



An
Coimisiún
Pleanála

Inspector's Report ACP-323877-25

Question

Whether change of use from residential use to use as a children's residential centre is or is not exempted development.

Location

1 Season Park,
Newtownmountkennedy, Co.
Wicklow. A63 EC 67

Declaration

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

EX 112/2025

Applicant for Declaration

David Browne

Planning Authority Decision

Is Development and is Not Exempted
Development

Referral

Referred by

David Browne

Owner/ Occupier

David Browne

Observer(s)

None

Date of Site Inspection

19th January 2026

Inspector

Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject referral site is located at no. 1 Season Park, Newtownmountkennedy, County Wicklow. The site comprises an existing two storey, 3 bedroom, semi-detached dwelling, an associated rear garden and a hardstanding/ car parking area to the front. The site frontage to the northeast is defined by a public footpath and the main estate road.
- 1.2. The subject dwelling, which was originally a detached structure, was extended to form a separate semi-detached dwelling to the northwest, no. 1A Season Park, see planning reg. ref. no. 06/6002. The space to the front of both dwellings comprises a shared hardstanding/ gravel area which, at the time of my site inspection, was in use for the parking of vehicles with 3 no. cars parked to the front of the subject property, no. 1 Season Park and 4 no. cars parked to the front and side of the adjacent dwelling, no. 1A Season Park (7 no. cars in total). The side northwestern boundary of the adjacent dwelling, no. 1A Season Park, is defined by a mature laurel hedge to a height in excess of 2 metres.
- 1.3. The Referrer and Applicant for the subject Declaration is the owner of both properties.

2.0 The Question

- 2.1. The question the subject of the referral before the Commission is: -
 - *Whether a Change of Use from Residential Use to use as a Children's Residential centre is or is not exempted development.*

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On 29th September 2025, a Request for a Declaration in accordance with the provisions of Section 5 of the Planning and Development Act, 2000 to 2023, on the above question, was received by Wicklow County Council. The Request was made by Mr. David Browne.

3.1.2. On 22nd October 2025, a Notification of Declaration was issued by Wicklow County Council stating that:

‘A question has arisen as to whether ‘change of use from residential use to use as a children’s residential centre’ at (Address and Eircode Provided), is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application*
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)*
- c) Article 6, 9, and Class 14 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).*

Main reasons with respect to Section 5 Declaration:

- i) The change of use from residential use to use as a children’s residential centre is a material change of use, the making of which to a structure fall under the definition of development under Section 3 (1) (a) of the Planning and Development Act 2000 (as amended).*
- ii) Inadequate details have been submitted to confirm that the development would come within the description and limitations set out under Class 14 (f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).*
- iii) Having regard to the shared entrance to 1 Season Park and 1A Season Park, and non-compliance with Condition Nos. 1 and 11 of PRR 06/6002:*
 - It cannot be determined that no traffic hazard would arise from the referred development, which therefore is not exempted development under Article 9 (1)(a)(iii) of the Planning and Development Regulations 2001 (as amended).*
 - The development would consolidate unauthorised development, and therefore the proposed development would not comprise*

exempted development having regard to Article 9 (1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that ‘Change of use from residential use to use as a children’s residential centre’ is development and IS NOT exempted development.

4.0 Planning Authority Reports

4.1.1. Planning Reports

The Local Authority Planner’s Report and Assessment serves as the basis of the Declaration decision. It includes the following points:

- The proposed Change of Use is from Residential Use to use as a Children’s Residential Centre. To determine whether this proposed Change of Use is Material, Changes to the i) Character and ii) Impact of the use of the structure can be considered in turn.
 - i) The change of use from residential use to use as a children’s residential centre would both involve the accommodation of persons, however the character of the structure would effectively change from a house in use as a dwelling only to a workplace of any carers employed there.
 - ii) The change of use from residential use to use as a children’s residential centre could result in additional traffic movements and parking requirements arising from staff movements and/ or visitors to those accommodated by the centre.

On the basis of the foregoing, the Local Authority Planner considered the change of use to be material.

As the making of a material change of use in the use of a structure situated on land constitutes development under Section 3 (1)(a) of the Planning and Development Act (as amended), it is therefore considered that this is development.

