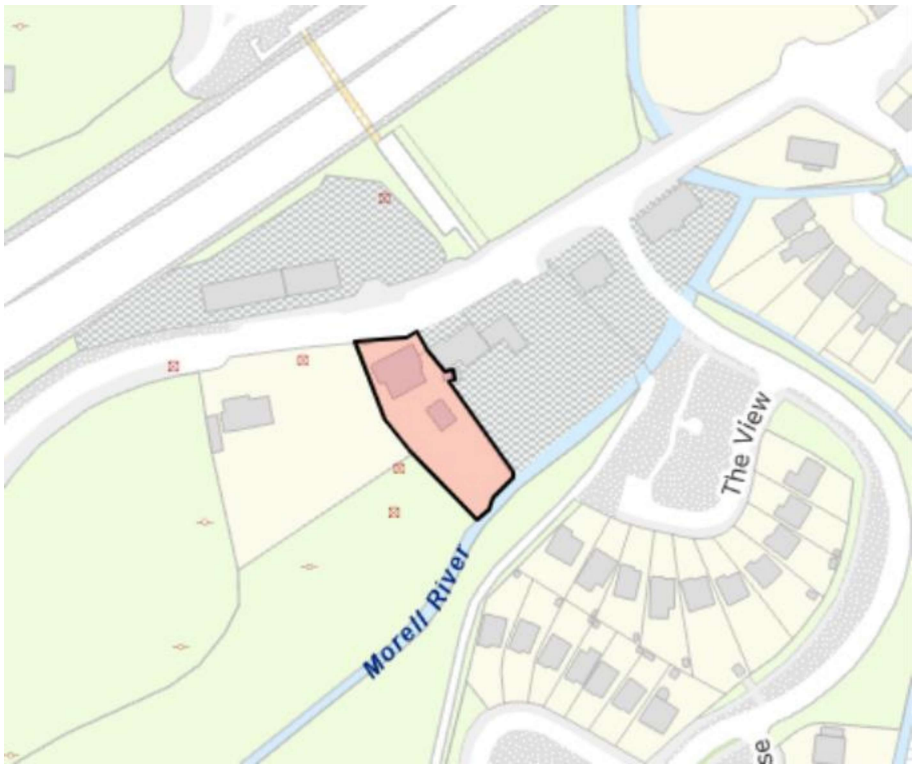


Fig 1: Site Location and context

Planning History

22/632 (ABP-314380-22): Permission refused for the demolition of an existing vacant residential dwelling and retail unit, and 2 no. associated outbuildings, and the construction of 15 no. apartments and 2 no. retail units in two blocks (Block A and Block B). Block A is a three-storey apartment building facing onto the Main Street and consisting of 4 no. one bedroom apartments, 2 no. two bedroom apartments, 1 no. three bedroom apartment, 1 no. retail unit and 1 no. retail/café unit. Block A includes balconies at first and second floor level on the southern elevation, as well as an apartment storage area and a retail bin store at ground floor level. Block B is a three-storey apartment building located to the rear of the site consisting of 6 no. two bedroom apartments and 2 no. three bedroom apartments with balconies at first and second floor level on both the northern and southern elevations, and a bin store at ground floor level. The proposed development includes amendments to an existing outbuilding to provide a residential bin store, 25 no. car parking spaces, 40 no. cycle parking spaces, hard and soft landscaping and all associated site works and services was refused by Kildare County Council. This decision was upheld by An Bord Pleanála.

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.

'use' in relation to land, does not include the use of the land by the carrying out of any works thereon.

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

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.

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(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;

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

Article 3 Interpretation

"house" does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Article 6(1) [Exempted Development – General]

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)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

Part 1, Schedule 2,

Change of Use *Class 14*	**Conditions and Limitations**
Development consisting of a change of use -	
(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,	
(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.

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?

The first question to address is whether or not:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

The Act defines "development" as the carrying out of any works on, in, over or under land. Both questions relate to works, albeit internal works, to convert two dwellings to a single dwelling and to facilitate the housing of persons with intellectual or physical disabilities or mental illness and therefore, can be considered under Section 3(1) which defines "*'works' to include any act or operation of* ***construction,*** *excavation,* ***demolition,*** *extension, alteration, repair or renewal"* applies. It is determined that the answer to both of the above questions which would result in construction and demolition is that the works represent development.

