



An  
Bord  
Pleanála

**Board Direction**  
**BD-018813-25**  
**ABP-318455-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/02/2025.

The Board decided to this referral generally in accordance with the Inspector's recommendation and the following draft Order:

**WHEREAS** questions have arisen as to whether, at the Former Great Southern Hotel, Rosslare Harbour, County Wexford, -

- (1) the intensification or increased occupancy of bedrooms is covered under Planning and Development (Exempted Development)(No. 4) Regulations 2003 when consent for the nursing home was based on one occupant per room,
- (2) the part use of the building for accommodation for those seeking international protection, which is undergoing renovation for use as a nursing home, can be considered exempted development, and
- (3) exempted development status can accrue when the building is under extensive renovations commenced under an approval permitted as a nursing home but not completed:

**AND WHEREAS** the said questions were referred to An Bord Pleanála by Wexford County Council on the 13<sup>th</sup> day of November, 2023:

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

- (a) Sections 2, 3 and 4 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) Part 1 of Schedule 2 Classes 14 (h) and (i) and 20F of those Regulations, and S.I No. 376/2023,
- (d) the documentation on file, including submissions on behalf of the referrer Wexford County Council, the observer Verona Murphy, and the owner of the property Amhola Rosslare Nursing Home Trading Limited,
- (e) the planning history of the site,
- (f) the pattern of development in the area, and
- (g) the report of the Planning Inspector:

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

- (a) Permission has been granted under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283 for a 90 bedroom nursing home at this site,
- (b) The plans and particulars lodged with the planning application indicate clearly such works are for the change of use of the former hotel to use as a nursing home,

- (c) The commencement of these works for the nursing home, subsequent to a commencement notice validated by Wexford County Council on the 16<sup>th</sup> day of May 2023 and prior to any subsequent commencement notices served for use unrelated to these permissions, has placed the future use of the buildings / properties / structures on site solely within the parameters of the nursing home permissions under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283,
- (d) The completion of such works to the buildings / properties / structures on site for any use other than a nursing home would be inconsistent with the use as permitted under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283, and would contravene Condition 1 of P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283,
- (e) The completion of such works to the buildings / properties / structures on site for any use other than a nursing home would therefore (i) contravene a condition attached to a permission under the Act and (ii) be inconsistent with a use specified in a permission under the Act, would therefore be de-exempted under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended, and pending the completion of these works and in the context of the above facts, there are no other exemptions available:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that

- (1) there are insufficient details available to determine whether the intensification or increased occupancy of bedrooms is covered under Planning and Development (Exempted Development)(No. 4) Regulations 2003 when consent for the nursing home was based on one occupant per room,
- (2) the part use of the building for accommodation for those seeking international protection, which is undergoing renovation for use as a nursing home, is development and is not exempted development, and

- (3) exempted development status can't accrue when the building is under renovations commenced under an approval permitted as a nursing home but not completed:

Board Member

Eamonn James Kelly

Date: 12/02/2025

Eamonn James Kelly