Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Kevin Hughes,
Hughes Planning & Development Consultants,
85 Merrion Square,
Dublin 2,
D02 FX60

20 Of November 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 138/2026

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

pp Noife Kinsella
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Comhairle Contae Chill Mhantáin
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: E & B Hotel Ltd

Location: Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39

Reference Number: EX138/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1405

A question has arisen as to whether:

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection,
iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection.
v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection.
vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection

at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39 is or is not exempted development.

Having regard to:

a) The details submitted with the Section 5 Declaration Application
b) Planning Permissions Register Reference PRR 99/213, PRR 06/6769, PRR 21/124.
c) An Coimisiún Pleanála Referrals ACP-324408-26, ACP-322840-25, ABP-321373-24.
d) IPPS Inspection report August 2025.
e) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
f) Article 6, 9 and Schedule 2 : Part 1 : Class 14 (h) and Class 20 F of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

i. the change of use of the Rathmore Country House, Building No.1, No.2, No.3 and No. 4 from existing tourist use to provide accommodation for persons seeking international protection constitutes a material change of use as it would be different in character, and have differing planning considerations to

the permitted usage for short term holiday accommodation, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

ii. The change of use of Building No.5 from laundry, storage and private games room to use for permanent habitation would be a material change of use, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

iii. The change of use of the guesthouse accommodation and tourism units within Building No.1,No.2, No.3 and No.4 would come within the description set out under Class 14 (h) of the of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended). However such a change of use would be contrary to the restrictions set out in Condition 4 of PRR 99/213, and Condition 3 of PRR 06/6769 under which permission was granted for the tourism development of limited occupancy duration, and would therefore be restricted by reference to Article 9(1)(a) (i) of the Planning and Development Regulations 2001(as amended).

iv. Building no. 5 would not come within the structures identified in Class 14 (h), and neither would it come within the structures identified under Class 20F of the Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), and no other exemption is provided for this change of use and it is therefore not exempted development

The Planning Authority considers that

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development** .

ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development**

at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39 **is development and is NOT Exempted development.**

Signed: pp Roise Kinsella Date: 2014/11/26

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1405

Reference Number: EX 138/2026

Name of Applicant: E & B Hotel Ltd

Nature of Application: Section 5 Referral as to whether:

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection,
iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection.
v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection.
vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection

is or is not development and is or is not exempted development.

Location of Subject Site: Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39

Report from: Bedel Bermingham T/S.P

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether:

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection,
iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international

protection.

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection.

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection *at* Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39 *is* or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

a) The details submitted with the Section 5 Declaration Application
b) Planning Permissions Register Reference PRR 99/213, PRR 06/6769, PRR 21/124.
c) An Coimisiún Pleanála Referrals ACP-324408-26, ACP-322840-25, ABP-321373-24.
d) IPPS Inspection report August 2025.
e) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
f) Article 6, 9 and Schedule 2 : Part 1 : Class 14 (h) and Class 20 F of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

i. the change of use of the Rathmore Country House, Building No.1, No.2, No.3 and No. 4 from existing tourist use to provide accommodation for persons seeking international protection constitutes a material change of use as it would be different in character, and have differing planning considerations to the permitted usage for short term holiday accommodation, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

ii. The change of use of Building No.5 from laundry, storage and private games room to use for permanent habitation would be a material change of use, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

iii. The change of use of the guesthouse accommodation and tourism units within Building No.1,No.2, No.3 and No.4 would come within the description set out under Class 14 (h) of the of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended). However such a change of use would be contrary to the restrictions set out in Condition 4 of PRR 99/213, and Condition 3 of PRR 06/6769 under which permission was granted for the tourism development of limited occupancy duration, and would therefore be restricted by reference to Article 9(1)(a) (i) of the Planning and Development Regulations 2001(as amended).

iv. Building no. 5 would not come within the structures identified in Class 14 (h), and neither would it come within the structures identified under Class 20F of the Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), and no other exemption is provided for this change of use and it is therefore not exempted development

Recommendation

The Planning Authority, as recommended by the above named, considers that:

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development** .

ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development**

at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39 is development and is NOT Exempted development in accordance with reports prepared by the Planning Department.

Signed: Joanne Byrne **Date:** 20/11/2025

ORDER:

I HEREBY DECLARE:

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development**

ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development**

at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, A67KH39 is **development and is NOT Exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____ **Date:** 20/11/2026

T/ Senior Planner
Planning, Economic & Rural Development

Section 5 Application: EX 138/2026

Date : 19/11/2026

Applicant : E & B Hotel Ltd

Address : Rathmore Country House and Holiday Village, Rathmore, Ashford, A67KH39.

Whether or not :

i. *the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.*

ii. *the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,*

iii. *the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection*

iv. *the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection*

v. *the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection*

vi. *the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection*

is or is not development and is or is not exempted development.

