An Coimisiún Pleanála

Commission Order
ACP-324159-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Authority Reference Number: ED/1303

WHEREAS a question has arisen as to whether a temporary change of use of the Eyre Powell Hotel at Main Street, Newbridge, County Kildare to accommodation for displaced persons seeking international protection, is considered exempted development under Class 20F or Class 14h 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 Eyre Powell Hotel at Main Street, Newbridge, County Kildare to accommodation for persons seeking international protection, is considered exempted development under Class 20F or Class 14h of Part 1 of Schedule 2 to 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,

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

AND WHEREAS An Coimisiún Pleanála has 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 is development,

which is exempted, subject to compliance with the conditions and limitations of set out at Column 2.

(b) Condition and limitation 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 Eyre Powell Hotel 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 hotel, to use as accommodation for protected persons, is development, and Column 2 sets no conditions or limitations for such development to be exempted.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of the Eyre Powell Hotel 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 development is exempt under Class 14(h) of Part 1 of Schedule 2 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 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use of the Eyre Powell Hotel to accommodation for persons seeking international protection, is development and is exempted development, at Main Street, Newbridge, County Kildare.

The Commission agreed with the Inspector that there is no category of "displaced persons seeking international protection" and agreed on the facts regarding the use of the hotel for more than twenty years, 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 is 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.**