



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-324340-26**

|                                     |                                                                                                                                                                                             |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question</b>                     | Whether the use of the aparthotel/short stay accommodation units as an International Protection Accommodation Service centre is or is not development or is or is not exempted development. |
| <b>Location</b>                     | Inchicore Suites, Oblate View, Tyrconnell Road, Inchicore, Dublin 8.                                                                                                                        |
| <b>Declaration</b>                  |                                                                                                                                                                                             |
| <b>Planning Authority</b>           | Dublin City Council                                                                                                                                                                         |
| <b>Planning Authority Reg. Ref.</b> | 0056/26                                                                                                                                                                                     |
| <b>Applicant for Declaration</b>    | Ambra Properties Ltd.                                                                                                                                                                       |
| <b>Planning Authority Decision</b>  | Is development and is not exempted development.                                                                                                                                             |
| <b>Referral</b>                     |                                                                                                                                                                                             |
| <b>Referred by</b>                  | Ambra Properties Ltd.                                                                                                                                                                       |
| <b>Owner/ Occupier</b>              | Ambra Properties Ltd.                                                                                                                                                                       |
| <b>Date of Site Inspection</b>      | 31/08/25                                                                                                                                                                                    |
| <b>Inspector</b>                    | Bébhinn O'Shea                                                                                                                                                                              |

## 1.0 Site Location and Description

- 1.1. The site is located in Inchicore at the entrance to Goldenbridge Industrial Estate. It is part of a 3-4 storey building over basement car-parking with curved glazed corner treatment. The adjoining use is a currently a daycare centre and there appear to be apartments overhead. The building appears to be occupied, with bunk-beds and personal belongings visible in windows.

## 2.0 The Question

- 2.1. Whether the use of the aparthotel/short stay accommodation units (as permitted under PI. Ref 3765/17) as an International Protection Accommodation Service is or is not development or is or is not exempted development.

### 2.2. Planning Authority Declaration

- 2.3. The Planning Authority issued a declaration on the question on 6th May 2026, as follows:

Having regard to Sections 2, 3 of the Planning and Development Act, 2000 (as amended) and Class 20 (F) Part 1 of Schedule 2, the Planning and Development Regulations 2001, as amended, the Planning Authority has concluded that the use of the aparthotel/short stay accommodation units as an International Protection Accommodation Service is development and is not exempted development on the grounds that no supporting documentation verifying a contract/agreement with the Minister for Children, Equality, Disability, Integration and Youth (DCEDIY) has been submitted and compliance with the conditions/limitations set out under Class 20F, Part 1, Schedule 2 of the Planning & Development Regulations 2001 (as amended), has not been demonstrated.

### 2.4. Planning History

**PI. Ref. 3765/17:** Permission granted for change of use of existing office building to 21 no. short stay tourist accommodation units.

Condition 2: The apart-hotel units herein permitted shall comply with the following:

- a. The units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Appendix 16 of the Dublin City Development Plan, 2016-2022;
- b. The aparthotel shall be managed by a reception facility on the ground floor with twenty-four hour reception and security; and
- c. The units shall not be used as independent and/or separate self-contained permanent residential units.

Reason: To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2016-2022, and the proper planning and sustainable development of the area.

Condition 3: This permission authorises 21 no. aparthotel units only. The units shall not be used for residential purposes or student accommodation. Planning permission shall be required for any change of use from commercial short-term accommodation to residential.

Reason: In the interests of orderly development.

## **3.0 Policy Context**

### **3.1. Dublin City Development Plan (DCDP) 2022 – 2028**

- 3.1.1. The subject site is zoned 10: Inner Suburban and Inner City Sustainable Mixed uses – to consolidate and facilitate the development inner city and suburban site for mixed uses. In the vicinity are lands zoned Z15 Community and Social Infrastructure (to west, Z9 Amenity / Open Space Lands / Green Network, Z1, Sustainable Residential Neighbourhoods and Z3 Neighbourhood Centre.
- 3.1.2. The purpose of the Z10 zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. The primary uses supported in this zone are residential, office and retail, with ancillary uses also

facilitated where they deliver on the overall zoning objective. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.