Planning History

PRR 21/124

Permission refused for the retention/ permission for 6 cabins, reception cabin, meeting shelter, change of use from agricultural building to a staff house, bike shed and permission for a bike shelter , overnight parking facilities for maximum 8 no motorhomes, storage shed and permission for underground water storage tank, laundry room, laundry storage, prep room, office, external separating wall and permission to extend building to include gym and office space and the provision of solar panels to roof plane, 3 containers, building no 5 retention for change of use from storage/private games room to living space and permission for extension to the rear to be used as a café area and extension to front elevation. Permission for extensions to existing guest house to the side elevation and rear elevation and associated works, retention for revised boundaries, permission to upgrade existing effluent treatment system and associated works

PRR 06/6769
Retention Permission granted for a 56 sqm two storey extension incorporating an existing 11 sqm single storey room (net increase in area if 45 sqm) to the front of the building, a 10 sqm covered fire escape stair to the side and rear of the building, conversion for existing 93 sqm laundry and other private rooms on ground floor to bedroom and self contained unit, 13 sqm extension on ground floor to the end of the building, construction of 176 sqm habitable space with a pitched slated roof used for bedrooms on the second floor over existing single storey part of the building, changes in windows on the side elevation and new porch canopy on front elevation. Works to building 1 consist of 12 sqm two storey extension to rear, works to building 3 consist of conversion of stables to 5 self contained apartments on two floors totalling 348 sqm gross floor area with a pitched slated roof and new window and door openings to all elevations. Works to building 4 consists of conversion of a milking parlour to 12 apartments on two floors totalling 454 sqm gross floor area with a pitched slated roof and new window and door openings on all elevations. All converted farm buildings have a stone finish. All buildings connect into the existing effluent treatment plant sized accordingly

Condition 3
Within 3 months of the date of this permission the applicant shall enter into a legal agreement with the Planning Authority specifying that the entire development, consisting of development constructed under Planning Register Reference 99/213) and the current proposed on the site that this permission refers to, shall be held in single ownership and shall not be subdivided and shall be available for **short term holiday letting only of maximum duration 4 weeks**. The agreement shall be registered as a burden against this site in the Land Registry within three months of commencement of development.
REASON: To ensure that the water supply and sewage effluent facilities can be adequately maintained, in the interest of public health and to ensure that the development be retained as tourism infrastructure, in the interest of proper planning and development.

PRR 99/213 Permission granted for the conversion of outbuilding to 6 self-catering tourist residential holiday units, laundry , office, conversion of farmhouse to guesthouse, conversion of cottage to self-catering tourist residential holiday unit, erection of private dwelling and associated works.
Condition 4
BEFORE DEVELOPMENT COMMENCES the applicant shall enter into a legal agreement with the Planning Authority specifying that the proposed 6 no. holiday apartments, guesthouse and single storey selfcatering tourist residential unit, proposed private dwelling and the landholding, shall be held in single ownership and shall not be subdivided or let on long term leases and that the apartments and single storey holiday unit shall be available for short term holiday letting and the guest house shall be used only as a guest house for short term holiday lettings only. This agreement shall be registered as a burden against this site in the Land Registry within three months of commencement of development.

REASON: To ensure that the water supply and sewage effluent facilities can be adequately maintained, to be consistent with paragraph 3.5.2 of the County Development Plan that does not permit privately owned sewage treatment plants serving several properties, and to ensure that the development be retained as tourism infrastructure, that can be effectively marketed.

An Coimisiún Pleanála Referrals

ACP-324408-26 An Coimisiún Pleanála in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the use of the guesthouse permitted under planning register reference number PL.14167 to provide accommodation for international protection applicants at Eagle Heights B&B, Muckduff, Enniscrone, County Sligo is development and is exempted development having regard to :

(a) the specific facts of the case, a review of the planning history of the site, including permission PL.14167 as granted by the planning authority, and on the basis that all aspects of the premises are otherwise developed in accordance with any and all relevant planning permissions (noting no reference on file or by the planning authority that this is not the case), the totality of evidence presented on file, it is considered that the subject premises is in the manner of, and displays the characteristics of, a guesthouse in terms of scale, form and layout, an

(b) the change of use of the subject premises, which is considered to operate in the manner of, and to display the characteristics of, a guesthouse to provide accommodation for persons seeking international protection would come within the scope of Class 14 of Part 1 of Scheule 2 - 'Exempted Development-General' inserted by the Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I. No 582/20150

ACP-322840-25
An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the use of Atlantic Way Bed and Breakfast to provide accommodation for persons seeking international protection at Main Street, Laghey, County Donegal is development and is exempted development.

(a) the change of use of the premises 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 specific facts of the case, a review of the planning history of the site, including permission under planning register reference number 25/60113 as granted by the planning authority, and on the basis that all aspects of the premises are otherwise developed in accordance with any

and all relevant planning permissions (noting no reference on file or by the planning authority that this is not the case), to the totality of evidence presented on file, it is considered that the subject premises is in the manner of, and displays the characteristics of, a guesthouse in terms of scale, form and layout, and

(c) the change of use of the subject premises, which is considered to operate in the manner of, and to display the characteristics of, a guesthouse to provide accommodation for persons seeking international protection would come within the scope of Class 14 of Part 1 of Scheule 2 (Exempted Development -General) as inserted by the Planning and Development (Amendment) (Number 4) Regulations 2015 (S.I. No 582/20150

ABP-321373-24
a Guesthouse at Dun a Ri House Hotel, Kingscourt, County Cavan, to provide accommodation for persons seeking international protection, is or is not development or is or is not exempted development.
AND WHEREAS An Bord Pleanala, in considering this referral, had regard particularly to

(a) Section 2(1), section 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
(b) Article 6(1), Article 9(1) and Article 10 of the Planning and Development Regulations, 2001, as amended,
(c) Class 14 and Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
(d) Class 6 of Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the planning history of the site.

