



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Nua Healthcare Services
C/o Magda Mickiewicz
Nua Healthcare Services
Building & Planning Department
The Atrium
John's Lane
Naas
Co.Kildare
W91 WC78**

29th September 2025

Section 5 referral Reference R25-76 – Nua Healthcare Services

Conversion to part of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person is development or is it exempted development?

A Chara,

I refer to your application received on 2nd September 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to An Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas



**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R25-76



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-76

Conversion to part of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person is development or is it exempted development?

AND WHEREAS, Nua Healthcare Services has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), 9(1) and Classes 1 and 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) The details as received from the Referrer on 02nd September 2025
- (d) The planning history of the site,
- (e) The pattern of development in the area.

And whereas Clare County Council has concluded:

- (a) And Clare County Council has concluded that the proposed conversion of the existing dwelling at the Cowfield, Cappanalaght, Sixmilebridge County Clare, to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, is considered to be development and is exempted development.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the proposed conversion of the existing dwelling to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, at the Cowfield, Cappanalaght, Sixmilebridge, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

29th September 2025

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 86367

Reference Number: R25-76

Date Referral Received: 2nd September 2025

Name of Applicant: Nua Healthcare Services

Location of works in question: The Cowfield, Cappanalah, Sixmilebridge,
Co. Clare, V95 CD89

Section 5 referral Reference R25-76 – Nua Healthcare Services

Conversion to part of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person is development or is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), 9(1) and Classes 1 and 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) The details as received from the Referrer on 02nd September 2025
- (d) The planning history of the site,
- (e) The pattern of development in the area.

AND WHEREAS Clare County Council has concluded:

- (a) And Clare County Council has concluded that the proposed conversion of the existing dwelling at the Cowfield, Cappanalah, Sixmilebridge County Clare, to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, is considered to be development and is exempted development.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the proposed conversion of the existing dwelling to use as a residence for persons with intellectual or physical disabilities or mental illness

and persons providing care to such persons, at the Cowfield, Cappanaloght, Sixmilebridge, Co. Clare is considered development which is exempted development.

Signed:


GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

29th September 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

Applicants	Nua healthcare services
FILE REF:	R25/76
REFERENCE:	Is the conversion of an existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, development, and, if so, is this exempted development.
LOCATION:	The Cowfield, Cappanalagh, Sixmilebridge County Clare V95CD89
DUE DATE:	

Site Location

The subject property is an existing dwelling in a rural location at Cappanalagh, Sixmilebridge County Clare V95CD89. The dwelling is a two-storey dwelling with an external garage.



Figure 1; Image of subject property.

County Development Plan 2023-2029 provisions

As per the Clare County Development Plan 2023-2029 this property is located within a rural area that is designated as a Working landscape and an area under Urban generated pressure for development

Planning History at this site.

98-970

Peter Eacrett	Cappanalought Sixmilebridge Co. Clare	construct a residence and associated site works
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Permission was granted subject to conditions.

00-2340

Peter Eacrett	Cappanalought Sixmilebridge Co Clare	construction of garage/shed to existing residence
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Fi was sought and was not responded to.

02-1066

Peter Eacrett,	Cappanalought, Sixmilebridge, Co. Clare	to retain garage and associated site works
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Retention permission was granted.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Nua Health care services.

The applicants are seeking a Section 5 Declaration as to whether.

The conversion of part of the existing dwelling to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, is development and if so, is it exempt development.

The referrer provides the following additional information on the application form and on a cover, letter submitted, as follows (in summary).

- It is proposed to use the dwelling as a community dwelling.
- The property is in a rural setting and is a two-storey detached dwelling.
- It is proposed to provide residential care for both male and female clients with intellectual disabilities, mental health issues and other disabilities.
- The house will function as close as possible to a family home and will accommodate 3 resident service users and associated staff members.
- Nua Health care was founded in 2004 to support clients with a range of disabilities and mental health issues.

- The social model of care is delivered in normal community settings and not in hospital or high-density units.
- Nua health care is widely recognised as the leading provider of residential care homes for the target groups.
- Nua Health Care is a private entity and service provider to the HSE, TUSLA, Individuals and their families.

Appropriate Assessment

Having regard to the small scale and nature and scale of the stated works, which consists of a change of the use of an existing dwelling and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise, and it is my view that the proposed change of use would not be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Assessment

This section V Referral application is considered as follows.

Statutory Provisions

(1) Planning and Development Act, 2000 (as amended)

- (a) In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*. Consideration has been given to the following sections of the Planning Act.

S.3.(1) In this Act, “development” means, except where the context otherwise requires, **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.

‘Works’ are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Having regard to the above, the stated changes to the subject building are considered to be development and to be works.

(2) Planning and Development Regulations 2001 (as amended)

Part 2 Exempted Development

Article 5(1) – ‘care’ means personal care, including help with physical, intellectual or social needs.

Article 6(1) – 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.

Assessment: The above provisions are noted.

Exempted development provisions as per Schedule 2 Part 1 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/limitations include 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:

The above class of exempted development is noted. The proposed use of the subject house is for use by 3 resident service users. Staff will work in this building, but will not be full time residents, as staff will work on a shift basis. The stated use of the house is considered to be in keeping with the above class of exempted development.

Restrictions on exempted development as per Article 9(1)

Development to which Article 6 relates shall not be exempted development 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*
- (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
- (iv) 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.*

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area.

(b) in an area to which a special amenity area order relates, if such development would be development: —

(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes,

or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule.

(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Assessment

I have considered all of the above restrictions on exempted development, and it is my view that none of the restrictions apply in this case.

Precedent

Regard has been had to an earlier Section V Referral application made by the same referrers to Clare County Council in July 2025, Reference R 25-66, in relation to a property at Quin, County Clare, wherein a declaration was sought as follows.

Section 5 referral Reference R25-66 - Nua Healthcare Services; Is the conversion to part of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person development and if so, is it exempted development?