3.1.3. Section 15.15 relates to avoidance of over-concentration of hotels and aparthotels.

Chapter 15<sup>1</sup> states at 15.14.1.2: Aparthotels

“An aparthotel can provide tourists and visitors with the flexibility, space and luxury of a fully furnished apartment managed and serviced like a hotel. It is not intended that any type of visitor accommodation, including aparthotels, is used or occupied by permanent households or for the purposes of providing student accommodation.

When assessing any application for an aparthotel, Dublin City Council will apply the following considerations:

- The proposed development will include, as a minimum, a fully serviced reception desk and administration facilities, concierge, security and housekeeping facilities and may contain entertainment and uses considered to be associated with the management of the aparthotel.
- The provision of food and refreshment facilities is also desirable but regard will be had to the level of amenities accessible within the immediate area.
- Active ground floor uses will be encouraged to contribute to the activity and vitality of the street in certain locations.
- The design and layout of the aparthotel units should be such to enable the amalgamation of individual units to cater for the needs of visitors, especially families.
- In any application for an aparthotel, a range of different unit styles and sizes will be required in order to cater for the needs of visitors; the planning authority will resist the over-provision of single bed aparthotel units and shall require a mix of unit sizes and styles.

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<sup>1</sup> I note the conditions of permission on 3765/17 refer to the 2016-2022 DCDP. The content is largely consistent with the current 2022-2028 DCDP. I have included Appendix 16 of the 2016-2022 DCDP at the end of my report for ease of reference when considering conditions on 3765/17.

- If it is intended to convert the aparthotel units into residential units in the future, the standards for residential developments as set out in the development plan must be adhered to, including car parking standards and all private and public open space requirements. The planning authority will resist applications for change of use in cases where these standards are not reached, or in cases where the proposed development is contrary to the zoning objectives of the area.
- Permissions for aparthotels will have a condition attached requiring planning permission from change of use from commercial short-term accommodation to residential. Permissions for aparthotels will also have a condition attached stating that the maximum occupancy period for the proposed development shall be two months.”

3.1.4. Appendix 15 of the DCDP 2022-2028 gives Land Use definitions. It states

*Hotel*

*A building, or part thereof, where sleeping accommodation, meals and other refreshments and entertainment, conference facilities, etc., are available to residents and non-residents, and where there is a minimum of twenty rooms en-suite. Function rooms may also be incorporated as part of the use. A hotel includes an aparthotel.*

*An aparthotel is a building, or part thereof, containing a minimum of eight self-serviced short-term accommodation units that share a reception area. The building is professionally managed in the same manner as a hotel, where accommodation is provided in the form of apartments or suites within a fully serviced building, offering the comfort and security of a hotel with the amenity of a fully furnished apartment.*

## 4.0 Natural Heritage Designations

4.1. The site is not within or adjacent to any SAC or SPA. It is 150m from the Grand Canal which is a pNHA.

## **5.0 The Referral**

### **5.1. Referrer's Case**

- 5.1.1. The referrer is Ambra Properties Limited. The cover letter states that a declaration is sought to clarify the planning status of the current use, which has been sought by the Department of Justice. The case is stated that:
- 5.1.2. The Declaration was based substantially on the absence of supporting documentation relating to State contractual arrangements rather than any substantive finding that the planning character of the use had materially changed. The subject development has operated as IPAS facilities since November 2023. Documentary evidence confirming such arrangements is enclosed with the referral:
- Copy of Emergency Accommodation Contracts 27.11.2023
  - Copies of Emergency Accommodation Contract 27.11.2024
  - Sample operational co correspondence with the Department
  - Screenshot of e-mail communication requesting a Section 5 declaration
- 5.1.3. The PA did not conclude that permanent residential use had arisen, that the building has ceased operating as managed accommodation, or that physical alteration had altered the planning character of the development.
- 5.1.4. The PA relied upon Class 20F Part 1 Schedule 2 of the Planning Regulations however the matter should primarily be assessed by reference to whether there has been a material change of use in planning terms rather than exclusively with reference to the technical applicability of Class 20F.
- 5.1.5. In relation to Conditions 2 and 3 of Reg. Ref 3765/17, granted in 2018, it is submitted that the development continues to operate as managed accommodation, the management structure remains in place and the overall planning character of the use remains consistent with the permitted use. While duration may vary depending on occupational requirements within the IPAS system, the nature of occupation remains temporary, managed and non-exclusive in planning terms. The current use does not constitute a material change of use.

