AN COIMISIÚN PLEANÁLA
LDG- 08715-26
ACP-
25 MAR 2026
Fee: € 220 Type: Card
Time: 2.06 By: hand

An Coimisiún Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a)	Name	Joseph Germaine
(b)	Address	Main Street, Baltinglass, Co. Wicklow, W91 R5YX

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a)	Agent's name	Brendan Moore Architects
(b)	Agent's address	38 St. Kierans Street, Kilkenny, R95 KN80

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1	☐	**The agent at the address in Part 2**	✓

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Kildare County Council

(b) Planning authority register reference number

(for example: 18/0123)

ED/1302 (Section 5 Determination)

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

The Gables Guesthouse and Leisure Centre, Athgarvan Rd, Newbridge, Co.Kildare, W12 C864

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

In their assessment of this Section 5 Application, Kildare County Council have determined a Change of Use under 20F to be Temporary and a Change of Use under Class 14(H) to Permanent. We are of the opinion that both are temporary in their respective Regulations, and this Section 5 Application should have been assessed under both 20F and 14(H). Because our request had the word 'temporary' in the description they ruled out assessing our exemption under 14(H) as they deemed this a 'permanent' change of use. In their assessment, Kildare County Council make a clear distinction between the 2 Classes and consider them mutually exclusive. They therefore considered this section 5 under Class 20F only.

We are of the opinion that this section 5 should have been fully assessed under 14(H) and should therefore have been determined as Exempted Development.

Supporting material

6. If you wish you can include supporting materials with your appeal. Supporting materials include:

   - photographs,
   - plans,
   - surveys,
   - drawings,
   - digital videos or DVDs,
   - technical guidance, or
   - other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Commission to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing	☐
No, I do not wish to request an oral hearing	✓

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

Plain English
Approved by NALA