



Leitrim County Council Planning Report

Reference No:	ED26-22
Applicant:	Kare Plus Ireland
Location:	Cordiver, Ballyshannon, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2.
Date of Site Inspection:	15/04/2026
Due Date:	22/04/2026

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2, is or is not development and whether it is or is not exempted development.

It is proposed to utilise (1) an existing two storey dwelling on site and (2) a detached converted garage for the purposes of this exemption application.

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 27th of March 2026

Site Location and Description

The subject site is located in a rural area approximately 5 kilometres south of Ballyshannon, Co. Donegal, 1.5 kilometres north of Lough Melvin in well screened landscape and set back approximately 250 metres to the western side of the L-2088 local road which continues and links further onto Garrison and on towards Rossinver. The subject site contains an existing two storey hipped roof dwelling house which is well screened and not visible from the public road together with a two-storey detached garage.

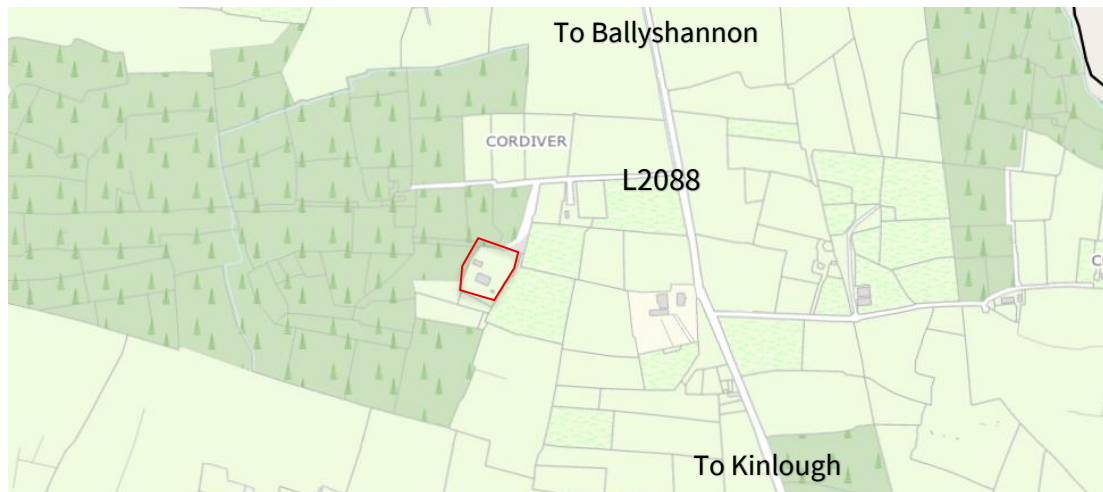


Fig. 1 Site Location

The nearest Natura 2000 site is Lough Melvin Special Area of Conservation (SAC Site Code: 000428) which is located approximately 1.5km south of the subject site. There is no direct link to this SAC from the site.

The nearest nationally designated site is also Lough Melvin, proposed Natural Heritage Area (pNHA Site Code: 000428) which is located approximately 1.5 km south of the subject site.

The subject site is not located within any landscapes designated for amenity value in the Leitrim County Development Plan 2023-2029.

There are no protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) located within the application site. Similarly, there are no Recorded Monuments or Zones of Archaeological Notification coinciding with the application site.

Description of Existing Structures on Site

There is currently a large two storey dwelling set well back within the site. This dwelling contains 4 en-suite bedrooms at first floor level, a living room, 2 kitchens, utility, office and accessible w/c at ground floor. A two-storey garage type structure is located to the northwestern edge of the site, which is to the front of the house. This 'garage' contains two bedrooms and a bathroom at first floor level and a kitchen, toilet and living area at ground floor. These structures are set on a large site, behind a wall and electric gates.



Fig. 2 Two storey dwelling on site.



Fig. 3 Two storey garage structure on site.



Fig. 3 Location of both structures on site.

Planning History

The following history pertains to the site:

P.06/689 Permission was granted to erect dwelling house, domestic garage and effluent treatment system. Granted 07/11/2006.