- 5.1.6. The cover letter with the referral also states that there are no conditions attached to the 2018 condition restricting occupancy duration.

## **5.2. Planning Authority Response**

An acknowledgement was received from Dublin City Council but no further comments.

## **5.3. Submissions/Observations:**

None

## **6.0 Oral Hearing**

- 6.1. The referrer requested an Oral Hearing. The submission on the matter was considered by the Commission at a meeting on 28/07/2026. It was concluded that there was sufficient written evidence on file to enable an assessment of the issues raised, and decided that an Oral Hearing should not be held.

## **7.0 Statutory Provisions**

### **7.1. Planning and Development Act 2000 (as amended) “The Act”:**

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

- ‘development’ has the meaning assigned to it by Section 3 and shall be construed accordingly.
- ‘exempted development’ has the meaning specified in Section 4.
- ‘structure’ means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and – (a) where the context so admits, includes the land on, in or under which the structure is situate.
- “use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

- 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’.

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2020.

## **7.2. Planning and Development Regulations 2001 (as amended) “The Regulations”:**

7.2.1. **Article 6(1)** of the Regulations 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. **Article 9 (1)(a)** states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would, inter alia:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

7.2.3. **Part 1 of Schedule 2** of the Regulations set out the classes of exempted development:

7.2.4. **Class 14h** is 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,

7.2.5. **Class 20F** of Part 1 of Schedule 2 sets out the following

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a 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.

7.2.6. Class 20F is subject to the following conditions and limitations:

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<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.
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.

7.2.7. For the purposes of Schedule 2, the Regulations provide the following definition of a "protected person": -

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).

A person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or a programme refugee within the meaning of s.24 of the refugee Act of 1996.

7.3. **Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022**

This sets out that 'displaced persons' means people displaced from Ukraine as a result of the military invasion by Russia.

7.4. **International Protection Act 2015 (No. 66 of 2015)**

This sets out that 'International Protection' means status as a refugee, or status as a person eligible for subsidiary protection.

7.5. **Article 2 of Council Directive 2001/55/EC of 20 July 2001**

This sets out that 'temporary protection' means a procedure of exceptional character to provide immediate and temporary protection to displaced persons in the event of a mass influx of such persons.

## 8.0 Precedent

I have examined the referrals database and have found the following, which while not relevant to the subject site, have relevance to the subject matter of the current referral case, i.e. material change of use, hotel, IPAS accommodation

**RL 2685: Whether the change of use of the first and second floors of an existing hotel to a hostel to accommodate refugees is or is not development and if so, is or is not exempted development.**

This referral related to the proposed accommodation of long stay refugees within an existing hotel. No additional bedspaces or number of persons was proposed. The change of use related to two of the three floors of the hotel.

