



An
Bord
Pleanála

Inspector's Report ABP 313060-22

Question

Is the use of a former short and long term stay accommodation for priests to short stay guests/student accommodation a material change of use?

Location

The Village Campus, Waterford Road, Kilkenny.

Declaration

Planning Authority

Kilkenny County Council.

Planning Authority Reg. Ref.

DEC 564.

Applicant for Declaration

Alan Mooney.

Planning Authority Decision

The use is development and is a material change of use, therefore, is not exempt from planning.

Referral

Referred by

Alan Mooney.

Owner/ Occupier

Alan Mooney.

Observer(s)

Ossory Community Services Trust.

Date of Site Inspection

10 June 2024

Inspector

B.Wyse.

1.0 Site Location and Description

- 1.1. The Village Campus (as outlined blue on the application drawings) is located a short distance south of Kilkenny City Centre at the junction of the Waterford Road (R910) and Nuncio Road. Formerly an industrial school (St. Joseph's) it comprises a number of buildings set in extensive grounds.
- 1.2. The area of the campus outlined red for the purposes of the referral includes a u-shaped building complex, the northern leg of which is the two storey accommodation wing that is the subject of the referral. The accommodation generally comprises a number of en-suite bedrooms along central corridors. They are serviced by a common kitchen/dining and sitting area. The building also includes offices and a church (as illustrated in the application drawings).
- 1.3. Other current uses on the campus include the following:
 - Young Irish Film Makers – a film training and production company for young people.
 - Vocational training Opportunities Scheme (VTOS) – the VTOS scheme offers education and training courses for jobseekers and others getting certain social welfare payments.
 - The Bishop Birch Training Institute – this appears to include both early childcare and education and adult education.
 - Ossory Community Services Trust – this appears to be associated with Kilkenny Social Services.

These uses generally appear to occupy the buildings in the complex that extend to the rear and south-eastwards from the u-shaped building complex referred to above.

There is also a small residential development (for persons with special needs) in the south-eastern corner of the campus.

- 1.4. There are two main accesses to the campus, one from the Waterford Road and the other from Nuncio Road. A third access from Nuncio Road appears to service only the residential development. The grounds of the campus include landscaped/garden areas and a number of parking areas. The surrounding areas are generally residential.

2.0 The Question

2.1. The question put to the planning authority was as follows:

Is the use of a former short and long term stay accommodation for priests to short stay guests/student accommodation a material change of use?

2.2. The application documentation includes the following information:

- The Village Campus was formerly known as The Mill Hill Fathers, Waterford Road, Kilkenny.
- The area of the site to which the application relates is stated as 0.69has. The gross floorspace of the existing building is indicated as 1150sqm and proposed works as 350sqm.
- Drawings submitted indicate the building area that is the subject of the Section 5 request (illustrated in red hatch). This is the 350sqm area referred to above, over two floors, and comprising the 16 bedroom accommodation referred to below.
- The premises opened in 1873 as an 'Industrial School' managed by the Sisters of Charity until 1989. Industrial schools were operated on a commercial basis and funded by the State. The State placed children at St. Joseph's in the care of the Sisters who made their living from providing care services.
- The overall campus involved short and long term residential accommodation, education, work and religious activities.
- From 1989 to 2017 the premises was an operational base for the Mill Hill Fathers involving; accommodation for priests and priests on rotation from missions abroad; religious and education activities; printing and distribution of magazines and collection boxes; finance functions and offices; and running commercial operations of the Mill Hill Fathers.
- The applicant, Alan Mooney, purchased the premises in 2018. Accommodation rooms have been renovated. The local fire service have visited the premises and indicated that no regularisation certificate was required as no unauthorised development has taken place.

- The has been no change of use at the premises. Current uses are; school; accommodation; office facilities; and faith ceremonies.
- The objective is to use the accommodation in conjunction with other facilities with a focus on education and training.
- Economic practicality also requires general accommodation use at the current time, which is predominantly undertaken at weekends and does not impact on the other uses on the campus.
- Many colleges, schools and universities use their accommodation for non-student guests, particularly when demand from students is not adequate. The applicant is not aware that permission for change of use is required in these circumstances.
- The 'Residential Institutional Use' (referred to in the planning authority Enforcement Notice) ceased around 1984 with the closure of the Industrial School. Notwithstanding, the use as an Industrial School was a commercial use financed by the State.

