

# PLANNING REPORT

## Section 5 Referral – Declaration of Exempted Development

AN COIMISIÚN PLEANÁLA  
LDG- 081240-25  
ACP-  
07 JUL 2025  
Fee: € 220 Type: cheque  
Time: 17.26 By: hand

'Renvyle', Great Connell,  
Newbridge, Co. Kildare,  
W12 WY44

Kildare County Council  
Reg. Ref. ED/1226

JULY 2025

SUBMITTED ON BEHALF OF:  
SBLN Ltd T/A Fairport Care Services

## 1.0 Introduction

This referral to An Coimisiún Pleanála, pursuant to Section 5(3)(a) of the Planning and Development Act 2000 (as amended), has been prepared by Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, on behalf of SBLN Ltd T/A Fairport Care Services and relates to a Section 5 Declaration made by Kildare County Council on 10<sup>th</sup> June 2025 under Reg. Ref. ED/1226 regarding the use of the existing residential development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 to provide much needed accommodation to persons seeking international protection.

We request that An Coimisiún Pleanála review the Section 5 Declaration issued by Kildare County Council and make a determination with regard to the following question:

***'Whether the use of 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44, a residential care home currently providing accommodation to Tulsa – Child and Family Agency, and the Department of Children, Equality, Disability, Integration, and Youth, to provide temporary residential accommodation for displaced persons or persons seeking international protection under Class 20F, is or is not development and whether development constitutes exempted development or does not constitute exempted development?'***

A condition attached under Reg. Ref. 24/60379 seeks to restrict future changes of use, notwithstanding the statutory exemptions provided under the Planning and Development Regulations 2001 (as amended). However, it is respectfully submitted that the proposed temporary use of the subject property to accommodate persons seeking international protection does not constitute a material change of use. The building will continue to operate as a residential care facility within the same general use class of social care accommodation. The scale, character, and intensity of the use will remain broadly comparable, and the care-based operational model continues.

Moreover, the condition limiting the use to a 'residential care home only' does not preclude the proposed use, as the nature of care and support provided remains aligned with the permitted use. The only distinction lies in the cohort being accommodated, from young people referred by Tusla – the Child and Family Agency to individuals seeking international protection. On this basis, it is considered that the proposal constitutes exempted development under Class 20F.

The prescribed fee of €220.00 is enclosed, along with a copy of the declaration issued by Kildare County Council. This report sets out the rationale for the proposed use. We respectfully request that An Coimisiún Pleanála set aside the decision of Kildare County Council and issue a declaration confirming that the use of 'Renvyle' as a residential care home providing temporary accommodation for persons seeking international protection under Class 20F constitutes exempt development.

## 2.0 Section 5 Declaration of Kildare County Council

On the 10<sup>th</sup> of June 2025, Kildare County Council made a determination under Reg. Ref. ED/1226 and found the proposed temporary change of use to be not exempt development. (Refer to Appendix A).

As noted previously, the Council determined that Condition No. 2 under Reg. Ref. 24/60379 '*specifically limits the site to a residential care home only*'.

It is respectfully submitted that the Planning Authority has erred in its assessment of the application. Having reviewed the report of the planning officer, it is quite apparent that the Planning Authority did not consider the question put before them and instead applied a standard of assessment more appropriate for a use inconsistent with what is proposed rather than a request for a declaration on whether the proposed use constitutes development.

The Section 5 referral report will assess the proposed use in the context of the Planning and Development Act 2000 (as amended) and relevant case law.

## 3.0 Summary of Grounds of Referral

It is respectfully submitted that the proposed temporary use of the property for accommodation of persons seeking international protection falls within the scope of Class 20F of the Planning and

Development Regulations 2001 (as amended), which permits the temporary use of structures as social care accommodation for such purposes.

The current use of the building as a residential care home clearly falls within the broader category of social care accommodation, and the nature of care provided, both currently and under the proposed use, includes supports that are consistent within the definition of 'care' in planning terms: i.e., assistance with physical, intellectual, and social needs.