The Board decided that the change of use was development was not exempted development, as follows:

- The change of use as proposed was considered material in the context of Section 3 of PDA, 2000 as amended, having regard to the defined client group to be catered for and the length of stay of the occupants
- The said change of use did not fall within the scope of any one of the classes of use specified in Schedule 2 Part 4 of PDR, 2001

**317397–23: Whether works carried out (ongoing) to Lismore House Hotel, A Protected Structure, and within its curtilage since January 2022(sic) to provide a care facility for IPAS refugees at Lismore House Hotel, 1-2 Main Street, Lismore, County Waterford is or is not development or is or is not exempted development**

The Board concluded that: -

- a) the works carried out to facilitate the temporary accommodation facility for IPAS would constitute development under Section 3(1) of the Planning and Development Act 2000 as amended.
- b) the temporary change of use from hotel to accommodation for IPAS would constitute exempt development and would fall within the scope of Class 14 and

Class 20F of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

c) the works carried out do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures and would fall within the scope of the exemption provided by S. 4(1)(h) of the Planning and Development Act 2000 (as amended).

d) However, it has not been satisfactorily demonstrated by the owner/occupier that the carrying out of the works to facilitate this temporary accommodation for IPAS does not materially affect the character of the P.S. or any element of the structures which contributes to their character, and therefore it is not exempt development under Section 57 of the P&D Act 2000 (as amended).

**320031-24 Whether the use of a dwelling house, where care is not provided, as long term private residential accommodation for protected persons comprising families, women and children, at Knockmount, Dublin Road, Drogheda, County Louth is or is not development or is or is not exempted development**

The Board concluded that

(a) The change of use from the established use as a dwelling house to the proposed use as accommodation for protected persons constitutes a change of use;

(b) The change of use raises planning considerations that are materially different to planning considerations relating to the established use;

(c) The change of use constitutes a material change in the use of the structure; and that the change of use of a dwelling house, where care is not provided, as long-term private residential accommodation for protected persons comprising families, women and children development and is not exempted development.

**321373- 24 Whether the use of a Guesthouse at Dun a Rí House Hotel, Kingscourt, County Cavan to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development.**

An Bord Pleanála concluded that the change of use of a guesthouse at Dun a Ri House Hotel to provide accommodation for persons seeking international protection is development and is exempted development.

(a) the change of use of a guesthouse at Dun a Rí House Hotel, Kingscourt, County Cavan, to provide accommodation for persons seeking international protection constitutes a material change of use 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 guesthouse at Dun a Rí House Hotel to provide accommodation for persons seeking international protection is exempted development as it comes 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).

## 9.0 **Assessment**

9.1. It should be noted at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the accommodation use but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development. Likewise, planning enforcement is a matter for the planning authority and does not fall within the jurisdiction of the Commission.

9.2. The question which has been referred to the Commission is:

Whether the use of the aparthotel/short stay accommodation units as an International Protection Accommodation Service does not constitute development of a material change of use having regard to the nature of the permitted use.

### 9.3. **Scope of the Question:**

9.3.1. I firstly note the wording of the question put to the planning authority and referred to the Commission. The question refers to whether the use as IPAS does not constitute development or a material change of use having regard to the nature of the permitted use. (The case is made that the matter should primarily be addressed by

reference to whether there has been a material change of use in planning terms rather than exclusively by reference to Class 20F).

9.3.2. I note the wording of Section 5 of the Act

**5.—**(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question.

9.3.3. As this process is undertaken under Section 5 of the Act, my assessment below considers whether or not the use of the aparthotel (as permitted under PI Ref 3765/17) as an International Protection Accommodation Service is or is not development or is or is not exempted development, within the full meaning of the Act, and will not be restricted to or focussed on the materiality of the change of use. It should be noted that section 9.4 below considers whether a material change of has occurred.

**9.4. Is or is not development**

9.4.1. As per Section 1 (1) of the Act, 'development' means, ....the making of any material change in the use of any structures or over land'. The permitted use in this case is an aparthotel. There is no physical alteration. The question therefore is whether the proposed use as IPAS accommodation would constitute a material change in the use of the building and would therefore constitute development.

