Inspector's Report ACP-323838-25

Question	Whether the use of the residential dwelling at Athlumney House, Boyne Road, Navan, Co. Meath, to provide accommodation for persons seeking international protection is or is not development and is or is not exempted development.
Location	Athlumney House, Boyne Road, Navan, Co. Meath.
Declaration	
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NS525107
Applicant for Declaration	Streamland Limited
Planning Authority Decision	Is not exempted development
Referral	
Referred by	Streamland Limited
Owner/ Occupier	None
Observer(s)	None

Date of Site Inspection	2nd April 2026

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

1.1. The referral property is located in Navan, Co. Meath, approximately 2km from the town centre.

1.2. The referral property is a detached single storey / split level house with access off the Boyne Road, via an existing entrance. The property is on a sizable site with a driveway accessing the house, and a large front and rear garden.

1.3. The local area is characterized by large, detached houses on individual sites with access onto the Boyne Road.

1.4. The property is a protected structure and the description for the property on the Development Plan RPS is as follows.

> Regency style cottage, single storey over basement at rear, painted render exterior, hipped roof with wide bracketed eaves and tall chimney stacks. Replacement sash windows, double glazed. Gabled open porch.

1.5. The property is currently used accommodate persons seeking international protection.

2.0 The Question

2.1. The question for consideration is as follows.

> *Whether the use of the residential dwelling at Athlumney House, Boyne Road, Navan, Co. Meath, to provide accommodation for persons seeking international protection is or is not development and is or is not exempted development.*

3.0 Planning Authority Declaration

3.1.1. On the 10th of October 2025 a request for a Declaration in accordance with Section 5(1) of the Planning and Development Act, 2000, as amended, was received by Meath County Council from Streamland Limited.

3.1.2. The Planning Authority issued a declaration on the 6th of December 2025, to the effect that the use of the residential dwelling at Athlumney House, Boyne Road,

Navan, Co. Meath, to provide accommodation for persons seeking international protection is not exempted development.

3.2. Planning Authority Reports

3.2.1. The Planner's Report, dated 6th of October 2025, can be summarised as follows:

- The proposal constitutes development as it is a material change of use.
- The PA notes from the information on the file that the referral property is a long established private residential use.
- The exemptions in Class 14(h), (i), (j) or Class 20F do not relate to a private residential dwelling house.
- The referenced precedents submitted by the applicant do not relate to a private residential dwelling.
- The use of a dwelling house for IPAS accommodation is a material change of use and is not exempted development.
- The current proposal would not have any significant effect upon a Natura 2000 site.
- There are no real likely significant effects on the environment and as such an EIAR is not required.
- The subject proposal is development and is not exempted development.

3.2.2. Other Technical Reports

- None

4.0 Planning History

- None

5.0 Policy Context

5.1. Meath County Development Plan, 2021 – 2027

5.1.1. The referral site is zoned 'A1 – Existing Residential' in accordance with the Navan Land Use Zoning Map of the CDP. The objective for the 'Existing Residential' zoning is stated as follows.

> *'To protect and enhance the amenity and character of existing residential communities'.*

5.1.2. Development Plan guidance states that 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.

5.1.3. The property is a protected structure (LA Ref. 90935).

5.2. Natural Heritage Designations

- River Boyne and River Blackwater SAC (Site Code 002299) 20m northwest.
- River Boyne and River Blackwater SPA (Site Code 004232) 80m northwest.

6.0 The Referral

6.1. The following is an outline of the referrer's case.

6.1.1. Summary of case

- The PA has erred in determining that a private dwelling cannot fall within Class 14 or Class 20F. The regulations do not expressly exclude dwelling houses, and the test is whether this use is envisaged.
- The existing use of the property is residential, and the proposed use is residential.

- There will be no change to the building other than the socio-economic class associated with the inhabitants.
- The PA has incorrectly characterised the proposed use as 'institutional' accommodation, however the proposed use is residential only, without any institutional characteristics such as the provision of care.
- The proposed use of a large dwelling will not add strain to existing services, nor will it increase traffic volumes, noise or waste at the site. There is therefore no demonstration of an intensification of use or functional change.
- Precedents for the Section 5 application have been incorrectly dismissed.

Site Description

- The existing house contains 14 no. bedrooms, a kitchen, a sitting room and dining room.
- The subject site is not listed on the RPS or in an ACA.