The proposed use continues this function, with the only substantive difference being a change in the demographic being accommodated, from young persons referred by Tusla to persons seeking international protection, without any physical works or intensification of use.

As such, the applicant's grounds for referral can be summarised by the following points:

1. No material change of use arises, as the essential character and function of the use remain consistent;
2. The condition restricting the use to 'residential care home only' does not preclude the proposed use, as a residential care home accommodating persons under international protection continues to fall within the ambit of 'social care accommodation';
3. The use qualifies as exempted development under Class 20F, and as such, the condition cannot override this statutory exemption;
4. The condition should be interpreted in the context of preventing unauthorised or unrelated uses, not minor or comparable changes within a similar use class.

For these reasons, we submit that the planning authority has erred in concluding that the proposal does not constitute exempted development.

#### 4.0 Site Description

The subject development, known as 'Renvyle', is located in Great Connell, due east of Newbridge, with direct access from Great Connell Road. 'Renvyle' is a detached, single-storey dwelling constructed c.1975, comprising a single-storey detached garage to the rear and containing seven bedrooms. The property occupies approximately 0.31 hectares and is set within mature planting.



Figure 1.0 Aerial view of the subject site referred to as 'Renvyle' (outlined in yellow).

The site is bounded to the north and south by similar detached dwellings, with a residential estate immediately to the west and disused agricultural lands to the east. It is conveniently located within minutes of Newbridge town centre in County Kildare and close to a range of essential services. Additionally, the property benefits from an extensive transport network, including proximity to the M7 Motorway and Newbridge Station, which provides direct long-distance connections to Dublin city centre and beyond.



Figure 2.0 Image looking northeast at subject site from site access and driveway.

Currently, the site is in use as a residential care home for Fairport Care who work with families, children & young people that are referred to Fairport through Tusla – the Child and Family Agency on behalf of the Department of Children, Equality, Diversity, Inclusion, and Youth (DCEDIY).

It is submitted that the continued use of the property for residential accommodation for international protected persons, as defined above, can facilitate a smooth transition to this use, while ensuring compliance with planning regulations.

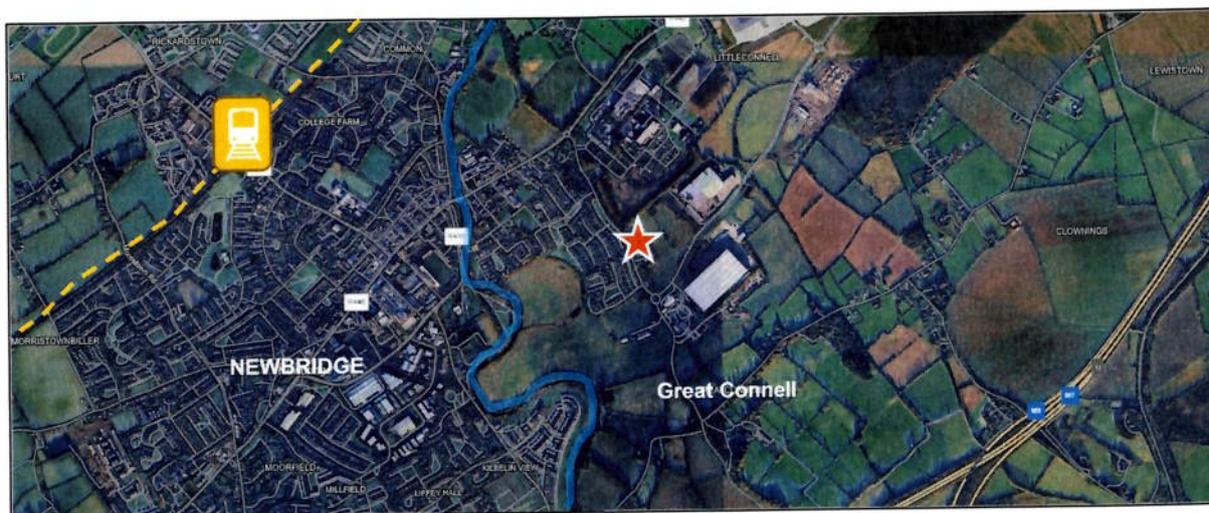


Figure 3.0 Aerial image of the subject site (red star) within the wider context of Offaly.

