

KILLORGLIN WESTFIELD LTD

95 New Street, Killarney, Co. Kerry.

AN BORD PLEANÁLA
LOG- 078626-25
ABP-
12 MAR 2025
Fee: € 220.00 Type: CB.
Time: By: Post

10th March, 2025.

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

1st Party Appeal Relating to Laune Valley Farmhouse B&B; Response to Kerry Co. Co. Decision to Section 5 Application (Application No. EX1314):

Applicant: Killorglin Westfield Ltd.

To Whom It May Concern:

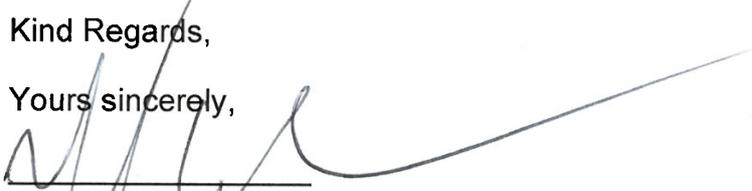
Attached herewith please find:

- Cheque for fee.
- 1st Party Appeal Relating to Section 5 Application.
- Copy of Kerry Co. Co. Decision.

Should you have any queries, please do not hesitate in contacting us.

Kind Regards,

Yours sincerely,


Michael Coghlan BSc, MRICS, ASCSI, Dip VSEA
Director (Killorglin Westfield Ltd.)


John Paul Coghlan C.Eng., B.Eng. M.B.A., M.I.E.I
Director (Killorglin Westfield Ltd.)

Mob 087 99 62675

KILLORGLIN WESTFIELD LTD

95 New Street, Killarney, Co. Kerry.

Kerry County Council Section 5 Application No.: EX1314

Date: 10th March, 2025

Applicant Name: Killorglin Westfield Ltd

Description of Section 5 Application:

- Temporary change of use of Laune Valley Farmhouse B&B to house International Protection / Temporary Protection refugee and asylum seekers,
- Alterations to elevations, internal layout and floor levels,
- Demolition of chimneys and barges,
- Partial demolition and rebuilding of external walls,
- Construction of 5sqm extension to the rear.

1st Party Appeal Relating to Laune Valley Farmhouse B&B; Response to Kerry Co. Co. Decision Section 5 Application (Application No. EX 1314):

The existing pre 1963 Farmhouse B&B (V93Y9EP) forms part of the Laune Valley Farm Hostel complex, being the original residence over 100 years (previously the property of Anne Foley). The property has been sympathetically refurbished and re-roofed to meet modern standards.

Laune Valley Farmhouse B&B is located adjacent to Laune Valley Farm Hostel which is contracted to house International Protection Applicants. The Farmhouse B&B forms an integral part of the Hostel Complex being part thereof in excess of 30 years.

The Hostel and B&B are exempt under S.I. NO 582/2015 – Planning and Development (Amendment)(No. 4) Regulations 2015, Class 14 Development consisting of a change of use – (h) *from use as a hostel, guesthouse, holiday accommodation... or part thereof, to use as accommodation for protected persons.*

The refurbishment and construction works

Alterations of the side and rear elevation namely the removal / inclusion of doors / windows and the modification of existing window sizes and level. We submit that this is normal exempted development in context of Section 4 (1) h of the Planning and Development Act, 2000 as amended. In the case that An Bord Pleanála consider this to be development, then it is exempted development under SI 306/2022.

Alterations of front elevation namely the removal of doors / windows, addition of windows and the modification of existing window sizes and level. We submit that this is normal exempted development in context of Section 4 (1) h of the Planning and Development Act, 2000 as amended (the character and external appearance of the building has been retained. Additional windows do not effect or overlook any third parties). In the case that An Bord Pleanála consider this to be development, then it is exempted development under SI 306/2022.

Alteration to the internal layout inclusive of floor levels. We submit that this is normal exempted development in context of section 4 (1) h of the Planning and Development Act, 2000 as amended.

Removal of two chimney stacks and barges. We submit that this is normal exempted development in context of section. Section 4 (1) h of the Planning and Development Act, 2000 as amended.

Partial Demolition of external walls due to structural health and safety concerns and rebuilt. We submit that this is normal exempted development in context of Section 4 (1) h of the Planning and Development Act, 2000 as amended. . In the case that An Bord Pleanála consider this to be development, then it is exempted development under SI 306/2022.

Construction of 5 sq.m., service room to rear of farmhouse B&B. We submit that this is normal exempted development in the context of the Planning and Development Regulations 2001, Part 1, Exempted Development, Class 1 as amended.

The Temporary Change of Use from Farmhouse / B&B to house international protection / temporary protection refugee and asylum seekers

We submit that the Change of Use is Exempted Development under;

- S.I. No. 582/2015 Planning and Development (Amendments) (No.4) Regulations 2015, 4 (1), Class 14 (h) Change of use from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from

the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons.

The Pre 1963 B&B is on a contracted Hostel site exempt under Class 14 (h) and the Pre 1963 B&B forms part of the contracted site and would also fall under Class 14 (h).

