



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: ED1040

WHEREAS a question has arisen as to whether:

- (a) the use of the dwellinghouse and coach house at Ryevale House, Ryevale Lawns, Leixlip, County Kildare as long-term private residential accommodation for protected persons is or is not development or is or is not exempted development, and
- (b) certain associated internal works to the dwellinghouse and coach house at Ryevale House, Ryevale Lawns, Leixlip, County Kildare is or is not development or is or is not exempted development,

AND WHEREAS Mé Liberer Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin requested a declaration on this matter from Kildare County Council on the 10th day of May, 2023 and the Council did not issue a declaration,

AND WHEREAS Kildare County Council of Áras Chill Dara, Devoy Park, Naas, County Kildare referred the question to An Bord Pleanála on the 2nd day of June, 2023,

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1), 3(1), 4(1) and 57(1) of the Planning and Development Act 2000, as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations 2001, as amended,
- (c) the planning history of the site,
- (d) the previous Section 5 referral determined by the planning authority in respect of the same land under planning register reference number ED1021,
- (e) the judgement of the Court of Appeal in *Narconon Trust v An Bord Pleanála & Others* (2021) IECA 307,
- (f) the nature of the current use of the site, and
- (g) the submissions of the referrer and other parties,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) part (a) of the referral question is the same, or substantially the same, and in respect of the same land as the referral under planning register reference number ED1021 issued by Kildare County Council on the 7th day of March, 2023, and there is no evidence of any change in the planning facts or circumstances underpinning the application. In such circumstances, the Board is precluded under Section 50(2) of the Planning and Development Act 2000, as amended, from making a determination on part (a) of the question which seeks a declaration on whether the use of the dwellinghouse and associated coach house outbuilding as long-term private residential accommodation for protected persons is or is not development or is or is not exempted development,



(b) part (b) of the referral question, that certain internal works carried out to the dwellinghouse and its associated coach house outbuilding at Ryevale House constitute "works" and "development" within the scope of Section 2(1) and Section 3(1) of the Act and, as they have altered the character of the structures in terms of design and layout internally, and have been carried out to facilitate a change of use which has previously been determined to not be exempted development, do not come within the scope of Section 4(1)(h) or Section 57(1) of the Planning and Development Act 2000, as amended,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the certain associated internal works to the dwellinghouse and coach house at Ryevale House, Ryevale Lawns, Leixlip, County Kildare is development and is not exempted development.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *5th* day of *December* 2024.

