



An
Coimisiún
Pleanála

Direction
CD-022207-26
ABP-321202-24

The submissions on this file and the Inspectors' report were further considered at a meeting held on 20/05/2026.

The Commission decided, as indicated hereunder in the draft order, generally as recommended by the Inspector.

Planning

Commissioner:

Date: 21/05/2026

Tom Rabbette

DRAFT ORDER

WHEREAS a question has arisen as to whether the use of the Section 50 multi-unit building previously occupied by students during the academic year since 2007 for accommodating persons seeking international protection instead of students is or is not development or is or is not exempted development.

AND WHEREAS John Molloy requested a declaration on this question from Sligo County Council and the Council did not issue a declaration;

WHEREAS Sligo County Council referred this declaration for review to An Coimisiún Pleanála on the 4th day of November, 2024;

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 181 of the Planning and Development Act, 2000, as amended, and SI 306/2022 'European Union (Planning and Development) (Displaced Persons From Ukraine Temporary Protection) Regulations 2022'
- (e) article 6(1), article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Class 14 and Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the referral response, including legal opinion, submitted to the Commission on the 13th January 2025 on behalf of Eastview Ltd.
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the Inspector's Report on the referral,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The permitted use of the 33 no. apartments, which are the subject of this referral, is student accommodation, a development which has been implemented, and
- (b) The use of apartments for accommodating persons seeking international protection instead of students constitutes a material change of use, thus constitutes development pursuant to Section 3(1) of the Planning and Development Act 2000 (as amended), and
- (c) Having regard to the provisions of Section (4) of the Planning and Development Act, 2000 (as amended), the provisions of Article 6(1) and Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2025, there are no provisions in the Act and Regulations made thereunder, or other relevant legislation, whereby such development would constitute exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) and section 5 (4) of the 2000 Act, hereby decides that the use of the Section 50 multi-unit building previously occupied by students during the academic year since 2007 for accommodating persons seeking international protection instead of students is development and is not exempted development.