



## Leitrim County Council Planning Report

<b>Reference No:</b>	<b>ED25-32</b>
<b>Applicant:</b>	<b>Cróga Care Partners Ltd.</b>
<b>Location:</b>	<b>Sranagross, Glenfarne, Co. Leitrim</b>
<b>Application Type:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended.</b>
<b>Proposal:</b>	<b>Whether the change of use from the current existing residence attached to an existing pub (7 no. domestic dwelling) for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup> is or is not development and whether it is or is not exempted development.</b>
<b>Due Date:</b>	<b>11/11/2025</b>

### Introduction

This subject request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, was received by the Planning Authority on the 27<sup>th</sup> of June 2025. The declaration requested from the Planning Authority is whether the change of use from the current existing residence attached to an existing pub for use as a residence for a respite care facility for persons with intellectual, physical or mental illness for maximum of 6 no. residents and a maximum 2 no. carers together with a small rear bedroom extension of 11.16 m<sup>2</sup> is or is not development and whether it is or is not exempted development. Further information was sought from the applicant on the 23<sup>rd</sup> of July 2025 with a response received by the Planning Authority on the 22<sup>nd</sup> of October 2025.

The subject site is located in Glenfarne and lies within the settlement envelope as identified in the Leitrim County Development Plan 2023-2029 Book of Maps (Map 38 refers) on the south side of the N16 and within the 50 kph speed restricted zone. The subject site contains an existing two storey structure which was previously used as a public house.

Please also refer to previous report prepared by Joe Duffy, Assistant Planner dated 23<sup>rd</sup> July.

### Relevant Planning History

Whilst the previous report did outline the previous planning history associated with the site, it did not examine same in sufficient detail.

P147 – Planning permission was granted to Mr. Frank Keaney to reconstruct their premises in 1965. There are no drawings to indicate the nature of the development permitted by this permission although from details on the file, it relates to a *dwelling house*.

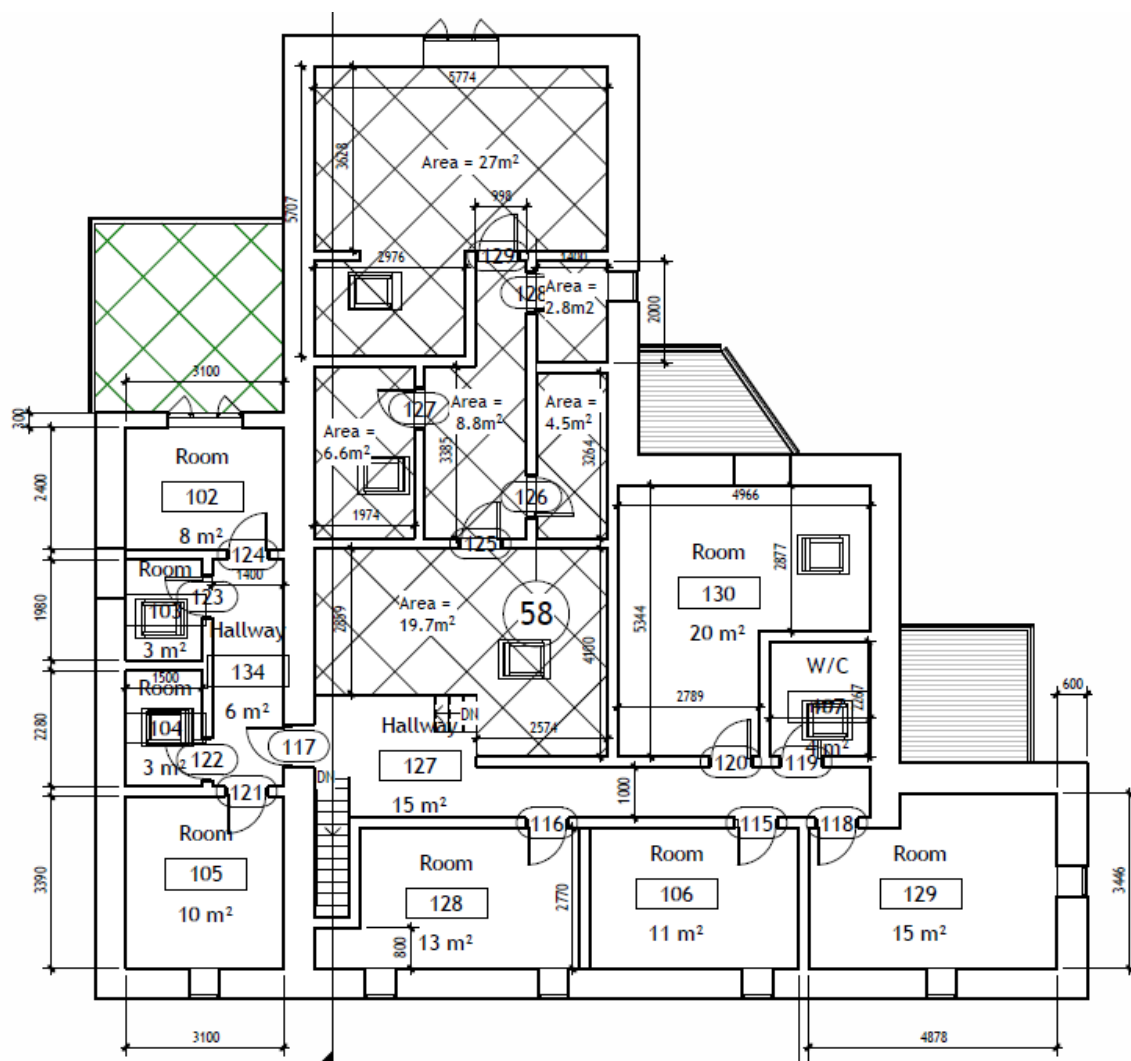
P1580 - Planning permission was granted to Mr. Frank Keaney to reconstruct and extend house in 1971. From the drawings on file, this relates to a two storey flat roofed extension to the rear of the property comprising a kitchen extension at ground floor and bathroom overhead. The shape of the overall structure was an 'L' shaped 2 storey property at that time from the elevational drawings submitted.