### 5.0 Planning History

A review of the Kildare County Council Planning register revealed the following planning history within the subject site:

- Reg. Ref. 24/60379** Planning permission was granted by Kildare County Council on 2<sup>nd</sup> October 2024 for the replacement of existing roof to accommodate a first-floor extension along with the remodelling of existing ground floor layout and front façade to include a canopy and bay windows along with removal of existing septic tank with permissions to connect to public foul sewer. Retention of change of use of existing detached bungalow for use as a residential care home, and proposed change of use for proposed development for use as a residential care home, retention of single storey detached garage as constructed and all associated site works.

We note that the Planner's Report was not readily available in its complete form on the online planning register. Nevertheless, the documents made available are of relevance.



Figure 4.0 Proposed site layout plan submitted under Reg. Ref. 24/60379.



Figure 5.0 Proposed elevations and sectional drawings granted under Reg. Ref. 24/6079.

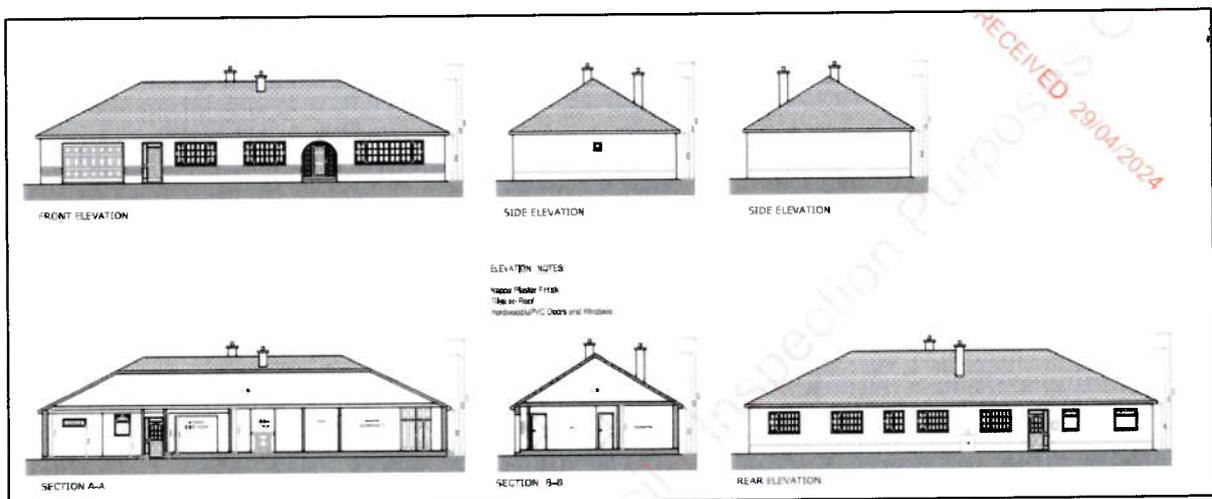


Figure 6.0 Existing elevations and sectional drawings submitted under Reg. Ref. 24/6079.

Whilst we note that the application granted permission for a first-floor extension, the Planning Authority also granted retention for the change of use of the subject site to provide residential care accommodation on behalf of Tusla and subsequently DCEDIY. The following condition is noted in the decision:

2. *The structure shall be used as a residential care home only. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended) no change of use shall occur without a prior specific grant of planning permission.*

It is submitted that the condition requiring the structure to be used exclusively as a 'residential care home' is rendered inapplicable by the provisions of Class 20F of the Planning and Development Regulations 2001 (as amended), a statutory exemption, as this use is considered under the broader scope of a 'social care accommodation', a listed exempted change of use class under the legislative provision. As such it is considered that under Class 20F, the proposed change of use qualifies as exempt development, allowing the applicant to proceed without a specific grant of planning permission for this change. This is further discussed in section 5.1 of this report.