Furthermore, question 2 relates to a change of use from a house to a residence for persons persons with an intellectual or physical disability or mental illness and therefore is deemed to be development under Section 3(1).

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

Is the development:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

Exempted development?

Having regard to Section 4 of the primary legislation 4(1)(h) may apply. However, 4(1)(h) refers to a single structure and not plural. The question being asked refers to multiple units and therefore Section 4(1)(h) does not apply with regard to Question 1.

The secondary legislation under Class 14(e) exempts *the change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a* ***single dwelling****.* The development seeks to change the use of 2 no. Dwellings into use as a single dwelling, further information was requested which sought to clarify if the structure was previously used as a single dwelling. The applicant has responded to this request and stated that the structure was used as a residential unit with a retail annex to the side, which was subsequently subdivided into two dwelling houses.

Class 14(e) of the Planning and Development Regulations 2001, (as amended) exempts *the change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a* ***single dwelling****.* The applicant has stated that the structure was previously used as a residential unit and a retail unit and therefore was not used as a single residential unit, and can therefore not be considered exempt under Class 14(e).

The second question:

2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

Exempted development?

As noted in the original report if the structure is exempt under Question 1, the 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 w*ould appear to be exempted development under Class 14(f). However, as noted above the first question which requested if a c*hange of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,* is not exempt development and therefore the 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* cannot be considered to be exempt.

Conclusion and Recommendation

Having regard to:

a. Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended),
b. Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended),
c. Class 14(e) and 14(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended),
d. The planning history pertaining to the subject site, and
e. The plans and particular submitted with the Declaration application and the nature, extent and purpose of the change of use.

It is considered that:

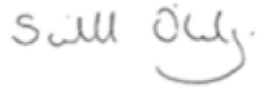
a. The change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling and from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended),
b. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and contained in Class 14(e) and 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

And therefore it is concluded that:

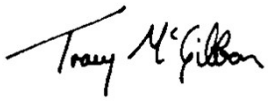
The question which relates to:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is not exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).



Saidbh O'Grady
Assistant Planner
12th October 2026



Tracy McGibbon

Senior Executive Planner

12th October 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

1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. Under Schedule 2 Article 6 Part 1 Class 14 f): From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

AS INDICATED on the plans and particulars received by the Planning Authority on 25/07/2026 and 02/10/2026

AND WHEREAS Cyril and Angela Duggan 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. Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended),
b. Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended),
c. Class 14(e) and 14(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended),
d. The planning history pertaining to the subject site, and
e. The plans and particular submitted with the Declaration application and the nature, extent and purpose of the change of use.

AND WHEREAS Kildare County Council has concluded that:

a. The change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling and from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended),
b. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and contained in Class 14(e) and 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 -

1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

2. Under Schedule 2 Article 6 Part 1 Class 14 f): From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

IS development IS NOT EXEMPTED development pursuant to the provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (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.

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION

(A) Project Details	
Planning File Ref	ED1386
Applicant name	Cyril and Angela Duggan
Development Location	Bloom House, Johnstown, Co. Kildare
Site size	N/A
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	The application site is located approximately 7km south of Red Bog, Kildare SAC.
Description of the project/proposed development – 1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling, 2. Under Schedule 2 Article 6 Part 1 Class 14 f): from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.	

(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.**	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or*	No

	Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*species, or in the catchment (upstream or downstream) of same?*	
2	**Impacts on sites designated for wetland 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	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	No
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?*	No
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?*	No

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:	Saidbh O'Grady	
Position:	Assistant Planner	
Date:	12/10/2026	

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: DO68365 **Section:** Planning

SUBJECT: ED/1386
Cyril and Angela Duggan, C/O Dan Keane Architectural Technologist, 20 Church Street, Portlaoise, Co Laois. Application for Exempt Development Under Schedule 2 Article 6 Part 1 Class 14(e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
Under Schedule 2 Article 6 Part 1 Class 14(f): From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons at Bloom House, Johnstown, Co Kildare. W91 TA70

SUBMITTED: File Ref. ED1386 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 not exempted development.