AND WHEREAS An Bord Pleanala has concluded that the change of use of a guesthouse at Dun a Ri House Hotel, Kingscourt, County Cavan, to provide accommodation for persons seeking international protection is development and is exempted development as

i. 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).
ii. the change of use of a guesthouse at Dun a Ri 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).

Relevant Legislation :

Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

"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,

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3. (1) In this Act, except where the context otherwise requires, "development" means—

(a) 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,
or

Section 4
(2) (*a*) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—
(3); A reference in this Act to exempted development shall be construed as a reference to development which is—
(a) any of the developments specified in *subsection (1)*, or
(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Article 5

"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;

Article 6 (1)

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.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(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,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of theWildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Schedule 2 : Part 1

CLASS 14
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

(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.
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.

CLASS 20F
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 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.

Limitation :
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.

European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022.

2 . In these Regulations –
"development" has the same meaning as it has in the Act of 2000;
"relevant period" means the period commencing on the making of these Regulations and ending when the temporary protection introduced by the Council Implementing Decision comes to an end in accordance with Article 6 of the Council Directive;

"State authority" means –
(a) a Minister of the Government, or
(b) the Commissioners of Public Works in Ireland;
"temporary protection" has the same meaning as it has in the Council Directive.
3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons.
(2) A reference to "proposed development" in sections 181A to 181C of the Act of 2000 shall include a reference to development of a class specified in the Schedule to which section 181A(1) of the Act of 2000 would apply if it was development of a class specified in regulations made under section 181(1)(a) of the Act of 2000.
SCHEDULE

Article 3

1. Reception and integration facilities.
2. Residential accommodation, including ancillary recreational and sporting facilities.
3. Medical and other health and social care accommodation.

4. Education and childcare facilities, including ancillary recreational and sporting facilities.
5. Emergency management coordination facilities.
6. Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.
7. Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.

Council Implementing Decision (EU) 2022/382 of 4 March 2022
Article 2 ;
1. This Decision applies to the following categories of persons displaced from Ukraine on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date:
(a) Ukrainian nationals residing in Ukraine before 24 February 2022;
(b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
(c) family members of the persons referred to in points (a) and (b).

County Development Plan 2022-2028

Guesthouse
[7] A building, or part thereof, where sleeping accommodation, meals and other refreshments are available to residents and non residents, and which has a minimum of five rooms and no more than nineteen rooms.

Agent Submission (see file for full report)

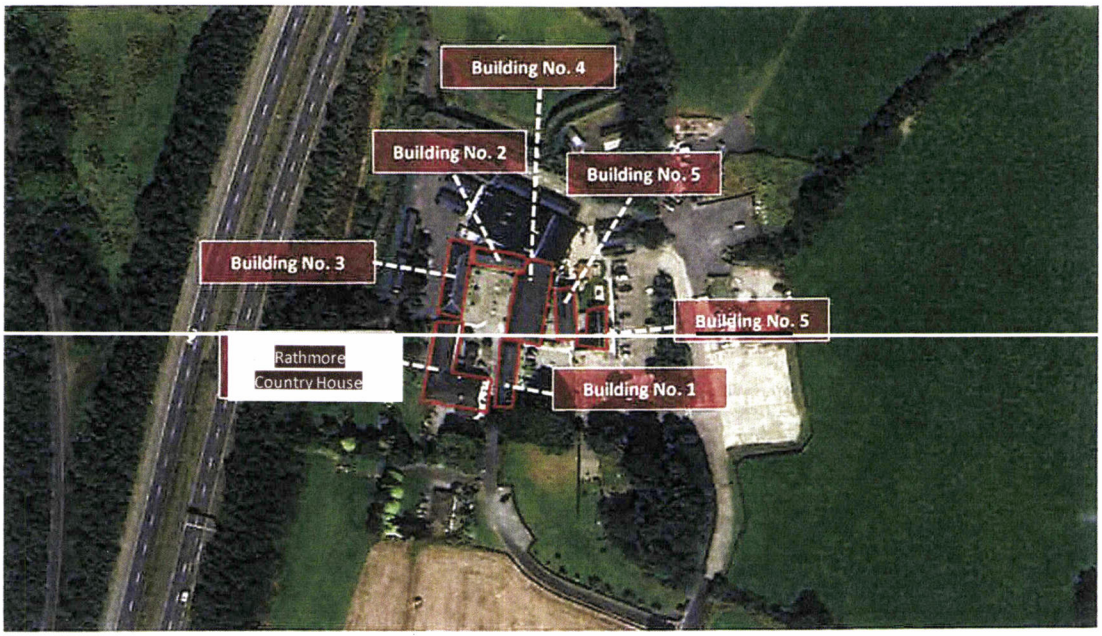
Indicated that –

> Further to the above, it is noted that the subject buildings have been awarded a contract with the International Protection Accommodation Service (IPAS) department to provide accommodation for persons seeking international protection (Proof of Contract Awarded and Letter of Interest in Appendix 8). It is submitted that this Section 5 application merely seeks to continue this temporary use in accordance with Class 14(h) of the Planning and Development Regulations 2001 (as amended).
>
> The proposal seeks to temporarily change the use of holiday accommodation to provide accommodation for displaced persons and persons seeking international protection. We note that no works are being sought with regard to this declaration and the determination of the planning authority is only sought in respect of a change of use as set below under, Class 14(h) of the Planning and Development Regulations 2001 (as amended).
>
> The site corresponds with the provisions of both, Class 14(h) contained within the Planning and Development Regulations 2001 (as amended) Schedule 2, Article 6, Part 1.