**Reg. Ref. 21/1543** Planning permission was granted by Kildare County Council 15<sup>th</sup> December 2021 for the replacement of the existing roof to accommodate a first-floor extension along with remodelling of existing ground floor layout and front façade to include a canopy and bay windows along with removal of existing septic tank and connection to the mains sewer and all associated site works.

Taking into consideration of the above granted planning permissions on site, it is considered that the existing use of the development is a permissible and authorised use.

## 6.0 Grounds for Referral

As noted above, the proposal seeks to change the use of the existing development, from providing accommodation for families, children, and young people referred to Fairport Care via Tusla – Child and Family Agency and DCEDIY, to providing residential accommodation for internationally protected persons through Internation Protection Accommodation Services (IPAS). Fairport Care on behalf of Tusla and DCEDIY supports young people of all ages up to 21 years old through the provision of residential care accommodation. Accordingly, this request solely relates to the proposed change of use, which falls under the provisions of Class 20F of the Planning and Development Regulations 2001 (as amended).

Given the above, this referral comprises the following grounds for consideration by the Commission:

1. No material change of use arises, as the essential character and function of the use remain consistent;
2. The use qualifies as exempted development under Class 20F, and as such, the condition cannot override this statutory exemption;
3. The condition restricting the use to 'residential care home only' does not preclude the proposed use, as a residential care home accommodating persons under international protection continues to fall within the ambit of 'social care accommodation';
4. The condition should be interpreted in the context of preventing unauthorised or unrelated uses, not minor or comparable changes within a similar use class.

These reasons are addressed in detail in the following sections of this report.

## 7.0 Legislative Provisions and Basis of Exemption

### 7.1 Class 20F – Exempted Change of Use

In respect of the legislative provision with regard for the use of the subject site to provide accommodation to international protected persons, we refer to Class 20F contained within the Planning and Development Regulations 2001 (as amended) Schedule 2, Article 6, Part 1. We note that Class

20F is substituted by Article 2 of S.I. No. 376/2023 Planning and Development (Exempted Development) (No. 4) Regulations 2023. We refer to the provisions of exempted development Class 20F which states that;

*Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, **medical and other health and social care accommodation**, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.*

As per Class 20F exemptions, which cover a variety of structures used for accommodating or supporting persons seeking international protection, we confirm that the property subject to this Section 5 application is an existing social care accommodation.

While we acknowledge that the Planning and Development Regulations 2001 (as amended) do not explicitly define ‘social care accommodation’ or ‘residential care home’, in practice, social care accommodation generally refers to housing that provides care or support services to individuals in need. This includes older adults, people with disabilities, and individuals requiring assistance with daily living activities, such as the children and youth currently residing at ‘Renvyle’ and receiving support from Fairport Care on behalf of Tusla and DCEDIY.

Fairport Care operates as a private residential resource for the Tusla Child and Family Agency, assisting young people in transitioning from care to independent living. The organization collaborates with various agencies to provide comprehensive care within a therapeutic residential setting. This includes on-site social workers who provide 24-hour support, ensuring that residents’ needs are met in a structured and nurturing environment, aligning with the operational model of residential care homes. The range of services provided aligns with the definition of ‘care’ under the Planning and Development Regulations 2001 (as amended), which states:

*‘Personal care, including help with physical, intellectual, or social needs.’*

The proposed development at ‘Renvyle’ is intended to provide a social care accommodation supported by care practices and a resident-focused operational framework. The service is designed to promote safety, well-being, personal development, and integration into the wider community through the following:

Type of Care	Proposed Use
<p><b>Physical</b></p>	<p><b>Social Care Accommodation</b></p> <ul style="list-style-type: none"> <li>Guidance on accessing local healthcare services and public transport.</li> <li>Public notice board providing information on support services</li> <li>Fire safety measures, including fire alarms, extinguishers, and emergency evacuation plans.</li> <li>Kitchen and nutrition facilities designed to accommodate diverse cultural dietary needs in a safe and inclusive manner.</li> <li>Provision of external amenity spaces to encourage outdoor activity and relaxation.</li> <li>Quiet study room with access to learning resources for self-improvement.</li> <li>Semi-private rooms with lockable storage to ensure privacy and security of personal belongings.</li> </ul>
	<p><b>Intellectual</b></p>

Type of Care	Proposed Use
Social	<b>Social Care Accommodation</b>
	Shared communal areas to promote peer interaction, social integration, and reduce social isolation. Dedicated notice board with information on local community events and group activities. Encouragement of healthy friendships and group bonding initiatives. Opportunities for residents to contribute to surveys and feedback mechanisms to ensure their voices are heard in the day-to-day operation of the residence. Access to confidential support services for personal concerns.

Table 1.0 Table of proposed use and types of physical, intellectual, and social care to be provided.

Given that the existing use aligns with the regulatory definition of care, we submit that the residential care home falls within the broader category of social care accommodation. Consequently, no material change of use is occurring in this instance. Instead, the only proposed change is a transition from one form of social care accommodation to another, specifically, temporary accommodation for protected persons.

On this basis, it is submitted that the subject site can avail of the temporary exemption afforded under Class 20F of the regulations.

Further to the above, we would note that Class 20F is subject to a number of conditions and limitations set out in Column 2 of the regulations. The following sections of this report will respond to each of these items:

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*

**The proposed use of the development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is consistent with this requirement, as it is intended to accommodate displaced persons or persons seeking international protection in collaboration with the International Protection Accommodation Services (IPAS). This aligns with the Government's ongoing efforts to provide suitable accommodation for individuals in need.**

2. *Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.*

**The proposed use of the development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is for the accommodation of displaced persons or persons seeking international protection. The potential discontinuation of temporary protection introduced by the Council Implementing Decision (EU) 2022/382 is understood by the applicant.**

3. *The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.*

**It is acknowledged that the intended use is temporary, and we herein confirm that this use will be discontinued not later than 31<sup>st</sup> December 2028.**

4. *'Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.*

The proposed use of the development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is for the accommodation of displaced persons or persons seeking international protection. The potential discontinuation of temporary protection introduced by the Council Implementing Decision (EU) 2022/382 is understood by the applicant.

5. *The relevant local authority must be notified of locations where a change of use is taking place prior to the commencement of development.*

We confirm that prior to the commencement of development which avails of the Class 20F exemption, Kildare County Council will be notified in writing of the intention for a change of use of the building.

6. *'Displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*

The proposed use of the development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is for the accommodation of Displaced persons or persons seeking international protection.

We note the term '*Displaced Persons*' under Article 2 of Council Implementing Decision (EU) 2022/382 of 4<sup>th</sup> March 2022 means the following categories of persons displaced from Ukraine on or after 24<sup>th</sup> February 2022, as a result of the military invasion by Russian armed forces that began on that date:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (b) Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
- (c) Family members of the persons referred to in points (a) and (b).

It is further noted that for the purposes of paragraph 1, point (c), the following persons shall be considered to be part of a family, in so far as the family was already present and residing in Ukraine before 24 February 2022:

- (i) The spouse of a person referred to above, point (a) or (b), or the unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens;
- (ii) the minor unmarried children of a person referred to above, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (iii) Other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in paragraph 1, point (a) or (b) at the time.

We note the definition of 'displaced persons' is understood by the applicant.

7. *'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).*

We note the definition of 'international protection' is understood by the applicant.