Planning Precedent

- ABP Ref. 307077 refers to a case which the Board determined the change of use of incomplete apartments and to residential accommodation, including persons seeking international protection, and not as a facility for the protection and care of protected persons, does not constitute a change of use.
- The Inspector confirmed that the use of standard residential apartments for protected persons, absent of institutional care or communal services, remains within the bounds of residential use.
- In ABP Ref. 322210-25 it was determined that the use of a residential dwelling where care is not provided as a long-term residential accommodation for protected persons, is not development.

Grounds of Referral

- The continued use of Athlumney Cottage as a residential building does not constitute development in accordance with s. 2(1) of the Planning and Development Act, 2000 (as amended).
- The applicant does not intend to carry out works to the property.

- In respect of material change of use the test is whether it is materially different from the prior use.
- In Esat Digifone v South Dublin County Council, the High Court referred that the determination of materiality must be relevant to the proper planning and development and the preservation of amenities.
- In Galway County Council v Lackagh Rock the High Court referred to the test of materiality are the matters that the PA would take into account in the event of a planning application.
- In Budd J. in Westmeath County Council v Quirke & Sons, the court noted that the activities on the land constitute a change in use, however not all alterations will be material, and that consideration of materiality of a change of use means assessing not only the use itself but also its effects.
- Athlumney Cottage was constructed pre-October 1964 and has always been in use as a residential accommodation. This is a long-established residential use and the only alteration is the increase in the number of residents accommodated in the unit, which is a large 14-bedroom house.
- Case law (Dublin Corporation v Moore (1984)) confirmed that demographic differences among residents, including legal status, are irrelevant to planning assessments.
- The judgement also concluded that the socio-economic profile of the occupants should not be considered in determining whether a material change of use was undertaken.
- The subject property is a large house constructed c. 1800 and has been in continuous use as a residential property. The house contains 14 no. bedrooms, and six are ensuite with 2 no. bathrooms for the remaining residents. There is a shared kitchen, dining room and living room and outdoor space.
- Residents are free to enter the property and come and go as standard tenants.

- Staff employed are only responsible for cleaning and maintenance of the property.
- Residents will live at the property for a minimum of 12 months.
- Should a 14-bedroom house be granted permission a PA would not attach conditions determining the number of people who could reside there.
- The use of Athlumney Cottage as a long-term residential building to house protected persons, which does not provide care, is not a change of use and therefore does not constitute development.
- In the case of Cork County Council v Slattery Pre-Cast Concrete, the High Court referred that the assessment of whether an intensification of an existing use at a property constitutes a material change of use is one to be assessed in light of practical effects relevant to planning considerations. Such as increased vehicular traffic, noise, waste collection and impact on the amenity of surrounding residents.
- In Molloy v Minister for Justice (2004) the High Court confirmed that an intensification of use constitutes development requiring planning permission.
- The difference between Athlumney Cottage and the Molloy case is that it is not proposed to convert the subject property to a hostel. Any assumed intensification of the use of Athlumney Cottage is less significant, as the expected future residents will be accommodated in a large house.
- The court determined whether such intensification occurred was a factual question to be determined based on practical impacts of that intensification on relevant planning considerations. The considerations are not limited to increased vehicular traffic, noise, pressure on infrastructure, visual impact, and impact on the amenity of surrounding areas.

<u>Traffic Volumes</u>

- Given the nature of residents, asylum seekers, it is reasonable to assume that car ownership and usage at the property will be low.
- The property is located a 20-minute walk to Navan town centre with footpaths provided.

- The nearest bus stop is located 10 minutes away and is served by Route N1, which brings passengers into the town centre and employment centres. There are multiple bus connections to Dublin and neighbouring town and villages.
- The number of staff is minimal, comprising mainly of maintenance and security.

Wastewater Services

- Upgrade works to the houses sewage system have been carried out in recent years.
- Navan has an adequate public sewage network and treatment plant, which has capacity for a population of over 100,000.
- As such additional people living in the dwelling will not result in issues in the sewer system.
- Irish Water have recently carried out upgrade works to the Liscarton Water Treatment Plant, which will ensure safe and secure drinking water supply.

Waste Collection

- No change is proposed to the current waste collection system.
- Commercial sized wheelie bins, similar to those in apartment blocks, will be used, and collected weekly from the adjoining public footpath.
- No impacts on the adjoining footpath or road.
- It is not anticipated that the increase in residents at the site will result in additional waste. The existing waste can be dealt with by the current waste collection set up.