9.4.2. There is no definition of 'material change of use' in the Act, or any other statute, however it is common case that "*material*" in the of the 2000 Act means "*material for planning purposes*". In *Simons on Planning Law, 3rd edn, 2021*, two schools of thought are identified. The first is to consider whether or not the character of the existing use of the land will be substantially altered by the proposed change: it is the change from use A to use B which is important. The second approach is to examine the materiality of the proposed change as it impacts on the proper planning and sustainable development of the adjoining area.

9.4.3. With regard to the character of a hotel/aparthotel compared to IPAS accommodation I note the following:

9.4.4. There is no definition of ‘hotel’ or ‘aparthotel’. However, the DCDP 2022-2028 defines a hotel as follows

*A building, or part thereof, where sleeping accommodation, meals and other refreshments and entertainment, conference facilities, etc., are available to residents and non-residents, and where there is a minimum of twenty rooms en-suite. Function rooms may also be incorporated as part of the use. A hotel includes an aparthotel.*

*An aparthotel is a building, or part thereof, containing a minimum of eight self-serviced short-term accommodation units that share a reception area. The building is professionally managed in the same manner as a hotel, where accommodation is provided in the form of apartments or suites within a fully serviced building, offering the comfort and security of a hotel with the amenity of a fully furnished apartment.*

9.4.5. I also differentiate between a hotel and a (tourist) hostel; in the case of the latter accommodation is typically lower budget, less spacious and often shared with other parties. I note the DCDP 2022-2028 definition of a hostel as

- A building, or part thereof, which would provide meals/ refreshments, sleeping accommodation and entertainment to residents/ tourists only, and is other than a hostel where care or short term homeless accommodation is provided.

9.4.6. IPAS provides accommodation and other basic supports to people applying for international protection. This includes meals or cooking facilities, and access to basic services and supports including healthcare, education, social supports, community services. The average length of stay in IPAS accommodation for residents with status in 2025 was 24.3 months (19.2 months in 2023, 20.6 months in 2024).<sup>2</sup>

9.4.7. Considering the impact of the permitted aparthotel/short stay accommodation units compared to that of IPAS accommodation I note the following relevant differences:

- **Nature of resident**

Hotels are generally open to the public (subject to payment). IPAS is restricted to a defined client group - protected persons - and are not public establishments.

- **Accommodation standards / occupation**

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<sup>2</sup> <https://www.oireachtas.ie/en/debates/question/2026-05-06/667/>

IPAS accommodation generally provides less space per occupant than a hotel. Minimum bedroom space is 4.65 m<sup>2</sup> per resident per bedroom<sup>3</sup>. In comparison, the minimum hotel bed standard for a triple (3 beds) is 18m<sup>2</sup> (2 star hotel)<sup>4</sup>.

This leads to greater occupancy. In this instance, permission was granted for 21 no. short stay tourist accommodation units, all of which are shown on plans to be 2 person units; giving total occupancy of 42 persons. An inspection report<sup>5</sup> on Inchicore Suites from November 2025 published by the Department of Justice, Home Affairs and Migration indicated a capacity of 132 places, an average of c. 6.25 persons per room.

- **Duration of stay**

Hotel accommodation is generally associated with shorter stays. Aparthotels, being fitted with kitchen facilities, are also intended for short stays although longer than typical hotels; in this instance a stay is limited to 2 months by condition of planning. IPAS accommodation is generally associated with significantly longer stays, in 2025 averaging at 2 years as detailed above. It is noted that the length of time spent by a person resident in IPAS accommodation will vary depending on the individual circumstances of the person or family's application. However the 2 month limitation of the planning permission is greatly removed from the reported average stay, which I consider to be medium to long term. I note that the referrer has not claimed that stays do not exceed 2 months.

- **Draw on local services**

IPAS provides supports to people applying for international protection which includes healthcare, education, social supports, community services. This draw on local services does not typically arise with short stay hotel accommodation, with the possible exception of occasional healthcare requirements.

