

An
Coimisiún
Pleanála

Direction
ACP-322857-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/03/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether a change of use of the existing rooms and spaces within a building which comprises the Convent of Mercy, Templeshannon, Enniscorthy, County Wexford, from a residential convent to a centre for the accommodation of Ukrainian refugees and international protection applicants is or is not development or is or is not exempted development.

AND WHEREAS Flodale Group Limited requested a declaration on this question from Wexford County Council and the Council issued a declaration on the 13th day of June 2025, stating that the matter is development and is not exempted development:

AND WHEREAS Flodale Group Limited referred this declaration for review to An Coimisiún Pleanála on the 24th day of June 2025:

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

- (a) Section 2(1), section 3(1), section 4(1)(h), section 4(2), section 4(3) and section 57(1) of the Planning and Development Act, 2000, as amended,
- (b) article 5, article 6(1) and article 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) the documentation on file, including the report provided by the referrer, '*Assessment of Proposed Use of Mercy Convent for Accommodation Purposes (Asylum and International Protection Applicants) on this Protected Structure*' dated May 2025 and prepared by Chris Ryan, Conservation Architect, and the reference therein to works having been carried out at the convent building and to a proposal to restore the garden to provide a much needed amenity for the new occupants,
- (e) the pattern of development in the area, and
- (f) the report and recommendation of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the change of use of existing rooms and spaces within a building which comprises the convent at Convent of Mercy, Templeshannon, Enniscorthy, County Wexford, to provide accommodation for persons seeking international protection is development and is exempted development as it comes within the scope of Class 14 – Part 1 of Schedule 2 – 'Exempted Development - General' inserted by The Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I No 582/2015).
- (b) Notwithstanding the wording of the question as set out by the referrer, the documentation submitted voluntarily with the referral clearly references works

undertaken at the building (whether or not for the specific purpose of the change of use) and proposed to be undertaken to the garden area at the protected structure. In addition the inspector references in his report works which he judges to have been undertaken within the protected structure. These works constitute development within the meaning of Section 3 of the Planning and Development Act 2000, as amended,

- (c) The change of use will avail of the benefit of these works and it has not been satisfactorily demonstrated in the level of detail provided by the referrer that the carrying out of the said works does not materially affect the character of the Protected Structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and these works cannot therefore, be determined as being not exempt development under Section 57 of the Planning and Development Act 2000 (as amended).

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 change of use of the existing rooms and spaces within a building which comprises the Convent of Mercy, Templeshannon, Enniscorthy, County Wexford from a residential convent to a centre for the accommodation of Ukrainian refugees and international protection applicants as fully described in the totality of the documentation submitted with the referral which includes reference to works, is development and is not exempted development.

In deciding not to accept the recommendation of the inspector, the Commission firstly agreed with him that the change of use of existing rooms and spaces, of itself (and should such change of use definitively exclude any works to the protected structure, from which they draw a benefit from or make use of, would be development and exempted development). This point is accepted is fully acknowledged.

The Commission also noted both the specific reference in documentation submitted by the referrer to works undertaken (such as blocking up of opening from the convent to the church, extension of ground floor room etc.) and works to be undertaken (garden area) at the subject premises and reference to works which the inspector states in his report that as a result of his site visit are seen to have been undertaken, such as floor coverings, electric / wiring fitted to internal walls concealed with external plastic casing, lighting, security cameras, replacement of internal doors with new fire doors, installation of toilet / shower facilities, installation kitchen facilities and installation of utilities for laundry room. (para. 9.3.3 of the inspector's report refers).

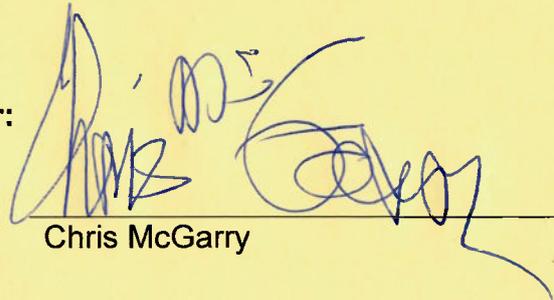
On the basis of the information on file the Commission determined therefore that the works that have been undertaken and are proposed to be undertaken (garden area) cannot be decoupled from the overall question as asked by the referrer on this specific case, noting that the referrer actually introduced detail confirming works had been undertaken/would be undertaken. In this regard the Commission agreed with the inspector, to the effect that consideration of the works would therefore be relevant in reaching a determination of this case, notwithstanding the narrow wording of the question.

However, the Commission did not agree with the inspector that the works described by him from his site visit and by reference to the documentation submitted with the referral could be deemed incidental to the overall character of the structure. The Commission determined that such a conclusion could only be reached with further specific detail as to all elements of works at the protected structure along with clear, definitive description of the change undertaken at those elements from the original/earlier fabric of the protected structure and the stated restoration to be undertaken to the garden noting that the gardens form an integral part of the overall

protected structure curtilage. In the absence of such detail, the Commission is not satisfied that it has been demonstrated that does not materially affect the character of the Protected Structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

**Planning
Commissioner:**

Date: 10/03/2026



Chris McGarry