

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Authority Reference Number: EX 112/2025

WHEREAS a question has arisen as to whether a change of use from residential use to use as a children's residential centre at 1 Season Park, Newtownmountkennedy, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS David Browne requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 22nd day of October, 2025 stating that the matter is development and is not exempted development:

AND WHEREAS David Browne referred this declaration for review to An Coimisiún Pleanála on the 18th day of November, 2025:

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

- (a) the submissions on file regarding the particular use of the subject premises,

- (b) Section 2(1) of the Planning and Development Act 2000, as amended,
- (c) Section 3(1) of the Planning and Development Act 2000, as amended,
- (d) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (e) Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (f) Section 3 of Part I of the Child Care (Standards in Children's Residential Centres) Regulations 1996,
- (g) the planning history of the site,
- (h) the pattern of development in the area, and
- (i) the report and recommendation of the Inspector:

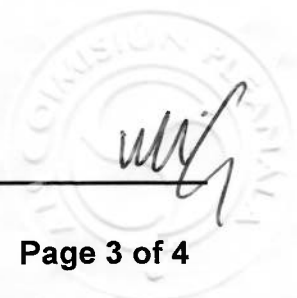
AND WHEREAS An Coimisiún Pleanála has concluded that the use of a residential dwelling as a care centre in the community dwellinghouse for children, supported by their assigned carers, would not constitute a material change in the established residential use of the said dwelling:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the use of a dwellinghouse at number 1 Season Park, Newtownmountkennedy, County Wicklow, as a children's residential centre would not constitute a change in the use of that premises and would, therefore not, constitute development.

In deciding not to accept the Inspectors recommendation, the Commission considered that:

- the facility is intended to accommodate a maximum of two children in care, with a maximum of two carers acting in loco parentis,

- the care model is non-institutional and is designed to replicate the routines and relationships of an ordinary household and placements are made under the Child Care Act 1991 (as amended),
- the role of staff would be to provide day to day care, guidance and emotional support within a domestic family structure,
- the home would not operate as a medical or institutional facility,
- the premises would continue to function as a single household with shared kitchen, dining, living and recreation areas,
- a domestic dwelling can accommodate a wide variety of household forms, including that proposed, and these remain within the definition of a dwelling house,
- for the children placed there, the subject premises would become their dwelling and place of residence, and these children would be entitled to the care and support of persons acting in loco parentis, in the same manner as residents of any other dwelling are entitled to the support of carers (e.g. elderly home care, night care, respite care, companionship care etc.) as and when necessary,
- vehicle movements for school and daily staff changeovers will remain comparable to a working family,
- day to day activities involve meals, homework, recreation and community participation,
- the relationship between residents and carers mirrors that of a conventional household,
- institutional character arises from factors such as scale, staffing intensity or physical form and not in relation to the presence of carers, and



- the use remains domestic in scale and activity and cannot be regarded as a material change of use.

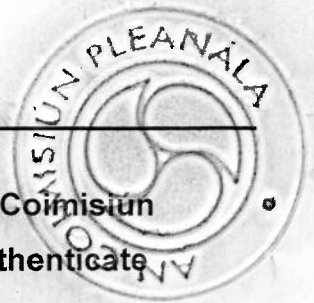


Liam McGree

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 23rd day of SEPTEMBER 2026.