2.3. Following a request, further information submitted to the planning authority (on 30 October 2020) includes the following:

- Additional detail on historical uses of the buildings on site.
- Drawing [P19-247_3.1.102_Rev A] illustrating building layout and historical uses.
- Whilst uses under Class 7, Part 4, Schedule 2, Planning and Development Regulations 2001, as amended, were in operation on the site from about 1873 to 2017 the other uses referred to above have also been in existence on the site.
- The maximum capacity of the 16-bedroom accommodation is 41 persons.
- The current educational facility is particularly for English language studies attended by foreign students and is busiest during normal school holidays and for training seminars.
- The accommodation is also visited by tourists to Kilkenny and a peak use is ordinarily expected at weekends and holiday periods.

- The guest accommodation is solely for use by students and tourists and is not for persons with short term housing need.

3.0 Planning Authority Declaration

3.1. Declaration

The Declaration is as follows:

The use of bedroom accommodation for clerical and other guests, to accommodation of guests and student accommodation is development and is a material change of use, therefore is not exempt from planning.

The Declaration indicates that, in considering the referral, regard was had to :

- Section 3 of the Planning and Development Act 2000-2021.
- Schedule 1, Part 2, Articles 5 and 6 of the Planning and Development Regulations 2001-2021.
- Schedule 2, Part 1, Class 14 and Part 4, Class 7 of the Planning and Development Regulations 2001-202.
- Planning Enforcement file Ref. ENF 18054.
- The application documentation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on file, the first dated 7 November 2019 and the second dated 21 February 2021. The latter was prepared after the receipt of further information from the applicant and sets out the basis for the planning authority Declaration. It includes:

- The development is located within the grounds of the former St. Joseph's Girls School, now called Village Campus, on the Waterford Road in Kilkenny City.

- The site is located within a Rent Pressure Zone.
- Whilst the history of the site is acknowledged as a multi-functional entity, all the uses outlined were based around the use as a school, orphanage and missionary, which are religious, charity and educational functions. The accommodation under assessment was up until recently used by visiting clergy, school goers and visitors, who all attended due to their links with either the educational, charity or religious elements on site.
- The building is now focused on a business/commercial operation, where it accommodates paying guests all year and is advertised on Airbnb.
- The accommodation of visiting religious order trainees and management of the Mill Hill Missionaries are uses solely related to the operation of the premises as a religious institution.
- The premises now is subdivided into distinct uses such as tourist accommodation (short term letting) and educational uses. This is not related to uses under Class 7, Article 10, Part 4 of the Planning and Development Regulations 2001-2021.
- The use to accommodate guests/tourists and students is a material change of use as this is primarily a commercial entity.

3.2.2. Other Technical Reports

None.

4.0 Planning History

PA Ref. ENF 18054

Enforcement Notice issued to Alan Mooney requesting him to cease the unauthorised change of use of premises from residential institution to commercial use as a B&B/hostel at the Old Mill Father's Residence, Waterford Road, Kilkenny.

PA Ref. 19/426

Permission sought in June 2019 for change of use of disused chapel to child care facility. The chapel is the church as illustrated on the drawings submitted with the subject referral. The application was subsequently withdrawn.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Kilkenny City and County Development Plan 2021-2027.

The site is zoned Mixed Use – *to consolidate and facilitate the development of inner suburban sites for mixed use development which will allow commercial and residential uses.*

5.2. Natural Heritage Designations

None relevant.

6.0 The Referral

6.1. Referrer's Case

Includes:

- The Village Campus occupies the entire grounds of a substantial complex. This entire area constitutes the 'planning unit' for the purposes of this referral (Area as outlined in blue on enclosed drawing).
- The 'Industrial School' use was the established use as permitted on 1st October 1964.
- The State placed children at St. Josephs in the care of the Sisters of Charity. This was a Class 9 Institutional Use, providing residential accommodation and care to people in need of care (9a), as a residential college and as a residential training centre (9c).

