

## Section 5 Appeal – 1 & 2 Church Place

### Applicant Details

Anthony O'Donoghue  
1 Church Place, Rathmore, Co.kerry, P51KXY9

083-1154603, ODcastle@Gmail.com

Date: [Insert Date]

### To:

The Secretary  
An Coimisiún Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

|                       |                   |
|-----------------------|-------------------|
| AN COIMISIÚN PLEANÁLA |                   |
| LDG-                  | 086 311- 26       |
| ACP-                  |                   |
| 23 JAN 2026           |                   |
| Fee: €                | 220 Type: PMO     |
| Time:                 | 9.15 By: Reg Post |

### Re: Appeal of Section 5 Declaration – Internal Works to Convert Two Units into One Dwelling

#### 1. Introduction

I am submitting this referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) to request a formal determination from An Coimisiún Pleanála on whether the internal works carried out at my property constitute exempted development.

#### 2. Background of the Property

The property is a detached dwelling historically divided into two units: 1 Church Place (ID 2564617MH) and 2 Church Place (ID 2564626NH). The works undertaken were internal only, involving the removal of a downstairs bathroom to rejoin both levels into a single family home. No structural alterations were undertaken.

#### 3. Description of Works

The works included removing a downstairs bathroom which allowed the merging of both floors. No structural, external, fire safety, or stability impacts occurred. The building now functions solely as a four-bedroom detached house.

#### 4. Grounds for Appeal

- Works wholly internal
- No structural changes
- No external works



- No material change of use other than restoring one dwelling
- Expected a site visit from planning officer which did not occur

#### **5. Request for Determination**

I respectfully request that An Coimisiún Pleanála review Kerry County Council's Section 5 declaration and determine that the works constitute exempted development.

Sincerely,

Anthony O'Donoghue

A handwritten signature in blue ink that reads "Anthony O'Donoghue". The signature is written in a cursive style with a small dot at the end.



**An Roinn Pleanála**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí,  
V92 H7VT.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**Planning Department**

Kerry County Council,  
County Buildings,  
Tralee, Co. Kerry,  
V92 H7VT.

Guthán | Tel 066 7183582 Rphost | Email [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie)

**Application No:** EX1480  
**Decision Date:** 12<sup>th</sup> January 2026 **Registration Date:** 9<sup>th</sup> December 2025  
**Applicant:** Anthony O'Donoghue, 1 Church Place, Rathmore, Co Kerry.  
**Agent:** N/A  
**Development Location:** 1 Church Place, Rathmore, Co Kerry.

**Development Description:** The conversion of two residential units (ground floor level bungalow and basement level apartment to the rear) to one residential unit.

**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 Acts 2000 (as amended), Kerry County Council, being the Planning Authority for the County Health District of the County of Kerry, has by order dated 12<sup>th</sup> January 2026 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 9<sup>th</sup> December 2025. I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 namely the conversion of two residential units (ground floor level bungalow and basement level apartment to the rear) to one residential unit at 1 Church Place, Rathmore, Co Kerry **DOES NOT** constitute exempted development under the Planning & Development Acts 2000 (as amended) having regard to the considerations inserted hereunder:-

**Schedule 1**

- (a) The conversion of two residential units (ground floor level bungalow and basement level apartment to the rear) to one residential unit would constitute development that comes within the scope of Section 3(1) of the Planning and Development Act, 2000 (as amended),
- (b) The proposed development would not constitute exempted development as the basement level accommodation is unauthorised.

