

An
Coimisiún
Pleanála

Direction
ABP-322526-25

The submissions on this file and the Inspector's report were considered at a meeting held on 26/02/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the temporary change of use of a repository / storage building ancillary to the Sea Lodge Hotel, Waterville, Co. Kerry, to residential accommodation for International Protection Applicants is or is not development and/or is or is / not exempt development:

AND WHEREAS Kieran O'Neill requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 14th day of April 2025 stating that the matter was development and was not exempted development:

WHEREAS Kieran O'Neill referred this declaration for review to An Coimisiún Pleanála on the 12th day of May 2025:

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)(a) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) Section 4(3) of the Planning and Development Act, 2000, as amended,
- (f) article 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (g) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (h) the planning history of the site,
- (i) The documentation on the file, including the submission on behalf of the requestor Kieran O'Neill,
- (j) the pattern of development in the area:
- (k) the report and recommendation of the Inspector:

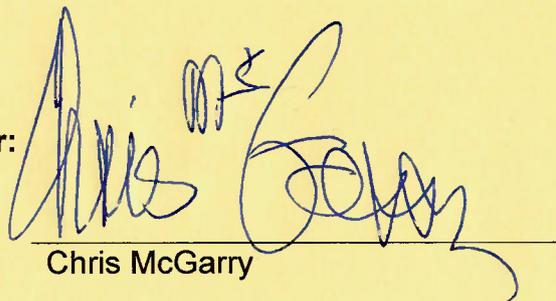
AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The alterations to the ancillary storage building constitutes development, as it involves the carrying out of 'works',
- (b) the existing use of ancillary storage and the proposed use as residential accommodation for persons seeking international

- protection constitutes a material change of use from the existing use and, therefore, constitutes development,
- (c) the existing ancillary storage building is not in use as 'wholesale warehouse or repository',
 - (d) accordingly, the existing ancillary storage building does not come within the exempted development provisions of Class 20F, Schedule 2, Part 1 of the Planning and Development Regulations 2001, (as amended), and
 - (e) does not come within any of the other exempted development provisions of the Act or Regulations.

THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the alterations and change of use to the ancillary storage building is development and is not exempted development.

**Planning
Commissioner:**



Chris McGarry

Date: 26/02/2026