

An
Coimisiún
Pleanála

Direction
ABP-322546-25

The submissions on this file and the Inspector's report were considered at a meeting held on 15/09/2025.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether a temporary change of use from office use to accommodate or support displaced persons or persons seeking international protection and associated works at 33-41 Mount Street Lower, Dublin is or is not development and is or is not exempted development:

AND WHEREAS Michael McCann care of Mount Street Residents Group care of BPS Planning and Development Consultants of PO Box 13658, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 29th day of April 2025 stating that the said question was development and was exempted development:

AND WHEREAS the said question was referred to An Coimisiún Pleanála by Mount Street Residents Group on the 16th day of May 2025:

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

- (a) Sections 2(1), 3(1), 4(1)(h), and 181(1) of the Planning and Development Act, 2000, as amended.
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended.
- (c) Class 20F of Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (d) Articles 3(1) and 3(2) of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. number 306/2022), and associated Schedule.
- (e) The previous Section 5 declaration by the planning authority in respect of the same land under register reference number 0063/25.
- (f) The nature of the current use on the site.
- (g) The submissions of the referrer and other parties.
- (h) The report of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) Part of the referral is the same, or substantially the same, and in respect of the same land as the declaration under planning register reference number 0063/25 issued by Dublin City Council on the 1st day of April, 2025. There is no evidence of any material change in the planning facts or circumstances in this case, and in such circumstances the Commission is precluded from making a determination on whether a temporary change of use from office use to accommodate or support displaced persons or persons seeking international protection at this location is or is not development and is or is not exempted development.
- (b) That such previous declaration did not consider additional exemptions in relation to residential accommodation for displaced persons and ancillary infrastructure and works under S.I. number 306/2022, which would apply to the proposed temporary use and associated works.

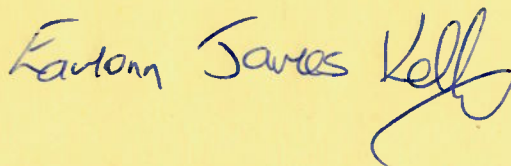
- (c) That the temporary use of the subject property by, or on behalf of, a State Authority during the relevant period, for the purposes of providing residential accommodation to displaced persons, and infrastructure and other works ancillary to such use, would be exempted development under Section 181(1)(A) of the Planning and Development Act 2000, as amended.
- (d) That based on the documentation presented on the file, including the submitted floor plans, the associated works would nonetheless constitute alterations of a structure which are internal in nature and which will not materially affect the external appearance of the structure so as to be inconsistent with its own character or that of neighbouring structures and would therefore be exempted development under Section 4(1)(h):

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that

- (a) the temporary change of use from office use to accommodate or support displaced persons or persons seeking international protection is development and is exempted development as already determined under planning authority Reg. Ref. 0063/25, and
- (b) the associated works are development and are exempted development.

Planning

Commissioner:



Date: 15/09/2025

Eamonn James Kelly