We note that Class 14(h) is contained within of S.I. No. 582 of 2015 of the Planning And Development (Amendment) (No. 4) Regulations 2015. We refer to the provisions of exempted development Class 14(h) which states that;

Note no proof of contract with submission.

Assessment :



The querist seeks confirmation as to whether the

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection,
iv. the use of the holiday accommodation within Building No. 3 to provide

accommodation for displaced persons or persons seeking international protection.

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection.

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection

is or is not development and is or is not exempted development.

From review of the planning history associated with these structures the following is noted -

- Rathmore Country House (14 bedrooms + separate 1 x 1 bed unit) , Building No. 1 (3 x 2 bed apartments), and Building No 2 (3 x 1 bed) permitted for use as guesthouse and converted to holiday tourist units by reference to PRR 99/213 (country house extended by reference to PRR06/6769).
- Building No. 3 (3 x 3 bed units + 1 x 2 bed unit + 1 x 1 bed unit) and Building No. 4 (7 x 1 bed + 4 x 2 bed) converted to holiday tourist units by reference to PRR 06/6769.
- Building No. 5 permitted for conversion of part of structure for use as laundry, storage /private games room and remainder agricultural storage by reference to PRR 06/6769.

The first question therefore to be asked in respect to the query is whether there is a change of use and whether that change of use is material.

In this regard the established use of the Rathmore Country House, Buildings 1,2,3 and 4 is for tourism accommodation , with such occupation being conditioned to be for short term stays. The occupancy would be characterised by family units or friend groups and the usage would be limited as during daytime the users would it is considered be visiting the overall area. Persons seeking international protection/ displaced persons would and as identified in the submission occupy the structure on a more long term permanent basis, and therefore the character of occupancy would be different from use for tourism. In addition from review of the IPPS inspection document from 2025 the occupancy capacity is 152 persons (note 119 in occupancy in August 2025). It is considered this occupancy number would be significantly different to that for tourism. In addition such occupancy would be different in terms of amenity requirements, effluent/ water demand/ pedestrian movements etc. It is considered that there are planning considerations with this change of use. In addition specific exemptions are provided to allow for the provision of accommodation for displaced persons and persons seeking international protection. Therefore, the change of use is material, and would be development having regard to Section 3(1)(a) of the Planning and Development Act 2000(as amended) .

Building No. 5 permitted usage is for storage, laundry area, private games room and agriculture storage, no accommodation was permitted in this unit. The change of use from its principle use as storage / ancillary uses to use for the housing provision would be materially

different in character and would have differing noise ,effluent, traffic , pedestrian and amenity requirements. The change of use is therefore considered to be material and therefore development having regard to Section 3(1)(a) of the Planning and Development Act 2000(as amended).

The relevant class as identified in the submission for such a change of use which would cover occupancy for persons for International Protection/ Displacement are Class 14 (h) of the Planning and Development Regulations 2001(as amended). It is considered that this exemption specifically references guesthouses/ holiday accommodation to come within such a change of use. Therefore, this exemption would be applicable in this instance.

Article 9 however curtails this exemption i.e.

(1)Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Both PRR 99/213 and PRR 06/6769 restrict the occupancy of these structures for short term holiday letting maximum duration of 4 weeks i.e.

PRR 06/6769 Condition 3
Within 3 months of the date of this permission the applicant shall enter into a legal agreement with the Planning Authority specifying that the entire development, consisting of development constructed under Planning Register Reference 99/213) and the current proposed on the site that this permission refers to, shall be held in single ownership and shall not be subdivided and shall be available for **short term holiday letting only of maximum duration 4 weeks**. The agreement shall be registered as a burden against this site in the Land Registry within three months of commencement of development.

PRR 99/213 - Condition 4
BEFORE DEVELOPMENT COMMENCES the applicant shall enter into a legal agreement with the Planning Authority specifying that the proposed 6 no. holiday apartments, guesthouse and single storey selfcatering tourist residential unit, proposed private dwelling and the landholding, shall be held in single ownership and shall not be subdivided **or let on long term leases** and that the apartments and single storey holiday unit shall be available **for short term holiday letting and the guest house shall be used only as a guest house for short term holiday lettings only.** This agreement shall be registered as a burden against this site in the Land Registry within three months of commencement of development.

It is therefore concluded that the change of use would be de-exempted by reference to Article 9(1)(a)(i) given the nature of the occupancy, and therefore the change of use is not exempted development.

Building no. 5 would not come within the structures identified in Class 14 (h), and neither would it come within the structures identified under Class 20F and no other exemption is provided for this change of use and it is therefore not exempted development.