P8058 - Planning permission was granted to Mr. Patrick Keane to retain a workshop in 1984. This was to the rear of the property and is not considered of any relevance.

P. 11466 – Planning permission was granted to Ms. Kitty Keane to erect an extension to a licensed premises for use as a guesthouse (1993). This provides much more detailed floor plans than were submitted with the previous planning applications. The identified *guest house accommodation* at ground floor comprised a guests sitting room to the front adjoining a hall and stairs, with a dining room and kitchen to the rear of same. At first floor, the identified *guest house accommodation* extended to 4 no. bedrooms (3 no. of which were double bedrooms and each had en suite bathrooms attached) with 2 no. private bedrooms indicated.

P. 14398 – Planning permission was granted to Ms. Kitty Keane to extend the kitchen at the rear of the public house (1999). It is noted that this planning permission was not implemented. A subsequent application to extend the duration of the planning permission was refused by the Planning Authority, ref. P04/993, on 19<sup>th</sup> October 2004 on the basis that the Planning Authority were precluded from extending the appropriate period of the permission on the basis that substantial works must be carried out before the Planning Authority could consider extending the appropriate period of the permission. The applicants was advised that a new planning application would be required should she wish to carry out the proposed works. None was made.

P25/60202 – Planning permission was granted on 23<sup>rd</sup> October 2025 to Mr. John Keane to retain all elevational changes and extensions to an existing public house. As noted in the assigned planners report, the subject rear extension was relatively modest in scale and comprises of a single-storey, flat roof design with an overall height of approximately 2.82m and a floor area of 12m<sup>2</sup> and is well screened by the built form of the existing public house premises from the public road. This is shown as green hatching on Figure 1 below.



**Figure 1:** First Floor Plan drawing from P25-60202

However, from closer examination, it is apparent that although not referenced as forming part of the above application, there remains an element of development constructed at first floor was shown as hatched on the P25/60202 application drawings but not identified as forming part of the development for which retention of planning permission was being sought. I form the view that this element of the development remains unauthorised. This relates to the area shown in black hatching in Figure 1.

### Further Information Request

1. Insufficient information has been submitted with this application to allow the Planning Authority to make a determination on this matter. The applicant was required to submit clearly colour coded and easily readable floor plans (Scale 1:100) for this overall premises identifying the domestic dwelling that relates to this section 5 application together with the associated 7 no. bedrooms and identify and number which rooms and bedrooms relate to the change of use application. It was also unclear whether this change of use application includes the floor area of the former bar/lounge area and/or whether this change of use includes the ground floor only or whether some of this change of use includes any of the 1<sup>st</sup> floor area where a significant number of bedrooms are already stated. The applicant was requested to clarify and address these matters.

### Response

The applicant has submitted colour coded floor plans to a scale of 1:100. On the submitted floor plan drawings, the domestic dwelling located on ground floor is highlighted in orange which relates to this section 5 application. This is indicated as entrance hall and stairs, a bedroom, dining room and kitchen. The response indicates that 6 no. bedrooms with ensembles are highlighted in yellow and relate to the proposed change of use the subject of the submitted declaration request. From the drawings submitted, one bedroom is located on ground floor level with the remaining 5 no. bedrooms located on the first floor with one labelled '*staff bedroom*'. The letter also states that the ground floor and first floor plans highlighted in blue also relate to this section 5 declaration application. At ground floor level, this includes the lounge and toilets to the rear. No details of what these rooms will be used for are included or how it relates to the intended use. At first floor, a series of rooms are hatched in blue which would appear to be a different configuration towards the rear of the structure from that shown on the recent retention of planning permission application. These include 2 no. sitting rooms, living room, bathrooms, storage spaces and an office.

