An Coimisiún Pleanála

Direction

CD-022550-26

ACP-324005-26

The submissions on this file and the Inspector's report were considered at a meeting held on 16/10/2026.

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

WHEREAS a question has arisen as to whether (1) the change of use of the ground and first floors of the building from use as a convent to use as accommodation for protected persons, (2) the change of use of the second floor from use as a nursing home to use for the purposes of providing accommodation for protected persons and (3) the change of use of the second floor of the building from use as a nursing home to use for the purpose of providing accommodation for international protection applicant at Shalom Nursing Home, Church Street, Kilcock, County Kildare is or is not development and is or is not exempted development:

AND WHEREAS Frostbreak ULC requested a declaration on this question from Kildare County Council and the Council did not issue a declaration:

AND WHEREAS Kildare County Council referred this declaration for review to An Coimisiún Pleanála on the 7th day of January 2026:

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

(a) Section 2(1) of the Planning and Development Act, 2000, as amended,

(b) Section 3(1) of the Planning and Development Act, 2000, as amended,

(c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,

(d) Section 4(2) of the Planning and Development Act, 2000, as amended,

(e) Section 4(3) of the Planning and Development Act, 2000, as amended,

(f) Section 57(1) of the Planning and Development Act, 2000, as amended,

(g) Article 5, Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(h) Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

(i) Class 20 f of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

(j) the planning history of the site,

(k) the documentation on file from the planning authority and the referrer,

(l) the nature, extent and purpose of these works,

(m) the pattern of development in the area, and

(n) the report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

(o) the change of use constitutes 'development' within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,

(p) the change of use of the ground and first floor of the building at Shalom Nursing Home from use as a convent to use as accommodation for protected persons is exempted development as it comes within the scope of Class 14 of Part 1 of Schedule 2 'Exempted Development – General' inserted by the Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I. No 582/2015),

(q) the change of use of the second floor of the building at Shalom Nursing Home from use as a nursing home to use as accommodation for protected persons is exempted development as it comes within the scope of Class 14 of Part 1 of Schedule 2 'Exempted Development – General' inserted by the Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I. No 582/2015),

(r) on the basis of the information contained on the subject file, there is no evidence that the temporary change of use of the second floor of the building at Shalom Nursing Home from use as a nursing home to accommodate or support displaced persons or persons seeking international protection is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth. As such, it is not considered that the temporary change of use comes within the scope of Class 20 of Part 1 of Schedule 2 – 'Exempted Development – General' of the Planning and Development Regulations, 2001, as amended,

(s) notwithstanding the wording of the question(s) as submitted to the local authority (in terms of whether or not the specific changes of use constitute development), the documentation submitted voluntarily within the initial referred to Kildare County Council clearly details works to be carried out with the building, a Protected Structure. These works constitute development within the meaning of Section 3 of the Planning and Development At, 2000, as amended,

(t) the change of use will avail of the benefit of these works and it has not been satisfactorily demonstrated in the level of all detail provided by the initial 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. 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 (1) the change of use of the ground and first floors of the building from use as a convent to use as accommodation for protected persons, (2) the change of use of the second floor from use as a nursing home to use for the purposes of providing accommodation for protected persons and (3) the temporary change of use of the second floor of the building from use as a nursing home to accommodate or support displaced persons or persons seeking international protection by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, as per the provisions of Class 20 f of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended are development and are not exempted at Shalom Nursing Home, Church Street, Kilcock, County Kildare.

Planning Commissioner: **Date:** 20/10/2026

Declan Moore

Note

The Commission considered requesting further information to confirm use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth regarding Class 20 of Part 1 of Schedule 2 – 'Exempted Development – General' of the Planning and Development Regulations, 2001, as amended, it did not pursue the matter given that the development (works) to facilitate the change of use cannot be assessed as being exempt, based on the information submitted.