An Coimisiún Pleanála

Direction
ACP-324408-26

The submissions on this file and the Inspector's report were considered at a meeting held on 04/11/2026.

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 Eagle Heights B and B is or is not development or is or is not exempted development:

AND WHEREAS Rupopado Limited requested a declaration on this question from Sligo County Council and the Council issued a declaration on the 2nd day of June 2026 stating that the matter was development and was not exempted development:

AND WHEREAS Rupopado Limited referred this declaration for review to An Coimisiún Pleanála on the 26 day of June, 2026:

(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) Class 14 and Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
(d) Part 1 and Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
(e) Relevant case law,
(f) Previous referrals to the Commission, including ACP-322840-25 and ABP-322072-25
(g) the planning history of the site,

(h) The documentation on the file, including the submission on behalf of the requestor Rupopado Limited
(i) the pattern of development in the area:
(j) the report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the specific facts of the case, a review of the planning history of the site, including permission PL14167 as granted by the planning authority, and on the basis that all aspects of the premises are otherwise developed in accordance with any and all relevant planning permissions (noting no reference on file or by the planning authority that this is not the case), to the totality of evidence presented on file, it is considered that the subject premises is in the manner of, and displays the characteristics of, a guesthouse in terms of scale, form and layout.

(b) the change of use of the subject premises, which is considered to operate in the manner of, and to display the characteristics of, a guesthouse to provide accommodation for persons seeking international protection would come within the scope of Class 14 of Part 1 of Scheule 2 – 'Exempted Development-General' inserted by the Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I. No 582/20150)

NOWTHEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (a) (4) of the 2000 Act, hereby decides that the use of the Eagle Heights Bed and Breakfast to provide accommodation for persons seeking international protection at Muckduff, Enniscrone, Co. Sligo is development and is exempted development.

Planning Commissioner:

Date: 04/11/2026

Mary Henchy