- **Spending**

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<sup>3</sup> The *National Standards for accommodation offered to people in the protection process*, Department of Justice and Equality. <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/publications/policy-documents/>

<sup>4</sup> Fáilte Ireland Statutory Accommodation requirements [quality-assured-statutory-requirements-Hotels-Classification-Matrix-2016-Updated-19-06-19.pdf](#)

<sup>5</sup> [https://assets.gov.ie/static/documents/d6584fce/20251105\\_Inchicore\\_Suites\\_Inspection\\_Redacted.pdf](https://assets.gov.ie/static/documents/d6584fce/20251105_Inchicore_Suites_Inspection_Redacted.pdf)

Spending relating to hotels is typically connected to hospitality, restaurants, attractions, retail and tourism. I acknowledge aparthotels are likely to have more focus on everyday items, but consider they may include the forgoing. IPAS spending is likely to be focussed on essential items and be more limited in terms of amount of spend, given the nature of residents, their limited income and ability to take up employment.

9.4.8. The referrer's case is that the building continues to operate as managed accommodation, this is not disputed. The case is also made that permanent residential accommodation has not been created. While on balance I also accept this, as IPAS accommodation is not intended to be permanent residential accommodation, I consider that medium to long-term residential accommodation exists.

9.4.9. In terms of the impacts on the proper planning and sustainable development of the adjoining area, the impact of IPAS accommodation (in comparison to an aparthotel/short stay accommodation units with maximum 2 month stay) includes:

- Creation of new residential community, medium to long term in nature;
- Related increased demand for local services in particular schools, healthcare, community and integration supports;
- Increased visitor movements (arising from increased occupancy) and different movement patterns (arising from nature of occupants)
- Greater demand on public transport and different patterns of use;
- Less contribution to economic activity in the area, in terms of available spend, focus on lower order goods, less demand for restaurants and retail, all of which is relevant to the vibrancy and vitality of urban areas.

9.4.10. On the above basis, I am satisfied that a change of use has occurred, and given the associated impacts, this change of use is a material. Therefore the use of the building as IPAS constitutes 'development'.

## **9.5. Is or is not exempted development**

- 9.5.1. As set out above, Article 6(1) of the Regulations 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.
- 9.5.2. Article 6 relates to the development. The development may be considered under Class 14(h) and Class 20(f) in Column 1 of Part 1 of Schedule 2.

### **Class 14(h):**

- 9.5.3. The change of use falls within Class 14(h) as a change from use as a hotel to use as accommodation for protected persons. There are no conditions or limitations in column 2 associated with Class 14(h).

### **Class 20(f):**

- 9.5.4. The change of use falls within 20(f) Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a ...hotel.
- 9.5.5. The referrer has submitted contract documentation from the Department of Children, Equality, Disability, Integration and Youth for the provision of emergency accommodation for persons seeking international protection. This documentation relates to the periods November 2023 to November 2024 and for November 2024 to 2025. Although there is no documentation for the current period I am satisfied that the this is sufficient to demonstrate that the use occurs on behalf of the Minister for Children, Equality, Disability, Integration and Youth.
- 9.5.6. There are 8 conditions and limitations set out in Column 2 (See Section 7.2 above for full text):
- No. 1: Satisfied
  - No. 2: Not applicable at this time.
  - No. 3: Not applicable at this time
  - No. 4: Not applicable at this time

- No. 5: The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development: - It is not evident whether the local authority was notified prior to the commencement of use as an IPAS facility.
- No. 6. Item of clarification
- No 7. Item of clarification
- No. 8. Item of clarification

## 9.6. Restrictions on exempted development

9.6.1. **Article 9 (1)(a)** states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would, inter alia:

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

Therefore, the change of use would not exempt under Article 6, in either Class 14(h) or 20 (f) if it contravenes a condition of planning.