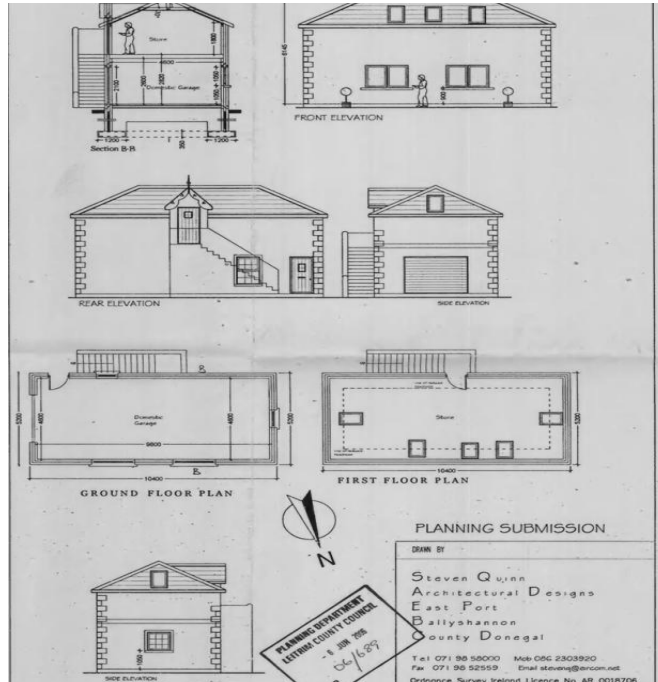


Fig.4 Garage Plans submitted under P.06/689

It is noted from plans submitted under P.06/689 and set out above that the garage was permitted as a garage, there is no recorded history on file to show that a change of use permission was obtained for this garage to be used as a habitable building and has also not been constructed as set out in drawings submitted under P.06/689.



Fig.5 Structure on site varies from that permitted under P.06/689

The structure on site varies to such an extent from that granted permission under P.06/689 that it would be deemed unauthorised. In addition, condition no. 13 of said permission states the following:

'The garage shall not be used for commercial purposes or for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the dwelling house as such'.

ED 25-29 A Declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the change of use from the current existing residence for use as residence for a respite care facility for persons with intellectual, physical or mental illness for maximum 6 residents and a maximum 2 carers is or is not Development and whether it is or is not Exempted

Development. This was deemed to be Exempted Development, and the declaration was issued on the 17th of July 2025 to a Cathy Mc Veigh.

Relevant Legislation

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 '...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

S.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

(iii) endanger public safety by reason of traffic hazard or obstruction or road users

(vi), interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(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,

Class 14 (f) of Part 1, Schedule 2 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 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 set out in column 2;

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.

Assessment

Proposed Development:

The change of use from the current existing residential use to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2 is or is not development and whether it is or is not exempted development. The details submitted includes elevational drawings and floor plans which identifies (1) 4 no. 1st floor bedrooms in the main two storey dwelling and (2) 2 no. bedrooms in ‘converted garage’.

Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that referral question is based simply on whether the proposed change of use of an existing dwelling and an existing converted garage structure from residential to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2 at Cordiver, Ballyshannon, Co. Leitrim is not development and whether it is or is not exempted development.

Is or is not development

In relation to whether the proposed works are development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines ‘development’ as comprising of two possible components: “the carrying out of any works on, in, over or under land”, or “the making of any material change in the use of any structures or other land”.

The issue of whether or not the proposed works constitute development is not disputed. Having regard to the definition of “works” as set out in Section 2 of the Planning and Development Act 2000, as amended, it is clear that the works constitute development within the meaning of the Act.

Is or is not exempted development

In consideration of the proposed change of use the Planning Authority notes from the submitted application documentation that this element will comprise of a the use of an existing 2 storey dwelling and a detached 2 storey structure to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2. Two elements

were indicated on the submitted documentation: (1) the 4-bedroom two storey dwelling; and (2) the 2-bedroom converted garage.

Two storey dwelling (4 bedrooms):

The proposed change of use for this element does not exceed the maximum threshold permitted by the conditions and limitations as set out in column 2. With this, it is considered that the proposed change of use would be in accordance with the Planning and Development Regulations, 2001 (as amended) Class 14(f) of Schedule 2, Part 1 of Exempted Development as follows:

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.