MADE THIS 15TH DAY

OF OCTOBER YEAR 2026

SIGNED: Alan Dunney

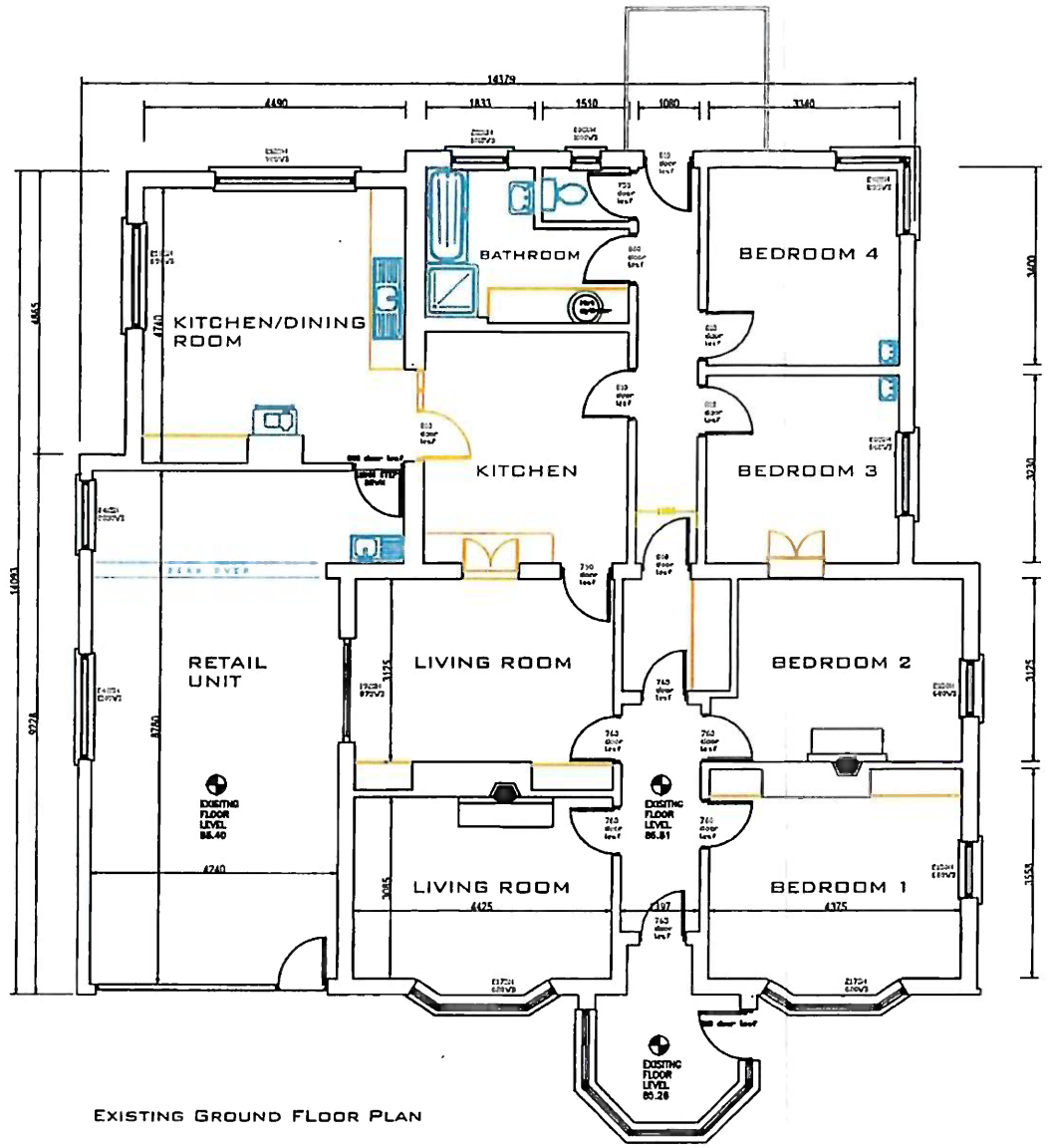
DIRECTOR OF SERVICES



EXISTING FRONT ELEVATION



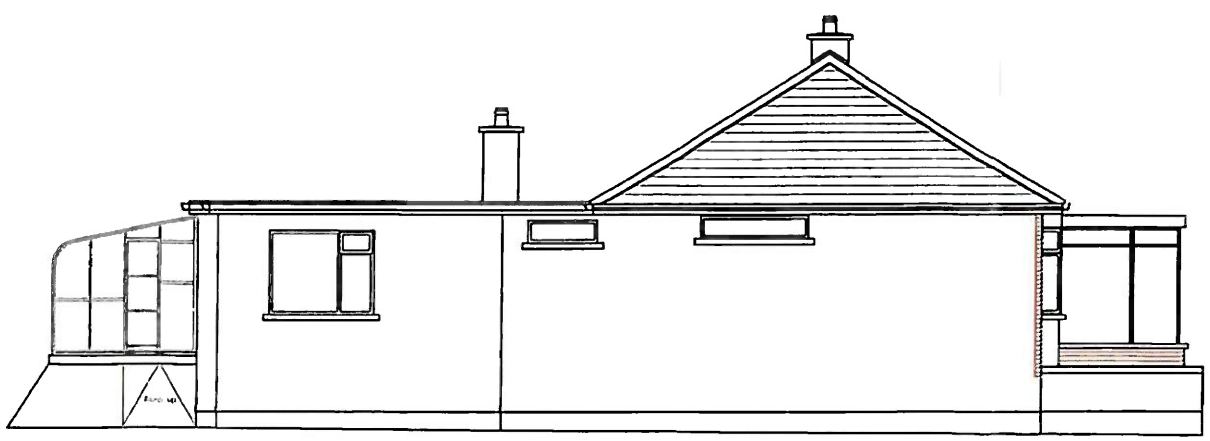
EXISTING REAR ELEVATION



EXISTING GROUND FLOOR PLAN



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION

Kildare County Council
Planning Department
RECEIVED
17 OCT 2024

REVISIONS:

JOB:
VILLAGE VIEW

TITLE:
EXISTING PLAN AND ELEVATIONS

DATE: 15-06-24 | SCALE: 1:100

CLIENT:
MIRG PROPERTIES LTD
1 THE FORGE
STRAFFAN
CO KILDARE

KEHOE
ARCHITECTURAL DESIGN

CHECKED BY: | DWG NO. V004

DAN KEANE
ARCHITECTURAL
TECHNOLOGIST

My Ref.: 26/332
Your Ref: ED/1386
Re. Application for Declaration of Exemption under Section 5 of the Planning and Development Acts, 2000 as amended at Bloom House, Johnstown, Co. Kildare, W91 TA70

Senior Executive Officer,
Planning Department,
Kildare Co. Co.,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare,
W91 X77F

Kildare County Council
Planning Department
02 OCT 2026
RECEIVED

30th September 2026

Dear Sir/Madam,

