



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council



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Dhún na nGall**  
Donegal County Council

Planning Services

RECEIVED DATE: 28/11/2024

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

**Completed application form & supporting documentation to be returned to the  
Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

<b>Name of Applicant(s):</b>	
<b>Agent Name:</b> (if applicable)	
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under <u>this</u> section 5 application)	



<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) Interest in the site:</b>		
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>		
<b>Planning History - list any relevant planning application reference numbers:</b>		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	
<b>Date:</b>	



**From:** [Sarah McQuillan](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Subject:** RE: Section 5 application (S524-93 refers)  
**Date:** 28 November 2024 13:46:15

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Many thanks Martina

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**From:** MARTINA PARKE (PLANNING) <MARTINA.PARKE@donegalcoco.ie>  
**Sent:** 28 November 2024 13:45  
**To:** Sarah McQuillan <[REDACTED]>  
**Subject:** Section 5 application (S524-93 refers)

Good afternoon Sarah

I acknowledge receipt of your receipt of payment & application for Section 5 at Cornagill, Letterkenny.

Regards  
Martina

---

**From:** Sarah McQuillan <[REDACTED]>  
**Sent:** Thursday, November 28, 2024 10:44 AM  
**To:** planning mailbox <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Cc:** MARTINA PARKE (PLANNING) <[MARTINA.PARKE@donegalcoco.ie](mailto:MARTINA.PARKE@donegalcoco.ie)>  
**Subject:** RE: Section 5 application

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Good morning

I have just made a payment for €80.00 as requested. The reference number I was given was 80527.

Kind Regards

Sarah

---

**From:** MARTINA PARKE (PLANNING) <[MARTINA.PARKE@donegalcoco.ie](mailto:MARTINA.PARKE@donegalcoco.ie)> **On Behalf Of** planning mailbox  
**Sent:** 27 November 2024 16:01  
**To:** Sarah McQuillan <[REDACTED]>

**Cc:** MARTINA PARKE (PLANNING) <MARTINA.PARKE@donegalcoco.ie>

**Subject:** FW: Section 5 application

Good afternoon Sarah

I acknowledge receipt of your e-mail and advise that you may call our Cash Office on 074 9153900 to make card payment of €80.00 quoting PL100 for Section 5 which in return will issue you with a receipt number.

Please forward payment details to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie) so that we can proceed with your application.

Regards

Martina

---

**From:** Sarah McQuillan [REDACTED]  
**Sent:** Wednesday, November 27, 2024 3:38 PM  
**To:** planning mailbox <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Subject:** Section 5 application

You don't often get email from [sarah@anns.co.uk](mailto:sarah@anns.co.uk). [Learn why this is important](#)

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Good afternoon

Please find attached Section 5 application. Can you advise how I make the payment for this application?

Kind Regards

Sarah McQuillan  
Registered Manager

[Email Disclaimer](#)

[Clásal Séanta Ríomhphoist](#)

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## **SECTION 5 REFERRAL REPORT – Ref. No: S5 24/11**

### **1.0 BACKGROUND**

#### **1.1 Location:**

The site is located at Cornagill, Letterkenny, Co Donegal , F92 P30R and consists of an existing detached dwelling. While the site is outside the Settlement limit of Letterkenny and within a defined rural areas that is Under Strong Urban Influence, the surrounding area is characterised by a suburban pattern of detached dwellings and the site is within a cul de sac of such development.

#### **1.2 Planning History:**

- 01/6068 Planning permission granted for erection of single private dwelling with septic tank

#### **1.3 Proposed Development:**

The development the subject of this Section 5 referral relates to:

- Development consisting of a change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. We can also confirm that the number of persons with an intellectual or physical disability or mental illness would not exceed 6 and that the number of resident carers would not exceed 2.
- No change to the structure or design of the property

### **2.0. THE QUESTION**

The referrer seeks a declaration that the above-mentioned change of use is exempted development.

### **3.0 EVALUATION**

### **3.1 Planning and Development Act, 2000 (as amended)**

#### **Section 3(1)**

“**Development**” in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

**Section 4(1)** sets out development which shall be exempted development.

#### **Section 177U(9)**

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

### **3.2 Planning & Development Regulations 2001 (as amended)**

#### **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)**

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) – (xii) (inclusive)



## **Class 14 of Part 1 of Schedule 2** (*Exempted Development – Change of Use*)

Development consisting of a change of use:–

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

### **Conditions and Limitations:**

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

## **4.0. ASSESSMENT**

**4.1 Consideration of proposed development:** To use an existing dwelling as a care facility.

(i) Class 14(f) of Part 1 of Schedule 2 General Exempted Development set out in the Planning and Development Regulations 2001 as amended details exempted development for changing the use of a house to use as a residence for persons with disabilities requiring on site care. The application proposes residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. There will not be more than 6 persons availing of the facility at any one time. The number of persons providing care will not exceed 2 at any one time.

