



An
Bord
Pleanála

Board Order 09.RL.3554

Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

WHEREAS a question has arisen as to whether the use of a residence by up to six persons with an intellectual or physical disability or mental illness, together with up to two resident carers at Rathbane, Killeel, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Tony Owens care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the question from Kildare County Council and no declaration issued by the planning authority:

AND WHEREAS Tony Owens referred the question for decision to An Bord Pleanála on the 6th day of March, 2017:

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

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000,
- (c) section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of a residence for six persons or less with two support staff or less is not a material change to an established residential use in a dwelling of this size in such a rural area, and
- (b) there is no change in use of the dwelling, therefore no material change of use of the dwelling:

