



An
Bord
Pleanála

Board Direction ABP-321373-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/04/2025.

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

WHEREAS a question has arisen as to whether the use of a Guesthouse at Dun a Ri House Hotel, Kingscourt, Co. Cavan, A82 ND30, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development.

AND WHEREAS Brimwood Unlimited Company requested a declaration on this question to Cavan County Council and the Council did not issue a declaration,

AND WHEREAS Cavan County Council referred this declaration for to An Bord Pleanála on the 29th day of November 2024,

AND WHEREAS the Board considered that the question should be rephrased as whether the use of a Guesthouse at Dun a Ri House Hotel, Kingscourt, Co. Cavan, to provide accommodation for persons seeking international protection, is or is not development or is or is not exempted development.

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

- (a) Section 2(1), section 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,

- (b) Article 6(1), Article 9(1) and Article 10 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) Class 6 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (e) the planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use of a guesthouse at Dun a Ri House Hotel, Kingscourt, Co. Cavan, to provide accommodation for persons seeking international protection constitutes a material change of use and therefore is development as defined under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (b) the change of use of a guesthouse at Dun a Ri House Hotel to provide accommodation for persons seeking international protection is exempted development as it comes within the scope of Class 14 – Part 1 of Schedule 2 – ‘Exempted Development - General’ inserted by The Planning and Development (Amendment) (No.4) Regulations 2015 (S.I No 582/2015).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use of a guesthouse at Dun a Ri House Hotel to provide accommodation for persons seeking international protection is development and is exempted development.

Note: The Board noted the Inspector’s opinion that the proposed change of use was not a material change of use and therefore not development, however, the Board

considered that while the proposed use to provide accommodation for persons seeking international protection has similarities to use as a guesthouse in terms of providing accommodation, having regard to Class 6 of Part Four of Schedule 2 of the Planning and Development Act, 2001 (as amended) which does not include the provision of accommodation for international protection applicants as a use in that Class, and that the change of use from guesthouse to the provision of accommodation for International Protection Applicants has been specifically provided for as a class of exempted development in legislation, the proposed change of use is material and therefore constitutes development.

Board Member:

Mary Gurrie
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Date: 09/04/2025