An Coimisiún Pleanála

Commission Order
ACP-324427-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Authority Reference Number: ED/1356

WHEREAS a question has arisen as to whether the temporary change of use of a hotel to accommodation for persons seeking international protection is considered exempted development under Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, at Hazel Hotel, Skirteen, Monasterevin, County Kildare:

AND WHEREAS Oscar Dawn Limited requested a declaration on said question from Kildare County Council, and the said Council issued a declaration on the 16th day of June, 2026 stating that the said matter was development and was not exempted development:

AND WHEREAS Oscar Dawn Limited referred this declaration for review to An Coimisiún Pleanála on the 9th day of July 2016:

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,

(c) Section 4(2) of the Planning and Development Act, 2000, as amended,

(d) Section 181 of the Planning and Development Act, 2000 as amended,

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

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

(g) the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022)

(h) the planning history of the site,

(i) the use of the site,

(j) the documentation on the file, and

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

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of the Hazel Hotel to accommodation for persons seeking international protection is a material change of use and, therefore, is development,

(b) the question before the Commission specifically relates to a potential exemption arising pursuant to Class 20F of Part 1 of Schedule 2 to

the Planning and Development Regulations 2001, and no other legislative provision, and

(c) the local authority was not notified prior to the change of use, the development, therefore, does not satisfy condition and limitation number 5 of the said Class 20F and, therefore, is not exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides a temporary change of use of a hotel to accommodation for persons seeking International Protection under Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001 at Hazel Hotel, Skirteen, Monasterevin, County Kildare is not exempted development.

The Commission agreed with the Inspector's conclusions that the development came with the scope of Class 14(h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001; however, the Commission considered that the question before it related specifically to Class 20F of the said Regulations, and not Class 14(h), or any other legislative provision.

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

Dated this 30th **day of** Oct. **2026.**