With reference to your letter dated 28th of September 2026, attached find plans received from Kehoe Architects showing the original survey of the dwelling house with the unit showing as one residential unit with a retail annex to the side. This was subsequently subdivided into two dwelling houses in the interim period, and we are now proposing to reinstate this as one single dwelling unit in a community care setting.

We trust this is in order, if you require any additional information, please do not hesitate to contact me.

Yours sincerely,

DANIEL P. KEANE
Chartered Architectural Technologist

RIAI Architectural Technologist 2026

CIAT CHARTERED PRACTICE

Daniel P. Keane Chartered Architectural Technologist, 20 Church Street, Portlaoise, Co. Laois. [redacted]
[redacted] Daniel P. Keane Architectural Technologist Ltd. Registered in Ireland. Company Registry No.: 430082.
Registered Address: 20 Church Street, Portlaoise, Co. Laois, Ireland. VAT Reg. No.: IE 9581498 L Directors: D. Keane, L. Keane

Comhairle Contae Chill Dara
Kildare County Council

Date: 28th September 2026.
Our Ref: ED/1386.

Cyril and Angela Duggan,
c/o Dan Keane Architectural Technologist,
20 Church Street,
Portlaoise,
Co. Laois.

RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Bloom House, Johnstown, Co. Kildare W91 TA70.