Clare County Council concluded as follows.

(a) The conversion of a dwelling to a community residence for persons with intellectual or physical difficulties or mental illness and persons providing care to such persons at Springfield House, Quin, Ennis, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended.

(b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended

(c) The said conversion of a dwelling to a community residence for persons with intellectual or physical difficulties or mental illness and persons providing care to such persons at Springfield House, Quin, Ennis, Co. Clare is exempted development by virtue of Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

The conversion of a dwelling to a community residence for persons with intellectual or physical difficulties or mental illness and persons providing care to such persons at Springfield House, Quin, Ennis, Co. Clare is considered development which is exempted development.

Conclusions

The applicants are seeking a Section 5 Declaration as to whether.

The conversion of part of the existing dwelling to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, is development and if so, is it exempt development.

Clare County Council in considering this referral had regard to

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), 9(1) and Classes 1 and 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) The details as received from the Referrer on 02nd September 2025
- (d) The planning history of the site,
- (e) The pattern of development in the area.

And Clare County Council has concluded that the proposed conversion of the existing dwelling at the Cowfield, Cappanalaght, Sixmilebridge County Clare, to use as a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons, **is considered to be development and is exempted development.**

Annemarie McCarthy

Executive Planner

Date: 26/09/25

A McCarthy *exec planner*
26/09/25

noted.
26/09/25



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Nua Healthcare Services
C/o Magda Mickiewicz
Nua Healthcare Services
Building & Planning Department
The Atrium
John's Lane
Naas
Co.Kildare
W91 WC78

2/09/2025

Section 5 referral Reference R25-76 – Nua Healthcare Services

Conversion to part of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person is development or is it exempted development?

A Chara,

I refer to your application received on 2nd September 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Caroline Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2





Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

02/09/2025 14:33:36

Receipt No. : L1CASH/0/383676

***** REPRINT *****

NUA HEALTHCARE SERVICES
BUILDING & PLANNING DEPARTMENT
ATRIUM
LANE
CO. KILDARE

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change 0.00

Issued By : L1CASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

R25-76

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



Comhairle Contae an Chláir
Clare County Council



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	NUA Healthcare Services, Building & Planning Department, The Atrium, Johns Lane, Naas, Co. Kildare, W91 WC78
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Magda Mickiewicz NUA Healthcare Services, Building & Planning Department, The Atrium, Johns Lane, Naas, Co. Kildare, W91 WC78

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

Conversion to part of existing dwelling to a residence for persons with intellectual or

physical disabilities or mental illness and persons providing care to such person is

development and if so is it exempted development?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Conversion of dwelling to a community dwelling

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

OSI Map: Sheet No: 4561 Scale: 1:5000

151-NUA-ZZ-00-P-A-01-Site Plan

Sheet No: 4561-B Scale: 1:2500

151-NUA-ZZ-00-P-A-02-Elevations & Sections

Sheet No: 4561-D Scale: 1:2500

151-NUA-ZZ-00-P-A-03-Floor Plans

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>The Cowfield</u> <u>Cappanaloght</u> <u>Sixmilebridge</u> <u>Co. Clare</u> <u>V95 CD89</u>
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	<u>No</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>Owner</u>
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>N/A</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>Yes</u>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<u>N/A</u>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<u>Planning Ref No. 98/970</u> <u>00/2340</u> <u>02/1066</u>
(h) Date on which 'works' in question were completed/ are likely to take place.	<u>10/11/25</u>

SIGNED:

Yvonne McMenon

DATE:

26.08.25

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:.....			



Planning Department
Economic Development Directorate
Clare County Council
Aras Contae an Chlair
New Road,
Ennis
Co. Clare V95 DXP2



27th August 2025

Re: Section 5 Declaration on Exempted Development

Dear Sir/Madame

We, Nua Healthcare Services, of The Atrium, John's Lane, Naas, Co. Kildare are applying for a Section 5 declaration in respect of an existing dwelling at, **The Cowfield, Cappanalaght, Sixmilebridge, Co. Clare, V95 CD89**

In support of our application please find enclosed the following:

2 copies of the following:

Completed Application Form

Ordnance survey Map Sheet No: 4561 scale 1:5000
 Map Sheet No: 4561-B scale 1:2500
 Map Sheet No: 4561-D scale 1:2500

Scaled drawings of development

- 151-NUA-ZZ-00-P-A-01 Site Plan
- 151-NUA-ZZ-00-P-A-02 Elevations & Section
- 151-NUA-ZZ-00-P-A-03 Floor Plans

Application Fee of €80: we contact you to arrange payment of the application fee by credit card.

The application is to seek a declaration as to whether: -

the change of use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is development which is exempted development.

SITE LOCATION AND DESCRIPTION

The subject site is located in **The Cowfield, Cappanalaght, Sixmilebridge, Co. Clare, V95 CD89**. The Property is located in a rural setting in the Clare countryside, comprised of a two-storey, detached residence with large External Garage, approx. 5km from Sixmilebridge. The grounds are landscaped with local and indigenous trees to all boundaries except where an entrance was formed to access the site. Access to the property is from the L3036 Local Road. The house is solid masonry construction and is

02-1066
02-1061

structurally sound. The external walls are finished in painted nap plaster. PVC framed double-glazed windows set on concrete sills complete the exterior. The building's main roof is cross-gabled, clad in flat, concrete tiles with angular ridge tiles, with PVC fascia and soffit. Numerous skylights are incorporated into the roof.

The existing dwelling is to provide residential care services for people, both male and female, with intellectual disabilities, mental health issues and other disabilities. The house will function as close as possible to a traditional family home.

The building will accommodate up to a maximum of 3 resident service users in the 3no. bedrooms a large kitchen/ dining area and communal living area.

Typically, a care home of this size will be staffed by approximately two to four full-time-day-care staff who typically work 12-14 hour shifts in addition to a team leader who manages the house Monday to Friday 9-5. Note that only a maximum of 2 staff members will stay in the house overnight. The carers are not permanent residents but will work on a shift basis during the day and at night.