Noise

- Noise impacts arising from the proposed development will not be detrimental to established residential amenities.
- Any increase in noise will be in keeping with any residential development.
- The subject site is located in a low-density suburban location with large separation distances between adjoining properties.

- The nature of the occupation remains consistent with any residential tenancy.
- There is no significant traffic serving the property nor servicing, staffing or external impact.

6.2. Planning Authority Response

- None

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ….'

7.1.2. Section 3(1) states that:

- 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land'.

7.1.3. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.

7.1.4. Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

7.2. Planning and Development Regulations, 2001, as amended.

7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, provide that 'subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations

specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'.

7.2.2. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development, including '**Class 14**' allowing for 'development consisting of a change of use': - '

> '(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,
>
> (i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons'.

7.2.3. Statutory Instrument 376 of 2023 titled Planning and Development (Exempted Development) (No. 4) Regulations 2023 is an amendment to the 2001 Regulations which inserted a new **Class 20F** to Part 1 of Schedule 2 of the 2001 Regulations. Class 20F is set out as follows:

Class 20F	Conditions and Limitations
Temporary 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	1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022[1] comes to an end in

structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction	accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001. 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028. 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class. 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development. 6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022. 7. 'international protection', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015). 8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

7.2.4. Article 5 of the Regulations sets out certain definitions, the following of which are relevant to the referral question:-

7.2.5. For the purposes of Schedule 2, the Regulations provide the following definition of a 'protected person' –

(a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),

(b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or

(c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996.

7.2.6. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article.

7.2.7. Article 10 provides exemptions for change of uses in Part 4 of Schedule 2 of the Regulations. Article 10(4) provides an exemption for development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for accommodation of not more than 4 persons as overnight guest accommodation

8.0 Referral Precedents

8.1.1. ABP-321968-25: The Commission determined on the 18th of February 2026 that a residential dwelling at 32 Sandhills, Hacketstown Road, Carlow, as a residence for International Protection Applicants is not development. The Commission accepted the Inspectors recommendation. The Inspectors Report concludes that the use of the existing semi-detached dwelling for residential accommodation for protected persons does not represent a change of use from the permitted use and, therefore, does not constitute development. In respect of a material change of use, the Inspector concluded that the nature and the characteristics of the residential accommodation for persons seeking international protection, would not have different planning considerations in relation to traffic generation, waste collection, noise or impacts on adjacent amenities generally, relative to the occupation of this single residential property. As such the use of the dwelling for protected persons would not be materially different to that of the permitted use on the referral site.

8.1.2. ACP-322842-25: The Commission determined on the 10th of March 2026 that the use of existing residential apartment block located at 108 Thomas Davis St, Mallow,

Co. Cork to provide accommodation for persons seeking international protection is not development. The Commission accepted the Inspectors recommendation. The Inspectors Report concludes that the nature and the characteristics of the residential accommodation for persons seeking international protection on the referral site, would not have materially different planning considerations in relation to traffic generation, waste collection, noise or impacts on adjacent amenities generally, relative to the occupation of 9 no. apartments.

8.1.3. ABP-320219-24: The Board determined on the 20th of November 2024 that the proposed change of use of a former medical centre to temporary hostel use, to accommodate displaced persons or persons seeking international protection is development and is exempted development and Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) is the relevant exemption. The Board also determined that works consisting of the replacement of a window with two new windows, blocking up of a door, removal of a window and its replacement with a new door is development and is exempted development.

8.1.4. ABP-320031-24: The Board determined on the 19th of November 2024 that the change of use of a dwelling house to accommodation, where care is not provided, for protected persons is development and is not exempted development. The Board concluded that a change of use from a dwelling house to provide accommodation, for protected persons is a material change of use.

8.1.5. ABP-307077-20: The Board determined in December 2020 that the use of the premises at Cannaboe Street, Ballinamore, County Leitrim, as apartments, including residential accommodation for protected persons, is not development. The Board determined that the permitted use of the apartments was not abandoned and the current use of the premises as apartments, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use and, therefore, does not constitute development.

9.0 Assessment

9.1. Introduction

9.1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the subject building use in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

9.2. Is or is not development

9.2.1. The relevant question to consider in this referral is whether a change of use from residential house to accommodation providing for international protection applicants is development.

