



An
Coimisiún
Pleanála

Commission Order
ACP-324340-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Authority Reference Number: 0056/26

WHEREAS a question has arisen as to whether the use of the
aparthotel/short-stay accommodation units as an International Protection
Accommodation Service centre at Inchicore Suites, Oblate View, Tyrconnell
Road, Inchicore, Dublin is or is not development or is or is not exempted
development,

AND WHEREAS Ambra Properties Limited requested a declaration on this
question from Dublin City Council and the Council issued a declaration on the
6th day of May, 2026 stating that the matter is development and is not
exempted development,

AND WHEREAS Ambra Properties Limited referred this matter for review to
An Coimisiún Pleanála on the 28th day of May, 2026,

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

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

- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4(1) of the Planning and Development Act 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act 2000, as amended,
- (e) Article 6(1) of the Planning and Development Regulations 2001, as amended,
- (f) Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (g) Class 14(h) and Class 20F of Parts 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (h) the permitted use under planning register reference number 3765/17,
- (i) the submissions of the referrer,
- (j) previous referrals made on similar questions and relevant legal judgements, and
- (k) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the change of use to an International Protection Accommodation Service is a material change of use and is, therefore, development,
- (b) the change of use is exempted development as it falls within Article 6 of the Planning and Development Regulations 2001, as amended, under Class 14(h) and 20F of Schedule 2 Part 1,
- (c) the change of use complies with the conditions and limitations set out for Class 20(f), and
- (d) none of the restrictions set out in Article 9(1) which would result in the development to not be exempt apply,

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 the aparthotel/short-stay accommodation units as an International Protection Accommodation Service centre at Inchicore Suites, Oblate View, Tyrconnell Road, Inchicore, Dublin is development and is exempted development.

The Commission agreed with the analysis and conclusion of the Inspector that the change of use was material and was, therefore, development, and that the development fell within the scope of both Class 14(h) and Class 20F as set out in Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The Commission also noted and agreed with the comments of the Inspector in relation to the documentation submitted by the referrer demonstrating that the use occurs on behalf of the Minister for Children, Equality, Disability, Integration and Youth. The Commission was also satisfied that the planning authority was aware of the use at this location, notwithstanding that no documentary evidence was provided to demonstrate that the planning authority had been notified as required by Condition 5 under the Condition and Limitations relating to Class 20(f).

In deciding not to accept the recommendation of the Inspector that the change of use is not exempted development, because the use contravenes a condition of a permission, and is inconsistent with the use specified in the permission and, therefore, under Article 9(1)(a)(i) shall not be exempted development, the Commission considered the entirety of the information on file and noted the High Court judgement [2024] IEHC 233 relating to a similar question.

The Commission considered that Condition 2 of the existing planning permission for the aparthotel (planning register reference number 3765/17) specifically related to the use of the aparthotel and was not directly applicable to the change of use as an IPAS centre provided for under Classes 14(h) and 20F and, therefore, a contravention of the condition does not arise and would not de-exempt the development under Article 9(1)(a)(i). The Commission further considered that a contravention of Condition 3 would not arise as Class 14(h) and Class 20F specifically aim to provide for a change of use from structures and uses such as in this case to accommodation for protected persons and persons seeking international protection. In the event of a proposed change of use from aparthotel to permanent residential or student accommodation, planning permission would be required. In these circumstances the Commission was satisfied that Article 9(i)(a)(i) was not applicable in this case and decided, therefore, that the change of use of the aparthotel/short-stay accommodation units to an International Protection Accommodation Service centre is exempted development.

Mary Gurrie

Mary Gurrie

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *30* day of *September* 2026.