Comhairle Contae Chill Dara
Kildare County Council

Date: 6th November 2026
Our Ref: ED/1422

David Finnerty,
c/o James Lohan Consulting Engineers Ltd,
Unit 6,
Ballypheason House,
Circular Road,
Co. Roscommon.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ballyvass, Co. Kildare, R14 TK88.

Dear Sir/Madam,

I refer to your correspondence received on 21st October 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/1422

WHEREAS a question has arisen as to whether

1. The proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

AS INDICATED on the plans and particulars received by the Planning Authority on 21st October 2026

AND WHEREAS David Finnerty 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(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended), and
d. The nature, extent and purpose of the works.

AND WHEREAS Kildare County Council has concluded that:

a. The change of use of the existing house to a community dwelling house constitutes development under Section 3 of the Planning and Development Act 2000 (as amended).
b. The question relates to a 'Community Dwelling House' and following a thorough search of the primary and secondary planning legislation 'Community Dwelling House' is undefined and therefore there are no exemptions for this use.
c. The intended use of the structure is unknown, however question 6 and 7 of the Section 5 application form makes reference to Class 14(f). It cannot be concluded at this time if the proposed change of use will fall under the provisions of Class 14(f) of the Planning and Development Regulations 2001 (as amended), as no information regarding the intended use of the structure has been submitted.
d. Regardless of the lack of information submitted to clarify the intended use of the 'community dwelling house' Article 9 (1)(a)(viii) would restrict any exemption of development as there is an active enforcement file on this site.

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 -

whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

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.

6th November 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/1422

Name Of Applicant(s):	David Finnerty
Address Of Development:	Ballyvass, Co. Kildare, R14 TK88
Question to which this Declaration is sought:	Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)
Due date	18/11/2026

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. Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and. If so, whether it is exempted development within the meaning of the planning and development act 2000 (as amended) and the planning and development regulations 2001 (as amended).

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

Site Location

The site of the proposed development is located in the rural townland of Ballyvass, located approximately 4.2km north of Castledermot town, and ca. 200m from the M9 and 2km from Kilkea Castle. The site is accessed off the L 8049 local secondary road. The site contains a 2 storey residential property and domestic garage.



Planning History

Planning Application(s)

04/2794: Permission granted for of 1 dormer type dwelling, stables and septic tank with percolation area, bored well and all associated site works.

> The permission was subject to 19 no. conditions. The following conditions are relevant:
>
> *12. The garage shall not be used for human habitation, any commercial use or any other purpose Other than a purpose incidental to the enjoyment of the dwelling and stables.*
> ***REASON:** In interest of orderly development*

04/566: Permission refused for one dormer type dwelling, detached stables and septic tank with percolation area, bored well and all associated site works.

Enforcement Case Files

UD_STL _20: Warning letter issued for '*The use of a residential property for short term letting purposes in breech of the exemptions contained in the Planning and Development Act 200 (as amended) ('the 200 Act') and the Planning and Development Regulations 2001, as amended*'. This file is active.

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.

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.

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

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)

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—

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

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.

Schedule 2, Part 1 of Article 6

Change of Use *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 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.

Assessment

Question 1 - Is it development?

The first question to address is whether or not:

1. Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and. If so, whether it is exempted development within the meaning of the planning and development act 2000 (as amended) and the planning and development regulations 2001 (as amended).

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 or the making of any **material change in the use** of any structures or other land (Section 3(1)) and defines "*'works' to include any act or operation of* construction*, excavation, demolition, extension, alteration, repair or renewal".*

Having regard to the description describing a material change of use, where a material change of use is defined as development under Section 3(1) of the Primary Legislation, it is therefore, deemed that the material change of use would therefore constitute **development**.

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

Is the development of

1. Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and. If so, whether it is exempted development within the meaning of the planning and development act 2000 (as amended) and the planning and development regulations 2001 (as amended).

exempted development?

Having regard to:
Secondary Legislation

Class 14 of Part 1, of Schedule 2 of the Planning and Development Regulations entitled- '*Exempted Development – General'* applies subject to the following limitations and conditions:

Change of Use *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 number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

The Applicant is not proposing any works to the structure and thus the development will constitute a change of use only.

The question relates to whether 'the change of use of the existing house to a **community dwelling house**' is exempt development. It is noted that question 6 and 7 of the application form received on 21st October 2026 indicates that the Applicant considers the development may be exempt under Class 14(f) of the Planning and Development Regulations 2001, as amended. The Applicant has failed to submit any information regarding the number of residents and carers proposed and if it is their intention to apply for an Exempt Development Declaration under Class 14(f).

Notwithstanding the above, there is no definition of a community dwelling house within the Planning and Development Regulations 2001, as amended, and therefore it cannot be concluded at this time if the proposed change of use will fall under the provisions of Class 14(f), of the Planning and Development Regulations 2001, (as amended).

Furthermore, and additionally, Article 6(1) applies in this instance:

> 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.

Under Article 9(1)(a)(viii) the following restrictions are relevant to this site;

> 9 (1)(a)*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or* ***a structure the use of which is an unauthorised use,***

UD_STL_20 for the *'the use of a residential property for short term letting purposes in breech of the exemptions contained in the Planning and Development Act 2000 and Planning and Development Regulations 2001, as amended*' relates to the site, a Warning Letter was issued on this file, and this file remains active.

The question asked, refers to

> *'Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is Exempted Development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)'*.

There is no definition of a community dwelling house held within the Planning and Development Regulations 2001, nor is there any class of exempt development which specifically provides for the change of use of a dwelling house to a community dwelling house. In the absence of a specific exemption, or definition of the meaning of a community dwelling house, the proposed change of use cannot be considered exempted development under the Planning and Development Regulations 2001, as amended.