- The Local Authority Planner considered that Section 4 of the Planning and Development Act 2000 (as amended) does not provide any relevant exemptions. Class 14 (f) of Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) was considered to potentially be of relevance
 - The information provided does not indicate the type of service to be provided, i.e. whether the proposed children's residential centre would care for those with an intellectual disability or physical disability or mental illness, although it is stated that the centre will be operated by a provider of services to the HSE. The Local Authority Planner refers to a Health Information and Quality Authority (HIQA) definition for a Children's Residential Centre and considers that it does not necessarily always involve the care for persons with such a disability/ illness, the definition provided is as follows:

'A children's residential centre provides a home for children and young people who come into care and ensures that their needs are met when they cannot live with their own family. These centres are run by Tusla or a voluntary or private agency.' (Your guide to Children's Residential Care, HIQA, 2018).
 - The Conditions/ Limitations for Class 14 (f) state *'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 information provided by the Applicant in the referral does not reference the number of residents/ carers to reside and the centre. The Local Authority Planner considers therefore that it is not possible to determine if the development would meet this limitation.
 - On the basis of the above, the Local Authority Planner concludes that it cannot be determined based on the information provided in the Referral Application if the development would meet the above limitation for Class 14 (f).

- In reference to the Restrictions on Exemptions set out in the Planning and Development Regulations, 2001 to 2026, the Local Authority Planner notes
 - Article 9 (1) (a) (iii) which restricts the exemption where it would ‘endanger public safety by reason of traffic hazard or obstruction of road users,’
 - Article 9 (1) (a) (viii) which restricts the exemption where it would ‘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,’
 - There is an Enforcement Notice Ref. ENF 2692/2013 which was issued in September 2013 and relates to the adjacent property at No. 1A Season Park. The Enforcement Notice remained in place until its expiry. The said property is in the same ownership. The Enforcement Notice related to non-compliance with Condition no. 11 of planning reg. ref. no. 06/6002,
 - The entrance to both properties (No. 1 and 1A, Season Park) at present comprises a shared gravel area open to the public road along the full frontage of both houses,
 - Under Condition no. 11 of planning reg. ref. no. 06/6002, a revised shared site entrance was agreed with the Local Planning Authority in July 2018 *‘namely in relation to the non-construction of a new block wall and entrance pillars restricting entrance to the east of the units, away from the bend of the road.’* The Local Authority Planner provides an extract from the agreed revised drawing and concludes on this basis that it cannot be determined that no traffic hazard exists under the current unauthorised layout. Figure 3 includes hand written notes which include the following:
 - *Retain existing hedge at existing height.*
 - *Remove existing hedge completely and construct new block and rendered wall with capping to a height of 1.2 m. Pillars at*

entrance to height of 1.5 m. Style to match existing estate wall and pillars.

- There is also a separate hand written note on the Local Authority Planners Assessment Report adjacent to Figure 3 (extract from agreed site layout under Condition no. 11 of planning reg. ref. no. 06/6002) which states *'Agreed, especially as access by vehicles is now possible very close to bend in road, restricting visibility.'* This hand written note appears to be signed by a Senior Planner (SP).
- The Local Authority Planner recommends the Planning Authority consider that the change of use is development and is not exempted development.
- The main reasons and considerations for said recommendation are as follows:
 - i) *The change of use from residential use to use as a children's residential centre is a material change of use, the making of which to a structure falls under the definition of development under Section 3 (1) (a) of the Planning and Development Act, 2000 (As amended).*
 - ii) *Inadequate details have been submitted to confirm that the development would come within the description and limitations set out under Class 14 (f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended).*
 - iii) *Having regard to the shared entrance to 1 Season Park and 1A Season Park, and non-compliance with Condition Nos. 1 and 11 of PRR 06/6002:*
 - *It cannot be determined that no traffic hazard would arise from the referred development, which therefore is not exempted development under Article 9 (1) (a)(iii) of the Planning and Development Regulations 2001 (as amended).*
 - *The development would consolidate unauthorised development, and therefore the proposed development would not comprise exempted development having regard to Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).*

4.1.2. Other Technical Reports

- None

5.0 Planning History

5.1. The following planning history is of relevance to the subject referral site:

Adjacent dwelling to the immediate northwest ((no. 1A Season Park)

- **06/6002:** Permission for a two storey dwelling attached to the side and extending to the rear of no. 1 Season Park. Permission was GRANTED in March 2007 subject to 11 no. Conditions. This application, reg. ref. no. 06/6002, relates to the adjacent semi-detached dwelling to the immediate west/ northwest of the subject referral site.