- From 1989 to 2017 the premises was an operational base for the Mill Hill Fathers.
- In 2018 the accommodation rooms were painted and decorated and the heating system and electrical wiring renewed. Fire safety was also improved . There has been no new development or unauthorised development. The use of the rooms has not changed and no new bedroom accommodation has been provided on the campus site. Section 4(1)(h) works were carried out. There was no material change of use by way of intensification of use.
- In summary, the institutional grounds have been used for accommodation of persons for more than 140 years. The continuation of the established use is not a material change of use.
- Even if the Mill Hill Fathers use was considered to be in a different class, the provisions of Article 10(1)(d) and 2(a) apply, respectively relating to resumption of the established use if interrupted by unauthorised change in use and incidental uses not being excluded for being a different class to the primary use.
- A planning unit can have primary and ancillary uses and multiple uses - Ref. *Planning and Development Law; Garret Simons, 1st Edition 2-28 Thomson Roundhall 2004.*
- At no stage was the institution abandoned leaving the land with a nil use.
- The subject accommodation wing can operate under Class 9 as a residential institution providing care, as a hospital or nursing home, as a residential school, residential college or residential training centre.
- Using accommodation for guests as an ancillary use in this context is not a material change of the primary use and is not a material change of use. As indicated by Simons a low level of ancillary use cannot overthrow the primary use.

6.2. Planning Authority Response

Indicates no further comments.

6.3. Observation

This is lodged on behalf of the Ossory Community Services Trust, Kilkenny Social Services, Waterford Road, Kilkenny. The Trust is an occupier of part of the campus. It includes:

- The Village Campus was formerly St. Joseph's Convent and latterly the House of the Mill Hill Fathers. As such the established use of the property falls under Class 7 for use.
- Ongoing activities generally involve various youth, community and social services such as, Young Irish Film Makers, Vocational Training Opportunities Scheme and The Bishop Birch Training Institute, all of which fit comfortably within Class 7.
- If new uses fall outside the parameters of Class 7, such as short-let accommodation as a commercial enterprise or student accommodation, it appears clear that it is not exempted development and planning permission is required.
- A change from accommodation for the religious orders to accommodation for visitors, tourists, students etc., would be material in planning terms because it would constitute an intensification of the established use.
- By reference to Section 3(3) of the Planning and Development Act the subdivision of a dwelling into a greater number of dwellings, ie. the intensification of use of the building, requires planning permission.
- Short-term lets or student accommodation would raise planning and amenity issues. New impacts would include; increased pressure on communal facilities, common areas and parking; security concerns due to intensification of activity; higher footfall due to support services, like cleaners and tradesmen, and visitors arriving and departing at any time depending on travel arrangements.
- In the Crown Alley AIRBnB case the Board determined that the use of an apartment for AirBnB was a material change of use and was not exempted development.

- Subsequent to this landmark decision, new regulations were introduced to control the use of residential accommodation in Rent Pressure Zones, including Kilkenny, as short-let accommodation and planning permission is required.

6.4. **Further Responses**

None.

7.0 **Statutory Provisions**

7.1. **Planning and Development Act, 2000 (as amended)**

Section 2(1) ‘house’ means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.

Section 3(1)(a) ‘development’ means the carrying out of any works in, on, over or under land, or the making of any material change in the use of land or structures situated on land.

Section 3A(1) The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be.

7.2. **Planning and Development Regulations, 2001 (as amended)**

Article 5(1) ‘business premises’ means...a hotel, hostel...

Article 6(5) indicates that, development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house or of a house, in both cases being the principal private residence of the landlord/licensor, subject to specified conditions, shall be exempted development.

Article 10(1)(d) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development...

Article 10(2)(a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

Schedule 2, Part 1

Class 14(g)-(j) confer exempted development status on certain changes of use for protected persons.

Schedule 2, Part 4

Class 7 Use (a) for public worship or religious instruction; (b) for the social or recreational activities of a religious body; (c) as a monastery or convent.

Class 9 Use (a) for the provision of residential and care to people in need of care (but not the use of a house for that purpose); (b) as a hospital or nursing home; (c) as a residential school, residential college or residential training centre.