Part of the ground floor area (highlighted in grey) is not part of this application – this relates to the bar, toilet and store. Again, I note discrepancies between the uses identified in the submitted drawings from those submitted with the planning application which sought retention of planning permission, ref. no. P. P25/60202 refers.

2. Having regard to item 1 above, the Planning Authority noted some unauthorised elements were included with this subject premises for which retention of planning permission was now being sought. However, an assessment or decision for this retention application had not been made and as such this section 5 application is considered premature prior to a formal decision on same having been made. In any case, the unauthorised elements as stated above of this premises are unauthorised development and first need to be regularised prior to any determination being made with this section 5 application. Therefore, the applicant was required to submit revised drawings with retention permission being fully acquired for all of the unauthorised elements as outlined above. The applicant was requested to address these matters.

### Response

As outlined above, planning permission has been granted to retain all elevational changes and extensions to an existing public house. It is outlined that on that basis that the unauthorised elements have now been regularised which allows this section 5 application for declaration to proceed further. I would disagree with this statement and consider that the area shown as hatched on the above drawings remains unauthorised.

### **Planning and Development Act 2000, as amended**

#### Section 2 Interpretation

Section 2(1) of the Planning and Development Act, 2000 (as amended) provides an interpretation of 'works' as including '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*'. An "alteration" includes '*(a) plastering or painting or the removal of plaster or stucco, or (b) the replacement of a door, window or roof.... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.*'.

#### Section 3 Development

Section 3 (1) In this Act 'development' means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

#### Section 4 Exempted Development

Section 4 (1)- *The following shall be exempted developments for the purposes of this Act –*

*(h) development consisting of the carrying out for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance of the structure inconsistent with the character of the structure or of neighbouring structures;*

#### Section 4 (2)

- a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*
- i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
  - ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*
- b) *Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.*
- c) *Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.*

### **Planning and Development Regulations 2001, as amended.**

Article 6(1) of the Planning and Development Regulations 2001, as amended, states 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.*

Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions. Of relevance in this case would be the following:

a) if the carrying out of such development would –

- i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
- (viii) 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.

Article 10 deals with Change of Use generally.

Sub Article (6) (b) states that

*This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2*

Sub Article (6) (c) states that

*Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)–*

- i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
- ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and
- iii) the structure concerned, or so much of it that is the subject of the proposed
- iv) development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

*then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

Class 14 (f) of Schedule 2, Part 1 of Exempted Development of the Planning and Development Regulations 2001, as amended allows for the following exemption subject to conditions and limitations as set out in column 2:

#### Change of use

##### CLASS 14 (f)

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.

#### Conditions and limitations

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.

#### Part 4 Exempted Development – Classes of Use

##### CLASS 12

Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

## Assessment

I consider that the submitted drawings to be entirely sub standard and to be inconclusive with regard to replying to the request for Further Information which issued from the Planning Authority. Unfortunately, there is no provision for the Planning Authority to seek further clarification on such matters. The application makes reference to change of use from a 7 no. bedroom domestic dwelling to use as a residence for people with intellectual/physical disabilities or mental illness and their carers. The applicant states that they intend to construct a modest additional bedroom at the back of the property ensuring that the total number of bedrooms does not exceed 8 no. bedroom. I presume this relates to the change of use of the ground floor toilets. The

annotation on the original drawings submitted stated ‘*the highlighted blue area are current derelict toilets not in use. The plan for this area is to turn the toilets into one en suite bedroom*’.

This proposed change of use also relates to and includes part of the established commercial use of a bar / lounge at ground floor. The response clearly states that the lounge area at ground floor forms part of the proposed change of use. The proposed use of this area is not for conventional ‘*residential use*’ which are governed by the conditions and limitations included in Article 10 (6) which includes that “*Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines*”. It is clear that the proposal does not relate to an existing established or authorised conventional residential use.

Furthermore, the reference to a 7 no. bedroom domestic dwelling is also misguided as planning permission was clearly granted in 1993 to “*erect an extension to a licensed premises for use as a guesthouse*”. This comprised of 6 no. bedrooms, 4 no. of which were for use as a guesthouse with 2 no. remaining for private use. A guesthouse is a commercial use which is materially different from that of a private residential property. There is no provision within the legislation to change the use of a vacant bar / lounge to residential use without having to obtain planning as outlined above but for a conventional residential use. Such a use would have to have been established first before the provisions of Class 14(f) could be considered. There is simply no provision to change the use therefore of a bar / lounge and commercial guesthouse into use as a residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers

Furthermore, as outlined, there remains an unauthorised element at first floor for which no planning permission would appear to have been granted. This element is considered unauthorised development but would be immune from prosecution. However, no exempted development provisions can apply to an unauthorised development as outlined in Article 9.

