



Leitrim County Council Planning Report

Reference No:	ED26-30
Applicant:	Cróga Care Partners Ltd
Location:	Glenfarne Road, Kiltyclogher, Co. Leitrim, F91R722
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Change of use from residential to provide three short-to mid-term therapeutic placements for children, who will live in a home-like setting with appropriate care and supervision.
Date of Site Inspection:	14/05/2026
Due Date:	28/05/2026

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 three short-to mid-term therapeutic placements for children, who will live in a home-like setting with appropriate care and supervision, is or is not development and whether it is or is not exempted development.

It is proposed to utilise an existing two storey, three-bedroom dwelling on site.

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 1st of May 2026

Site Location and Description

The subject site is located on Glenfarne Road within the development envelope of Kiltyclogher, on lands zoned Existing Residential. The subject site contains an existing two storey three-bedroom dwelling.

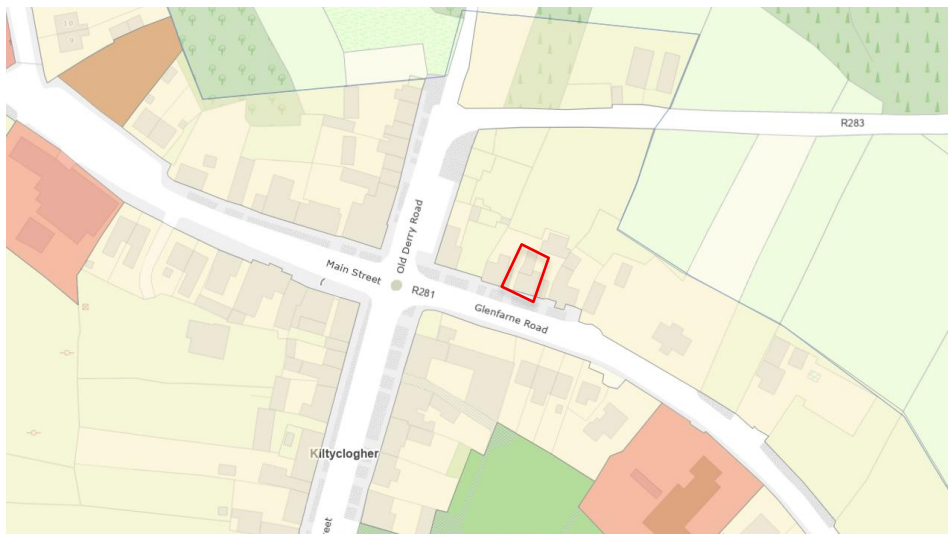


Fig. 1 Site Location

The nearest Natura 2000 site is Lough Melvin Special Area of Conservation (SAC Site Code: 000428) which is located approximately 6km northwest of the subject site. There is no direct link to this SAC from the site.

The nearest nationally designated site is Dough/Thur Mountains Natural Heritage Area (NHA Site Code: 002384) which is located approximately 3.5 km south of the subject site.

The subject site located on lands zoned General (G) in the Leitrim County Development Plan 2023-2029, which has the following objective attached to it:

General

To protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure.

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 with a bay window separated from the R281 (Glenfarne Road) by a grass verge and footpath. This dwelling contains 3 bedrooms (one with an ensuite) and a bathroom at first floor level, a large living room, kitchen, utility, dining room and w/c at ground floor. A large attached storage shed has been indicated to the rear.



Fig. 2 Two storey dwelling on site.

Planning History

There is no recent planning history on file.

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 three short to mid-term therapeutic placements for children, who will live in a home-like setting with appropriate care and supervision is or is not development and whether it is or is not exempted development.

Additional information has been provided regarding the intended use (email received from the applicant on the 13th May 2026) to indicate the following:

‘Bedroom 1 is for a carer as per the drawings accompanying this application. The two remaining bedrooms are allocated client bedrooms to be used for persons presenting with intellectual or physical or mental illnesses. The number of persons with an intellectual or physical or mental illness will not exceed 2 and the number of overnight resident carers shall not exceed 1.’

The details submitted include floor plans which identifies 3 no. 1st floor bedrooms (of which one is ensuite) and a large living room, dining room, kitchen, utility and W/C at ground floor level.

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 from residential to provide short-to mid-term therapeutic placements for children,(presenting with intellectual, physical or mental illness) who will live in a home-like setting with appropriate care, the number of residents will not exceed 2 and the number of carers will not exceed 1 at Glenfarne Road, Kiltyclogher, Co. Leitrim, F91 R722 is or 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 to provide short-to mid-term therapeutic placements for children,(presenting with intellectual, physical or mental illness) who will live in a home-like setting with appropriate care, the number of residents will not exceed 2 and the number of carers will not exceed 1 .

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:

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.

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) of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended).

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 an existing 2 storey dwelling to provide short to mid-term therapeutic placements for children, (presenting with intellectual, physical or mental illness) who will live in a home-like setting with appropriate care, the number of residents will not exceed 2 and

the number of carers will not exceed 1, at Glenfarne Road, Kiltyclogher, Co. Leitrim, F91 R722 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 1st May 2026 by Cróga Care Partners Ltd;

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

- (a) Sections 2(1), 3(1) and 4(2) 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 an existing 2 storey, 3-bedroom dwelling to provide short to mid-term therapeutic placements for children, (presenting with intellectual, physical or mental illness) who will live in a home-like setting with appropriate care, the number of residents will not exceed 2 and the number of carers will not exceed 1, at Glenfarne Road, Kiltyclogher, Co. Leitrim, F91 R722, 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.

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 dwelling, the proposed change of use from residential to provide short to mid-term therapeutic placements for children, (presenting with intellectual, physical or mental illness) who will live in a home-like setting with appropriate care, the number of residents will not exceed 2 and the number of carers will not exceed 1, at Glenfarne Road, Kiltyclogher, Co. Leitrim, F91 R722 is development and is exempted development.



Aileen Farrell
Acting Executive Planner
Date: 19/05/2026



Liam Flynn
Senior Executive Planner
Date: 20/05/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-30
(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	6km	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:	ED26-30
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: 19/05/2026		