(ii) Therefore, it is considered that the proposed change of use constitutes development and complies with the conditions and limitations set out in **Class 14(f) of Part 1 of Schedule 2** of the Planning & Development Regulations 2001 (as amended).

(iii) Regard has also been had to Section 177U(9) of the Planning & Development Act 2000 (as amended) in this assessment and given the nature of the proposal it is considered that screening for Appropriate Assessment is not required.

## **5.0 RECOMMENDATION**

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE –

**IS Development**

&

**IS Exempted Development**

**WITHIN THE MEANING OF THE ABOVE ACT**

**The proposal for:**

- Change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

**The Planning Authority in considering this referral, had regard particularly to:**

Section 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

It should also be noted that in determining the subject Section 5 referral regard was had to recent Section 5 referrals determined by An Bord Pleanala.

**And concluded that:**

The proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and is EXEMPTED DEVELOPMENT as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

A handwritten signature in black ink, appearing to be 'S.A.' with a flourish at the end.

**Signed:** \_\_\_\_\_

**Executive Planner**

**Position:** \_\_\_\_\_

**10/12/2024**

**Date:** \_\_\_\_\_



\_\_\_\_\_  
Frank Sweeney

Senior Executive Planner

Community Development & Planning Services

10/12/2024

**Chief Executive's Order No: 2025PH0009**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

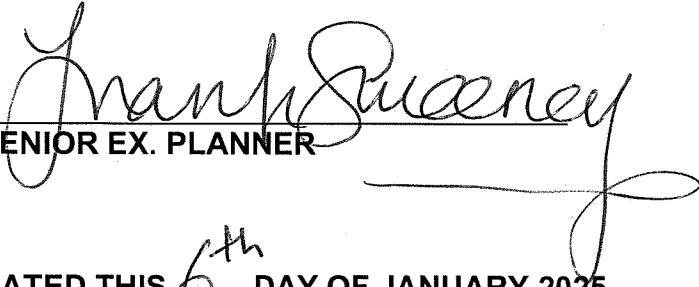
Request received 28<sup>th</sup> November 2024 from Patrick McQuade, Cornagill, Letterkenny, Co. Donegal F92 P3OR in relation to the change of use of a dwelling house to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care for such persons at Cornagill, Letterkenny, Co. Donegal, F92 P3OR.

**SUBMITTED:-**

Written request received 28<sup>th</sup> November 2024 as above and report dated 10<sup>th</sup> December 2024 from the Executive Planner (Ref. No: S5 24/93 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
**SENIOR EX. PLANNER**

DATED THIS 6<sup>th</sup> DAY OF JANUARY 2025

**Chief Executive's Order No: 2025PH0009**

**Ref.No: S5 24/93**

**SCHEDULE**

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Section 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

JS 06/01

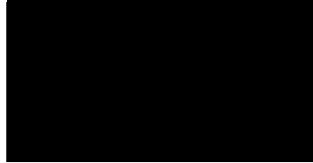
**Planning and Development Acts, 2000 (as amended)**  
**(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**Chief Executive's Order No:** 2025PH0009

**Reference No:** S5 24/93

**Name of Requester:** Patrick McQuade



**Summarised Description of development the subject matter of request:**

Change of use of a dwelling house to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care for such persons.

**Location:** Cornagill, Letterkenny, Co. Donegal, F92 P30R

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Section 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

A handwritten signature in black ink, appearing to read 'J. Co. - J.P.'.

\_\_\_\_\_  
**For Senior Ex. Planner**  
**Planning Services**

**Dated this 6<sup>th</sup> day of January 2025**



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Áras an Chontae,  
Leifear,  
Contae Dhún na nGall, F93 Y622

County House,  
Lifford,  
County Donegal, F93 Y622

**T:** 074 91 53900  
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**W:** www.ccdhunngall.ie

**Planning Services**  
**E:** planning@donegalcoco.ie

Ref. No: S5 24/93

6<sup>th</sup> January 2025

Patrick McQuade



**Re: Change of use of a dwelling house to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care for such persons at Cornagill, Letterkenny, Co. Donegal**

A Chara,

I refer to your request received on 28<sup>th</sup> November 2024 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner  
Planning Services**  
/RMcC