Similarly, as the subject property is primarily a commercial property with an ancillary private residential element attached, there is no exemption to allow such a structure to be extended without first having obtained planning permission.

To satisfy the exemption afforded under Class 14(f) of the Regulations, the existing permitted and established use would have to be a house. It is not, it is a combination of bar and ancillary accommodation, a guesthouse and a dwelling associated with the principal use as a bar / lounge along with an unauthorised extension. The proposed change of use is not therefore exempted development, it would require planning permission along with planning permission having been granted for the unauthorised first floor area.

### Conclusion

Having examined carefully the submission and reviewed all of the documents relating to this development including the further information response received, I form the view that the proposed change of use from the current existing residence attached to an existing pub (7 no. domestic dwelling) for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup> is development and is exempted development.

### **Screening for Appropriate Assessment (AA) under Natura 2000 Sites**

The nearest Natura 2000 site is Boleybrack Mountain (SAC Site Code: 002032) which is located approximately 1.7km from the subject site. There is an obvious concern with regard to the adequacy of the wastewater treatment system to serve this property although questionable if the occupancy of the property is likely to intensify from that previously permitted. However, as the substantive matter is not considered exempted development, no further consideration in this regard is considered necessary.



## Recommendation

Having examined the considerable planning history associated with the subject building / site and to the uses both established and permitted through these grants of planning permissions and prior to 1<sup>st</sup> October 1964, to the definitions and provisions of Planning & Development Act 2001, as amended and the Planning & Development Regulations 2001, as amended, to the documents submitted with this referral request and to the further information response submitted, I consider that the established and authorised use of this structure is a combination of a bar / lounge and ancillary accommodation, a 4 no., bedroom guesthouse and ancillary private domestic dwelling and as such, the proposed change of use to provide accommodation for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup>, is development and is not exempted development.

Having regard to the foregoing, I recommend that the Planning Authority issue the following Declaration under Section 5 of the Planning and Development Act 2000, as amended:

**WHEREAS** a question has arisen as to whether the **change of use from the current existing residence attached to an existing pub (7 no. domestic dwelling) for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup>** at Sranagross, Glenfarne, Co. Leitrim, is or is not development and whether it is or is not exempted development;

**AND WHEREAS** the said question was referred to Leitrim County Council by Cróga Care Partners Ltd. on the 27<sup>th</sup> of June 2025 and supplemented by additional further information and drawings submitted on the 22<sup>nd</sup> of October 2025 following a request for further information by the Planning Authority

**AND WHEREAS** Leitrim County Council, in considering this referral, had regard particularly to

- a) Sections 2(1), 3(1), 4(1)(h) and 4(2) of the Planning and Development Act, 2000, as amended,
- b) Article 6(1), 9(1) and 10 of the Planning and Development Regulations, 2001, as amended,
- c) Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- d) the planning history and established use of the building,
- e) the submissions on file,
- f) the report of the Senior Planner:

**AND WHEREAS** Leitrim County Council has concluded that

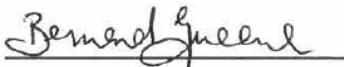
The change of use of from the current existing residence attached to an existing pub (7 no. domestic dwelling) for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup> at Sranagross, Glenfarne, Co. Leitrim

- i) would constitute development under Section 3(1) of the Planning and Development Act 2000, as the proposed change of use does not relate to a private residence as described in the declaration request but rather to a property which includes a number of established and authorised uses comprising a bar / lounge area with ancillary accommodation, a 4 no., bedroom guesthouse with ancillary private domestic dwelling along with an unauthorised extension remaining at first floor level, and
- ii) in order to satisfy the provisions of the exemption category afforded under Class 14(f) of the Regulations, the existing permitted and established use of the building would have to be that of a *house*. It is clearly not, and
- iii) Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions which includes if the carrying out of such development 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. As the structure retains an unauthorised element remaining, the exempted development provisions do not therefore apply, and

- iv) there is no provision within the Planning and Development Act 2000, as amended or in the Planning and Development regulations 2001, as amended to construct an extension to a commercial premises without first obtaining planning permission.

**NOW THEREFORE** Leitrim County Council, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended, hereby decides that the change of use of an existing property at Sranagross, Glenfarne, Co Leitrim from use as an existing residence attached to an existing pub (7 no. domestic dwelling) for use as residence for a respite care facility for persons with intellectual / physical disabilities or mental illness and their carers together with a small rear bedroom extension of 11.16 m<sup>2</sup> is development and is not exempted development.



Bernard Greene  
Senior Planner

**Date:** 05/11/2025