**Therefore, the proposed development would constitute development which is not exempted development.**

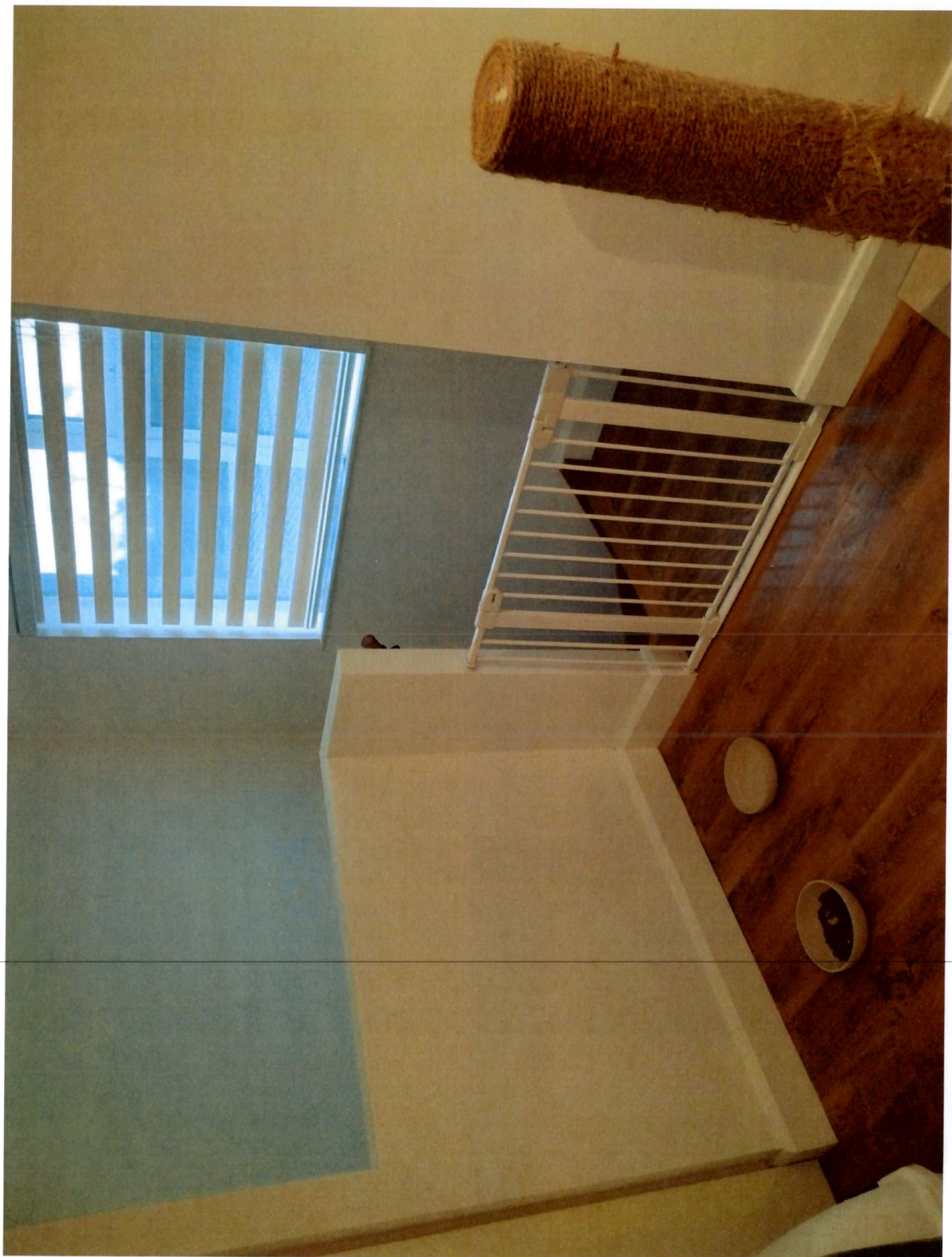
An Appeal against the decision of the Planning Authority under Section 5 of the Planning & Development Act 2000 may be made to An Coimisiún Pleanála within four weeks beginning on the date of the issuing of the declaration by the Planning Authority. An Appeal should be addressed to: An Coimisiún Pleanála,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

Signed on behalf of Kerry County Council

Date 12<sup>th</sup> January 2026



















Top of Stairs from sitting Room







At street level











STAIRS leading to sitting Room  
Bathroom was Removed to install  
these STAIRS



REAR OF HOUSE