7.3. Department of Housing, Planning and Local Government [DoHPLG] Circular Letter PL04/2019

This circular letter introduces and explains the new regulations for the short term letting sector, including the new Section 3A of the Planning and Development Act, inserted by Section 38 of the Residential Tenancies (Amendment Act) Act 2019.

7.4. Other

7.4.1. Referrals Database – Relevant Cases

ABP Ref. RL3490

This is the 'Crown Alley AIRBnB' case referred to on the Observer submission. The Board decided the case in 2016.

The question was whether the use of a residential apartment for short term holiday lettings at 1A, 5-5A Crown Alley, Dublin was or was not development or exempted development.

The Board decided that the use was development, by reason of constituting a material change of use, and was not exempted development.

Matters the Board had particular regard to in reaching its decision included:

- The use of the entire apartment on a year round basis for a series of short term lettings.
- The absence of any occupation of the apartment, or any portion of the apartment, by any permanent resident.
- The High Court decision in *McMahon and Others v. Dublin Corporation* (H.Crt 1989 No 9870P).
- The change of use of an apartment for short term holiday lettings, as described above, raises planning considerations that are materially different to the planning considerations relating to the permitted use as a residential apartment. In particular, (i) the extent and frequency of coming and going to and from the apartment by short term renters and servicing staff, (ii) associated concerns of other residents in respect of security and general disturbance, and (iii) the fully commercial nature of the activity.

ABP Ref. 304771

The Board decided this case in 2019.

The question was whether the use of property no.s 13, 14, 15, 16, 17 and 18 Gratten Court East, Dublin, for commercial purposes as short term accommodation, in contravention of the planning permission for those properties in an area zoned residential, was or was not development or exempted development.

The Board decided that the use was development, by reason of constituting a material change of use, and was not exempted development.

In making its decision the Board had particular regard to similar matters as cited above under ABP Ref. RL3490.

The Board Order also cited other cases with similar circumstances; RL3490; RL3502; 300996; 302856; 302857; 302858; 302859; 302861; 301865; 302866 and 302862.

ABP Ref. 304692

The Board decided this case in 2019.

The question was whether the use of student accommodation at AMNIS House, Western Road, Cork, for year round short term letting was or was not development or exempted development.

The Board decided that the use was development, by reason of constituting a material change of use, and was not exempted development.

Matters the Board had particular regard to in reaching its decision included:

- The authorised use of the premises for student accommodation (by reference to the planning permission).
- The use for year round short term letting not being consistent with the permitted use, having regard to the statutory definition of student accommodation and Conditions 2 and 13 of the planning permission.
- The use would represent a change of use from the permitted use and such a change of use would raise material issues relevant to proper planning and sustainable development, including different levels of pedestrian and vehicular traffic, including demand for car parking, and the potential for impacts on residential amenity in terms of noise and opening hours, and would constitute a material change of use.

The Board Order also noted the following:

- However, for clarity, it is considered that the use of the subject premises for short term letting as tourist or visitor accommodation where such use takes place outside of the academic term times, would be consistent with the authorised use of these premises and within the scope of the definition of student accommodation as defined in Section 13(d), Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and, therefore, would not represent a change of use from the authorised use, and would not be development.

ABP Ref. RL3521

The Board decided this case in 2018.

The question in this case included, amongst other matters, whether the conversion of 12 bedrooms to recreation suites at a golf club in Greystones, County Wicklow, involved a material change of use.

In addressing the issue the Inspectors Report deals, in some detail, with the issue of the relevant planning unit and the related matter of ancillary use. The Inspector concluded that the golf club, originally a single planning unit, was now being operated as two physically distinct areas and was occupied for two different, yet sport related, purposes independently of each other. Consequently, she concluded that there were now two separate planning units on the site.

The Board decided that this element of the development constituted a material change of use as it changed the nature of the permitted use, involving intensification and that it raised material planning considerations, including traffic and parking implications.