Condition no. 1 reads as follows:

1. *This permission refers to the development as described in the documents lodged save as the conditions hereunder require.*

Reason: For clarification

Condition no. 8 reads as follows:

8. *Prior to the commencement of development, the existing hedge along the northwest boundary shall be removed in order to improve sightlines.*

Reason: In the interests of traffic safety.

Condition no. 11 reads as follows:

11. *Before development commences, revised proposals for the site entrance, including as a minimum, widening to 6m and full details of any pillars, walls and gates, shall be submitted to and agreed in writing with the Planning Authority.*

Reason: In the interests of traffic safety.

5.2. Enforcement History

- **UD3107:** Non-compliance with Condition no's 8 and 11 of 06/6002 (in relation to the adjacent dwelling at 1A Seasons Park, constructed to be semi-

detached with 1 Season Park within the same ownership). – Case Closed.
Enforcement Notice ENF 2692/2013 issued on 17th September 2013 to be left in place in relation to a shared entrance to 1 & 1A Season Park.

6.0 Relevant Precedent Referrals

6.1. The following Precedent Referral Case is considered to be of relevance to the subject Referral Case.

- **ABP-322247-25:** Whether the proposed use of the dwelling at Cornagill, Letterkenny, as a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) is or is not development or is or is not exempt.

Decision: Is development and is not exempted development.

7.0 Policy Context

7.1. Wicklow County Development Plan, 2022 to 2028

- 7.1.1. The subject referral site is located within the defined development boundary of the Newtownmountkenny Town Plan, 2022 to 2028 which forms part of Volume 2 of the Wicklow County Development Plan, 2022 to 2028. The subject Referral site is ascribed land use zoning '*RE – Existing Residential: To protect, provide and improve residential amenities of existing residential areas.*'

7.2. Natural Heritage Designations

- 7.2.1. The referral site does not form part of, it does not adjoin, nor is it located within close proximity to any designated Natura 2000 site.

8.0 The Referral

8.1. Referrer's Case

- The requested Change of Use is Material
 - No material change will take place as a result of the proposed Change of Use. A material change is where there is a significant alteration as to how a property or land is used, which would have a substantial impact on the local community or neighbours. The property will continue to be used for residential purposes with similar or less residents than an average household. Therefore, as no development is taking place, the requested change of use is not material.
- Inadequate details were provided
 - The Local Authority did not request Further Information even though the Section 5 process allows for same. Aside from being asked to confirm the requested change of use at the time of the application being made, the Referrer was not asked for any additional information.
 - The Local Authority stated they could not determine the proposed number of children occupants as this information had not been provided. As the existing dwelling is a 3 bedroom house, common sense should have applied. The Referrer was not asked to clarify this issue.
- Shared entrance and Non Compliance
 - The subject property, no. 1 Season Park was leased to the Local Authority for a period of 8 years under the RAS scheme until July 2024. The issue of access or egress to and from the property was never raised.
 - The expired Enforcement notice relates to no. 1A Season Park. Non-compliance was not intentional but was a result of the lapse of time due to the financial crash where the Referrer was substantially impacted. The Referrer nevertheless took measures to ensure the frontage of the property was safe for pedestrians and road uses within the estate. Due to the current configuration, which provides maximum visibility for vehicles

coming around the adjacent corner, no accidents or incidents have occurred.

- The properties have more than adequate off street parking therefore no hazards of obstruction arise.
- The subject property, No. 1 Season Park, has its original grant of planning permission and the property's access and egress has not changed. The property is not located near the corner adjacent to No. 1A Season Park. The 2006 grant of planning permission relates to No. 1A Season Park.
- Under the current layout, the Local Authority has not stated that any traffic hazard exists.
- Sourcing accommodation for this use is not easy therefore this decision is important. The proposed Change of Use will have a low impact on neighbours and the local community. The proposals provide a very important home environment for these vulnerable children. The residence does not change. The Referrer was very disappointed with the decision and hopes it will be overturned.

8.2. Planning Authority Response

- None

8.3. Further Responses

- None

9.0 Statutory Provisions

9.1. Planning and Development Act, 2000 (As amended)

9.1.1. Section 2 (1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- '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;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'

9.1.2. Section 3 (1) states that:

- 'development' means, except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

9.1.3. Section 4 (1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

9.2. Planning and Development Regulations, 2001 to 2026

9.2.1. Article 5(1) states that 'care' means personal care, including help with physical, intellectual, or social needs.

9.2.2. Article 6 1) provides that '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'.

9.2.3. **Article 9 1) a)** states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would, inter alia:

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

.....