9.2.2. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect relates to both works and the material change in the use of land or structures. I would note that the information on the file, including that submitted in the referral to ACP indicates that no works were undertaken at the property, as such development has not occurred due to works.

9.2.3. In terms of the established use on the referral site, it is evident from the information on the file that the referral property has a residential use, and this is not disputed by either of the parties. In considering whether a material change of use has occurred and therefore development, I would have regard to the established use relative to that of the proposed use.

9.2.4. There is no definition of 'material change of use' in the Act, or any other statute, however case law has addressed the tests of materiality. I have considered all the case law referenced in the referrer's submission. The referral quotes relevant case law such as, *Esat Digifone v South Dublin County Council* (2002) and *Galway County Council v Lackagh Rock* (1985) which both confirm that the test of materiality are the matters that the PA would take into account in the event of a planning application. I would note that in Simons on Planning Law (2021), Browne refers to

Galway County Council v Lackagh Rock, and Browne refers that Barron J. stated, in relation to material change of use, as follows,

> '*to test whether or not the uses are materially different, it seems to me, that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use. If these matters are materially different, then the nature of the use must equally be materially different*'.

9.2.5. I noted from my site assessment that the proposed accommodation includes a large number of individuals occupying 14 no. bedrooms with an occupancy rate of approximately 3 – 4 persons per bedroom and the occupants share communal facilities. The proposed use has one communal kitchen, dining room, sitting room and shared facilities. The development includes an on-site manager and security, including CCTV cameras in operation and full-time staff. Further it is reasonable to conclude that there is an intensification of the use, based on the average occupancy of the residents, approximately 42 – 56 persons (based on the bedroom occupancy), and this occupancy is much larger than that could be expected by a single household occupancy, giving rise to a different set of impacts. The character and function of this occupation is therefore different to that of a single household living in one individual dwelling unit.

9.2.6. The proposed use, for residential accommodation for persons seeking international protection, in my opinion, is more akin to an institutional use and is therefore a material change of use from an individual dwelling house.

9.2.7. I note that the Meath County Development Plan, 2021 – 2027, lists 'residential' and 'residential institution' as different uses in their lists of permitted and open for consideration uses in various zonings in Chapter 11 of their Development Plan, and it would appear that the planning authority would take different matters into account in the event of a planning application being made for the proposed use, or for the use of a dwelling house. Some zonings are more favourable towards one use or the other.

9.2.8. I would consider on the basis of the above that the matters that the Planning Authority would take into account in the event of a planning application being made either for the present use or the permitted use would be materially different.

9.2.9. I have also given consideration to previous Board decision ABP-307077-20, which the referrer has cited in their submission. In this case the Board determined that the use of a premises as apartments, including residential accommodation for protected persons, is not development. In this particular case the Planning Inspector reported that the residential accommodation is being operated in a manner similar to other apartment developments, with gated access and servicing by a management and security suite, and that there are no facilities beyond those that would normally be expected of an apartment complex. The Planning Inspector's report concluded that the facility is operating as residential accommodation, as per the permitted use and the status or personal circumstances of the apartment residents is not a material planning issue. I would consider that the case in ABP-307077-20, which relates to apartments, is different to that of the current case, which relates to a single house, as the apartments in that case where operating independently and occupied by individual households, as opposed to the occupants, in the current case, sharing facilities in one individual dwelling unit. The house in this current case before the Commission is operating in a congregated setting with a large number of occupants sharing communal facilities.

9.2.10. The referrer's submission also submits that the Commission decision in respect ABP Ref. 322210-25 is a precedent for the current case. However, ABP Ref. 322210-25 relates to two individual self-contained apartments which operate independently and therefore, similar to ABP-307077-20, differs to the current referral which relates to a single house.

9.2.11. I would also have regard to a previous decision by the Commissioners, in case reference ABP-320031-24. In this case the Board determined that the change of use of a dwelling house to accommodation, where care is not provided, for protected persons is a material change of use and is development.

9.2.12. The household composition of each apartment on the referral site comprises of men only, and I note that the PA and the applicant both refer to case law Dublin Corporation v Moore (1984), which infers that the social status and demographic

differences among residents is not a planning consideration. I therefore would not consider that household composition is a material planning issue in respect of a residential use generally.

9.2.13. On the basis of the above intensification of use, I would conclude that the proposed change of use is a material change of use and therefore falls under the definition of development under Section 3(1)(a) of the Act.