Having regard to the above, this change of use would not exceed the threshold identified and is therefore considered as exempt under Class 14 (f) of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended). Indeed, the previous declaration issued under ref. ED-25-29 in respect of the same change of use for the same dwelling structure still applies in this instance.

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 as set out in column 2:

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.

YES. As presented, the proposed change of use of this element does not exceed the maximum number of persons and carers allowable by the conditions and limitations as set out in column 2. With this it is considered that the proposed change of use would be in accordance with the above Class 14(f).

Two Storey Garage Conversion (2 Bedrooms):

There are currently no exemptions available for a change of use from a detached garage to a habitable structure. Notwithstanding this, the structure is currently utilised as a habitable structure. However, it should be noted that:

- no permission was sought for this change of use and its use as such is unauthorised,
- the structure was not built according to the plans submitted under application 06/689 and the structure is therefore unauthorised,
- in its current form this garage does not comply with condition nos. 1 and 13 of permission 06/689, which state the following:

Condition 1: The development shall be executed and completed in its entirety in accordance with plans, details and specifications lodged as part of this application, save as is hereinafter otherwise required.

Condition 13: The garage shall not be used for commercial purposes or for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the dwelling house as such.

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,

The utilisation of the detached garage structure as a habitable space nor its change of use are **not exempted** development as set out above.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposed development has been screened for Appropriate Assessment (AA), and it has been determined that an AA is not required. See Appropriate Assessment (AA) screening report attached.

Environmental Impact Assessment

Having regard to the limited nature and scale of the proposed development and the fact that the development proposed is not of a development type or class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended. It is therefore concluded that EIA is not required.

Recommendation

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 proposed change of use of an existing 2 storey dwelling and a detached 2 storey structure to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2 at Cordiver, Ballyshannon, 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 on the 27th March 2026 by Kare Plus Ireland;

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

- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) the proposed change of use of an existing 2 storey, 4-bedroom dwelling to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents will not exceed 6 and the number of carers will not exceed 2 at Cordiver, Ballyshannon, Co. Leitrim, constitutes development which **is exempted development** with the provisions of Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, applying in this instance.
- (b) the utilisation of the two-storey garage element of this application, constitutes development which is **not** exempted development with the provisions of Article 9(1)(a)(i) pertinent in relation to this structure having regard to condition 13 of the grant of permission issued under ref. P.06/689.

NOW THEREFORE Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000 Act, as amended, hereby declares that:

In respect of the existing permitted dwelling, the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents of

which will not exceed 6 and the number of carers will not exceed 2, at Cordiver, Ballyshannon, Co. Leitrim is development and is exempted development; and the change of use from a garage structure to a residential dwelling and any subsequent change of use of this structure to provide a residential care facility for children at risk, including those with learning difficulties, the number of residents of which will not exceed 6 and the number of carers will not exceed 2, is development that is not exempted development.



Aileen Farrell
Assistant Planner
Date: 16/04/2026



Liam Flynn
Senior Executive Planner
Date: 17/04/2026

Note to applicant: You are advised that the conversion and change of use of the garage structure for use as a separate residential unit on the subject site is considered unauthorised and should be regularised.



Appropriate Assessment Screening and Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	ED26-22
(b) Brief description of the project or plan:	As per planning report
(c) Brief description of site characteristics:	As per planning report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Lough Melvin SAC (000428)	https://www.npws.ie/protected-sites/sac/000428	km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests	No significant potential impacts.
Operational phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risks) - Potential for accidents or incidents	No significant potential impacts.



Environmental Impact Assessment (EIA) Pre-Screening

Establishing if the proposal is a 'sub-threshold development'

File Reference No:	ED26-05
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required ☒ No – Proceed to Part A

Part A - Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

☐ Yes – specify class:	EIA is mandatory No screening required
☒ No	Proceed to Part B

Part B - Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)

☒ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ Yes, the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No screening required
☐ Yes, the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C

Part C – If yes, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

EIA Preliminary Examination:

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

	Comment:	Yes/No/Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the</i>		

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☐ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:		
Date: 16/04/2026		