



An  
Bord  
Pleanála

**Board Direction**  
**ABP-317397-23**

The submissions on this file and the Inspector's report were considered at Board meetings held on 29/04/2024 and 07/01/2025.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the works carried out (ongoing) to Lismore House Hotel, a Protected Structure, and within its curtilage since? [sic] January 2022. These works have been carried out to provide a care facility for IPAS refugees at Lismore House Hotel, 1-2 Main Street, Lismore, Co. Waterford, is or is not development or is or is not exempted development:

**AND WHEREAS** Pat Gibney requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 25th day of May, 2023 stating that the matter was development and was exempted development:

**WHEREAS** Pat Gibney referred this declaration for review to An Bord Pleanála on the 19th day of June, 2023:

**WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1), 4(1)(h) and 57 of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 and Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the submissions on file
- (f) the report of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The works carried out to Lismore House Hotel to facilitate the temporary accommodation facility for international protection applicants would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended.
- (b) The temporary change of use from hotel to accommodation for international protection applicants would constitute exempt development and would fall within the scope of Class 14 and Class 20F of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).
- (c) The works carried out 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 neighbouring structures and would fall within the scope of the exemption provided by Section 4(1)(h) of the Planning and Development Act 2000, as amended,

(d) However, it has not been satisfactorily demonstrated by the owner/occupier that the carrying out of the works to facilitate this temporary accommodation for international protection applicants does not materially affect the character of the Protected Structures, or any element of the structures which contributes to their special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and is, therefore, **not** exempt development under Section 57 of the Planning and Development Act 2000 (as amended).

**THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the development at Lismore House Hotel, 1-2 Main Street Lismore is development and is **not** exempted development.

**Note:** In not accepting the Inspectors recommendation to exempt the development under Section 57 of the Planning and Development Act 2000, as amended, the Board noted that the hotel property comprises two buildings which are included in the Record of Protected Structures as set out in Appendix 9 of the Waterford City and County Development Plan 2022-2028 i.e. RPS ID – WA750416 - Lismore Arms Hotel; and RPS ID – WA750462 – The Cloisters. These buildings are also included in the National Inventory of Architectural Heritage (NIAH) and which are detailed as being of Regional Importance and Architectural, Historical, Social Interest.

The Board noted the Inspectors comment that drawings including elevations and floor plans, showing what has been permitted and what has changed to facilitate the works have not been submitted. The Board issued a Section 132 notice to the owner/occupier requiring that certain plans and particulars, including an architectural impact assessment from a suitably-qualified professional with specialised conservation expertise, be submitted to demonstrate that the works carried out on Lismore House Hotel, a protected structure, would not materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical



erest. In the absence of a response to the Section 132 notice the Board made its determination accordingly.

**Board Member:**

  
Stephen Bohan

**Date:** 13/01/2025