Aerial view of site



NUA HEALTHCARE SERVICES

Nua Healthcare Services was founded in 2004 to support clients with a range of Intellectual Disabilities and Mental Health presentations including challenging behaviours. Since then, the company provides community outreach, day services and residential care for persons with Intellectual Disabilities, Autism, Brain Acquired Injuries and Mental Health difficulties. The social model of care is delivered in normal community settings and not in hospital or high-density units and is in line with national Standards for Residential Services for Children and Adults with Disabilities 2013.

As with all competent organisations, Nua Healthcare Services operates a care model through a strong frontline staff team, robust management and supervision system. From humble beginnings, the company now operates services nationally in partnership with the HSE and employ in excess of 2500 locally based staff caring for circa 400 clients.

Uniquely, more than 80% of Nua Healthcare Services frontline staff are degree qualified and the remaining 20% are working towards same. The clinical team comprises of respected Neuro and Forensic Psychiatrists, Psychologists, Psychotherapists, Behavioural Specialists, Occupational Therapists and are further complimented by nursing staff and a varied panel of other clinical professionals. The senior management team comprises of experienced management professionals who are responsible for the overall quality and governance of our services.

Nua Healthcare Services is widely acknowledged within the healthcare sector as the expert / leading provider of residential care programs for individuals with autism, intellectual disabilities and behavioural difficulties in the Island of Ireland. Residential care for persons with intellectual disabilities, Autism and Brain Injuries is a highly regulated space in Ireland. Every residential care home is required to be registered with HIQA and is inspected regularly against the National Standards for Residential Services for Children and Adults with Disabilities 2013. These standards cover a vast array of areas including, risk management, good governance and suitability of facilities / environment. The state has shut a significant number of facilities that are considered institutional and moved all individuals into settings similar to those provided by Nua Healthcare Services. Nua Healthcare Services is registered for Intellectual Disability services with HIQA.

Nua Healthcare is a private entity and service provider to the Health Service Executive, TUSLA, Individuals and their families. The model of services provided by Nua Healthcare is not determined by buildings or locations. While day services are provided at a variety of locations, Nua Healthcare subscribes to the concept of 'services without walls'. This concept does not restrict service provision to any one location but rather, it allows for the provision of supports in settings which best meet the identified needs of the service user in the most natural environment possible.

The referral process for Residential Care clients is as follows:

1. Initial contact is made by an individual, a family member, HSE Representative or Clinician
2. A formal referral is then made by the HSE / Clinician
3. Nua Healthcare Services conducts a provisional assessment to assess suitability for residential assessment
4. If suitable, a proposal is submitted to stakeholders for provision of 12 week Residential Assessment
5. If the above proposal is accepted, the appropriate documentation is signed with the individual, their family member and the HSE and a discharge date is set 12 weeks from the point of admission

There is c.10,000 individuals in Ireland with intellectual disabilities that are in need of a normal community residential care placement. Individuals with intellectual disabilities and autism are typically more vulnerable and therefore, open to manipulation by unsavoury individuals in the general population. A common reason for referral to our residential services is that of an existing family arrangement that has broken down. This can be due to behavioural difficulties in the home or changing health needs of the individual or parents.

In this context, Nua Healthcare Services seek out normal environments in excess of 2000 sq. ft. and within reasonable distance of local amenities, from a town or village. The following criterion is considered in determining suitable locations:

- Homely
- Secure / Private
- 4 to 6 Bedrooms
- Multiple living / common areas / social spaces
- 1 – 2 Acre sites
- Low arousal environment

Individuals with learning disabilities and / or autism cannot always live completely independently and so, where they cannot, suitable environments are required to be provided by trusted organisations such as Nua Healthcare Services.

PLANNING HISTORY

The following planning permission applies to the property:

Planning Ref. No.: 98/970

Planning Ref. No.: 00/2340

Planning Ref. No.: 02/1066

LEGISLATIVE PROVISION

Planning and Development Act 2000, as amended

Section 3 - Development

In the Act, "development" means, except where the context otherwise requires, 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

Section 4(1) (Exempted Development)

The following shall be exempted developments for the purposes of this Act –

- (h) *Development consisting of the carrying out of works 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 inconsistent with the character of the structure or of the neighbouring structures.*

The works to the house, including changes to the internal layout and changes to the rear elevation are, in our opinion, within the definition of the above provisions and therefore exempted development.

Planning and Development Regulations 2000, as amended

Article 6 - Exempted Development

Subject to Article 9, development of a class specified in Column 1, 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.

In relation to the restrictions on exemption as set out in Article 9 of the Planning and Development Regulations 2001, as amended, it can be concluded that:

- The proposed change of use does not contravene a condition attached to any previous permission pertaining to the property;
- No works to the access to the public road are proposed;
- The change of use will not endanger public safety by reason of traffic hazard;
- The front of the building will not be brought forward;
- There are no works proposed under the public road;
- The proposed change of use would not interfere with a landscape of view of special character, as the dwelling is existing and is not located in an area which attracts a High Value Landscape designation;
- The proposed change of use would not involve any works to a feature of archaeological, geological, or historical, scientific or ecological interest;
- The dwelling the subject of this referral is not unauthorised;
- The dwelling is not restricted by an objective for the continuance of an existing use; The proposed change of use does not involve the fencing or enclosure on the boundaries of any land habitually open or used by the public;
- The proposed change of use does not obstruct any public right of way;
- The dwelling is not located in an ACA and no works to the exterior are proposed; and
- No special amenity orders apply to the existing site.
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights

Section b of this Article refers to areas where a special amenity order applies.

Article 10 relates to changes of use. Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2 shall be exempted development for the purposes of the Act, providing that the development if carried out would not

- a) Involve the carrying out of any works other than the works which are exempted development,
- b) Contravene a condition attached to a permission under the Act,
- c) Be inconsistent with any use specified or included in such permission,
- d) Be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2, Part 1 of Article 6 contains the following specific class of development under Class 14(f): -

Development consisting of changes 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.