Additionally, as a result of the active enforcement case, the restrictions on exemptions under Article 9 (1)(a)(viii) would apply even if the development was deemed to be exempted under Class 14 in this case. '*The proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house* is therefore restricted from classes of exemption under Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended due to unauthorised development on the site and is therefore not exempted.

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(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended), and
d. The nature, extent and purpose of the works.

it is considered 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).

It is considered that:

a. The change of use of the existing house to a community dwelling house constitutes development under Section 3 of the Planning and Development Act 2000 (as amended).

b. The question relates to a 'Community Dwelling House' and following a thorough search of the primary and secondary planning legislation 'Community Dwelling House' is undefined and therefore there are no exemptions for this use.
c. The intended use of the structure is unknown however question 6 and 7 of the Section 5 application form makes reference to Class 14(f). It cannot be concluded at this time if the proposed change of use will fall under the provisions of Class 14(f) of the Planning and Development Regulations 2001, (as amended), as no information regarding the intended use of the structure has been submitted.
d. Regardless of the lack of information submitted to clarify the intended use of the 'community dwelling house' Article 9 (1)(a)(viii) would restrict any exemption of development at there is an active enforcement file on the site.

And therefore it is concluded that:

The question which relates to '

> *Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and. If so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)'*

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
6th November 2026

Tracy McGibbon
Senior Executive Planner
6th November 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. Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)

AS INDICATED on the plans and particulars received by the Planning Authority on 21/10/2026

AND WHEREAS David Finnerty 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(f) of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001 (as amended), and
d. The nature, extent and purpose of the works.

AND WHEREAS Kildare County Council has concluded that:

a. The change of use of the existing house to a community dwelling house constitutes development under Section 3 of the Planning and Development Act 2000 (as amended).
b. The question relates to a 'Community Dwelling House' and following a thorough search of the primary and secondary planning legislation 'Community Dwelling House' is undefined and therefore there are no exemptions for this use.
c. The intended use of the structure is unknown however question 6 and 7 of the Section 5 application form makes reference to Class 14(f). It cannot be concluded at this time if the proposed change of use will fall under the provisions of Class 14(f) of the Planning and Development Regulations 2001, (as amended), as no information regarding the intended use of the structure has been submitted.
d. Regardless of the lack of information submitted to clarify the intended use of the 'community dwelling house' Article 9 (1)(a)(viii) would restrict any exemption of development at there is an active enforcement file on the site.

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. Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)

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	ED1422
Applicant name	David Finnerty
Development Location	Ballyvass, 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 2.3km southeast of River Barrow and River Nore SAC.
Description of the project/proposed development – Whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)	

(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	*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?*	No

	Valley, Pollardstown Fen, Ballynafagh lake		
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:	06/11/2026	

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: DO68782 **Section:** Planning

SUBJECT: ED/1422
David Finnerty, c/o James Lohan Consulting Engineers Ltd, Unit 6, Ballypheason House, Circular Road, Co. Roscommon. Exempt Development Application for whether the proposed change of use of the existing house at Ballyvass, Co. Kildare, R14 TK88 to a community dwelling house is development and, if so, whether it is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

SUBMITTED: File Ref. ED1422 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 6TH DAY OF NOVEMBER YEAR 2026

SIGNED: _____

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 21st October 2026.
Our Ref: ED/1422.

David Finnerty,
c/o James Lohan Consulting Engineers Ltd,
Unit 6,
Ballypheason House,
Circular Road,
Co. Roscommon

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ballyvass, Co. Kildare, R14 TK88.

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 21st October 2026 in connection with the above.

Please find enclosed Receipt no. FIN1/0/529551 for €80 application fee.

Yours sincerely,

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. FINNERTY Forenames. DAVID
Phone No. [redacted] E-Mail Address [redacted]

2. Address COOTEHALL, BOYLE, CO. ROSCOMMON, F52 AW68

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

1. Name of Person/Agent: Surname. LOHAN Forenames. JAMES
Phone No. [redacted] E-Mail Address [redacted]

2. Address. JAMES LOHAN CONSULTING ENGINEERS LTD, UNIT 6, BALLYPHEASON HOUSE, CIRCULAR ROAD, ROSCOMMON

Section 3	Company Details (if applicable)

1. Name of Company N/A - INDIVIDUAL APPLICANT
Phone No. N/A E-Mail Address N/A

2. Company Reg. No N/A

3. Address. N/A

Section 4	Details of Site

1. Planning History of Site PLANNING REF: 042794

2. Address of Subject Site (including Eircode). BALLYVASS, CO. KILDARE
EIRCODE: R14 TK88

3. Ordnance Survey Sheet No.....4125-A

4. Please state the Applicants interest in the site .LONG TERM LEASE

Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

FOR REVIEW - ITEMS MARKED TO BE CONFIRMED REQUIRE COMPLETION BEFORE SIGNING.

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

WHETHER THE PROPOSED CHANGE OF USE OF THE EXISTING HOUSE AT BALLYVASS, CO. KILDARE, R14 TK88 TO A COMMUNITY DWELLING HOUSE IS DEVELOPMENT AND, IF SO, WHETHER IT IS EXEMPTED DEVELOPMENT WITHIN THE MEANING OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) AND THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED).

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)*

SECTION 4(2) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED); ARTICLE 6(1), SCHEDULE 2, PART 1, CLASS 14(F), OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED), SUBJECT TO ARTICLE 9 AND SECTION 4(4) OF THE ACT. APPLICABILITY: TO BE CONFIRMED.