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 27th July 2026. The following further information is required to properly assess your application.

1. Please submit information and evidence to clarify and demonstrate that the structure was previously used as a single dwelling in order to verify compliance with Class 14(e) of Part 1, of Schedule 2 of the Planning and Development Regulations entitled- '*Exempted Development – General*'.

The time period for the Council's determination shall commence upon receipt of the above information.

Yours sincerely,

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/1386

Name Of Applicant(s):	Cyril and Angela Duggan
Address Of Development:	Bloom House, Johnstown, Co. Kildare W91 TA70.
Question to which this Declaration is sought:	Change of use as 2 or more dwellings for use as a single dwelling and use as house for persons with intellectual, physical disability or mental illness and persons
Due date	21/08/2026

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:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

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

Site Location

The site is located on Main Street in the village of Johnstown, ca. 2.5km north east of Naas Town Centre and ca. 65m from the N7. The site contains a single storey vacant dwelling which is at a higher elevation than the road. The site lies in close proximity to protected structure B19-22 Johnstown House, east of the site. The Morrell River bounds the rear of the site.

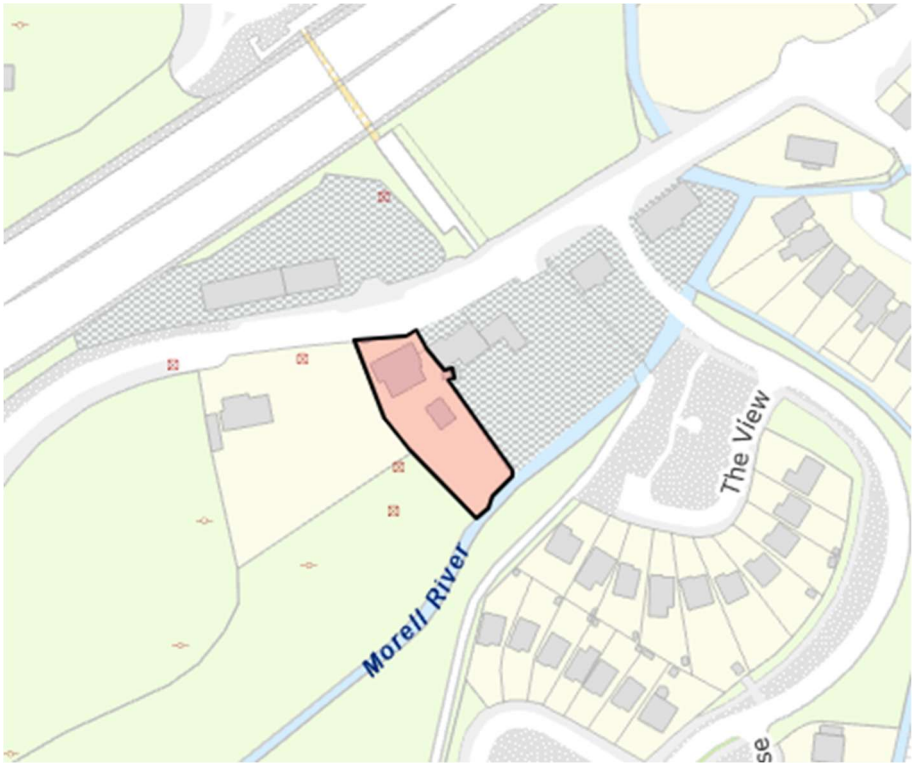


Fig 1: Site Location and context

Planning History

22/632 (ABP-314380-22): Permission refused for the demolition of an existing vacant residential dwelling and retail unit, and 2 no. associated outbuildings, and the construction of 15 no. apartments and 2 no. retail units in two blocks (Block A and Block B). Block A is a three-storey apartment building facing onto the Main Street and consisting of 4 no. one bedroom apartments, 2 no. two bedroom apartments, 1 no. three bedroom apartment, 1 no. retail unit and 1 no. retail/café unit. Block A includes balconies at first and second floor level on the southern elevation, as well as an apartment storage area and a retail bin store at ground floor level. Block B is a three-storey apartment building located to the rear of the site consisting of 6 no. two bedroom apartments and 2 no. three bedroom apartments with balconies at first and second floor level on both the northern and southern elevations, and a bin store at ground floor level. The proposed development includes amendments to an existing outbuilding to provide a residential bin store, 25 no. car parking spaces, 40 no. cycle parking spaces, hard and soft landscaping and all associated site works and services was refused by Kildare County Council. This decision was upheld by An Bord Pleanála.