9.2.4. **Article 10 (1)** states that development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

9.2.5. **Part 1 of Schedule 2** of the Regulations set out the classes of exempted development, including Class 14 allowing for ‘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.

Conditions of exemption include:

- The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed six.
- The number of resident carers shall not exceed two.

9.2.6. **Part 4 of Schedule 2** of the Regulations sets out the Exempted Development - Classes of Use and includes Class 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.

9.3. **SI No. 397/1996 – Child Care (Standards in Children’s Residential Centres) Regulations, 1996**

Part I (Preliminary Provisions) Section 3 (Definitions) states that in these Regulations: -

‘children’s residential centre’ means any home or other institution for the residential care of children in the care of health boards or other children who are not receiving adequate care and protection excluding –

- (a) an institution managed by or on behalf of a Minister of the Government or a health board,
- (b) an institution in which a majority of the children being maintained are being treated for acute illnesses,
- (c) an institution for the care and maintenance of physically or mentally handicapped children,
- (d) a mental institution within the meaning of the Mental Treatment Acts, 1945 to 1966,

- (e) an institution which is a "certified school" within the meaning of Part IV of the Children Act, 1908, functions in relation to which stand vested in the Minister for Education;

10.0 **Assessment**

10.1. The question before the Commission is

- Whether a Change of Use from Residential Use to use as a Children's Residential Centre is or is not exempted development.

Slight rewording is recommended as follows

- Whether a Change of Use from Residential Use to use as a Children's Residential Centre is or is not development or is or is not exempted development.

10.2. **Is or is not development**

- 10.2.1. Section 3 of the Act defines development as *'the carrying out of any works in, on, over or under land, or the making of any material change in the use of any structures situated on land, or development within the meaning of Part XXI (inserted by Section 171 of the Maritime Area Planning Act 2021)'*. Based on the information contained on file, no physical 'works' are proposed to be undertaken as part of the proposed development.
- 10.2.2. Section C of Chapter 2 (Development and Exempted Development) of Browne and Simons on Planning Law, 3rd Edition, 2021, relates to Material Change in Use and considers that, in order for there to be a material change in use, two conditions must be satisfied. The first is that there must be an actual change in use, with the act of development being the change, not the use itself, and secondly, the use must be material for planning purposes.
- 10.2.3. The existing dwelling house is in residential use and falls within the definition of a 'house' as set out in Section 2 (1) of the Planning and Development Act, 2000 (as amended), see Section 9.1 above of this Report. I note the definition of a Children's Residential Centre (CRC), as set out in the Child Care (Standards in Children's

Residential Centres) Regulations, 1996, as quoted above in Section 9.3. I am satisfied that the proposed use of the subject property as a Children's Residential Centre falls within this definition. This new activity is stated to involve the residential care of a maximum of 2 no. children with a maximum of 2 no. carers. The proposed use of the property as a 'Children's Residential Centre' will introduce a new activity into the dwelling house which does not currently exist. The new Children's Residential Centre would be provided for commercial gain and would become a place of employment for the proposed 2 no. carers. I am satisfied that the character of the existing dwelling, which is in use for residential purposes, would be substantially altered as a result of the proposed change to Children's Residential Centre use such that a Change of Use would occur.

10.2.4. In addition, the existing open site frontage of both sites and the merging of the respective frontages to form a single site frontage, in my opinion, is out of character with the prevailing pattern of permitted singular vehicular entrances to residential properties within the estate.

10.2.5. Having regard to the foregoing, I am satisfied that that the proposed change of use is material and therefore falls within the definition of development set out in Section 3 of the Act.

10.2.6. In summary, the proposed change use represents development.

10.3. **Is or is not exempted development**

10.3.1. The next step is to determine whether or not the proposed 'development' is or is not exempted development. Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 to 2026, allows for *'development consisting of a 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'*. A question arises therefore as to whether a Children's Residential Centre is the same as a residence for persons with an intellectual or physical disability or mental illness as per Class 14 (f).

10.3.2. Article 5(1) of the Planning and Development Regulations, 2001 to 2026, states that 'care' means personal care, including help with physical, intellectual, or social needs. There is however no definition for 'residential care'.

