An Coimisiún Pleanála

Direction
ACP-324427-26

The submissions on this file and the Inspector's report were considered at a further meeting held on 28/10/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether a temporary change of use of a hotel to accommodation for persons seeking International Protection is considered exempted development under Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001 at Hazel Hotel, Skirteen, Monasterevin, Co. Kildare.

AND WHEREAS Oscar Dawn Limited requested a declaration on said question from Kildare County Council, and the said Council issued a declaration on the 16th day of June, 2026 stating that the said matter was development and was not exempted development:

AND WHEREAS Oscar Dawn Limited referred this declaration for review to An Coimisiún Pleanála on the 15th day of July 2016:

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,

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

(d) Section 181 of the Planning and Development Act, 2000 as amended,

(e) Articles 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

(f) Part 1 *Exempted Development - General* of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including Class 14(h), Class 14(i), Class 14(j), and Class 20F, and the conditions and limitations thereof,

(g) The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022)

(h) the planning history of the site,

(i) the use of the site,

(j) the documentation on the file,

(k) the report and recommendation of the Inspector following a site visit.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) The change of use of the Hazel Hotel to accommodation for persons seeking international protection is a material change of use and, therefore, is development.

(b) The question before the Commission specifically relates to a potential exemption arising pursuant to Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001, and no other legislative provision.

(c) The local authority was not notified prior to the change of use, the development therefore does not satisfy condition and limitation number 5 of the said Class 20F and, therefore, is not exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that a temporary change of use of a hotel to accommodation for persons seeking International Protection is not exempted

development under Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001 at Hazel Hotel, Skirteen, Monasterevin, Co. Kildare

The Commission agreed with the Inspector's conclusions that the development came with the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, however, the Commission considered that the question before it related specifically to Class 20F of the said Regulations, and not Class 14(h), or any other legislative provision.

Planning Commissioner: **Date:** 28/10/2026

Tom Rabbette