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.

'use' in relation to land, does not include the use of the land by the carrying out of any works thereon.

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

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.

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(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;

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

Article 3 Interpretation

"house" does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Article 6(1) [Exempted Development – General]

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)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

Part 1, Schedule 2,

Change of Use *Class 14*	**Conditions and Limitations**
Development consisting of a change of use -	
(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,	
(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.

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?

The first question to address is whether or not:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

The Act defines "development" as the carrying out of any works on, in, over or under land. Both questions relate to works, albeit internal works, to convert two dwellings to a single dwelling and to facilitate the housing of persons with intellectual or physical disabilities or mental illness and therefore, can be considered under Section 3(1) which defines "*'works' to include any act or operation of* ***construction,*** *excavation,* ***demolition,*** *extension, alteration, repair or renewal"* applies. It is determined that the answer to both of the above questions which would result in construction and demolition is that the works represent development.

Furthermore, question 2 relates to a change of use from a house to a residence for persons persons with an intellectual or physical disability or mental illness and therefore is deemed to be development under Section 3(1).

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

Is the development:

1. From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

Exempted development?

Having regard to Section 4 of the primary legislation 4(1)(h) may apply. However, 4(1)(h) refers to a single structure and not plural. The question being asked refers to multiple units and therefore Section 4(1)(h) does not apply with regard to Question 1.

The secondary legislation under Class 14(e) exempts *the change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a* ***single dwelling****.* The development seeks to change the use of 2 no. Dwellings into use as a single dwelling, there are no conditions and limitations attached to this class of development. Notwithstanding this, it is a requirement that the structure for which this change of use relates was previously used as a single dwelling. While the cover letter submitted states that the structure was previously used as a single dwelling, no information has been submitted to verify same and none can be traced to the subject site, therefore, **further information is required** to verify same.

The second question:

2. From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

Exempted development?

If the structure is exempt under Question 1, subject to a further information request, the 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 w*ould appear to be exempted development under Class 14(f). However, this cannot be fully established until the further information has been sought and received.

Recommendation

The following **further information** is requested:

1. Please submit information and evidence to clarify and demonstrate that the structure was previously used as a single dwelling in order to verify compliance with Class 14(e) of Part 1, of Schedule 2 of the Planning and Development Regulations entitled- '*Exempted Development – General'.*

Saidbh O'Grady
Assistant Planner
3rd September 2026

Tracy McGibbon
Senior Executive Planner
28/09/2026

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION

(A) Project Details	
Planning File Ref	ED1386
Applicant name	Cyril and Angela Duggan
Development Location	Bloom House, Johnstown, Co. Kildare
Site size	N/A
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	The application site is located approximately 7km south of Red Bog, Kildare SAC.
Description of the project/proposed development – 1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling, 2. Under Schedule 2 Article 6 Part 1 Class 14 f): from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons.	

(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.**	*Is the development within a Special Area of Conservation whose qualifying interests include*	No

	Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?*	
2	**Impacts on sites designated for wetland 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	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	No
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?*	No
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?*	No

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	X
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:	Saidbh O'Grady	
Position:	Assistant Planner	
Date:	03/09/2026	

Comhairle Contae Chill Dara
Kildare County Council

Date: 27th July 2026
Our Ref: ED/1386

Cyril and Angela Duggan,
c/o Dan Keane Architectural Technologist,
20 Church Street,
Portlaoise,
Co. Laois.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Bloom House, Johnstown, Co. Kildare W91 TA70.

Dear Sir/Madam,

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 27th July 2026 in connection with the above.

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…Duggan ..... Forenames…Cyril & Angela .....
Phone No. [redacted] ..... E-Mail Address [redacted] .....