- S.I. no. 306/2022 – European (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022. 3.(1) The Act 2000 (other than section 181A to 181C) shall not apply to the classes of development specified in the schedule carried out by, or on behalf of, a State Authority during the relevant periods for the purposes of providing temporary protection to displaced persons. SCHEDULE, Article 3, 2 **Residential accommodation**, including ancillary recreational and sporting facilities.

Conclusion:

1. The refurbishment and construction works;

- a) The development would **NOT** constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended). The external appearance of the Pre 1963 Farmhouse B&B has not been materially altered and there is no effect on any neighbouring properties as a result of refurbishment.
- b) The said works would **NOT** constitute development that comes within the scope of Section 3(1) of the Planning and Development Act 2000 (as amended). There has been no material change of use of the structure.
- c) The nature and extent of the works **DO** fall for consideration under exemptions provided at Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

2. The Temporary Change of Use from Farmhouse / B&B to house international protection /temporary protection refugee and asylum seekers;

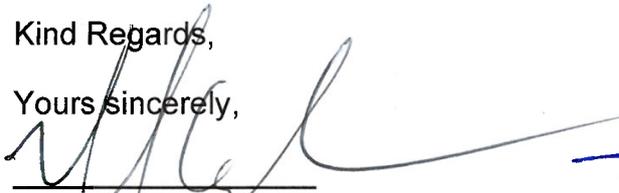
- a) The proposed change of use would **NOT** constitute a material change of use which would constitute development that would come within the scope of Section 3(1) of the Planning and Development Act, 2000 (as amended).
- b) The proposed temporary change of use **DOES** fall for consideration under the exempted development provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) as the proposed development **DOES NOT** constitute the change of use of an unauthorised structure arising from the recent refurbishment works carried out to the structure without the benefit of grant of Planning Permission.

We refer to An Bord Pleanála ruling in relation to Planning Register Reference Number R85524 regarding elevational changes and change of use which may be of relevance in this case.

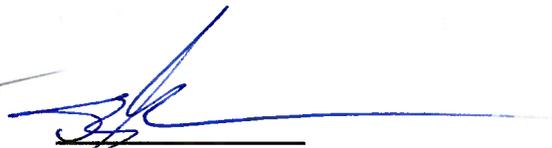
We would ask the Board to assess the merits of the application based on the drawings, letters and further information submitted to Kerry Co. Co. as part of the Section 5 Application No. EX1314.

Kind Regards,

Yours sincerely,



Michael Coghlan BSc, MRICS, ASCSI, Dip VSEA
Director (Killorglin Westfield Ltd.)



John P. Coghlan C.E., B.E. M.B.A., M.I.E.I
Director (Killorglin Westfield Ltd.)



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

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Application No: EX1314
Decision Date: 4th March 2025
Registration Date: 23rd December 2024 & 12th February 2025
Applicant: Killorglin Westfield Ltd, 95 New Street, Killarney, Co Kerry.
Agent: Coghlan Consulting Eng., 81 New Street, Killarney, Co Kerry.
Development Location: Bansha, Killorglin, Co Kerry.

Development Description: Whether the refurbishment and construction works carried out to Laune Valley Farmhouse B&B is exempted development and whether the temporary change of use from Farmhouse/B&B to house international protection/temporary protection refugee and asylum seekers is exempted development.

DECLARATION ISSUED UNDER AND IN ACCORDANCE WITH SECTION 5 OF THE PLANNING AND DEVELOPMENT ACTS, 2000 – (as amended)

In pursuance of its functions under the Planning & Development Act 2000 – (as amended), Kerry County Council, being the Planning Authority for the County Health District of the County of Kerry, has by order dated 4th March 2025 authorised the issue of a declaration under the provisions of Section 5 of the Planning & Development Acts, 2000 – (as amended) in accordance with plans and particulars submitted on 23rd December 2024 & 12th February 2025 I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 as follows:- namely the refurbishment and construction works carried out to Laune Valley Farmhouse B&B and the temporary change of use from Farmhouse/B&B to house international protection/temporary protection refugee and asylum seekers all at Bansha, Killorglin, Co Kerry **DOES NOT** constitute exempted development having regard to the considerations inserted hereunder in schedule 1:

Schedule 1

1. The refurbishment and construction works carried out to Laune Valley Farmhouse B&B

- (a) The development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (b) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The nature and extent of the works would not fall for consideration under exemptions provided at Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Therefore the works would constitute development which is not exempted development.



1. The temporary change of use from Farmhouse/B&B to house international protection/temporary protection refugee and asylum seekers

- (a) The proposed change of use would constitute a material change of use which would constitute development that would come within the scope of Section 3(1) of the Planning and Development Act, 2000 (as amended),
- (b) The proposed change of use would not fall for consideration under the exempted development provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) as the proposed development would constitute the change of use of an unauthorised structure arising from the recent extensive refurbishment works carried out to the structure without the benefit of a grant of planning permission.

Therefore the works would constitute development which is not exempted development.

An Appeal against the decision of the Planning Authority under Section 5 of the Planning & Development Act 2000 may be made to An Bord Pleanala within four weeks beginning on the date of the issuing of the declaration by the Planning Authority. An Appeal should be addressed to: An Bord Pleanala, 64 Marlborough Street, Dublin and should be accompanied by the appropriate fee.

Signed on behalf of Kerry County Council



4th March 2025