The conditions and limitations in respect of this exemption include the following:

The number of persons with intellectual or physical disability or mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

The change of use of the house is, in our opinion, within the definition of the above provisions and therefore exempted development

PLANNING PRECEDENCE

- Clare County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at:
 - 1) Carrowbaun, Co Clare (Ref: R23-26)
 - 2) The Willows, Co Clare (Ref: R23-63)
- Offaly County council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Brookhaven, Birr (Ref: DEC 2019) - is development and is exempted development and also planning permission was granted in Mulberry Lodge, Tullamore for construction of a one-bedroom, single storey modular dwelling for use of persons with intellectual or physical disability or mental illness (Ref: PL2 21/668) and also at Barrowbank, Shanderry, Portarlinton for change of use and alterations of the detached garage to a residential unit for one no. resident for people with intellectual disabilities (Ref: 16/321)
- Kildare County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Alberg House, Kinsfurze Ave., Naas (Ref: ED/00531), The Meadows, Oldgrange, Athy (ED/00553), The Willows, Clonegath Monasterevin (ED00521), Hillview, Lackagh Beag, Monasterevin (ED/00562), Feighcullen, Rathangan (ED/00541) is development and is exempted development
- Tipperary County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Mountainview, Coumroe (Ref: S5/19/135).
- An Bord Pleanála Reference Number; PL25.RL3406 in respect of whether the use of a house as a residence for persons with an intellectual or physical disability is or is not development or is or not exempted development at Gainevale House, Multyfarnham, Co. Westmeath, determined that:
 - a) The use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore constitutes development, and
 - b) Having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development, in the circumstances of this case.

And therefore, that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gainevale House, Multyfarnham, Co. Westmeath is development and is exempted development.

- Cork County Council has determined that the change of use of a house and ancillary garage to a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Curraghroe Co. Cork, reference D/212/17, is development and is exempted development.

CONCLUSION

In conclusion and having regard to the above, we submit that the use of this house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 of those Regulations, being a material change of use. This therefore constitutes development and, having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence and to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development.

We therefore would ask that you consider our application carefully and, if you agree with our conclusions, confirm that the development is exempted development.

Yours faithfully



Magda Mickiewicz
Nua Healthcare Services

Ceapach
na Leacht
Cappanalaght

2.38

Ceapach
na Leacht
Cappanalaght

1.21

1.45

1.04

1.85

Both na Binne
Thuaidh
Bunnabinnia North

0.77

Both na
Binne Th eas
Bunnabinnia South

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PUBLISHED: 18/08/2025
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1:2,500
MAP SHEETS: 4561
4561-B
4561-D

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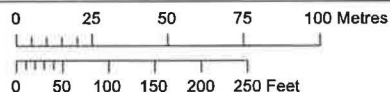
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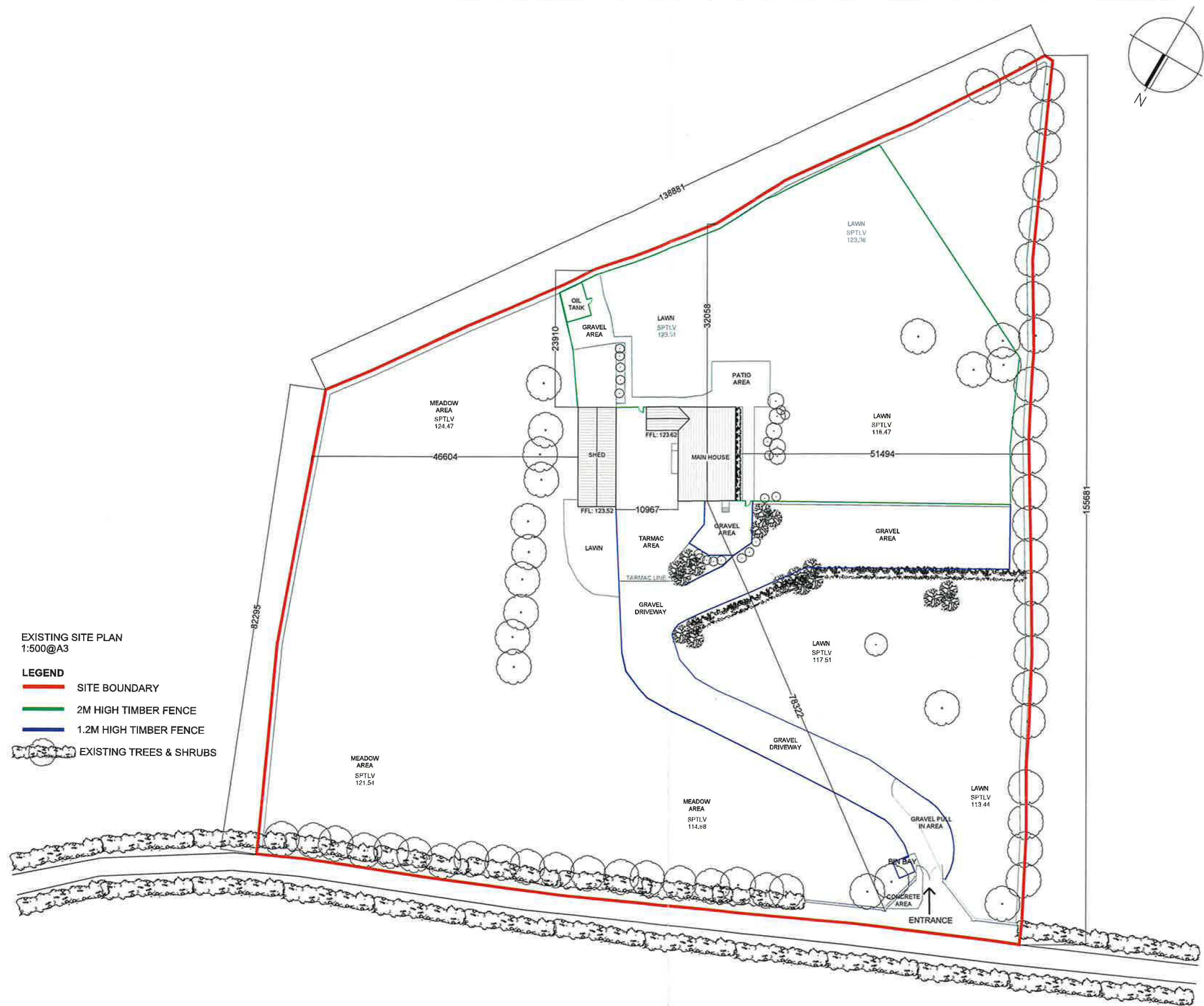
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OUTPUT SCALE: 1:2,500



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P01	26.08.25	SITE PLAN	GH	SL					



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SIXMILEBRIDGE, CO. CLARE V95 CD89**

Drawing: **SITE PLAN**

Stage: **SECTION 5**

Drawing No:

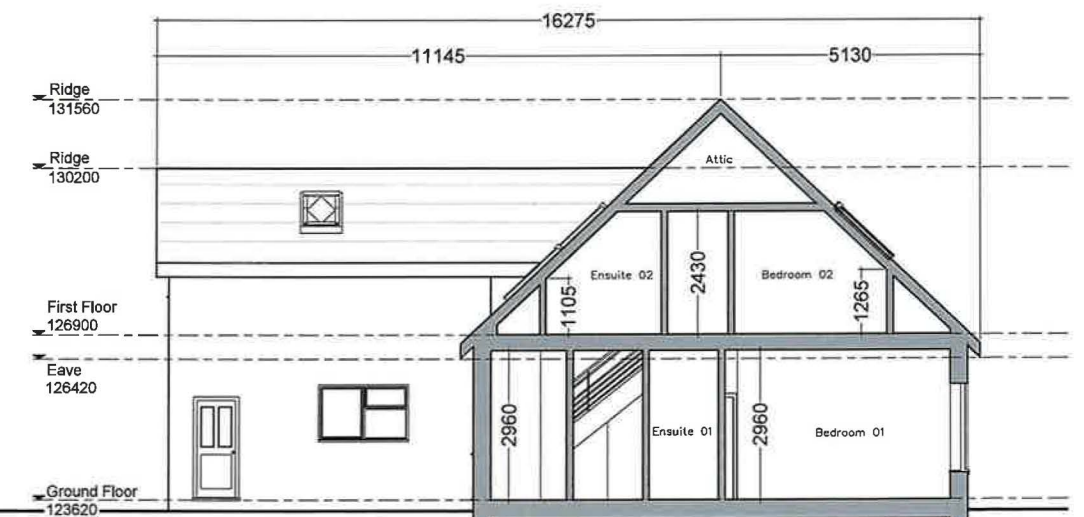
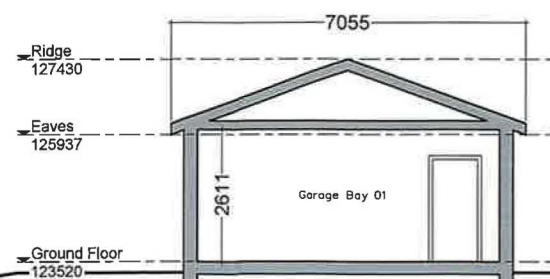
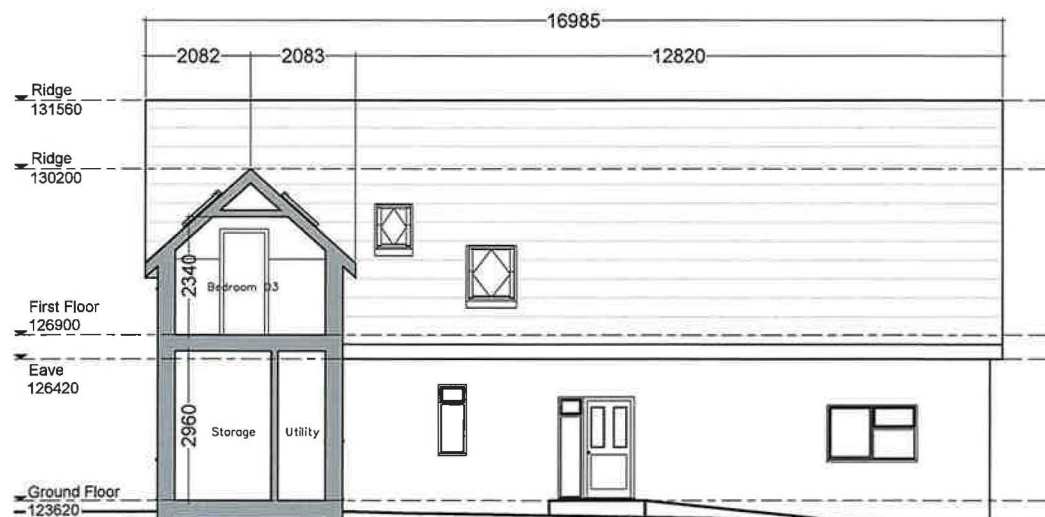
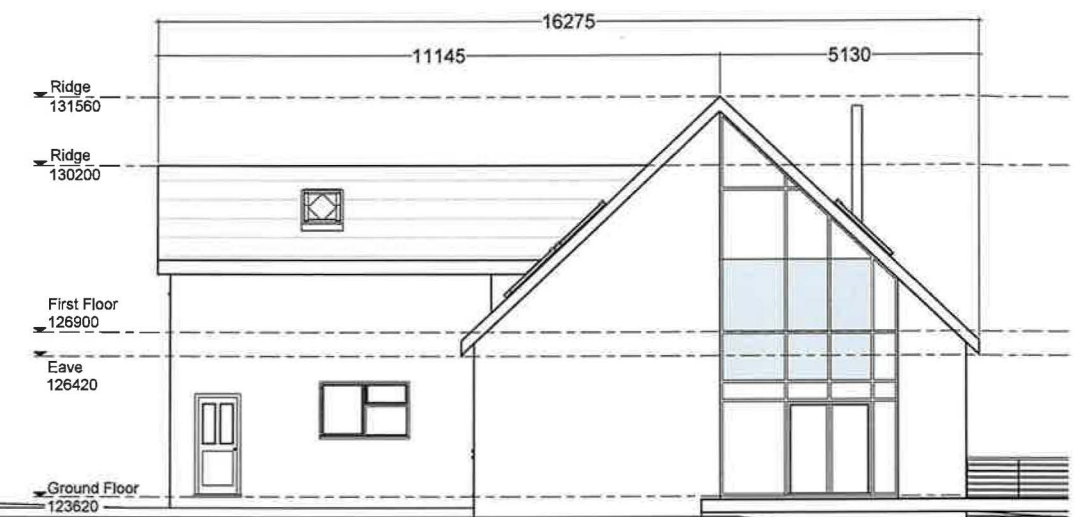
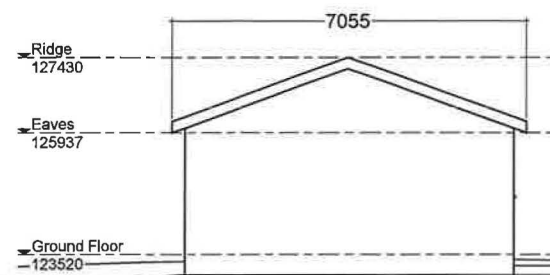
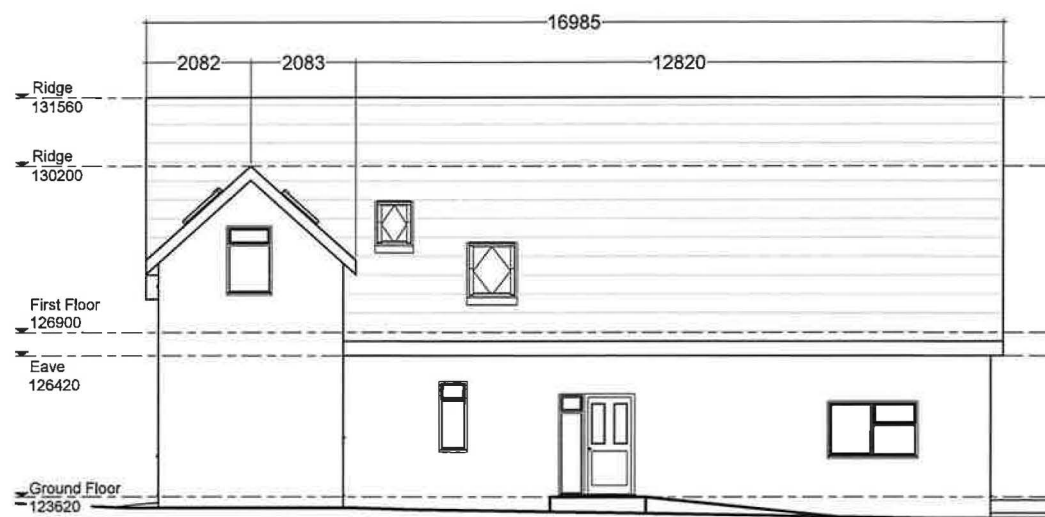
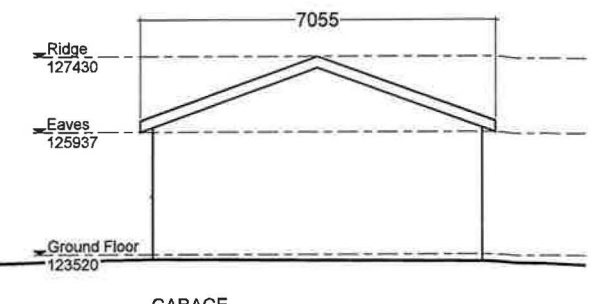
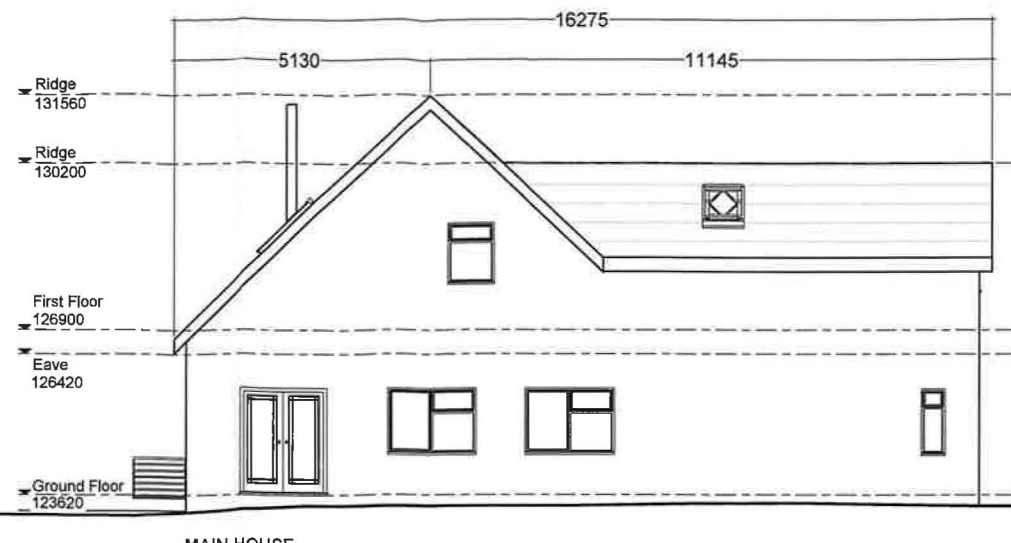
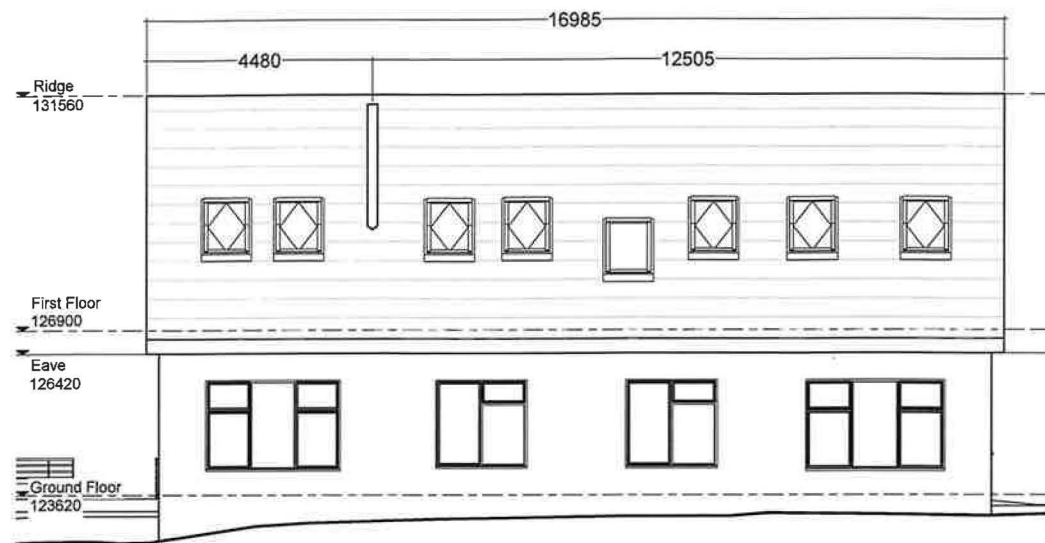
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P01