8. *'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.*

Accordingly, '*Temporary Protection*' is defined as:

***'a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their***

***country of origin, immediate and temporary protection to such persons, in particular, if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.***

**The Temporary Protection referred to above relates to influxes of displaced persons from third countries. As noted in paragraph 3 above, temporary protection will extend till no later than 31<sup>st</sup> December 2028.**

In summary, we confirm the intention of the Section 5 application and subsequent referral is to provide accommodation to International Protection Accommodation Services (IPAS) applicants for a temporary period not later than the end of 2028, at which point the use will cease and revert to social care accommodation use as required.

Further to the above, it is considered that the use qualifies as exempted development under Class 20F being that of a type of 'social care accommodation', and as such, it is considered that the condition attached to Reg. Ref. 24/60379 cannot override this statutory exemption.

It is well established in planning law that a condition attached to a planning permission cannot override or restrict rights granted under legislation. Where a proposed development qualifies as exempt under the Planning and Development Regulations 2001 (as amended), that exemption remains valid regardless of any condition to the contrary, provided that the use does not result in a material change.

In this instance, it is considered that materiality is not of particular relevance with regard to the Class 20F exemption. Nevertheless, it is submitted that the proposed temporary change of use is considered to be not material as the essential character and function of the use remain consistent and continues to fall within the scope of social care accommodation. As such, the statutory exemption under Class 20F is considered to remain applicable.

## 8.0 Planning Context

### 8.1 Kildare County Development Plan 2023-2029

The Kildare County Development Plan 2023-2029 is the relevant statutory policy document for the subject site. However, it is noted that a new Local Area Plan (LAP), Newbridge LAP 2025-2031, is being drafted and until it is provided Kildare County Council will have regard for the Newbridge LAP 2013-2019 until the new LAP becomes available. As such, the proposal site is subject to the zoning designation of the Newbridge LAP 2013-2019 and is zoned 'B: Existing Residential / Infill'. The objective for this zoning is *'To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.'*



Figure 7.0 Extract from Newbridge Local Area Plan 2013-2019 showing the subject site is zoned 'B: Existing Residential / Infill' (outlined in pink).

#### Permitted in Principle

Land uses which are classified as 'Permitted in Principle' will normally be permitted, subject to compliance with relevant policies, standards and requirements contained in the Plan. According to the Development Plan, uses which are 'Permitted in Principle' on land zoned 'B: Existing Residential / Infill' are as follows:

### *Dwelling, Nursing Home, and Park / Playground.*

It is acknowledged that residential use is a 'Permitted in Principle' use under 'B' zoning. Although residential care homes are not explicitly stated in Table 18.0 of the Newbridge LAP, the Planner's Report submitted under Reg. Ref. 24/60379 indicates that the closest comparable use is a nursing home, which is permitted in principle.

While residential accommodation solely for international protected persons is not specifically outlined in the LAP, it is considered to be consistent with permissible use, especially given that the property has previously functioned as a residential dwelling at one point in time. The proposal seeks to repurpose the existing dwelling to provide urgently needed accommodation, aligning with national policies on housing for international protection applicants. The temporary nature of the exemption ensures that the site can be reverted to its original office use upon expiry of the exemption period, thereby preserving the long-term integrity of the 'B' zoning objective.

Further to the above, we note the following policies and objectives outlined in the Development Plan:

- Policy HO P7**                    *Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.*
- Policy HO P8**                    *Ensure that groups with specialist housing needs, such as older persons, people with disabilities, the homeless, Travellers, those in need of emergency accommodation including those fleeing domestic violence, are accommodated in a way suitable to each of their specific needs.*
- Objective HO O35**                *Continue to work with Central Government and relevant State Agencies to support the provision of housing for International Protection Applicants (asylum seekers/ refugees) in County Kildare, and to support those communities in accessing Council services in their widest provision (including arts and culture).*

In light of the above, the proposed development is considered exempt under Class 20F, aligns with national policy directives, and represents a practical, socially beneficial use of existing infrastructure. It is submitted that the proposal is appropriate for the site and consistent with the overarching aims of the Kildare County Development Plan 2023-2029 to facilitate adaptable and socially responsive land use.