9.3. **Is or is not exempted development**

9.3.1. As noted above in para. 7.0 (statutory provisions) exemptions exist for change of use from various premises to use for accommodation for protected persons under the Regulations under Class 14(h) and Class 14(i) of Part 1 of Schedule 2.

9.3.2. Class 14(h) and Class 14(i) refers to a list, as follows, '*hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof*'. I would consider that the provision '*or other premises or residential institutions providing overnight accommodation*' is part of the larger provision and must be considered in the context of the list as a whole. Notwithstanding the fact that a house provides overnight accommodation, a house is not the kind of residential institution envisaged in this exemption. It is my view, and similar to the Board's determination in referral case ABP-320031-24, which I have summarised in para. 8.1.4 above, that the exemptions would not apply to this dwelling house.

9.3.3. Similarly, in Class 20F, there is a long list of building types, but houses are not listed.

9.3.4. Separately, Class 20F provides an exemption for a temporary change of use to accommodate or support displaced persons or persons seeking international protection by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth. I would note that there is no evidence on the file demonstrating that the development meets this specific requirement in respect of the Class 20F exemption.

9.3.5. Notwithstanding the above, a house is not the kind of residential institution envisaged in this exemption, and as such, there is no exemption under the Act or under the Regulations that can be availed of.

9.4. Restrictions on exempted development

9.4.1. I have noted above that the available exemption in Class 14(h), Part 1, Schedule 2 of the Regulations is not applicable in respect of Question 2 of the referral before the Commission. Notwithstanding, and should the Commission consider otherwise, I would acknowledge that Article 9 of the Planning and Development Regulations, 2001 (as amended), refers to restrictions on exempted development.

9.4.2. In this respect I have assessed the use to provide accommodation for persons seeking international protection having regard to the relevant Article 9 restrictions, and I would conclude that should Classes 14(h) and/or 20(F) apply in this instance that Article 9 would not de-exempt the said exemptions.

10.0 EIA Screening

10.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. (Refer to Form 1 in Appendix 1 of report).

11.0 Appropriate Assessment

11.1. I have considered case ABP-323838-25 in light of the requirements S177U of the Planning and Development Act 2000, as amended.

11.2. The closest European Sites, part of the Natura 2000 Network, is the River Boyne and River Blackwater SAC (Site Code 002299) located approximately 20m northwest and River Boyne and River Blackwater SPA (Site Code 004232) located approximately 80m northwest of the referral site.

11.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

11.4. The reason for this conclusion is as follows:

- The nature and scale of the development and the location of the site on developed serviced lands.

- The absence of any ecological pathway from the development site to the nearest European Site.

11.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

12.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the use of the residential dwelling to provide accommodation for persons seeking international protection, at Athlumney House, Boyne Road, Navan, Co. Meath, is or is not development or is or is not exempted development:

AND WHEREAS Streamland Limited requested a declaration on this question from Meath County Council and the Council issued a declaration on the 6th day of December 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Streamland Limited referred this declaration for review to An Coimisiún Pleanála on the 3rd day of November 2025:

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

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

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

(c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(d) Relevant case law,

(e) Previous referrals to the Commission, including ABP-307077-20 and ABP-320031-24,

(f) The documentation on the file, including the submission on behalf of the requestor Streamland Limited:

(g) the pattern of development in the area:

(h) the report and recommendation of the Inspector

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of residential dwelling to provide accommodation for persons seeking international protection constitutes a material change and therefore is development as defined under Section 3(1)(a) of the Planning and Development Act, 2000, (as amended),

(b) the change of use of a residential dwelling to provide accommodation for persons seeking international protection is not exempted development as it does not come within the scope of Class 14 – Part 1 of Schedule 2 – 'Exempted Development - General' inserted by The Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I No 582/2015).

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the change of use of residential dwelling at Athlumney House, Boyne Road,

Navan, Co. Meath, to provide accommodation for persons seeking international protection is development and is not exempted 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Senior Planning Inspector

20th April 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-323838-25
Proposed Development Summary	Whether the use of a Residential dwelling to provide accommodation for persons seeking international protection is or is not development or is or is not exempted development.
Development Address	Athlumney House, Boyne Road, Navan, Co. Meath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☐ Yes, it is a 'Project'. Proceed to Q2. ☒ No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Class 10(b)(i) of Part 2: threshold 500 dwelling units. Class 10(b)(iv) of Part 2: threshold 2 ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____