Recommendation :

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection.
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection,
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection,
iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection,
v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection
vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection

at Rathmore Country House and Holiday Village, Rathmore, Ashford, A67KH39 constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that

i. the use of the holiday accommodation within Rathmore Country House main guest accommodation to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development** .
ii. the use of the holiday accommodation within Building No. 1 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**
iii. the use of the holiday accommodation within Building No. 2 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

iv. the use of the holiday accommodation within Building No. 3 to provide accommodation for displaced persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

v. the use of the holiday accommodation within Building No. 4 to provide accommodation for displaced _persons or persons seeking international protection, **is Development** and is **Not Exempted Development**

vi. the use of the holiday accommodation within Building No. 5, to provide accommodation for displaced persons or persons seeking international protection **is Development** and is **Not Exempted Development**

Main Considerations with respect to Section 5 Declaration :

a) The details submitted with the Section 5 Declaration Application
b) Planning Permissions Register Reference PRR 99/213, PRR 06/6769, PRR 21/124.
c) An Coimisiún Pleanála Referrals ACP-324408-26, ACP-322840-25, ABP-321373-24.
d) IPPS Inspection report August 2025.
e) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
f) Article 6, 9 and Schedule 2 : Part 1 : Class 14 (h) and Class 20 F of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

i. the change of use of the Rathmore Country House, Building No.1, No.2, No.3 and No. 4 from existing tourist use to provide accommodation for persons seeking international protection constitutes a material change of use as it would be different in character, and have differing planning considerations to the permitted usage for short term holiday accommodation, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

ii. The change of use of Building No.5 from laundry, storage and private games room to use for permanent habitation would be a material change of use, and therefore is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act, 2000, (as amended).

iii. The change of use of the guesthouse accommodation and tourism units within Building No.1,No.2, No.3 and No.4 would come within the description set out under Class 14 (h) of the of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended). However such a change of use would be contrary to the restrictions set out in Condition 4 of PRR 99/213, and Condition 3 of PRR 06/6769 under which permission was granted for the tourism development of limited occupancy duration, and would therefore be restricted by reference to Article 9(1)(a)(i) of the Planning and Development Regulations 2001(as amended).

iv. Building no. 5 would not come within the structures identified in Class 14 (h), and neither would it come within the structures identified under Class 20F of the Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), and no other exemption is provided for this change of use and it is therefore not exempted development

[illegible]

19/11/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Patrice Ryan
Senior Executive Planner

FROM: Joanne Byrne
A/ Staff Officer

RE:- EX138/2026 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 03/11/2026.

The due date on this declaration is the **30/11/2026.**

Joanne Byrne

A/Staff Officer
Planning, Development & Environment

Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email. plandev@wicklowcoco ie
Suíomh / Website www wicklow ie

Kevin Hughes,
Hughes Planning & Development Consultants,
85 Merrion Square,
Dublin 2
D02 FX60

5th November 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX138/2026

A Chara

I wish to acknowledge receipt on 03/11/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 30/11/2026.

Mise, le meas

Joanne Byrne

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development

Wicklow County Council
County Buildings
Wicklow
0404-20100

03/11/2026 11 27 19

Receipt No L1/0/371650
***** REPRINT *****

HUGHES PLANNING

EXEMPTION CERTIFICATES	80 00
GOODS 80 00	
VAT Exempt/Non vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00
THE MAPLES RATHMORE ASHFORD

Change 0 00

Issued By Nicola Byrne
From Customer Service Hub
Vat reg No 0015233H

Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

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Date Received _____

Fee Received _____

APPLICATION FORM FOR A DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING & DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

(a) Name of applicant: E&B Hotel Ltd

Address of applicant: Rathmore House, Rathmore, Ashford, Co. Wicklow

A67 KH98

Note Phone number and email to be filled in on separate page.

WICKLOW COUNTY COUNCIL
03 NOV 2026
PLANNING DEPT.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Kevin Hughes

Address of Agent : Hughes Planning and Developent Consultants,

85 Merrion Square, Dublin 2, D02 FX60

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ? Yes/No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier

N/A

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

Please see Planning Report attached.

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

Please see Planning Report attached.

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No.

vii. List of Plans, Drawings submitted with this Declaration Application

Planning Report, OS Map, Proof of Contract Awarded and Letter of Interest, and Cheque

viii. Fee of € 80 Attached ? Yes.

Signed : _____ Dated : 2nd November 2026

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

PLANNING REPORT

Section 5 Application – Declaration of Exempted Development

The accommodation of persons seeking international protection within various buildings providing holiday accommodation at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow

Wicklow County Council

NOVEMBER 2026

SUBMITTED ON BEHALF OF:
E&B Hotel LTD

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpdc.ie www.hpdc.ie

HUGHES PLANNING
& DEVELOPMENT CONSULTANTS

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany an application for a Section 5 Declaration of Exempted Development, on behalf of E&B Hotel LTD, in respect of the use of Rathmore Country House and Holiday Village, Rathmore Ashford, Co. Wicklow. The proposed use, which is the subject of this Section 5 application, is the temporary use of the property on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate persons seeking international protection. It is important to note from the outset that no works are being sought as part of this declaration and this section 5 application relates to the use of the buildings only.

The question before the planning authority is.

