

An
Coimisiún
Pleanála

Direction
ABP-322072-25

The submissions on this file and the Inspector's report were considered at a meeting held on 24/02/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the refurbishment and construction works carried out to Laune Valley Farmhouse Bed and Breakfast at Bansha, Killorglin, County Kerry is exempted development and whether the temporary change of use from Farmhouse/Bed and Breakfast to house international protection/temporary protection refugee and asylum seekers is or is not exempted development:

AND WHEREAS Killorglin Westfield Limited requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 4th day of March 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Killorglin Westfield Limited referred this declaration for review to An Coimisiún Pleanála on the 12th day of March 2025:

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

- (a) Sections 2(1), 3(1), 4(1)(h), 4(2) and 4(3) of the Planning and Development Act, 2000, as amended;
- (b) articles 5, 6(1), 9(1) and 10(4) of the Planning and Development Regulations, 2001, as amended;
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) relevant case law;
- (e) the documentation on the file, including the submission on behalf of the requestor Killorglin Westfield Limited;
- (f) the pattern of development in the area; and
- (g) the report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

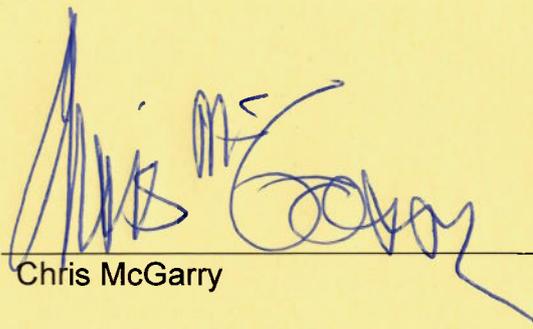
- (a) the alterations and refurbishment to the Laune Valley Farmhouse Bed and Breakfast, Bansha, Killorglin, County Kerry, constitutes development, as it involves the carrying out of 'works';
- (b) the alterations and refurbishment to the former Farmhouse Bed and Breakfast does not come within the scope of Section (4)(1)(h) of the Planning and Development Act, 2000, as amended, and are not considered to be exempted development;
- (c) the restrictions on exemption contained in Article 9(1)(a)(viii) of the Planning and Development Regulations, 2001, as amended, applies as the alterations and refurbishment to the Farmhouse Bed and Breakfast structure are unauthorised, and accordingly the five square metres service room extension is not considered to be exempted development;
- (d) the change of use of the Farmhouse Bed and Breakfast to provide accommodation for persons seeking international protection constitutes a material change of use and involves the carrying out of works and therefore, is

- development, as defined under Section 3(1)(a) of the Planning and Development Act, 2000, (as amended);
- (e) the change of use of a Farmhouse Bed and Breakfast to provide accommodation for persons seeking international protection is not exempted development as it does not come within the scope of Class 14 – Part 1 of Schedule 2 – 'Exempted Development - General' inserted by The Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I No 582/2015); and
- (f) in any event, the restriction on exemption provided for in article 9(1)(a)(viii) of the Planning and Development Regulations 2001, (as amended), applies as the alterations and refurbishment to the structure is unauthorised:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the alterations and refurbishment to the Farmhouse Bed and Breakfast and the change of use from Farmhouse Bed and Breakfast to provide accommodation for persons seeking international protection is development and is not exempted development.

**Planning
Commissioner:**

Date: 26/02/2026



Chris McGarry