9.6.2. Permission was granted for the aparthotel/short stay accommodation units under the aparthotel under 3765/17. Condition 2 attached is:

*The apart-hotel units herein permitted shall comply with the following:*

- a. The units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Appendix 16 of the Dublin City Development Plan, 2016-2022;*
- b. The aparthotel shall be managed by a reception facility on the ground floor with twenty-four hour reception and security; and*
- c. The units shall not be used as independent and/or separate self-contained permanent residential units.*

*Reason: To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2016-2022, and the proper planning and sustainable development of the area.*

9.6.3. In relation to part (a) of the above, the referrer has not submitted any information or documentation to suggest that occupation is ordinarily less than 2 months. In addition, I note Appendix 16 of the Dublin City Development Plan 2016-and highlight Paragraph 2 which states

*It is not intended that any type of visitor accommodation, including aparthotels, is used or occupied by permanent households, including students. This would be contrary to the proper planning and sustainable development of the city and would also put pressure upon local services, e.g. schools, health and social services.*

9.6.4. Having regard to my assessment at 9.4 above I consider it clear the nature of use for IPAS accommodation is not consistent with short-term accommodation and leans towards permanent households in terms of pressure on local services.

9.6.5. Therefore I conclude that the use of the aparthotel/short stay accommodation units as IPAS accommodation contravenes condition 2 (a) of permission and is inconsistent with the use specified in that permission.

9.6.6. Condition 3 attached is:

*This permission authorises 21 no. aparthotel units only. The units shall not be used for residential purposes or student accommodation. Planning permission shall be required for any change of use from commercial short-term accommodation to residential.*

*Reason: In the interests of orderly development.*

9.6.7. Again, having regard to my assessment at 9.4 above I consider that the aparthotel is in use for medium to long term residential purposes. Therefore, I conclude that the use of the aparthotel/short stay accommodation units as IPAS accommodation contravenes condition 3 of permission.

9.6.8. Article 9 (1)(a) also states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would, inter alia:

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Therefore, the change of use would not be exempt under Article 6, in either Class 14(h) or 20 (f) if Appropriate Assessment were required. Appropriate Assessment is not required, please see section 11 below.

## **10.0 EIA Screening**

10.1. The subject referral relates to a change of use of an existing aparthotel/short stay accommodation units to use as IPAS accommodation for protected persons. 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. Please refer to Form 1 in Appendix 1 of report.

## **11.0 AA Screening:**

11.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Inchicore within an inner urban area of the city. The site is not located within or adjacent to any European site. The closest sites are South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA. The site is not within or adjacent to any SAC or SPA. It is 150m from the Grand Canal which discharges to the Liffey and thereafter to Dublin Bay.

The subject referral relates to the change of use of the premises. 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.

The reason for this conclusion is as follows:

- The location of the site within an inner urban area connected to wastewater services.
- The nature of the proposed use and absence of any related works
- The separation from any European site and the absence of any direct connection thereto.
- Taking into account the screening conclusions of the planning authority.

11.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 12.0 Conclusion and Recommendation

- 12.1. I conclude that the use of the aparthotel/short stay accommodation units (as permitted under PI Ref 3765/17) as an International Protection Accommodation Service is development and is not exempted development. While the change of use falls within with Article 6 of the Regulations under Class 14(h) and 20(f) of Schedule 2 Part 1, due to the provisions of Article 9 (1)(a) of the Regulations it is not exempt because the change of use contravenes a condition of permission and is inconsistent with the use specified in the permission.
- 12.2. 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 an aparthotel/short stay accommodation units (as permitted under PI Ref 3765/17) as an International Protection Accommodation Service is or is not development and is or is not exempted development,

**AND WHEREAS** Ambra Properties Ltd, Inchicore Suites, Block A, Oblate View, Dublin 8 requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 6<sup>th</sup> May 2026 stating that the proposed change of use was development and was not exempted development,

**AND WHEREAS** Ambra Properties Ltd, Inchicore Suites, Block A, Oblate View, Dublin 8 referred this declaration 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 –

- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000, as amended,
- Section 4(1) of the Planning and Development Act, 2000, as amended,
- Section 4(2) of the Planning and Development Act, 2000, as amended,
- Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- Class 14(h) and Class 20F of Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- The permitted use under. PI Ref 3765/17, and
- The submissions of the referrer,