"Whether the use of the holiday accommodation within the Rathmore Country House, main guest accommodation, at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 1 at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 2 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 3 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 4 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 5 at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

2.0 Site Description

The subject site comprises the Rathmore Country House and Holiday Village, located in the rural area north of Ashford Town, along the M11. The properties are located along the M11 off of Junction 15, which provides an access route to the N11 and Wicklow Town. This serves as an easy access point with the addition of a car parking area to the east of the site.

Due to its convenient location near to Ashford town centre, the site enjoys excellent access to a wide range of services, including grocery shops, pharmacies, various amenities, medical facilities schools and sports facilities.

Further to the above, it is noted that the subject buildings have been awarded a contract with the International Protection Accommodation Service (IPAS) department to provide accommodation for persons seeking international protection (Proof of Contract Awarded and Letter of Interest in Appendix B). It is submitted that this Section 5 application merely seeks to continue this temporary use in accordance with Class 14(h) of the Planning and Development Regulations 2001 (as amended).

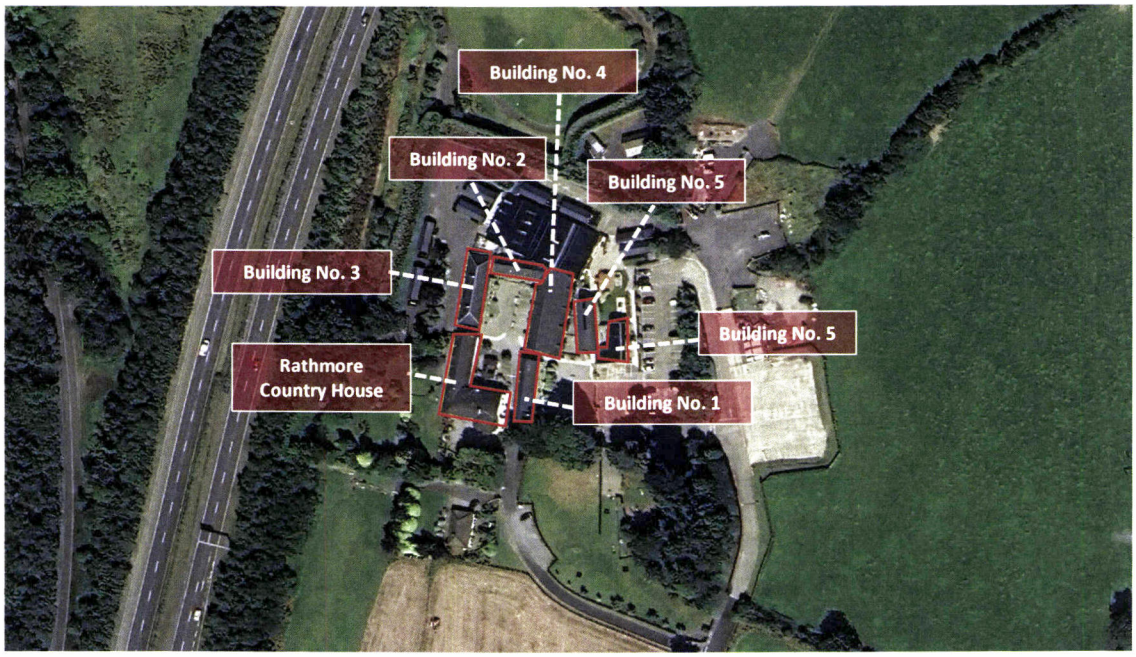


Figure 1.0 Aerial image showing the subject buildings and dwelling outlined in red.

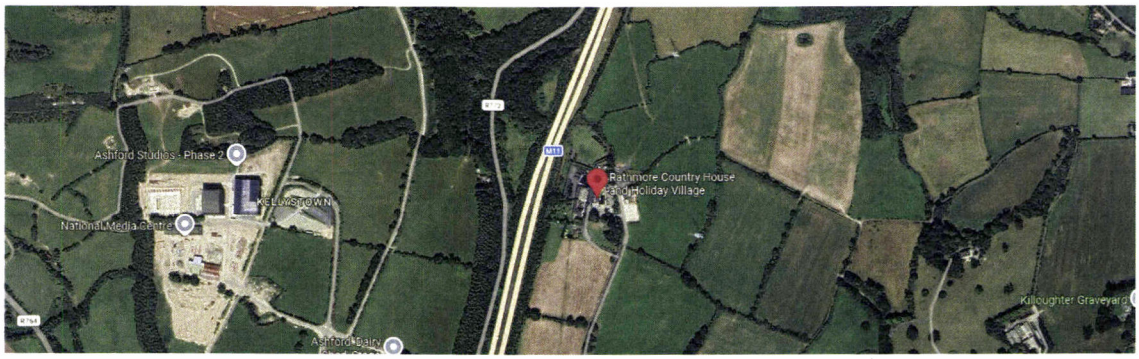


Figure 2.0 Immediate locational context of the subject site showing its surrounding amenities.

3.0 Planning History

This section of the report will provide an overview of any relevant planning applications pertaining to the subject site.