Date: **26/08/2025**



MAIN HOUSE & GARAGE ELEVATIONS & SECTIONS
1:150@A3

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P01	26.08.25	ELEVATIONS & SECTIONS	GH	SL					



Project: **THE COWFIELD, CAPPANALAGHT,
SIXMILEBRIDGE, CO. CLARE V95 CD89**

Drawing: **ELEVATIONS & SECTIONS**

Stage: **SECTION 5**

Drawing No:

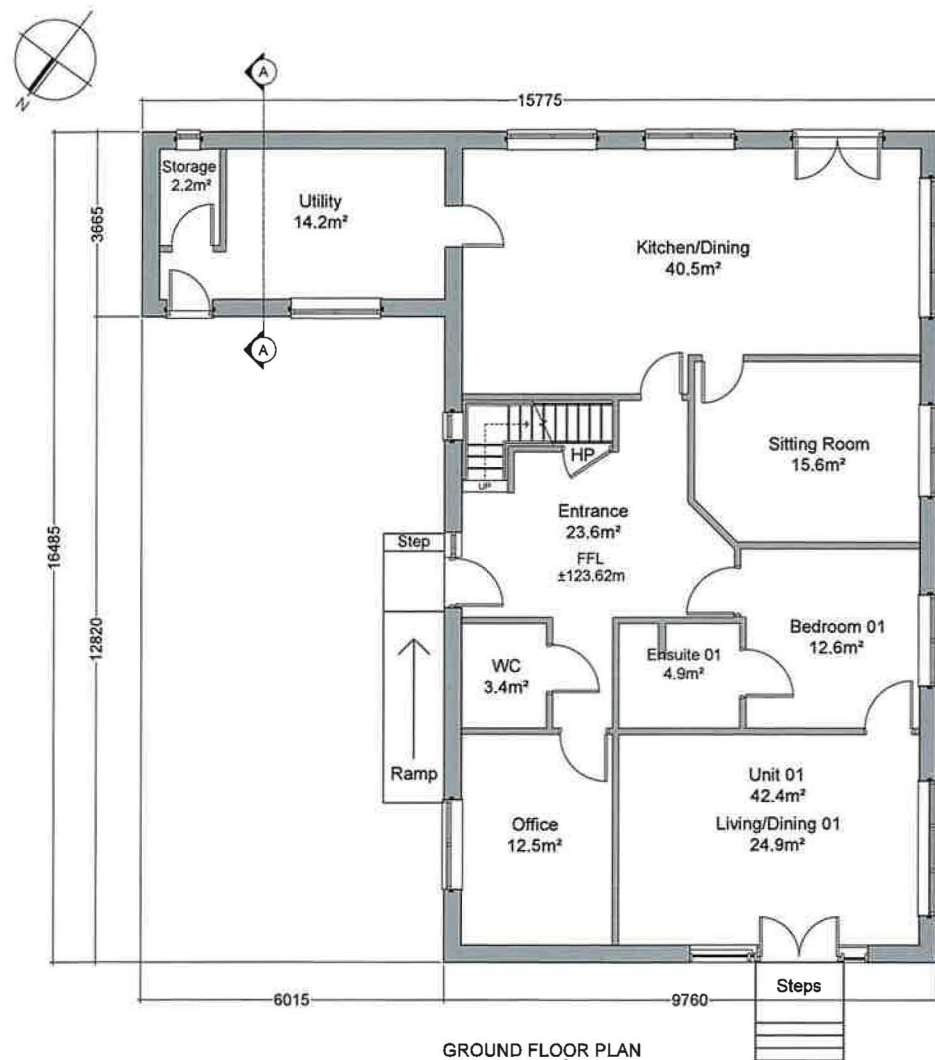
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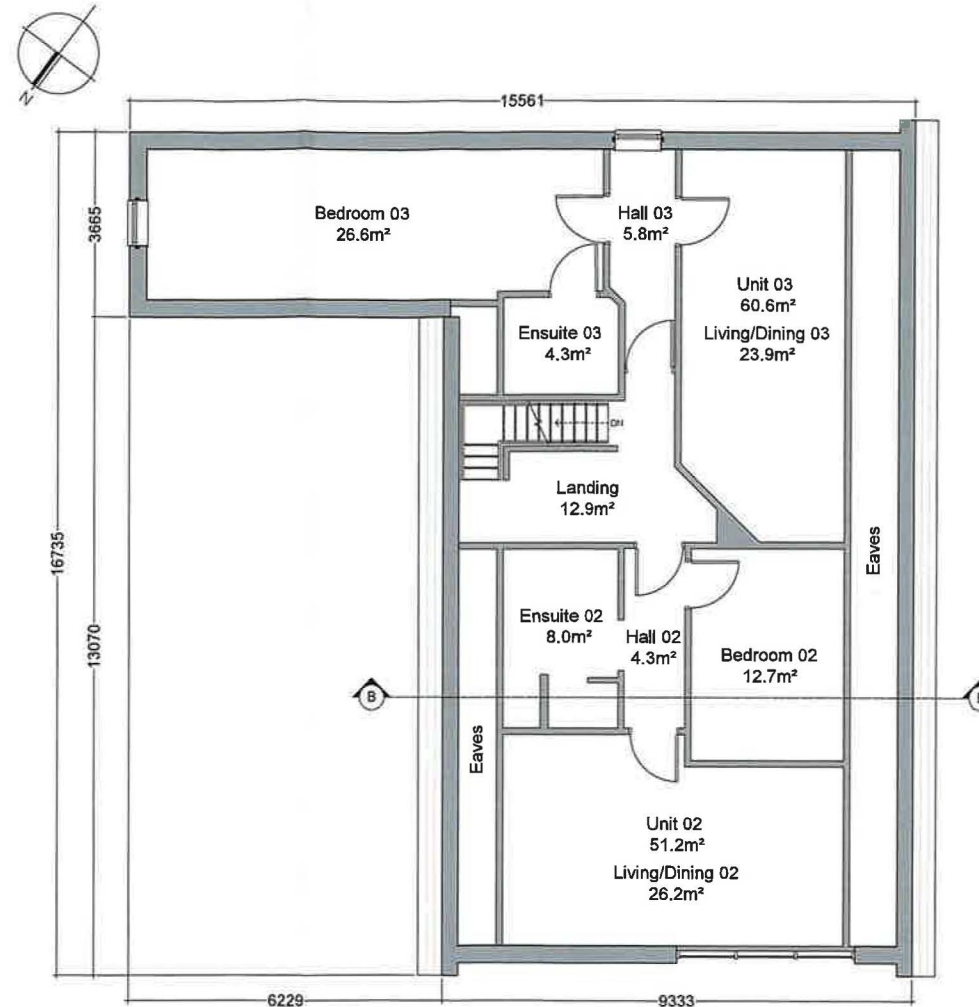
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Date: **26/08/2025**

