



## 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>	Gerard and Sarah Ferguson
<b>Agent Name:</b> (if applicable)	
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	West Rock, Ballyshannon, Co. Donegal  F94 P732 and F94 YP38
<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)	
Proposed development: Conversion of two semi-detached houses into one detached house.	



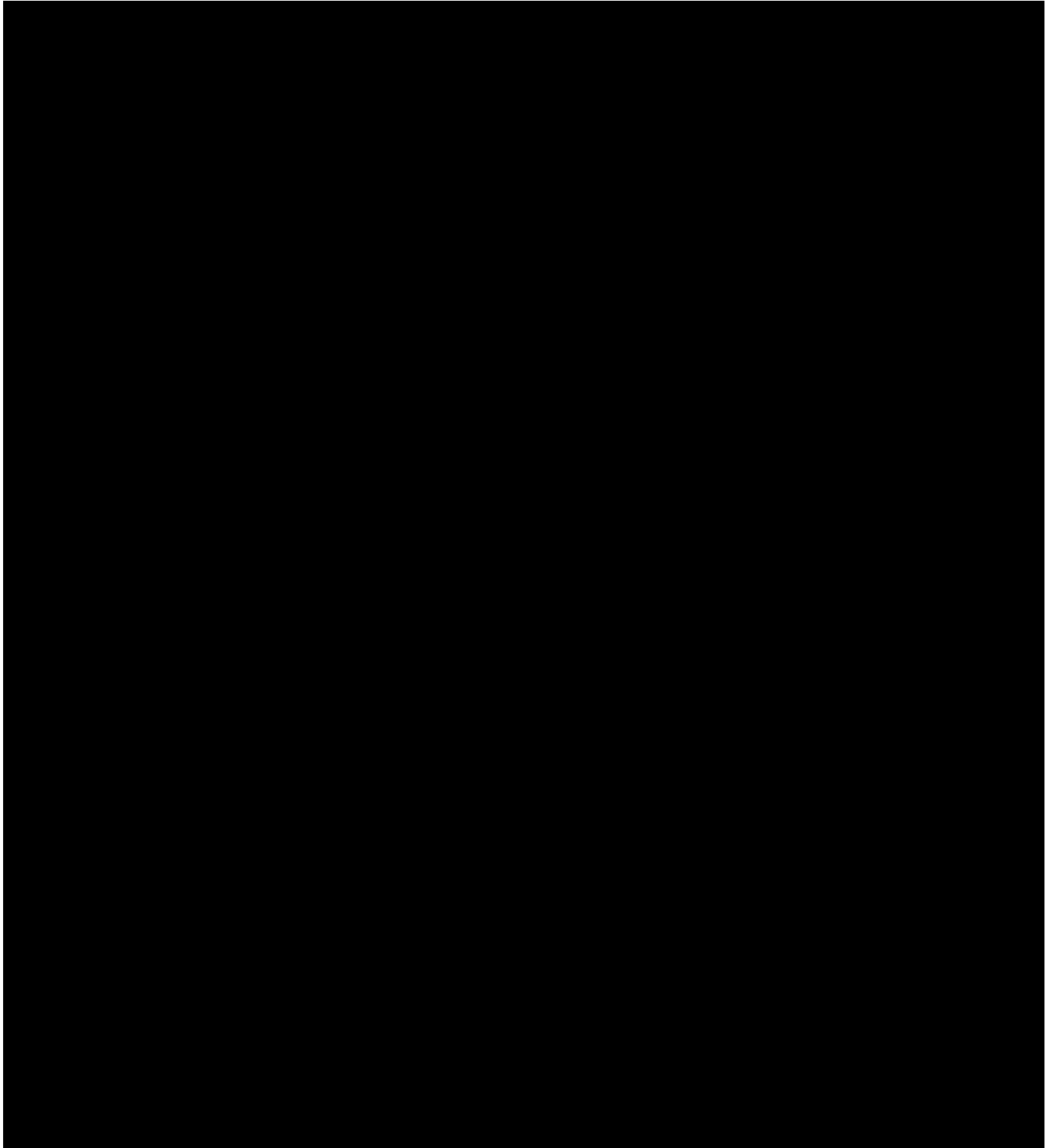
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Dhún na nGall**  
Donegal County Council