Reg. Ref. 21124 Planning application refused by Wicklow County Council on 6th April 2021 for the following development: *'full retention permission and planning permission for the following (1) retention for 6 cabins and permission to change window size to beech lodge cabin (2) retention for reception cabin (3) retention for a meeting shelter (4) retention for change of use from agricultural building to a staff house and permission to alter window sizes to the rear and side elevations (4) retention for bike shed and permission for a bike shelter to side of bike shed (5) retention permission for overnight parking facilities for maximum 8 no motorhomes (6) retention for a storage shed and permission for underground water storage tank (7) retention for laundry room, laundry storage, prep room, office, external separating wall and permission to extend building to include gym and office space and the provision of solar panels to roof plane (8) retention for 3 containers, container A to be used as art and craft room, container B and C to be used as storage (9) building no 5 retention for change of use from storage/private games room to living space and also retention for*

a window to the side elevation and permission for extension to the rear to be used as a café area and extension to front elevation (10) permission for extensions to existing guest house to the side elevation and rear elevation and associated works (11) retention for revised boundaries (12) permission to upgrade existing effluent treatment system and associated works'

Reg. Ref. FS2589 Planning permission applied for in 2007 by Wicklow County provision of overnight residential units for Building 3, at two storey farmhouse building. Stone walls and plasterboard timber joisted floor construction

Reg. Ref. FS2591 Planning permission applied for to Wicklow County Council on 22nd January 2007 for the provision of overnight residential units at two storey farmhouses building of Building 4. Stone walls and plasterboard timber joisted floor construction.

Reg. Ref. 06/6769 Retention permission granted by Wicklow County Council 16th November 2007 for retention of a *'56 sqm two storey extension incorporating an existing 11 sqm single storey room (net increase in area if 45 sqm) to the front of the building, a 10 sqm covered fire escape stair to the side and rear of the buidling, conversion of existing 93 sqm laundry and other private rooms on ground floor to bedroom and self contained unit, 13 sqm extension on ground floor to the end of the building, construction of 176 sqm habitable space with a pitched slated roof used for bedrooms on the second floor over existing single storey part of the building, changes in windows on the side elevation and new porch canopy on front elevation. Works to building 1 consist of 12 sqm two storey extension to rear, works to building 3 consist of conversion of stables to 5 self contained apartments on two floors totalling 348 sqm gross floor area with a pitched slated roof and new window and door openings on all elevations. Works to building 4 consists of conversion of a milking parlour to 12 apartments on two floors totalling 454 sqm gross floor area with a pitched slated roof and new window and door openings on all elevations. Works to building 5 consist of the conversion of a dairy and outbuildings to a laundry, storage and a games room for private use only totalling 122sqm gross floor area with new window and door openings on all elevations. All converted farm buildings have a stone finish. All buildings connect into the existing effluent treatment plant sized accordingly'*.

4.0 Proposed Development

The proposal seeks to temporarily change the use of holiday accommodation to provide accommodation for displaced persons and persons seeking international protection. We note that no works are being sought with regard to this declaration and the determination of the planning authority is only sought in respect of a change of use as set below under, Class 14(h) of the Planning and Development Regulations 2001 (as amended).

5.0 Legislative Provisions

5.2 Basis of Exemption under Class 14(h)

Further, it is submitted that the site corresponds with the provisions of both, Class 14(h) contained within the Planning and Development Regulations 2001 (as amended) Schedule 2, Article 6, Part 1.

We note that Class 14(h) is contained within of S.I. No. 582 of 2015 of the Planning And Development (Amendment) (No. 4) Regulations 2015. We refer to the provisions of exempted development Class 14(h) which states that;

'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'

Class 14(h) is inserted by Article 4 of S.I No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015.

Article 4 of these Regulations inserts 4 new classes of exempted development into the Planning and Development Regulations 2001 ("the Principal Regulations"), which has the effect that the changes of use specified in the new classes are exempted from the requirement to obtain planning permission The new classes of exempted development are as follows:

'Class 14(h): Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation. This class of exempted development will assist in implementing the Government's Irish Refugee Protection Programme (IRPP), which was established on 10 September 2015 in response to the migration crisis in central and southern Europe.'

As per Class 14(h) as noted above, a variety of premises providing holiday accommodation and overnight accommodation can be used for the purpose of accommodating refugees and asylum seekers, we confirm that the property to which this Section 5 application relates as existing is holiday accommodation and place providing overnight accommodation. On this basis, it is submitted that the subject site comprising Building Nos. 1 through 5 of the Rathmore Country House and Holiday Village, can avail of the exemption afforded under Class 14(h).

6.0 Planning Context

6.1 Wicklow County Development Plan 2022-2028

Under the current Development Plan, the subject site is considered along the rural greenbelt. Whilst the subject site is situated just northeast of Ashford, the subject site is not listed on any zoning map associated with Ashford Town.

Given that the site has operated as holiday accommodation, as discussed in Section 5.0 above, it is submitted that the provision under Class 14(h) of the Planning and Development Regulations 2001 (as amended) can be availed of at the subject site. Thus, being exempt from requiring planning permission to accommodate international protected persons within the Wicklow County Council administrative boundaries.

The proposal seeks to use the buildings on site to provide accommodation for protected persons. We would consider that the exempted use is consistent with national and regional objectives, and it is therefore submitted that the proposed use is appropriate for the subject site.

