

An
Coimisiún
Pleanála

Commission Order
ACP-323829-25

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/25/127

WHEREAS a question has arisen as to whether the change of use of buildings for the purpose of accommodating protected persons and the use as emergency reception and orientation centre for protected persons at Dundrum House Hotel, Dundrum, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS Utmasta Limited requested a declaration on this question from Tipperary County Council and the Council did not make a declaration:

AND WHEREAS the said question was referred to An Coimisiún Pleanála by Tipperary County Council on the 30th day of October, 2025:

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

- (a) Section 2(1), 3(1), 4(1), 4(4) and 57(1) of the Planning and Development Act, 2000, as amended,

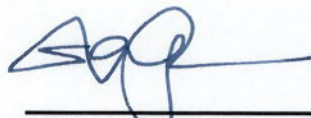
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14(h) and 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the documentation on file, including submissions on behalf of the referrer Tipperary County Council and the requester Utmasta Limited,
- (e) the observations received,
- (f) the planning and development history of the site, and
- (g) the report of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that -

- (a) the change of use of buildings which were in use as a hotel to use for the purposes of accommodating protected persons and the use as an emergency reception and orientation centre for protected persons would constitute exempt development and would fall within the scope of Class 14 of Part 1 of Schedule 2 of the Planning and Development regulations 2001, as amended,
- (b) the works associated with/to facilitate the development identified through the comparison of the plans accompanying the application with plans associated with planning authority reference 04/1238 and planning authority reference 18601273 indicate changes have been undertaken to the internal layouts, so the development as proposed would constitute development. The works themselves would not materially affect the character of the protected structure and would be exempt under Section 4(1)(h) and Section 57(1) of the Planning and Development Act, 2000, as amended.

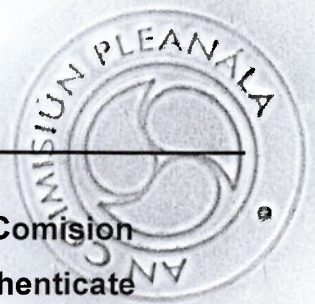
- (c) However, having regard to the increase in occupancy of the subject use relative to the use as a hotel together with the characteristics of the site, the development raises planning considerations that are materially different to planning considerations relating to the established use. The development therefore constitutes a material change of use in accordance with Section 3(1) of the Planning and Development Act, 2000, as amended.
- (d) Furthermore, having regard to the occupancy arising from the proposed change of use, as indicated on the plans and drawings submitted to Tipperary County Council on the 6th day of October 2025, the Commission is not satisfied that the wastewater treatment facilities serving the development, which discharge to the Multeen River, designated as part of the Lower River Suir Special Area of Conservation, have the adequate capacity to satisfactorily accommodate the wastewater arising from such use. The Commission was unable to conclude that the development would not have likely significant effects on the conservation objectives of the Special Area of Conservation. The development is not exempt in accordance with Section 4(4) of the Planning and Development Act, 2000 as amended and Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended. The Commission determined, in the absence of any information to demonstrate otherwise, the development would be contrary to condition number 12 associated with planning authority reference 041238 and is therefore not exempt in accordance with Article 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the change of use of buildings for the purpose of accommodating protected persons and the use as emergency reception and orientation centre for protected persons at Dundrum House Hotel, Dundrum, County Tipperary is development and is not exempted development.



Emer Maughan

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



Dated this 24th day of July 2026