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

PROPOSED USE: COMMUNITY DWELLING HOUSE. DRAWINGS STATE A TOTAL FLOOR AREA OF 300.8 SQ.M. (GROUND FLOOR 182.4 SQ.M.; FIRST FLOOR 118.4 SQ.M.).
CLASS 14(F) CONCERNS DISABILITY / MENTAL ILLNESS RESIDENCES, WITH LIMITS OF 6 RESIDENTS AND 2 RESIDENT CARERS.

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 Cheque enclosed	✓

Section 6	**Declaration**

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

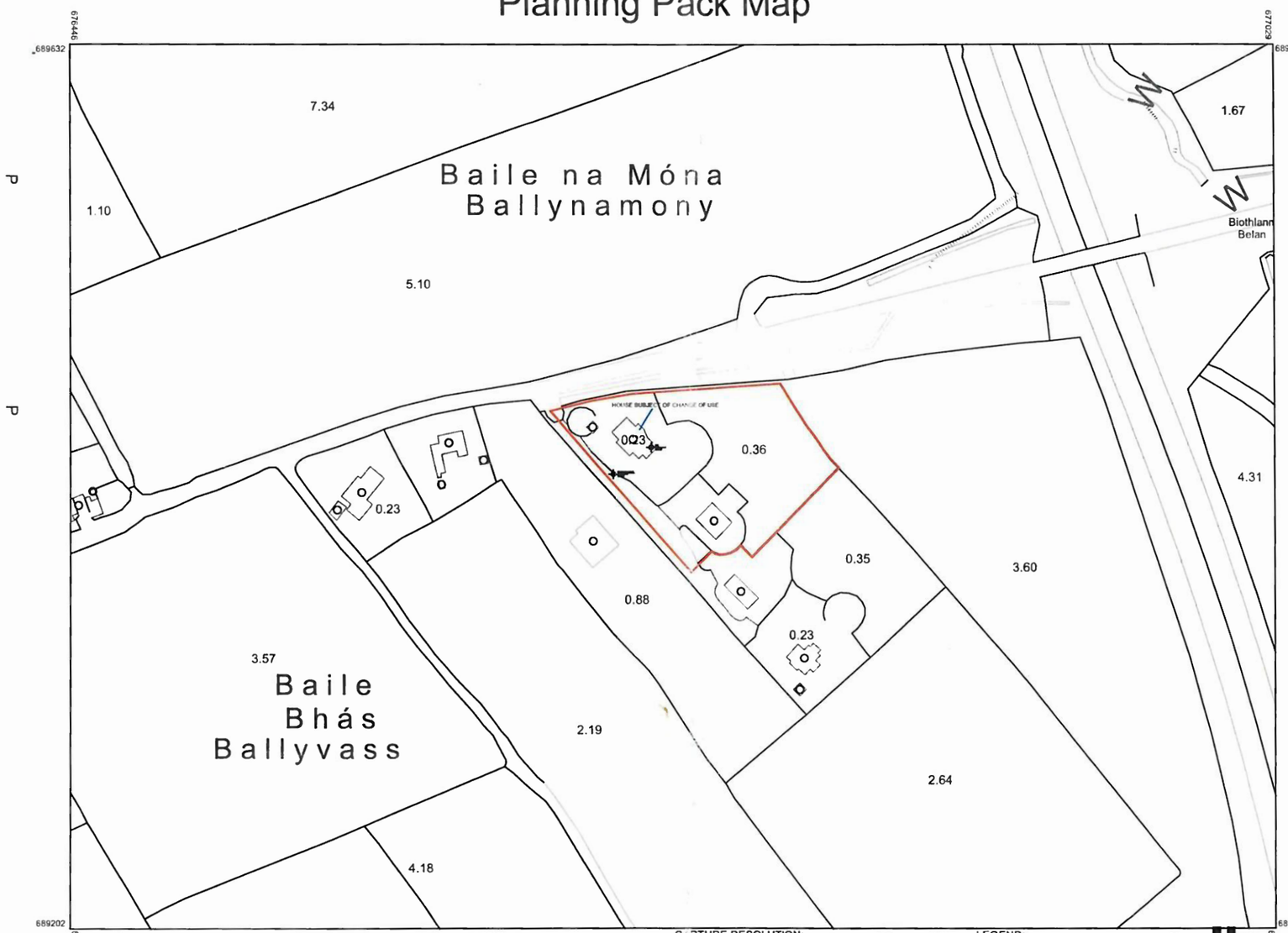
Signature: James Lohan Agent for David Finnerty

Date: 20-08-2026

Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

FOR REVIEW - ITEMS MARKED TO BE CONFIRMED REQUIRE COMPLETION BEFORE SIGNING.

