

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Authority Reference Number: D/251/25

WHEREAS a question has arisen as to whether the use of residential apartments to provide accommodation for persons seeking international protection at 108 Thomas Davis Street, Mallow, County Cork is or is not development or is or is not exempted development,

AND WHEREAS Kyraview Limited requested a declaration on this question from Cork County Council and the Council issued a declaration on the 27th day of May, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Kyraview Limited referred this declaration for review to An Coimisiún Pleanála on the 23rd day of June, 2025,

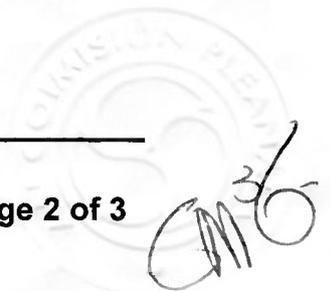
AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1)(a) and 4(2) 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 of the Planning and Development Regulations 2001, as amended,
- (d) relevant case law,
- (e) previous referrals to the Commission, including ABP-307077-20,
- (f) the planning history of the site,
- (g) the documentation on the file, including the submission on behalf of the requestor KyraView Limited,
- (h) the pattern of development in the area, and
- (i) the report and recommendation of the Inspector,

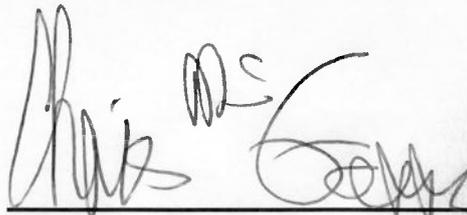
AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the referral seeks a declaration relating to the existing nine apartments at the subject premises,
- (b) the documentation, as submitted with the referral, which references a maximum of 45 persons residing at the existing nine apartments, confirms that no direct care facilities or services for residents are provided by the referrer other than standard supports and access to third-party services, and confirms that no institutional or communal facilities are provided on site for use by residents,
- (c) Class 14(h), Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, is not applicable in this instance as the established use of the existing nine apartments does not fall within the scope of use of categories from which an exemption is available under that Class,



- (d) the use of the existing nine apartments as residential accommodation for persons seeking international protection with a maximum occupancy of 45 persons, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the established use of the existing nine apartments, and
- (e) the use of the existing nine apartments as residential accommodation for persons seeking international protection with a maximum occupancy of 45 persons does not raise planning considerations that are materially different to planning considerations relating to the established use.

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 use of residential apartments to provide accommodation for persons seeking international protection is not development.



Chris McGarry

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



Dated this 10th day of March 2026.