

An  
Coimisiún  
Pleanála

**Direction**  
**ACP-323790-25**

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The submissions on this file and the Inspector's report were considered at a meeting held on 16/01/2026.

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

Commission Order as follows:-

**WHEREAS** a question has arisen as to whether the continued use of a residential building where care is not provided, to house homeless persons, is or is not development or is or is not exempted development:

**AND WHEREAS** JMA Ventures Limited requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 4<sup>th</sup> day of September 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** referred this declaration for review to An Coimisiún Pleanála on the 1<sup>st</sup> day of October 2025:

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

- (a) Sections 2, 3, 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Relevant case law,
- (d) the planning history of the site,
- (e) previous referrals to the Board, including referral ABP 320031-24
- (f) the submissions of the referrer,
- (g) the number of people to be accommodated on the site and the nature of the accommodation, and,
- (h) the number of staff and the nature of supports proposed.

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

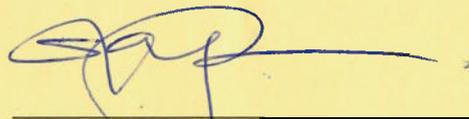
- (a) The established use as 9 no. studio apartments, which are defined as small units with a combined living/sleeping area generally provided for a single person in the 'Design Standards for New Apartments 2025', to the proposed use as accommodation for up to four persons per studio unit, constitutes a material change of use by virtue of the intensification of use, as the number of persons residing in the property and associated impacts raises planning considerations that are materially different to the permitted use in relation to residential amenity for the occupants. The intensification of use would be a material change of use and would therefore constitute 'development' and would not be exempted development.

(b) The material change of use would be contrary to Condition No. 2 of **ABP-308189-20, which** is the relevant permission under the Act.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (1) of the 2000 Act, hereby decides that the is development and is not exempted development.

**Planning**

**Commissioner:**



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Emer Maughan

**Date:** 29/01/2026