Planning Pack Map



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit:
www.tailte.ie and search for
'Large Scale Legend'

CENTRE COORDINATES:
ITM 676738,689417

PUBLISHED: 19/10/2026
ORDER NO.: 50565760_1

MAP SERIES: 1:2,500
MAP SHEETS: 4125-A

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

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Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

DO NOT SCALE FROM THIS DRAWING.WORK ONLY FROM FIGURED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

STA	DATE	REV
	/ /	D
	/ /	C
	/ /	B
	/ /	A

Unit 6 Ballypheason House
Circular Road,
Roscommon F42 T384.
JAMES LOHAN CONSULTING ENGINEER
Ph: [redacted]
email: info@jlce.ie
web: www.jlce.ie

CLIENT: DAVID FINNERTY	JOB CHANGE OF USE	JOB No 26-195 DATE 31-08-2026
SITE: Ballyvass, KILDARE R14 TX28	DRAWING: SITE LOCATION PLANNING ISSUE	DRG No 26-195-001 REV A
		SCALE 1:2500



Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

DO NOT SCALE FROM THIS DRAWING.WORK ONLY FROM FIGURED DIMENSIONS.
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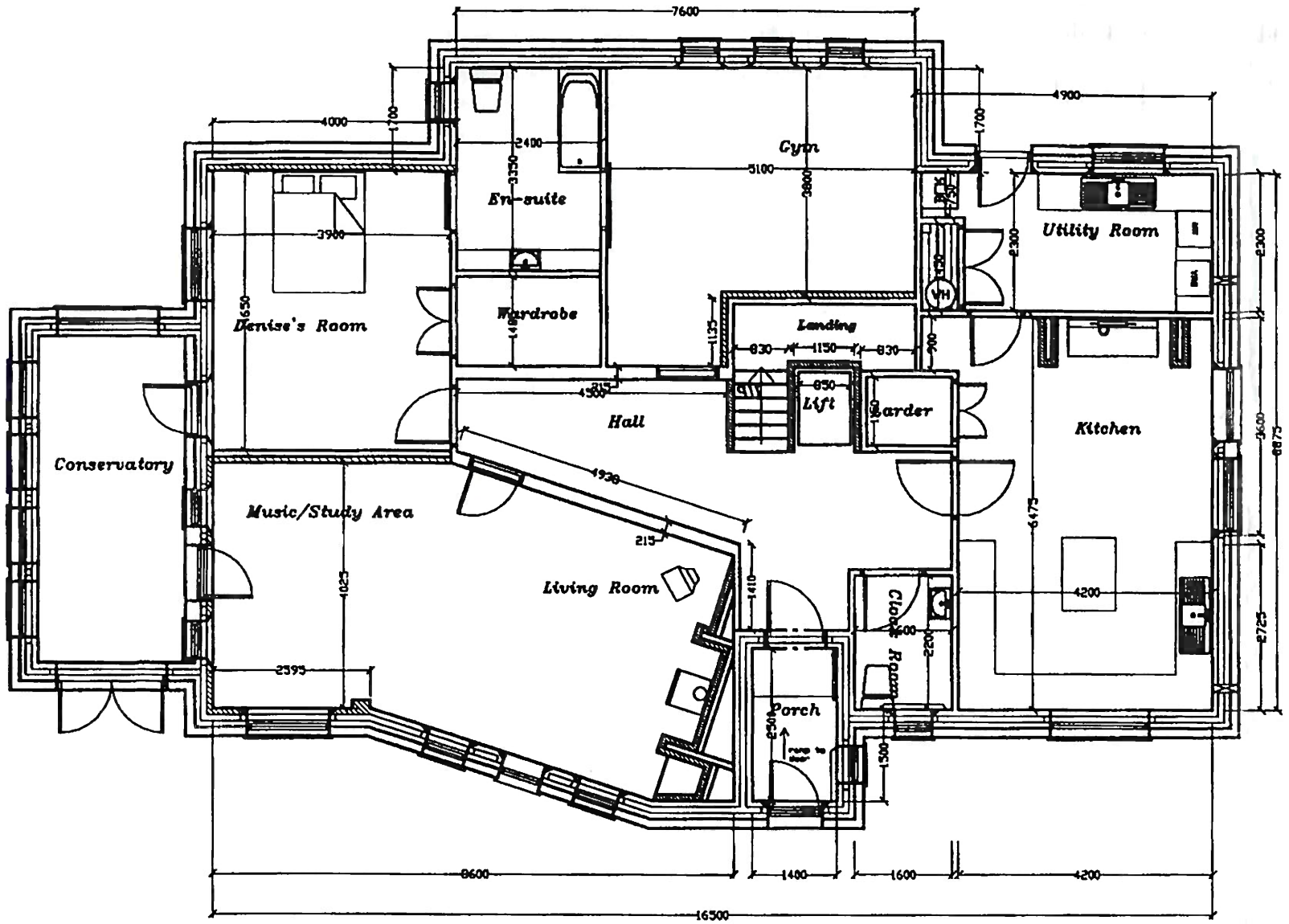
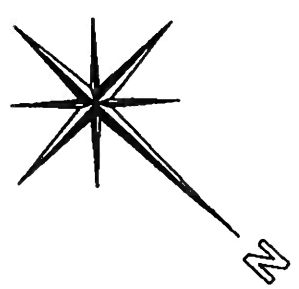
STA	DATE	REV
		D
		C
		B
		A

