



An
Coimisiún
Pleanála

Direction
ABP-322544-25

The submissions on this file and the Inspector's report were considered at a meeting held on 08/12/2025.

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

WHEREAS a question has arisen as to whether the use of the building as an International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - a "public office use" - and associated internal building works at the International Protection Office, Immigration Service Delivery (ISD), Timberlay House, 79-83 Lower Mount Street, Dublin is or is not development and is or is not exempted development.

AND WHEREAS Michael McCann on behalf of the Mount Street Residents Group care of BPS Planning and Development Consultants of PO Box 13658, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 30th day of April 2025, stating that the said matter is exempted development:

AND WHEREAS this declaration was referred for review by Mount Street Residents Group to An Bord Pleanála on the 16th day of May 2025:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) the nature and extent of the works,
- (c) relevant case law,
- (d) the planning history of the site,
- (e) the documentation on file, including the submission of the referrer,
- (f) the documentation provided by the planning authority, and
- (g) the report and recommendation of the Planning Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that -

- (a) The associated internal works fall within the definition of “works” within the meaning of Section 2 of the Planning and Development Act 2000, as amended and therefore constitutes “development” by reference to Section 3(a) of Act, as amended, specifically works on, in, over or under land;
- (b) The development as a consequence of the internal works, falls within Section 4(1)(h) of the Planning and Development Act 2000, as amended being development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and hence is exempted development;
- (c) the use of the office by the Immigration Protection Office, including undertaking of interviews and processing applications of prospective applicants, is consistent with the established office use, and no change of use from Class 2 (Part 4 – Exempted Development – Classes of Use of Schedule 2) of the Planning and Development Regulations, 2001, as amended arises, and hence

no development, as a result of a change of use under Article 10 of the Regulations occurs.

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 use of the International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - a "public office use" - at the International Protection Office, Immigration Service Delivery (ISD), Timberlay House, 79-83 Lower Mount Street, Dublin is not development, and the associated internal works are development that is exempted development.

Planning

Commissioner:

Date: 08/12/2025

Patricia Calleary.
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