An Coimisiún Pleanála

Inspector's Report ACP-324427-26

Question	Whether a temporary change of use of a hotel to accommodation for persons seeking International Protection is considered exempted under Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) at Hazel Hotel, Skirteen, Monasterevin, Co. Kildare, W34 YY51.
Location	Hazel Hotel, Skirteen, Monasterevin, Co. Kildare, W34 YY51

Declaration

Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	ED/1356
Applicant for Declaration	Oscar Dawn Limited
Planning Authority Decision	Is not exempted development

Referral

Referred by	Oscar Dawn Limited
Owner/ Occupier	Oscar Dawn Limited
Observer(s)	None
Date of Site Inspection	8 October 2026

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1.0 Site Location and Description

1.1. The subject site is known as the Hazel Hotel, on the outskirts of Monasterevin, on the R445 (formerly the main Cork-Dublin Road). The site contains a single-storey building with 35 bedrooms and kitchen, dining and living spaces, with extensive areas of car parking to the front, and soft landscaping to the rear. The site backs onto a wooded area on the banks of the River Barrow, part of the historic demesne of Moore Abbey.

2.0 The Question

2.1. Whether a temporary change of use of a hotel to accommodation for persons seeking International Protection is considered exempted under Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

3.0 Planning Authority Declaration

3.1. Declaration

Is development and is not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One report, summarised as follows:

- Site context, zoning, planning history and legislation summarised.
- No works proposed. The change of use is material, and therefore comprises development.
- The development is not exempt under Class 20F, as one of the conditions of this class is informing the relevant local authority prior to the commencement of development, and this was not done.

3.2.2. Other Technical Reports

Appropriate Assessment Screening Report and Determination – no potential significant effects on any European site.

4.0 Planning History

4.1.1. The council report cites extensive planning history, including numerous extensions, alterations, and signage, dating back to 1976, indicating a longstanding use as a hotel.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029 (as varied)

5.1.1. The site is zoned L, Leisure and Tourism, in the County Development Plan as adopted and varied (as shown on the Council website mapping). It lies within the settlement plan boundary of the Draft Monasterevin Settlement Plan (closed for submissions on 29 September 2026). It is zoned L, Leisure and Tourism, and lies within the built up area boundary in the draft settlement plan.

The building is not a protected structure, nor is it in an Architectural Conservation Area. There are no objectives for preservation of views, or objectives for the preservation of any sites or features of archaeological, geological, historical, scientific or ecological interest on the site. There are no Tree Preservation Orders on the site.

5.2. Natural Heritage Designations

River Barrow and River Nore SAC 002162 borders the site to the southeast.

6.0 The Referral

6.1. Referrer's Case

6.2. The referrer makes a case as follows:

- The commission is referred to the original submission to the council, which set out the context and planning history of the site. The Hazel Hotel ceased operations as a hotel in 2011, and was used for refugee accommodation, reception and orientation in various guises since 2015, and has been used as a Direct Provision/IPAS centre since 2018. A timeline is provided.
- The Council's finding that the current use is not exempt stemmed from a single reason; that the council was not notified prior to the change of use, which is a condition/limitation of the exemption available under Class 20F.
- The wording of this condition refers to notifying 'the relevant local authority', not the planning authority. The planning department has no official form or register for notifying them of such changes of use (although some other counties do). It is therefore appropriate to consider the local authority as a whole.
- The local authority had adequate notification of the use of the Hazel Hotel as an IPAS centre prior to the lodgement of the Section 5 application; the Housing Need and Demand Assessment & Housing Strategy of the Development Plan refers to it (2023); council representatives have attended inter-agency meetings; and a county councillor has held information sessions for residents at the centre (2019). The Kildare Local Authority Integration Team is also familiar with the centre, as is the council in their fire safety role. Extensive engagements have been carried out with different departments of the council.
- Furthermore, the change of use from hotel to temporary accommodation for people seeking international protection is not a material change of use as defined in Part 2 Section 7 of the Act. Relevant precedents from Local Authorities are noted.
- The AA Screening Report states that there are no potential significant effects on the surrounding area. The proposal does not contravene any limitation of Article 9(1) of the Regulations.
- The Commission is requested to assess the query *de novo* and issue a declaration that the development is exempted development.