<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>
		X
<b>Applicant(s) Interest in the site:</b>	Owner of houses	
<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>	Existing Floor Plans, Demolition Plans, Proposed Plans, Site Location Map, Photographs of Houses	
<b>Planning History</b> - list any relevant planning application reference numbers:		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>	No	

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	
<b>Date:</b>	13/03/25



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### **Advice to Applicant**

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
  - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
  - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
  - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
  - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>

# PLACE Map

Planning Services

RECEIVED DATE: 13/03/2025



Tailte  
Éireann

**CENTRE  
COORDINATES:**  
ITM 587640,861266

**PUBLISHED:** 12/03/2025  
**ORDER NO.:** 50454269\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 0670-25

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

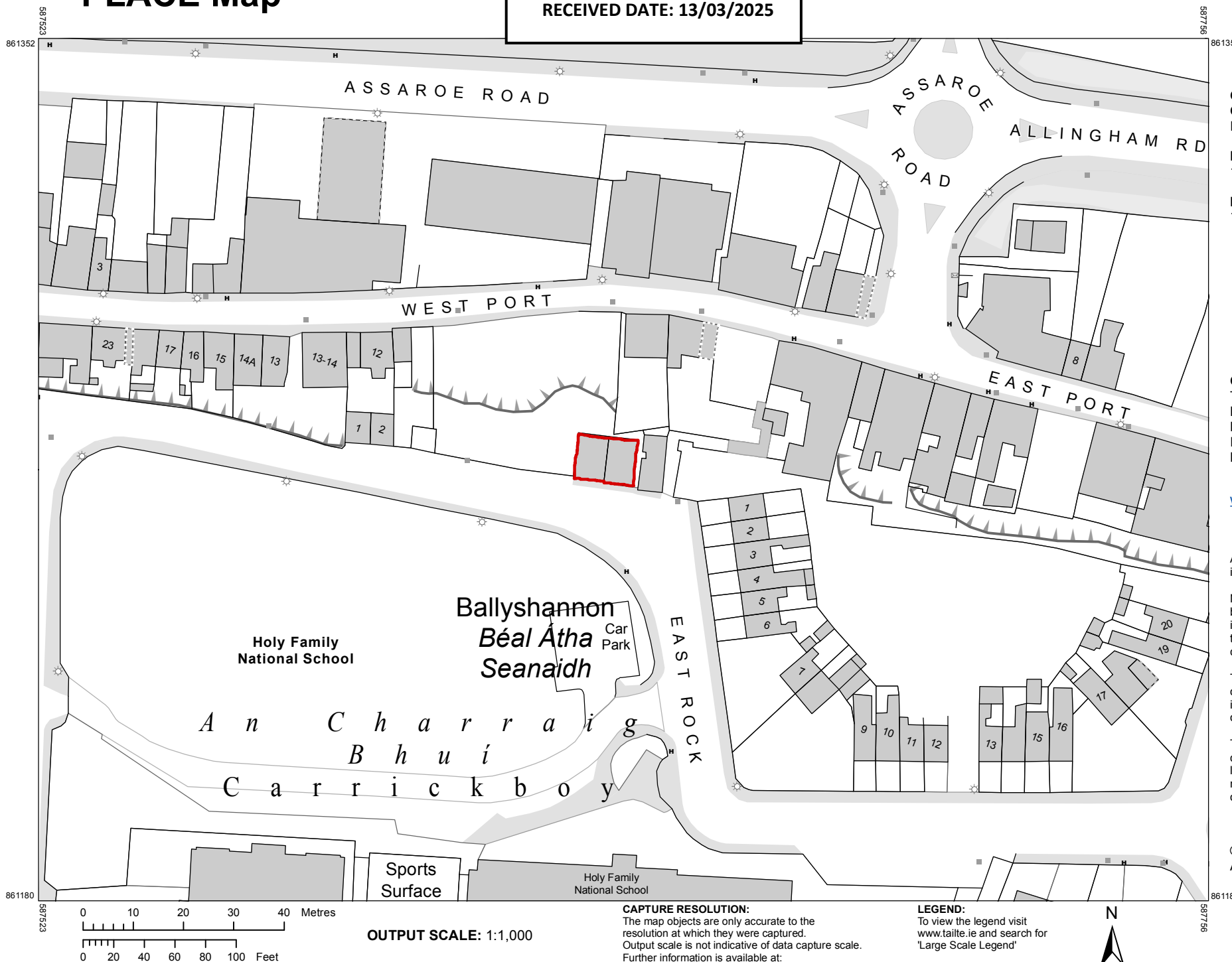
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The representation on this map  
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of a right of way.