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby concluded that

- (a) The change of use to an International Protection Accommodation Service is a material change of use and, therefore, is development;
- (b) The change of use falls within with Article 6 of the Regulations under Class 14(h) and 20(f) of Schedule 2 Part 1 for consideration as exempted development;
- (c) It was not evident whether condition/limitation no.5 associated with Class 22(f) had been satisfied;

(d) Notwithstanding (c) above, due to the provisions of Article 9 (1)(a) of the Regulations, the Commission could conclude that the change of use is not exempted development because the use contravenes a condition of permission and is inconsistent with the use specified in the permission.

The use of the aparthotel/short stay accommodation units (as permitted under PI Ref 3765/17) as an International Protection Accommodation Service is therefore, 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.

---

Bébhinn O'Shea

Senior Planning Inspector

24<sup>th</sup> September 2026

## Appendix 1: Form 1 - EIA Pre-Screening

|                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                       | 324057-26                                                                                                                                  |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                         | The use of the aparthotel/short stay accommodation units as an International Protection Accommodation Service centre                       |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                  | Inchicore Suits, Oblate View, Dublin 8                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                             | <b>In all cases check box /or leave blank</b>                                                                                              |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.<br><br><input checked="" type="checkbox"/> No, No further action required. |
| <b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                                                                                                                                      |                                                                                                                                            |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>                                                                                                                                                                                                                             |                                                                                                                                            |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                                                                                                                                           |                                                                                                                                            |
| <b>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?</b>                                                                                                               |                                                                                                                                            |
| <input type="checkbox"/> 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                                                                                                                                                                                                                            |                                                                                                                                            |

|                                                                                                                                                                                                                                                                 |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>                                                                                                                                                                                     |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>                                                                                              |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> |  |

| 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 <input type="checkbox"/>                                                                                                                             | Screening Determination required (Complete Form 3)                 |
| No <input checked="" type="checkbox"/>                                                                                                                   | Pre-screening determination conclusion remains as above (Q1 to Q3) |

## Appendix 2: Excerpt from Dublin City Development Plan 2016-2022

### 16.1 Aparthotels

An aparthotel can provide tourists and visitors with the flexibility, space and luxury of a fully furnished apartment managed and serviced like a hotel. Accommodation within an aparthotel can range in style and luxury from apartment suites containing a number of bedrooms, to open plan studio-style units.

It is not intended that any type of visitor accommodation, including aparthotels, is used or occupied by permanent households, including students. This would be contrary to the proper planning and sustainable development of the city and would also put pressure upon local services, e.g. schools, health and social services.

When assessing any application for an aparthotel, Dublin City Council will apply the following considerations:

- The proposed development will include, as a minimum, a fully serviced reception desk and administration facilities, concierge, security and housekeeping facilities and may contain entertainment and uses considered to be associated with the management of the aparthotel. The provision of food and refreshment facilities is also desirable but regard will be had to the level of amenities accessible within the immediate area.
- The design and layout of the aparthotel units should be such to enable the amalgamation of individual units to cater for the needs of visitors, especially families.
- In any application for an aparthotel, a range of different unit styles and sizes will be required in order to cater for the needs of visitors; the planning authority

will resist the over-provision of single-bed aparthotel units and shall require a mix of unit sizes and styles.

If it is intended to convert the aparthotel units into residential units in the future, the standards for residential developments as set out in the development plan must be adhered to, including car parking standards and all private and public open space requirements. The planning authority will resist applications for change of use in cases where these standards are not reached, or in cases where the proposed development is contrary to the zoning objectives of the area.

Permissions for aparthotels will normally have a condition attached requiring planning permission from change of use from commercial short-term accommodation to residential.

Permissions for aparthotels will normally have a condition attached stating that the maximum occupancy period for the proposed development shall be two months.

Aparthotel units shall not be used for the purposes of providing student accommodation.