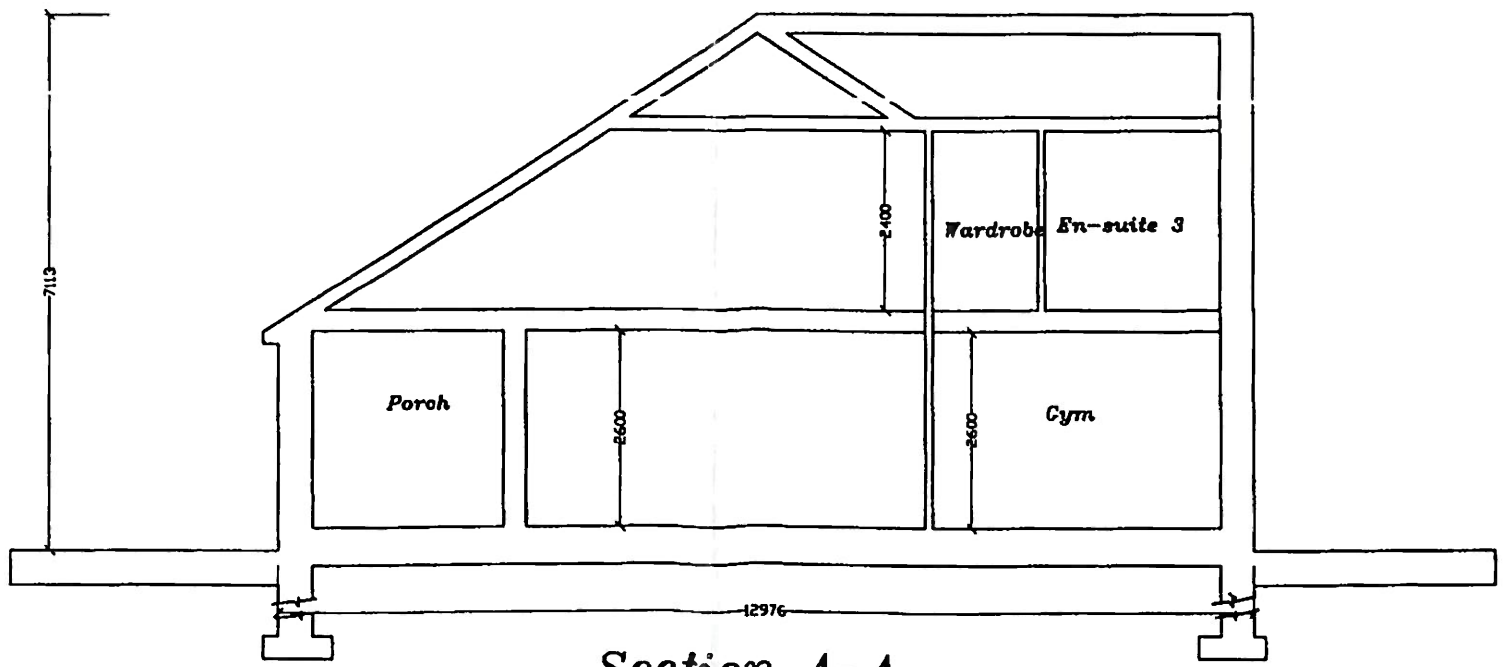
Unit 6 Ballypheason House
Circular Road,
Roscommon F42 T384.
JAMES LOHAN CONSULTING ENGINEER
Ph [redacted]
email: info@jce.ie
web: www.jce.ie

CLIENT DAVID FINNERTY	JOB CHANGE OF USE	JOB No 26-195 DATE 31-08-2026
SITE Ballyroan, KILDARE R14 TK88	DRAWING SITE LAYOUT PLANNING ISSUE	DRG No 26-195-002 REV A SCALE 1:500



Ground Floor Layout





Section A–A

James Lohan

COMPLIANCE WITH BUILDING REGULATIONS
All materials, and workmanship to conform in full with the Building Regulations 1991. Contractor to make himself familiar with the Building Regulations before commencement of work.

NOTE - References noted on this drawing, (e.g. 'See Clause 2.2' or 'See 16.00, etc.) refer to specific instructions in the accompanying specification document, which must be consulted for full details in all cases.

SETTING OUT
Contractor is responsible for checking of all dimensions, etc., before commencement and bringing any discrepancies in same to the Architect's attention.

VENTILATION
Means of Ventilation
Ventilation of proposed dwelling to comply with Part-F of Current Building Regulations (section 1 articles 1.1 through to 1.13 & section 2 articles 2.1 through to 2.19)

CONSERVATION OFFUEL & ENERGY
Insulation quality of materials & conservation of fuel & energy to comply with Part-L (sections 1,2 & 3) of Current Building Regulations. 60mm Kingspan High density insulation to be used in cavity wall partial fill construction, Floors, Ceiling & Roof Spaces to comply with Part-L. Glazing to be Double glazed low-emmisity Argon gas Filled.

ROOM VENTILATION
Ensure adequate background ventilation to all rooms (See Section 9.1 for details) See Figure 24 for typical type unit. Ensure windows designed with opening sashes to comply with that as outlined in 9.1

PERMANENT VENT. WALL VENTS
Provide adequate permanent ventilation to all habitable rooms by means of vents in wall. Vents must be permanent and have a free area of 6500mm2 min. per room. (See 9.6)

RADON BARRIER
Radon barrier beneath floor to manufacturers instruction, (See 4.3)

EXTERNAL FINISH
Random pattern stone cladding

ROOF FINISHES
"Tegral Thrutone" blue/black slate on battens and felt, including for matching ridge tiles, eaves course of slates, aluminium slate edgeing where necessary and all completed in accord. with Clause 7.1

ALUMINIUM GUTTERING
Black Seamless aluminium gutters complete with all jointers, brackets, stop ends, angles, etc. 65 mm. downpipes complete with swan neck, shoes and wall brackets, etc.