2. Address ~~Ashbrook, Clonaslee, Portlaoise, Co. Laois. R32 K6NY~~ .....
.....

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

1. Name of Person/Agent: Surname…Keane..... Forenames…Cyril & Angela
Phone No…[redacted] E-Mail Address ..[redacted]

2. Address…20 Church St., Portlaoise, Co. Laois. R32 C8D2
.....

Section 3	Company Details (if applicable)

1.Name of Company Daniel Keane Arch Tech
Phone No [redacted] E-Mail Address [redacted]

2.Company Reg. No…430082

3. Address…20 Church St., Abbeyleix, Co. Laois.
.....

Section 4	Details of Site

1.Planning History of Site…formerly two dwelling houses.

2. Address of Subject Site (including Eircode).....
…Bloom House, Johnstown, Co. Kildare. W91 TA70…
.....

3.Ordnance Survey Sheet No.....

4.Please state the Applicants interest in the site …Owner.
.....

Kildare County Council
Planning Department
24 JUL 2026
RECEIVED

Kildare County Council
Planning Department
24 JUL 2026
RECEIVED

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

1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. Under Schedule 2 Article 6 Part 1 Class 14 f):from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons

.....

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)*.....

1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
2. Under Schedule 2 Article 6 Part 1 Class 14 f):from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons

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

1. Change of use from two dwelling houses to one dwelling house
2. Change of use from dwelling house to use as a residence for persons with an intellectual or physical disability or mental illness and persons.

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	

Section 6	**Declaration**

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

Signature: P. P. O'Calvin for Dan Keane Date: 24/7/26

DAN KEANE
ARCHITECTURAL
TECHNOLOGIST

My Ref.: 26/332

Re. Section 5 submission relating to properties at Bloom House, Johnstown, Co. Kildare. W91 TA70

Director of Services,
Kildare Co. Co.,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare.
W91 X77F



24th July 2026

Dear Sir/Madam,

We make this application on behalf of Cyril & Angela Duggan. at the above property.

We are seeking the following:

1. Under Schedule 2 Article 6 Part 1 Class 14 e): From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

2. Under Schedule 2 Article 6 Part 1 Class 14 f):from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons

The application is for 4 residents under the supervision of 2 carers at this location.

RIAI Architectural Technologist 2026

CIAT CHARTERED PRACTICE

Daniel P. Keane Chartered Architectural Technologist, 20 Church Street, Portlaoise, Co. Laois. [redacted]
[redacted] Daniel P. Keane Architectural Technologist Ltd. Registered in Ireland. Company Registry No.: 430082.
Registered Address: 20 Church Street, Portlaoise, Co. Laois, Ireland. VAT Reg. No.: IE 9581498 L Directors: D. Keane, L. Keane

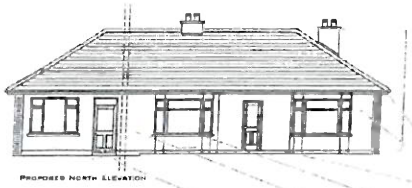
We hereby seek an exemption certificate of the change of use.

We trust this is in order and if you require any additional information, please do not hesitate to contact us.

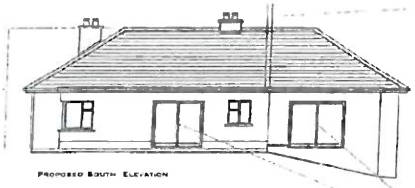
Yours sincerely,

DANIEL P. KEANE
Chartered Architectural Technologist

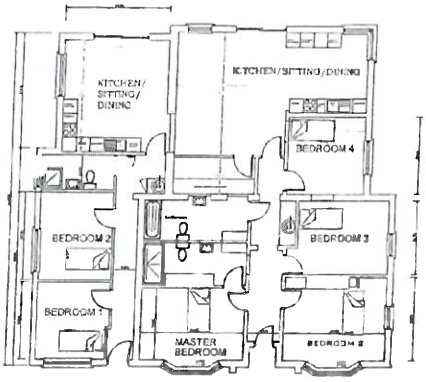
Kildare County Council
Planning Department
24 JUL 2026
RECEIVED



