



An
Coimisiún
Pleanála

Commission Order
ABP-322526-25

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Authority Reference Number: EX1349

WHEREAS a question has arisen as to whether the temporary change of use of a repository/storage building ancillary to the Sea Lodge Hotel, Waterville, County Kerry, to residential accommodation for International Protection applicants is or is not development or is or is not exempt development:

AND WHEREAS Kieran O'Neill requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 14th day of April 2025 stating that the matter was development and was not exempted development:

AND WHEREAS referred the declaration to An Bord Pleanála on the 12th day of May 2025:

AND WHEREAS in considering the referral the An Coimisiún Pleanála had regard particularly to:

- (a) Section 2(1), 3(1)(a), 4(1), 4(2) and 4(3) of the Planning and Development Act, 2000, as amended,

- (b) Articles 5, 6(1) and 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 planning history of the site,
- (e) the documentation on the file, including the submission on behalf of the requestor,
- (f) the pattern of development in the area, and
- (g) the report and recommendation of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The alterations to the ancillary storage building constitutes development, as it involves the carrying out of 'works',
- (b) the existing use of ancillary storage and the proposed use as residential accommodation for persons seeking international protection constitutes a material change of use from the existing use and, therefore, constitutes development,
- (c) the existing ancillary storage building is not in use as 'wholesale warehouse or repository',
- (d) accordingly, the existing ancillary storage building does not come within the exempted development provisions of Class 20F, Schedule 2, Part 1 of the Planning and Development Regulations 2001, (as amended), and

- (e) does not come within any of the other exempted development provisions of the Act or Regulations.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the temporary change of use of a repository/storage building ancillary to the Sea Lodge Hotel, Waterville, County Kerry, to residential accommodation for International Protection applicants is development and is not exempted development.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 6th day of March 2026.