ALUMINIUM FACIA/SOFFIT
Black aluminium facia and soffit system incl. for adequate ventilation, etc. (See Clause 7.10)

EXT. WINDOWS & DOORS
Hardwood timber to all external windows, doors & frames

No	Revision	Date
1	Revised Bedroom 4 window	20-05-2004

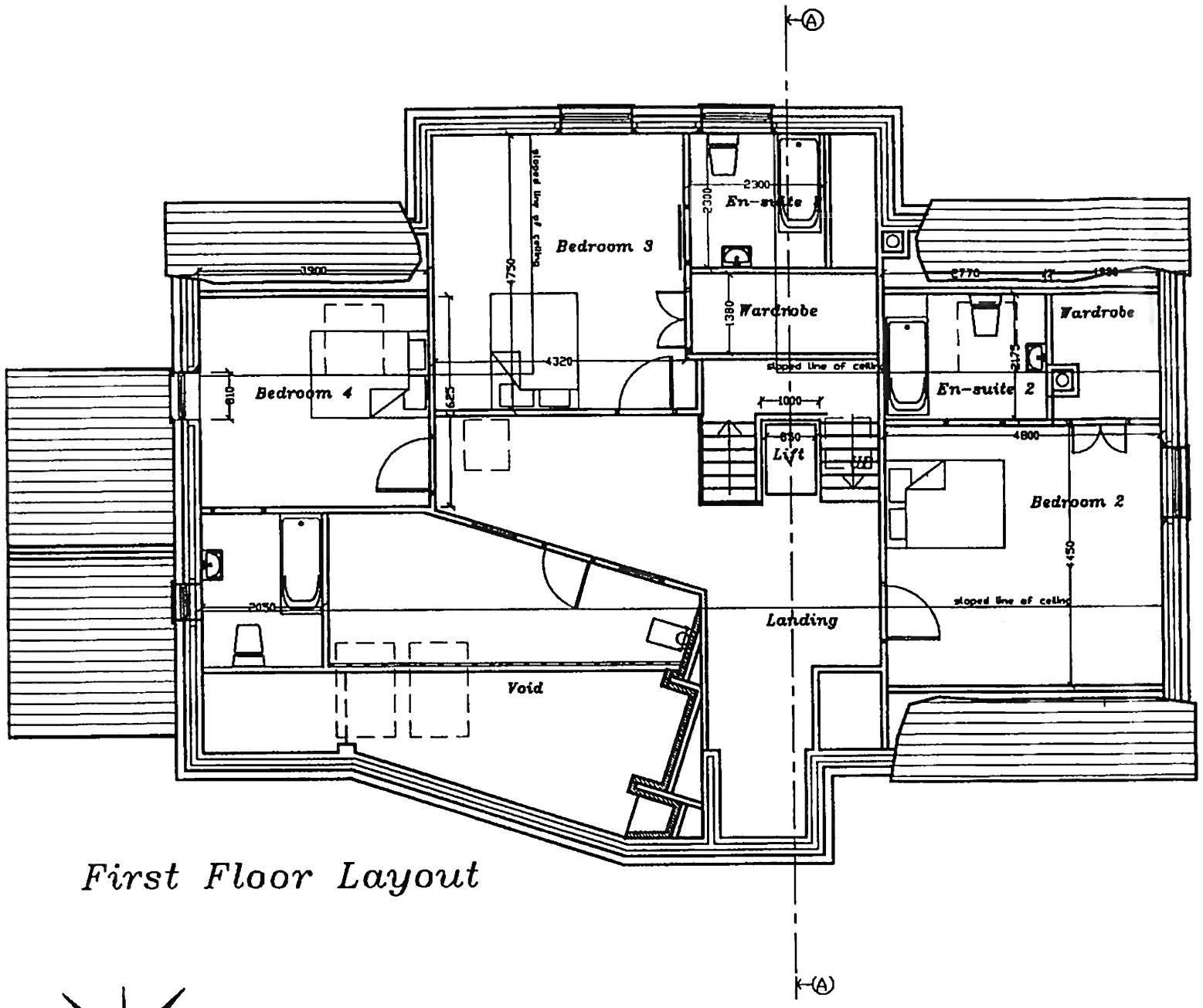
UNIT 1 CATHEDRAL CLOSE,
CARLOW.
CMG Architects
Tel : 0503 34294
Fax : 0503 34296
Email : carlow@cmg.ie

PROJECT: Proposed Dwelling at Belan, Moone Co.Kildare
PROJECT No:
DRAWING: Ground Floor Plan & Section
CLIENT: Tara Cogan

Kildare County Council
Planning Department
RECEIVED
21 OCT 2026

DRAWING No:	PREPARED BY:	CHECKED BY:
002 A	Simon	Gustav

DATE:	AREAS:	SQ.M	SQ.FT.
March'04	Ground Floor	182.4	1963.4
SCALE: 1/100	First Floor	118.4	1274.5
	Total	300.8	3237.9



First Floor Layout

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RADON BARRIER
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EXTERNAL FINISH
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No	Revision	Date
1	Revised Bedroom 4 window	20-05-2004

UNIT 1 CATHEDRAL CLOSE,
TULLOW STREET,
CARLOW.