7.0 Conclusion

The subject site comprising various buildings at Rathmore Country House and Holiday Village is intended to provide accommodation for persons seeking international protection. These facilities will not provide care to residents.

Therefore, the question before the planning authority is:

"Whether the use of the holiday accommodation within the Rathmore Country House, the main guest accommodation, at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 1 at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 2 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 3 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 4 at Rathmore Country House and Holiday Village, Rathmore, Ashford, Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

"Whether the use of the holiday accommodation within Building No. 5 at Rathmore Country House and Holiday Village, Rathmore, Ashford Co. Wicklow, to provide accommodation for displaced persons or persons seeking international protection, constitutes exempted development or does not constitute exempt development?"

As such, we would ask Wicklow County Council to make a declaration as to whether the proposed use of the buildings as outlined in the body of this report is exempt development or does not constitute exempt development at Rathmore Country House and Holiday Village in Rathmore, Ashford, Co. Wicklow. It is noted that no works are being sought as part of this declaration.

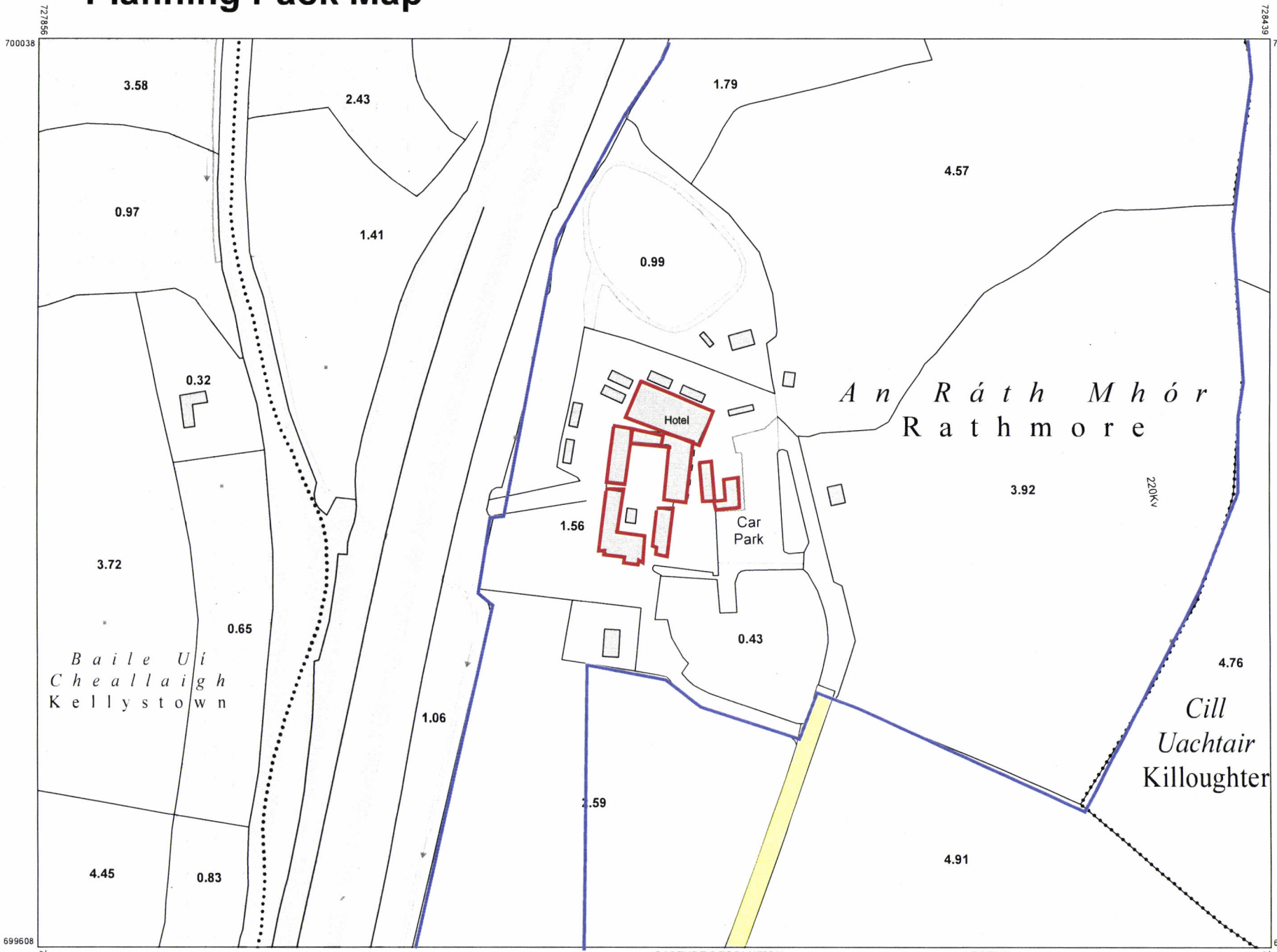
Accordingly, we request a declaration to this effect from Wicklow County Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.

Kevin Hughes MIPI MRTPI
Director for HPDC

Appendix A OS Map

Appendix B Proof of Contract Awarded and Letter of Interest

Planning Pack Map



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PUBLISHED: 04/02/2026

ORDER NO.: 50515901_1

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MAP SHEETS: 3905-D, 3906-C

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