7.4.2. Relevant Legal Cases

Monaghan County Council v. Brogan [1987] I.R.333

The Court addressed the matter of deciding whether or not a change of use is material. Issues of relevance were stated as:

- The matters which the planning authority would take into account in the event of a planning application being made for its use. If these matters are materially different (from the original use) then the nature of the use must equally have been materially different.

McMahon and Others v. Dublin Corporation (H. CRT. 1989 NO 9870P)

The Board will note that this case involved the use of private homes within an estate for holiday home rentals. The Court upheld the Boards decision in a Section 5 Referral that this constituted a material change of use and was not exempted development.

8.0 Assessment

8.1. Introduction

8.1.1. In this case it is useful to set out some relevant facts, as I understand them, based on the documentation on file and my observations during site inspection, before addressing the question as put.

8.1.2. These relevant facts include:

- The Village Campus, the area outlined blue on the application drawings, was originally St. Joseph's Industrial School and operated as such from 1873 to around the mid 1980s.
- From 1989 to 2017 the campus was occupied by the Mill Hill Fathers.
- Alan Mooney, the Referrer, acquired the campus in 2018.
- The campus always had a residential function, both for short and long term accommodation, formerly for children in the industrial school and, more recently, for priests of the Mill Hill Fathers, as an integral element of the various care services provided, including work, education and religious activities.
- The accommodation wing the subject of this referral appears to have been in existence throughout this time. It appears that only minor internal refurbishment works have been carried out in order to update the rooms.
- The accommodation consists of 16 bedrooms with a maximum capacity of 41 persons. There is a common kitchen/dining area and sitting room.
- The referrer states that the objective is to use the accommodation in conjunction with other facilities with a focus on education and training.
- The referrer states that the current focus is on English language studies attended by foreign students. The busiest periods are during school holidays and for training seminars.
- The referrer states that the accommodation is also used by tourists to Kilkenny with peak use at weekends and during holiday periods.

- The referrer states that the accommodation is solely for use by students and tourists and is not for persons with short term housing need.
- The Observer states that ongoing activities on the campus involve various youth, community and social services such as Young Irish Film Makers, Vocational Training Opportunities scheme (VTOS) and the Bishop Birch Training Institute. My observations during site inspection generally confirmed these details.
- The site is located within a Rent Pressure Zone.

8.2. Is or is not development

8.2.1. The question as put by the referrer is as follows:

Is the use of a former short term and long term stay accommodation for priests to short stay guests/student accommodation a material change of use?

This can more properly be rephrased as follows:

Whether the use of former short term and long term stay accommodation for priests at the Village Campus, Kilkenny for short stay guests/student accommodation is or is not development or is or is not exempted development.

8.2.2. The Board will note that the question refers solely to the issue of 'use'. The evidence is that only minor internal refurbishment works to update the rooms have been carried out and this is not in dispute. I am satisfied, therefore, that this 'works' element need not be considered further.

8.2.3. Given the location of the property in a Rent Pressure Zone, and as referenced by the Observer, it might be considered that the new (2019) Section 3A(1) of the Act immediately suggests that the use of the property for short stay guests is a material change of use [assuming that the accommodation rooms in this instance fall within the definition of a house as set down in Section 2(1) of the Act].

8.2.4. However, by reference to DoHPLG Circular Letter PL 04/2019, which explains the purpose of that new section, I am satisfied that the subject property does not fall within its intended scope. The circular letter makes it clear that the new arrangements are part of measures to address the phenomenon of large numbers of properties being withdrawn from the long term rental market for use for short term

lettings. It also makes it clear that the new provisions do not apply to properties that already have specific planning permissions to be used for tourism or short term letting purposes.