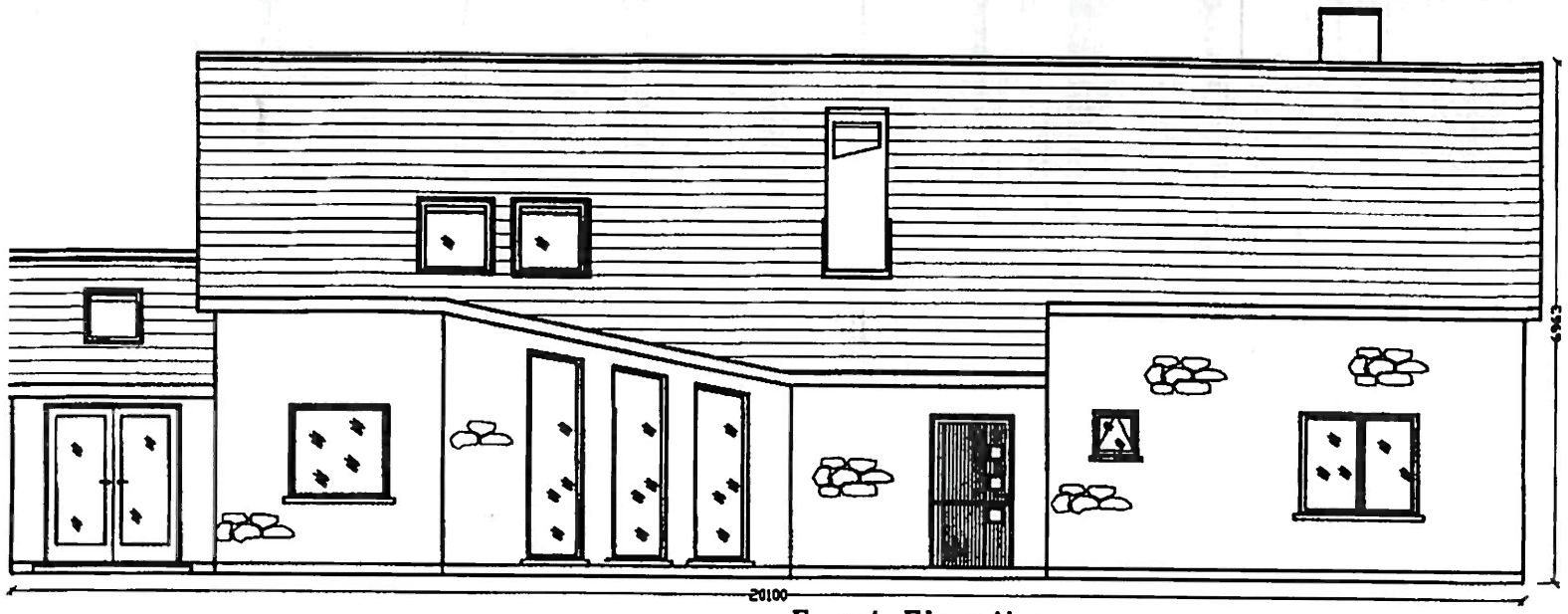
CMG Architects

Tel : 0503 34294
Fax : 0503 34298
Email : carlow@cmg.ie

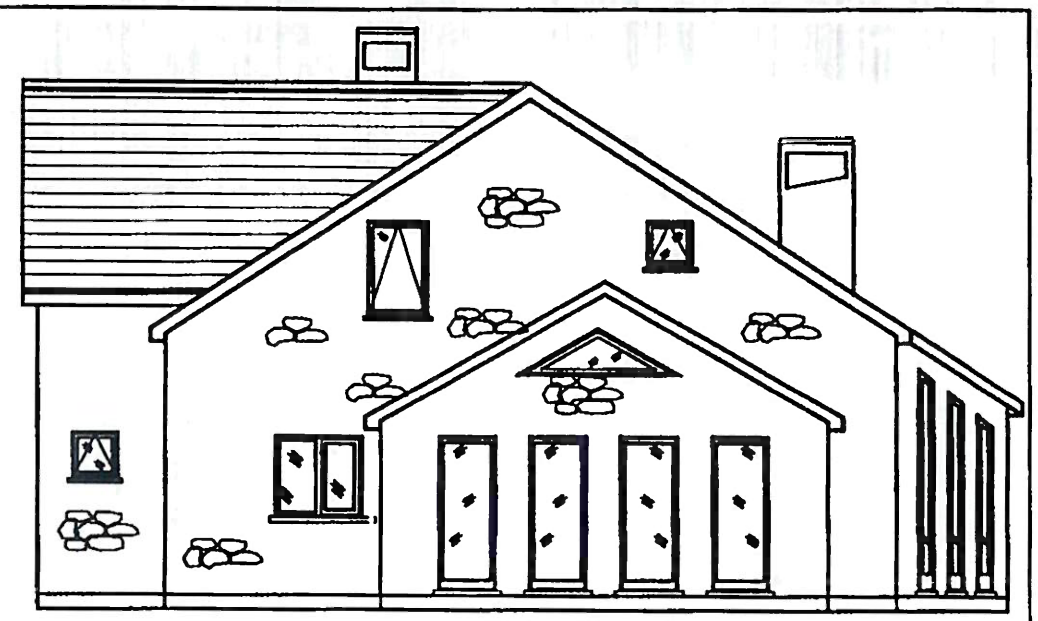
PROJECT:	PROJECT No:	
Proposed Dwelling at Belan, Moone Co.Kildare		
DRAWING: First Floor Plan		
CLIENT: Tara Cogan		
DRAWING No: 003 A	PREPARED BY: Simon	CHECKED BY: Gustav
DATE: March'04	AREAS: Ground Floor	SQ.M 182.4 SQ.FT. 1968.4
SCALE: 1/100	First Floor	118.4 1274.5
	Total	300.8 3237.9

Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

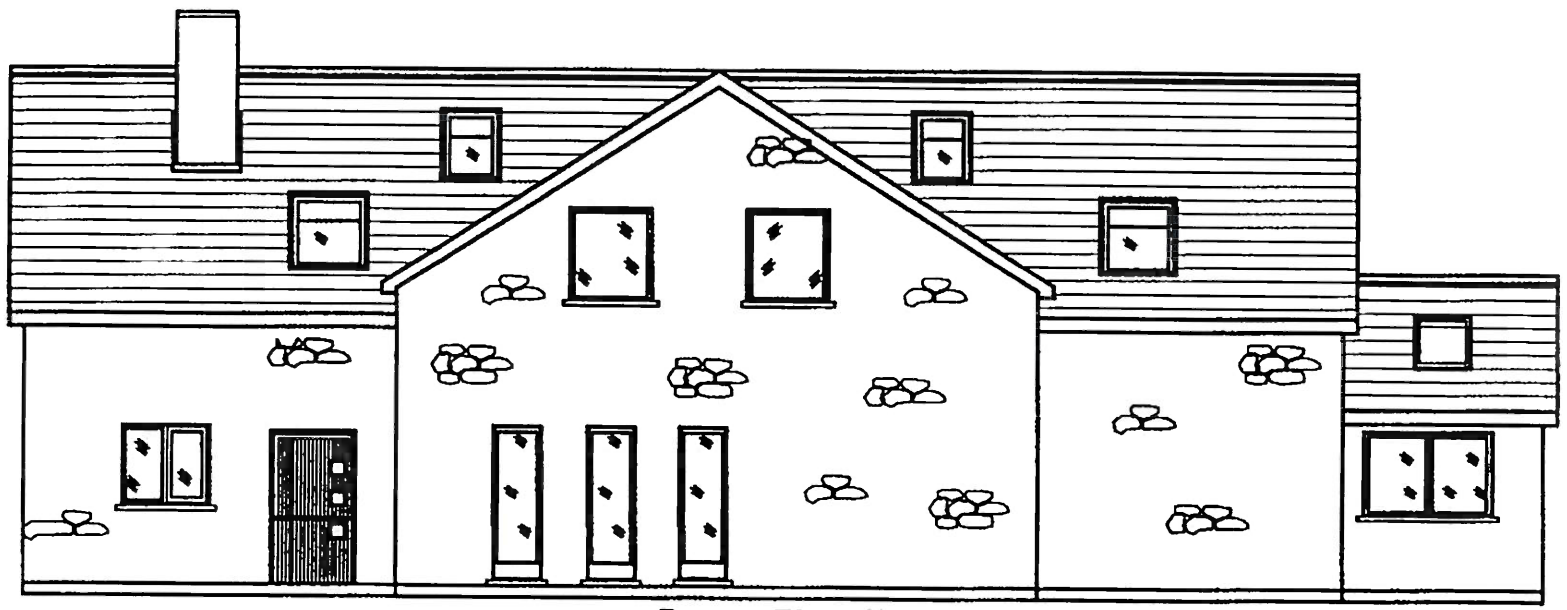
James Lohan



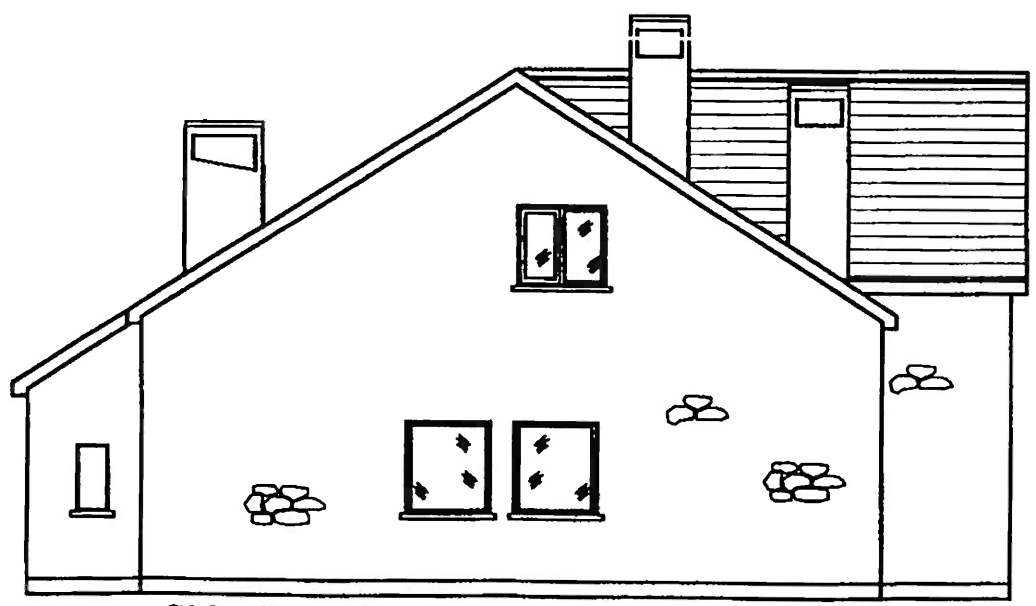
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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James Lohan

No	Revision	Date
1	Revised Bedroom 4 window	20-05-2004

UNIT 1 CATHEDRAL CLOSE,
CARLOW.

CMG
Architects

Tel : 0503 34294
Fax : 0503 34295
Email : carlow@cmg.ie

PROJECT:	PROJECT No:
Proposed Dwelling at Belan, Moone	
Co.Kildare	
DRAWING: Elevations	
CLIENT: Tara Cogan	

DRAWING No:	PREPARED BY:	CHECKED BY:
004 A	Simon	Gustav
DATE: March'04	AREAS:	SQ.M SQ.FT.
	Ground Floor	182.4 1963.4
SCALE: 1/100	First Floor	118.4 1274.5
	Total	300.8 3237.9

Kildare County Council
Planning Department
21 OCT 2026
RECEIVED

FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
21/10/2026 09:40:47

Receipt No. : FIN1/0/529551

James Logan
Declaration of Excempt Development

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 : Peter Kelly Rents
From : Financial Lodgement Area
Vat reg No.0440571C