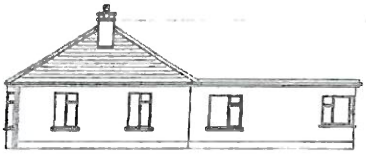
PROPOSED NORTH ELEVATION



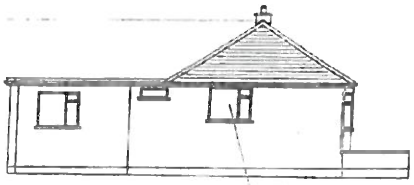
PROPOSED SOUTH ELEVATION



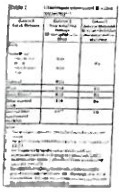
GROUND FLOOR PLAN

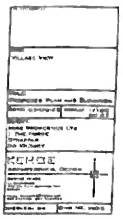


PROPOSED WEST ELEVATION

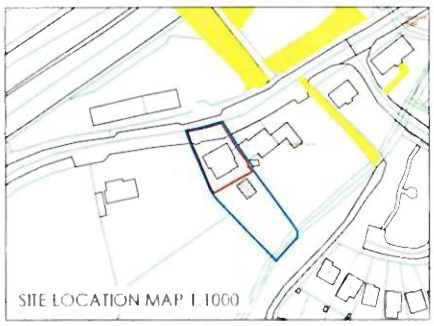


PROPOSED EAST ELEVATION

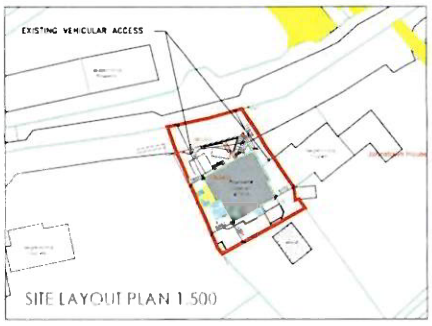




Kildare County Council
Planning Department
24 JUL 2026
RECEIVED



SITE LOCATION MAP 1:1000



SITE LAYOUT PLAN 1:500

Site Boundary

Land Owned By Applicant

Wayleaves

Subject To Change Of Use

Existing Structures

Existing Dwelling

HOUSE DRAWINGS 1:100



GROUND FLOOR PLAN

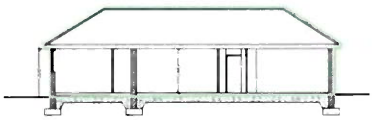
Floor Area: 197.80m²



FRONT ELEVATION



REAR ELEVATION



SECTION B-B



SIDE ELEVATION



SIDE ELEVATION

DKA DAN KEANE ARCHITECTURAL TECHNOLOGIST

RIAI 2026 CIAT CHARTERED PRACTICE

CLIENT:
Name: Cyril & Angela Duggan
Address: Bloom House, Johnstown, Co. Kildare, W91 TA70

PROJECT:
1. Under Schedule 2 Article 6 Part 1 Class 14 e) From use as 2 or more dwellings to use as a single dwelling of any structure previously used as a single dwelling
2. Under Schedule 2 Article 6 Part 1 Class 14 f) From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons

TITLE: Development Dwgs

STAGE:	DATE:
SECTION 5	23.07.26
DRAWN BY: C.F & K.R	SCALE: A1 as Shown
DWG NO: 26.332-S5-01	REVISION: S5

THIS DRAWING IS COPYRIGHT AND SHOULD NOT BE REPRODUCED IN WHOLE, OR IN PART WITHOUT THE WRITTEN PERMISSION OF DANIEL KEANE.

THIS DRAWING SHOULD NOT BE SCALED AND ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM. ANY DISCREPANCY IS TO BE REFERRED TO DANIEL KEANE BEFORE PROCEEDING.

Kildare County Council
Planning Department
24 JUL 2026
RECEIVED

BOIHSR CYRIL DUGGANS5 APP 80 00 BANK 2029749 1 0 24/07/2026

24/07/2026 Cyril DugganS5 App SP + €80.00

Payee Name:	KILDARE COUNTY COUNCIL ARAS CHILL DARA
Payee IBAN:	IE69 BOFI 9012 3911 0668 06
Originator Name:	DANIEL P KEANE ARCHITECTURAL
Amount:	+ €80.00
Value Date:	24/07/2026
Payment Reference:	Cyril Duggan
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	S5 Application fee