## **9.0 Conclusion**

The subject development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is intended to provide temporary accommodation for persons seeking international protection. It is important to note that the facility benefits from an existing planning permission for residential care home use.

Under Condition No. 2 of the permission granted under Reg. Ref. 24/60379, the use of the site is restricted to a '*residential care home only*'. It is respectfully submitted that the proposed use is consistent with this permitted use, as it continues to provide temporary residential accommodation and care to vulnerable persons. The facility is operated by Fairport Care, a private residential service provider engaged by the Tusla Child and Family Agency, which supports young people transitioning from care to independent living.

As shown in Table 1.0 of this report, this aligns with the definition of 'care' under the Planning and Development Regulations 2001 (as amended) with respect to residential care homes and social accommodation facilities.

In this context, the existing use aligns with the regulatory definition of care and falls within the broader category of social care accommodation. The proposal does not constitute a material change of use but rather represents a transition from one form of social care provision to another, specifically, the delivery of temporary accommodation for protected persons in need of support and supervision.

Furthermore, it is well established that a planning condition cannot override a statutory exemption. As the proposed use qualifies as exempted development under Class 20F, the condition restricting use to a residential care home does not preclude this temporary change of use, provided it does not materially alter the character of the use, which it does not in this case.

Accordingly, it is submitted that the proposed development is exempt from the requirement to obtain planning permission, does not materially alter the character of the existing permitted use, and remains fully consistent with the terms and intent of the original planning permission.

In this context, the key question for consideration by the Planning Authority is as follows:

***'Whether the use of 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44, a residential care home currently providing accommodation to Tulsa – Child and Family Agency, and the Department of Children, Equality, Disability, Integration, and Youth, to provide temporary residential accommodation for displaced persons or persons seeking international protection under Class 20F, is or is not development and whether development constitutes exempted development or does not constitute exempted development?'***

We respectfully request An Coimisiún Pleanála to overturn the decision of Kildare County Council and to issue a declaration under Section 5 of the Planning and Development Act 2000 (as amended) confirming that the proposed temporary use constitutes exempted development under Class 20F.

Should you have any queries or require further information, including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI  
Director for HPDC

**Appendix A – Kildare County Council Section 5 Decision under Reg. Ref. ED/1226 dated 10<sup>th</sup> June 2025**

Comhairle Contae Chill Dara  
Kildare County Council



Date: 10<sup>th</sup> June 2025  
Our Ref: ED/1226

SBLN Ltd. T/A Fairport Care Services  
C/O Kevin Hughes  
Hughes Planning and Development Consultants  
No 85 Merrion Square  
Dublin 2  
D02 FX60

**RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Renvyle, Great Connell, Newbridge, Co Kildare**

Dear Sir/Madam,

I refer to your correspondence received on 23<sup>rd</sup> April 2025 in connection with the above. Please find enclosed Receipt no. FIN1/0/511307 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP   
Senior Executive Officer,  
Planning Department.



**Declaration of Development & Exempted Development under  
Section 5 of the  
Planning and Development Act 2000 (as amended).**

**ED/001226.**

**WHEREAS** a question has arisen as to whether the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) at Renvyle, Great Connell, Newbridge Co Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 23<sup>rd</sup> April 2025

**AND WHEREAS** SBLN Limited T/A Fairport Care Services requested a declaration on the said question from Kildare County Council,

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and
- (c) Documentation received with the application

**AND WHEREAS** Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) The nature, extent and purpose of the works,

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) at Renvyle, Great Connell, Newbridge Co Kildare **IS development and IS NOT EXEMPTED development pursuant to Section 2, 3, 4, and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

**10<sup>th</sup> June 2025.**

PP   
**Senior Executive Officer,  
Planning Department.**