



An
Coimisiún
Pleanála

Direction
CD-022220-26
ABP-322287-25

The submissions on this file were considered at a meeting held on 15/05/2026.

The Commission decided to dismiss this appeal under section 138(1)(b)(i) of the Planning and Development Act, 2000 based on the following reasons and considerations.

Planning

Commissioner:

Marie O'Connor

Marie O'Connor

Date: 27/05/2026

DRAFT WORDING FOR ORDER

WHEREAS a question has arisen as to whether the following works 'Permission to avail of Class 20F Exemption to accommodate people seeking international protection' at Academy House, Goff Street, Ballypheasan, Roscommon Town, County Roscommon, is or is not development or is or is not exempted development:

AND WHEREAS Noel Whelan requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 19th day of March 2025 stating that the said development for permission to avail of Class 20F Exemption to accommodate people seeking international Protection, was development and was not exempted development:

AND WHEREAS Noel Whelan referred this declaration for review to An Coimisiún Pleanála on the 14th day of April 2025:

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

- (a) Section 138, Section 2(1), 3(1), 4(2) and 4(4) 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) the documentation on the file, including the submission on behalf of the requestor Noel Whelan,
- (d) the documentation on the previous referral to Roscommon County Council planning reference DED 793 in relation to the same question and in respect of the same land which was declared to be development which is not exempted development,
- (e) the report and recommendation of the Inspector.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 138(1) of the 2000 Act, hereby dismisses the said referral under subsection 1(b)(i) of section 138 of the said Act, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) the previous referral under section 5 of the Planning and Development Act 2000, as amended, determined by Roscommon County Council on 13 day of February 2025 under planning register number DED793, which declared that

the works associated with "Permission to avail of Class 20F Exemption to accommodate people seeking International Protection" is development and is not exempted development,

- (b) the planning authority's determination under Planning Reference Number DED793 was not appealed to the Commission,
- (c) and the facts presented to the Commission in this referral are not materially different to that presented to the planning authority in planning reference DED 793,

Notwithstanding the Inspector's view that the additional documentation submitted with this referral amounted to a material change in the planning facts the Commission were not satisfied that the documentation submitted were of such detail as to substantially change the planning facts or circumstances since the previous determination was made that would have relevance to the referral case now before the Commission and it is considered that, in the particular circumstances, the appeal of the referral request should not be considered further, having regard to the nature of the appeal and the previous valid declaration by Roscommon County Council on the matter.