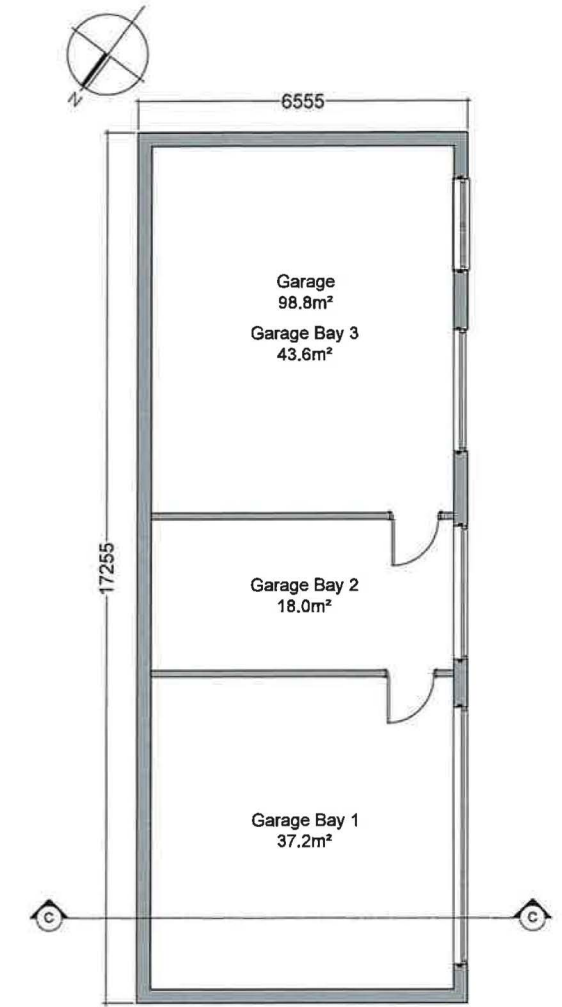


GROUND FLOOR PLAN
AREA: 153.8m²

MAIN HOUSE FLOOR PLANS
1:150@A3



FIRST FLOOR PLAN
AREA: 124.7m²



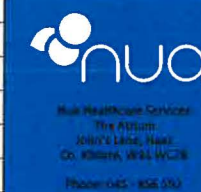
GARAGE FLOOR PLAN
AREA: 98.8m²

GARAGE FLOOR PLAN
1:150@A3

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P01	26.08.25	MAIN HOUSE & GARAGE FLOOR PLANS	GH	SL					



Project:	THE COWFIELD, CAPPANALAGHT, SIXMILEBRIDGE, CO. CLARE V95 CD89	Sheet:	A3
Drawing:	MAIN HOUSE & GARAGE FLOOR PLANS	Scale:	1:150
Stage:	SECTION 5	Revision:	P01
Drawing No:	151-NUA-ZZ-00-P-A-03	Date:	26/08/2025