6.3. Planning Authority Response

None received.

6.4. Further Responses

None on file.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

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

- ‘development’ has the meaning assigned to it by Section 3;

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 3(2) lists a number of events which, without prejudice to the generality of subjection (1), constitute a material change of use.

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. The main regulations made under this provision are the Planning and Development Regulations 2001-2025.

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

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

“protected person”, for the purposes of Schedule 2, means—

(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;

7.2.2. Article 6(1) of the Planning and Development Regulations 2001 (as amended) ('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'.

7.2.3. Article 9 sets out a large number of restrictions and limitations on exemptions available under Article 6, including but not limited to developments that would contravene a condition attached to a permission, developments that would contravene specific Development Plan objectives, developments affecting national monuments, developments requiring Appropriate Assessment, and developments that would obstruct any public right of way or endanger public safety.

7.2.4. Part 1 of Schedule 2 of 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'

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

This class is subject to the following condition/limitation:

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

7.2.5. Class 20F of the same Part exempts 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.

This latter class 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[1] comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001[2].

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.

7.3. Other Legislation

7.3.1. 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.

7.3.2. 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.

7.3.3. 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, without the need for individual applications. This

directive was triggered for the first time in March 2022 in response to the war in Ukraine.

7.3.4. **Refugee Act of 1996 or the Subsidiary Protection Regulations 2013**

These are acts under which people apply for refugee status, asylum, or subsidiary protection.

7.3.5. **Section 3 of the Immigration Act 1999**

This Section deals with Deportation Orders.

7.3.6. **Section 24 of the Refugee Act of 1996**

This section sets out that a programme refugee means a person who has been given leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons.

8.0 Assessment

8.1.1. It should be noted at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the current 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, whether it falls within the scope of exempted development.

8.2. The scope of the question

8.2.1. I note there is some minor variation in the wording used in the declaration. The application form submitted to the Local Authority refers to the ‘temporary change of use from hotel to international protection accommodation’. The submitted contract with the Minister refers to ‘emergency accommodation for persons seeking international protection’. The council planner’s report refers to ‘accommodation for displaced persons seeking international protection’ in the introduction, and the council declaration refers to a use both as ‘accommodation for persons seeking International Protection’ and ‘International Protection Accommodation’.

8.2.2. The referrer has requested a de novo assessment. Having undertaken a site visit, having considered the material submitted to the Local Authority and to the Commission, and to allow a full assessment against the relevant legislation, I consider that the correct wording should be:

> *"whether the temporary change of use of the Hazel Hotel to Accommodation for persons seeking international protection is considered exempted development"*

8.3. Is or is not development

8.3.1. As noted above, both 'works' and 'material change of use' constitute development. No works are proposed in the referral. For clarity and completeness, I note that internal alterations have been undertaken to provide facilities for children, and there is evidence of recent painting and redecoration. I consider these works to be exempt under Section 4(1)(h) of the act, and do not intend to consider them further as part of this referral.

8.3.2. The permitted or established use of the building as a hotel is not in dispute. Nor is the current use as accommodation for persons seeking international protection. The referrer states that the hotel closed in 2010, was sold in 2011, was commissioned as refugee orientation accommodation in 2015, and has had similar uses (Emergency Reception and Orientation Centre, Direct Provision Centre, International Protection Accommodation Service (IPAS) Centre) since then.

8.3.3. The change from use as hotel (a predominantly tourist use) to use as accommodation for persons seeking international protection (a primarily residential use) is a material change of use of the building, and so constitutes development.

8.3.4. I note the referrer quotes Section 3(2) of the Act (although they refer to it as Section 7). These are particular events which constitute a material change of use, and not an exhaustive list.

8.4. Is or is not exempted development

8.4.1. As noted above, there is an exemption under Class 14(h) of Part 1, Schedule 2, of the Regulations, which exempts the change of use of a hotel to use as

accommodation for protected persons. Neither the Local Authority nor the referrer considered this in their documentation. In my view, it is a relevant exemption, allowing for a change of use from hotel to use as accommodation for protected persons. Having considered the definitions and meanings set out in the legislation the term 'protected person' corresponds to all intents and purposes to that of 'persons seeking international protection'. The text makes no explicit reference to the duration of the change. Class 14(j) provides for the reversion of the change of use, from accommodation for protected persons to whatever the most recent permitted use was. This indicates that the exemption at 14(h) is applicable to both temporary and permanent changes of use.