- 10.3.3. Section 3 of the Child Care (Standards in Children's Residential Centres) Regulations, 1996, defines a 'Children's Residential Centre' as any home or other institution for the residential care of children in the care of health boards or other children who are not receiving adequate care and protection. The Regulations however expressly exclude *'an institution for the care and maintenance of physically or mentally handicapped children'*.
- 10.3.4. Having regard to the foregoing, and having regard to the definition of 'care' under Article 5 (1) of the Planning and Development Regulations, the exemption provided under Class 14 (f) of Part I of Schedule 2 of the Regulations, and the definition of a 'Children's Residential Centre' and associated restrictions, and in particular item c) under Section 3 of Part I of the Child Care (Standards in Children's Residential Centres) Regulations, 1996, I am satisfied that the exemption provided for under Class 14 (f) does not apply, and that the proposed development, which comprises a change of use, does not constitute exempted development.

10.4. Restrictions on exempted development

- 10.4.1. I am satisfied that in response to the Referrer's question, a Change of Use from Residential Use to use as a Children's Residential centre does not constitute exempted development. Should the Commission not agree however, the provisions set out within Articles 5(1), 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001 to 2026, are considered below.
- 10.4.2. Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 to 2026, sets out the classes of exempted development, including Class 14 (f) which allows for *'development consisting of a 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'*. The Conditions of exemption include restrictions as to the occupancy whereby the number of persons with an intellectual or physical disability or mental illness in any such residence shall not exceed 6 persons, and the number of resident carers shall not exceed 2. The Applicant/ Referrer has confirmed the maximum number of children would be 2 no. and that the maximum number of carers would also be 2 no. I am satisfied that the proposed

change of use would comply with the Conditions of Exemption under Class 14 (f) in the event that the Commission concludes that an exemption applies.

- 10.4.3. If the Commission agrees that the proposal represents a commercial use of the subject premises, then it is possible that the carrying out of development (i.e. the Change of Use) might contravene a planning condition attached to the original planning permission for a dwelling house on the subject referral site, as per Article 9 (1) (a) (i). Similarly, where the Commission agrees with the Local Authority that the proposal contravenes Condition No's 1 and 11 of planning reg. ref. no. 06/6002, the proposals would not adhere to the same Restrictions on Exemptions, as per Article 9 (1) (a) (i) relating to contravention of a condition attached to a permission under the Act.
- 10.4.4. The Local Authority has concluded that it cannot be determined that no traffic hazard would arise from the referred development which therefore is not exempted development under Article 9 (1) (a) (iii). Where the Commission agrees with the Local Authority in this regard, or indeed, determines there to be a traffic hazard, the proposals would not adhere to the Restrictions on Exemptions, as per Article 9 (1) (a) (iii).
- 10.4.5. The Local Authority has concluded that the development would constitute unauthorised development and that therefore the proposed development would not comprise exempted development having regard to Article 9 (1)(a)(viii) of the Planning and Development Regulations, 2001 to 2026. Where the Commission agreed with the Local Authority in this regard, the proposals would not adhere to the Restrictions on Exemptions, as per Article 9 (1) (a) (viii).
- 10.4.6. I note the Restriction on Exemption under Article 9 (1) (a) (ii) which de-exempts development, if the carrying out of such development would - consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width. I estimate the surfaced carriageway of the adjacent public road exceeds 4 metres in width and that the permitted entrance to the site appears to have been widened to a material extent. Where the Commission agrees this to be the case, the proposals would not adhere to the Restrictions on Exemptions, as per Article 9 (1) (a) (ii).

10.5. Other Matters

- Environmental Impact Assessment Screening is not required
- Appropriate Assessment Screening is not required.

11.0 Recommendation

11.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether a change of use from residential use to use as a children's residential centre 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 was development and was 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

- (d) Article 5(1), 6(1), 9(1) and Article 10 (1) of the Planning and Development Regulations, 2001 to 2026,
- (e) Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 to 2026,
- (f) Section 3 of Part I of 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 WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The proposal is development within the meaning of the Planning and Development Act 2000 (as amended) as it entails the making of a material change of use of the subject residence,
- (b) The exemption under Class 14 (f) applies to a residence for permissions with an intellectual or physical disability or mental illness and their care providers,
- (c) The exemption under Class 14 (f) does not apply to a residence for use as a children's residential centre,
- (d) There are no exemptions applicable for a change of use from a dwelling to use as a children's residential centre.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3) (a) of the 2000 Act, hereby decides that the proposed use of the subject dwelling at No. 1 Season Park, Newtownmountkennedy, as a Children's Residential Centre is development and is not exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

10th September 2026