An Coimisiún Pleanála

Commission Order
ACP-324157-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Authority Reference Number: ED/1302

WHEREAS a question has arisen as to whether a temporary change of use of the Gables Guesthouse and Leisure Centre to accommodation for displaced persons seeking international protection at The Gables Guesthouse and Leisure Centre, Athgarvan Road, Newbridge, County Kildare is considered exempted development under Class 20F and Class 14(h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS Joseph Germaine requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 26th day of February, 2026 stating that the matter was development and was not exempted development:

AND WHEREAS Joseph Germaine referred this declaration for review to An Coimisiún Pleanála on the 25th day of March, 2026:

AND WHEREAS An Coimisiún Pleanála reconfigured the question as follows:

whether a change of use of the Gables Guesthouse and Leisure Centre, Athgarvan Road, Newbridge, County Kildare to accommodation for persons seeking international protection is considered exempted development under Class 20F or Class 14H of Part 1 Schedule 2 of the Planning and Development Regulations, 2001, as amended:

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

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

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

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

(d) the planning history of the site,

(e) the use of the site,

(f) the documentation on the file, and

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

AND WHEREAS An Coimisiún Pleanála considered that:

(a) Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended recognises at Column 1, that the temporary use of any structure or part of a structure that is in certain

specified use, 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 of any structure or part of a structure, is development, which is exempted, subject to compliance with the conditions and limitations of set out at Column 2.

(b) Condition 5 of the said conditions and limitations set out at Column 2, which must be met for the development to be exempted, sets out that the relevant local authority must be notified of locations where change of use is taking place, prior the commencement of development.

(c) There is no evidence on file that the change of use at The Gables Guesthouse and Leisure Centre, was the subject of a prior notification to the local authority.

(d) Class 14(h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, recognises at Column 1, that a change of use from guesthouse, to use as accommodation for protected persons, is development, and Column 2 sets no conditions or limitations for such development to be exempted.

(e) Leisure Centre is not a premises or residential institution providing overnight accommodation, within the meaning of Class 14(h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of that part of The Gables, which was previously in use as a guesthouse, to accommodation for persons seeking international protection constitutes a material change of use and is development,

(b) the said development does not fall within the exemption set out under Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, in the absence of evidence that the said change of use was the subject of a prior notification to the local authority, in order to meet condition and limitation 5, set out at Column 2,

(c) the said development, in accordance with Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations (2001), is exempted development,

(d) the change of use of that part of The Gables, which was previously in use as a leisure centre, to accommodation for persons seeking international protection constitutes a material change of use and is development,

(e) the said development does not fall within the exemption set out under Class 20F, in the absence of evidence that the said change of use was the subject of a prior notification to the local authority, in order to meet condition and limitation 5, set out at Column 2,

(f) the said development at a leisure centre which is not a premises or residential institution providing overnight accommodation, does not fall within the exemption set out under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations (2001), as amended, and

(g) the change of use of the Leisure Centre formerly in use as part of The Gables Guesthouse, to accommodation for persons seeking international protection, is development and is not exempted development,

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:

1. the change of use of The Gables Guesthouse, Athgarvan Road, Newbridge, Co. Kildare W12 C864 (excluding the Leisure Centre) to accommodation for persons seeking international protection, is development and is exempted development; and that
2. the change of use of the Leisure Centre formerly in use as part of The Gables Guesthouse, Athgarvan Road, Newbridge, Co. Kildare W12 C864, to accommodation for persons seeking international protection, is development and is not exempted development.

The Commission agreed with the Inspector that there is no category of "displaced persons seeking international protection" and agreed on the facts that in the absence of specific details of both historical and recent use of the guesthouse and leisure centre, that the word "temporary" did not serve a meaningful purpose in the referral question. Consequently, the Commission agreed that the referral question should be reworded, and decided to reconfigure the question, as set out above.

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

Dated this 23rd **day of** October **2026.**