

An
Coimisiún
Pleanála

Direction
ACP-322848-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/04/2026.

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 12 residential dwellings for its current use for accommodation for persons seeking international protection at numbers 69, 70, 71, 72, 73, 74, 75, 76, 129, 130, 131 and 132 at Caislean Ri, Athenry, County Galway is or is not development or is or is not exempted development::

AND WHEREAS Dom St. Properties (Limited) Galway, requested a declaration on this question from Galway County Council and the Council issued a declaration on the 27th day of May, 2025, stating that the matter was development and was not exempted development:

AND WHEREAS Dom St. Properties (Limited) Galway, 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 -

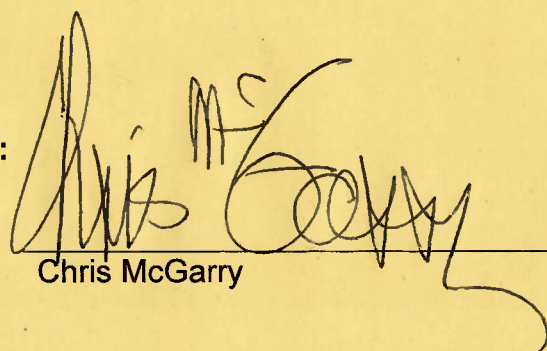
- (a) Section 2(1), 3(1), 4(2) and 4(4) of the Planning and Development Act, 2000 as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) relevant case law,
- (e) previous referrals to the Commission, including reference numbers ABP-321968-25 and ABP-307077-20,
- (f) the planning history of the site,
- (g) the documentation on the file, including the submission on behalf of the requestor Dom St. Properties (Limited), Galway, including the detail contained therein regarding occupancy of the respective dwellings and the confirmation that no physical works/alterations are proposed to the dwellings:
- (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 permitted use of the 12 number houses and the current use of the properties as residential accommodation for persons seeking international protection, as described in the documentation submitted with the referral, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use by consequence either of one use changing to another use or by material intensification of the established use, and, therefore, does not constitute development, and
- (b) the use of the 12 number houses as residential accommodation for persons seeking international protection, does not raise planning considerations that are materially different to planning considerations relating to the permitted 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 12 residential dwellings for its current use for accommodation for persons seeking international protection at numbers 69, 70, 71, 72, 73, 74, 75, 76, 129, 130, 131 and 132 at Caislean Ri, Athenry, County Galway is not development:

**Planning
Commissioner:**



Chris McGarry

Date: 23/04/2026