- 8.2.5. Given the age of the Village Campus property the subject accommodation block has the benefit of an established use, pre-1964, for both short term and long term accommodation. This is analogous to a property with a specific planning permission for such a purpose. Further, the property has never been part of the long term rental market. It is also noteworthy that the planning authority, while acknowledging (in the Planners Report) that the property is located in a Rent Pressure Zone, did not rely on Section 3A(1) of the Act in making its Declaration.
- 8.2.6. The reasoning behind the planning authority Declaration (and as reflected in the Enforcement Notice issued) is based on the contention that, while the history of the campus is as a multi-functional entity, focused on religion, charity and education, considered to fall within Class 7 uses in the Regulations, the property is now subdivided into distinct uses such as tourist accommodation (short term lettings) and educational uses (students), that are primarily commercial in nature and fall outside the scope of Class 7.
- 8.2.7. The Referrers position is that the entire campus remains the relevant planning unit, that it has an established use under Class 9 of the Regulations, which includes residential uses, and that the continuation of this use is not a material change of use. In this context the subject accommodation can be seen as an ancillary use, not affecting the primary use, and not giving rise to a material change of use.
- 8.2.8. The Observer submission essentially aligns with the planning authority Declaration while also referring to specific new planning and amenity issues raised by the current use of the property for short term lettings and student accommodation.
- 8.2.9. I am inclined to agree with the referrers that the more appropriate class for the campus, in terms of established use, is Class 9 rather than Class 7. However, this matter is not decisive in any event as in either case there is an established residential use (short and long term) ancillary to the primary use. Furthermore, even if it is considered that the campus is now sub-divided into distinct uses, such that the entire is no longer considered a single planning unit, the subject property still has an

established use which includes the use of the subject accommodation block for short term and long term accommodation.

- 8.2.10. The question, therefore, comes back to the test for material change of use as set down in *Monaghan County Council v. Brogan*, and as applied by the Board in the cases referenced in Section 7.4.1 above. In essence, does the current use for short stay guests (tourists) or student accommodation give rise to materially different planning considerations to those relating to the established use?
- 8.2.11. In my view the use of the accommodation block for short stay guests (tourists) or student accommodation does not give rise to such materially different planning considerations. As indicated the established use included both short and longer term accommodation so that operational matters, such as the coming and going of tourists or students and associated servicing, security and disturbance would not be substantially different. Parking demand is not likely to be significantly different either. While the property might be operated on a commercial basis I do not consider that this alone changes the operation of the facility in a significant way in planning terms.
- 8.2.12. This case is also distinguishable from those other residential cases, referenced at Section 7.4.1 above, in another very important respect. In all of those cases the accommodations being let on a short term basis comprised units (mostly apartments) within residential buildings designed and used for permanent residency (owner-occupier or long-term rental). In this context it is easy to see why the cited materially different planning conditions arise. And I note that this was also the context in the legal case *McMahon and Others v. Dublin Corporation*.
- 8.2.13. The context for the subject accommodation is entirely different. The established use was for a mix of short and long term accommodation which would not equate to permanent residency. The accommodation comprises a series of rooms in an accommodation block that in turn is part of a multi-use building, all within a campus setting that also includes a mix of uses. In this context the planning and amenity considerations arising from its use for tourists or students are not materially different to those arising from the established use. In this way this case is also distinguishable from ABP Ref. RL3521 referenced at Section 7.4.1 above.

8.2.14. I conclude, therefore, that the said use of the accommodation block for short stay quests (tourists) or students does not constitute a material change of use and, therefore, does not constitute development.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the use of former short term and long term stay accommodation for priests at the Village Campus, Kilkenny, for short stay guests/student accommodation is or is not development or is or is not exempted development;

AND WHEREAS Alan Mooney requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 21st day of February, 2022 stating that the matter was development and was not exempted development;

AND WHEREAS Alan Mooney referred this declaration for review to An Bord Pleanála on the 21st day of March, 2022;

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 3(1)(a) and 3A(1) of the Planning and Development Act, 2000, as amended,
- (b) DoHPLG Circular Letter PL 04/2019,
- (c) Monaghan County Council v. Brogan [1987] I.R.333
- (d) the history and nature of the Village Campus site,
- (e) the documentation on file and the report of the Planning Inspector;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The part of the building in question has an established use for both short term and long term accommodation;
- (b) The change of use as described does not raise planning considerations that are materially different to those that arise in relation to the established use;
- (c) The change of use, therefore, does not amount to a material change of use and is not development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, as amended, hereby decides that the use of former short term and long term stay accommodation for priests at the Village Campus, Kilkenny, for short stay guests/student accommodation is not development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

B. Wyse
Planning Inspector

11 June 2024