8.4.2. Additionally, having regard to the prior stated use of the site as an Emergency Reception and Orientatation Centre, I note that Class 14(i) allows for the change of use of a hotel to this use, and also that Class 14(h) allows for the subsequent change from use as an Emergency Reception and Orientation Centre to use as accommodation for protected persons.

8.4.3. Regarding Class 20F, which both the referrer and the Council referred to, this was introduced to the legislation in 2022 as part of an EU-wide response to the invasion of Ukraine. It allows for conversion from a much wider range of building types (including shops, offices, and libraries, as well as hotel) to emergency accommodation, on a short-term basis, by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, subject to a number of conditions and restrictions, including prior notification to the Local Authority. It does not alter or modify the pre-existing exemptions available at Class 14(h), Class 14(i), or Class 14(j).

8.4.4. The referrer has provided a copy of a contract between the building's owner and the Minister to provide emergency accommodation for persons seeking international protection. I therefore consider both exemptions to be of relevance, and restrictions are considered below.

8.4.5. Regarding the exemption available under S.I. No. 306/2022 - European Union (Planning and Development) (Displaced Persons From Ukraine Temporary Protection) Regulations 2022; this is an exemption which refers to displaced people only, and as such is not of relevance to the current referral.

8.5. Restrictions on exempted development

8.5.1. There are no conditions or limitations on the exemption available at Class 14(h). I note the limitation on Class 14(j), which has the effect that a change back, from accommodation for protected persons to use as a hotel, will require planning permission (as the current use has lasted longer than 3 years). However, that does not affect the exemption available at Class 14(h).

8.5.2. Regarding Class 20F, the conditions and restrictions are noted above. One of these (no 5) is that the relevant local authority *'must be notified of locations where the change of use is taking place prior to the commencement of development'.* The referrer provides supporting documentation showing the council was aware of the current use of the site prior to the lodgement of the declaration request. However, the legislation requires that the council must be informed prior to the commencement of the development (which was undertaken, according to the referrer, in 2018). I concur with the Local Authority that the development does not come under this exemption.

8.5.3. As noted above, Article 9 of the Planning and Development Regulations, 2001 (as amended), refers to restrictions on exempted development. I have considered the proposal in light of these restrictions and limitations, and am satisfied that none of them apply in this instance.

8.6. Conclusion

8.6.1. I consider that the change of use of The Hazel Hotel to accommodation for persons seeking international protection, is development, and is exempted development, under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

9.0 EIA Screening

9.1. 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.

10.0 Appropriate Assessment

10.1. 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. I conclude that the proposed development (alone) would not result in likely significant effects on any European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

11.0 Water Framework Directive

11.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

11.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

11.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

11.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

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 temporary change of use of the Hazel Hotel to Accommodation for persons seeking international protection is or is not development or is or is not exempted development:

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

AND WHEREAS Oscar Dawn Limited referred this declaration for review to An Coimisiún Pleanála on the 15th day of July, 2016:

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

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

(b) Section 3(1) of the Planning and Development Act, 2000,

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

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

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

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

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

(h) the planning history of the site,

(i) the use of the site,

(j) the documentation on the file,

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

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) The change of use of the Hazel Hotel to accommodation for persons seeking international protection is a material change of use, and therefore development, and is exempted development under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the change of use of the Hazel Hotel to accommodation for people seeking international protection is development and is exempted development.

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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.

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Planning Inspector

20 October 2026

Form 1 - EIA Pre-Screening

Case Reference	324427-26
Proposed Development Summary	temporary change of use of hotel to accommodation for displaced persons seeking international protection
Development Address	Hazel Hotel, Skirteen, Monasterevin, Co. Kildare
	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.**	State the Class here
☐ 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**	**State the Class and state the relevant threshold**
☐ 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)**	**State the Class and state the relevant threshold**

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)** ***[Delete if not relevant]***
No ☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)** ***[Delete if not relevant]***