

An
Coimisiún
Pleanála

Direction
ACP-322842-25

The submissions on this file and the Inspector's report were considered at a meeting held on 06/03/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the use of existing nine residential apartments as accommodation for persons seeking international protection at 108 Thomas Davis Street, Mallow, County Cork, is or is not development and/or is not exempted development:

AND WHEREAS Kyraview Limited requested a declaration on this question from Cork County Council and the Council issued a declaration on the 27th day of May 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Kyraview Limited referred this declaration for review to An Coimisiún Pleanála on the 23rd day of June 2025:

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

- (a) Sections 2(1), 3(1), 4(1)(a) and 4(2) of the Planning and Development Act, 2000, as amended;
- (b) articles 5, 6(1) and 9(1) 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) previous referrals to the Commission, including ABP-307077-20,
- (f) the planning history of the site,
- (g) the documentation on the file, including the submission on behalf of the requestor KyraView Limited;
- (h) the specific description of the question as asked by the referrer,
- (h) the pattern of development in the area; and
- (i) the report and recommendation of the Inspector:

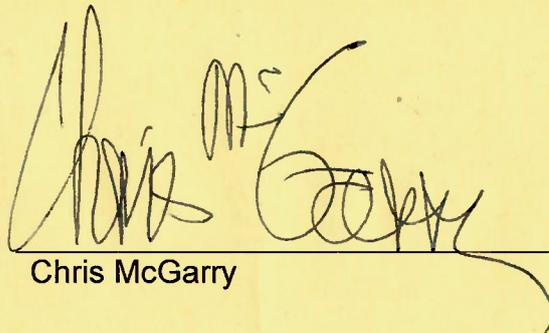
AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The referral seeks a declaration relating to the existing nine apartments at the subject premises;
- (b) The documentation as submitted with the referral references a maximum 45 persons, residing at the existing nine apartments, confirms that no direct care facilities or services for residents are provided by the referrer other than standard supports and access to third party services and confirms that no institutional or communal facilities are provided on site for use by residents;
- (c) Class 14(h), Part 1 of Schedule 2 to the Regulations is not applicable in this instance, as the established use of the existing nine apartments does not fall within the scope of use categories from which an exemption is available under that Class.

- (d) The use of the existing nine apartments as residential accommodation for persons seeking international protection with a maximum occupancy of 45 persons, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the established use of the existing nine apartments;
- (e) The use of the existing nine apartments as residential accommodation for person seeking international protection with a maximum occupancy of 45 persons, does not raise planning considerations that are materially different to planning considerations relating to the established use.

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 residential apartments to provide accommodation for persons seeking international protection, is not development.

**Planning
Commissioner:**



Chris McGarry

Date: 09/03/2026