

Planning and Development Act 2000, as amended

Planning Authority: Mayo County Council

Planning Register Reference Number: 25/7

WHEREAS a question has arisen as to whether the proposed change of use from retail and commercial use to Temporary International Protection Accommodation at Unit 8 (First Floor), N5 Business Park, Moneen, Castlebar, County Mayo is or is not development or is or is not exempted development,

AND WHEREAS SagJoin Partnership requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 12th day of May, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS SagJoin Partnership referred this declaration for review to An Coimisiún Pleanála on the 6th day of June, 2025,

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

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

- (b) Section 181 of the Planning and Development Act 2000, as amended, and S.I. No. 306/2022 “European Union (Planning and Development) (Displaced Persons From Ukraine Temporary Protection) Regulations 2022”,
- (c) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations 2001, as amended,
- (d) Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended by S.I. No. 376/2023 “Planning and Development (Exempted Development) (No. 4) Regulations 2023,
- (e) relevant case law,
- (f) previous referrals to the Commission, including ABP-320219-24,
- (g) the documentation on file, including the submission on behalf of the requestor setting out details of the retail/commercial use originally permitted on the 21st day of August, 2000, with evidence of the implementation of this use of the building as retail units with associated storage space, and the letter of the 27th day of January, 2025 from the Department of Children, Equality, Disability, Integration and Youth,
- (h) the pattern of development in the area, and
- (i) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the authorised and established use of the first-floor subject premises is retail use for the sale of bulky goods, as permitted subject to conditions, including condition number 9 under planning register reference number 98/1335,



- (b) Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, specifies that the temporary use of certain structures (including shop) by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection, constitutes development, and sets out the conditions and limitations for such development to be exempted, and
- (c) the change of use at the subject premises, from retail to the provision of accommodation for persons seeking international protection, is exempted development, as this change of use comes within the scope of Class 20F Part 1 of Schedule 2 (Exempted Development – General) inserted by the Planning and Development (Amendment) (No. 4) Regulations 2023 (S.I No 376/2023).

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 change of use from retail/commercial (shop) to Temporary International Protection Accommodation at Unit 8 (First Floor), N5 Business Park, Moneen, Castlebar, County Mayo, and associated internal works, is development and is exempted development.

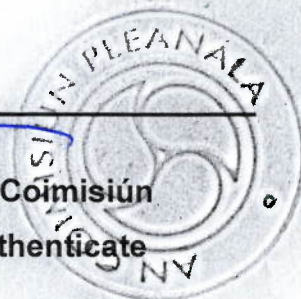
In deciding not to accept the Inspector's recommendation, the Commission agreed with the Inspector that the established lawful use of the first-floor unit is, as set out in condition number 9 of the parent permission, a retail unit for the sale of bulky goods. The Commission was satisfied that the premises comes within the definition of "shop" within the meaning of Article 5 of the Planning and Development Regulations 2001, as amended, as it comprises a structure used for the retail sale of goods and ancillary storage space, and for the display of goods for sale, to visiting members of the public. The Commission was satisfied that although a condition of the permitted use of the

premises limits the retail use to the sale of bulky goods only, this condition is a planning consideration only, and this condition does not negate the permitted retail use. The Commission considered Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which specifies that the temporary use of certain structures (including shop) by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection, constitutes development, and also sets out the conditions and limitations for such development to be exempted. In the absence of any reason for the Inspector's recommendation, other than the limitation on the nature of the retail goods imposed by condition number 9 of the existing permitted use, the Commission considered that, subject to compliance with the conditions and limitations of Class 20 F, set out in Column 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the change of use proposed by the question referred would constitute exempted development.



MaryRose McGovern

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



Dated this *15th* day of *May* 2026.