This topographic map  
does not show  
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nor does it show  
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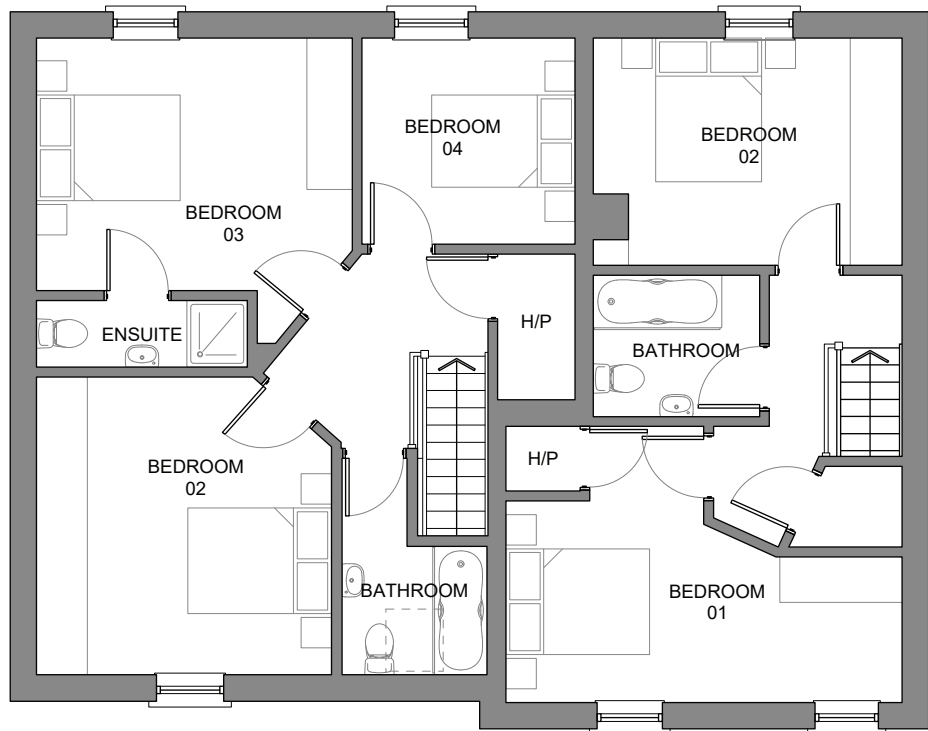
OUTPUT SCALE: 1:1,000

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'



00  
050 EXISTING GROUND FLOOR PLAN  
1:100 @ A3



01  
050 EXISTING FIRST FLOOR PLAN  
1:100 @ A3

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			A	-	-
			Rev.	Note	Date

Drawing Title:  
**EXISTING GROUND & FIRST FLOOR PLANS**

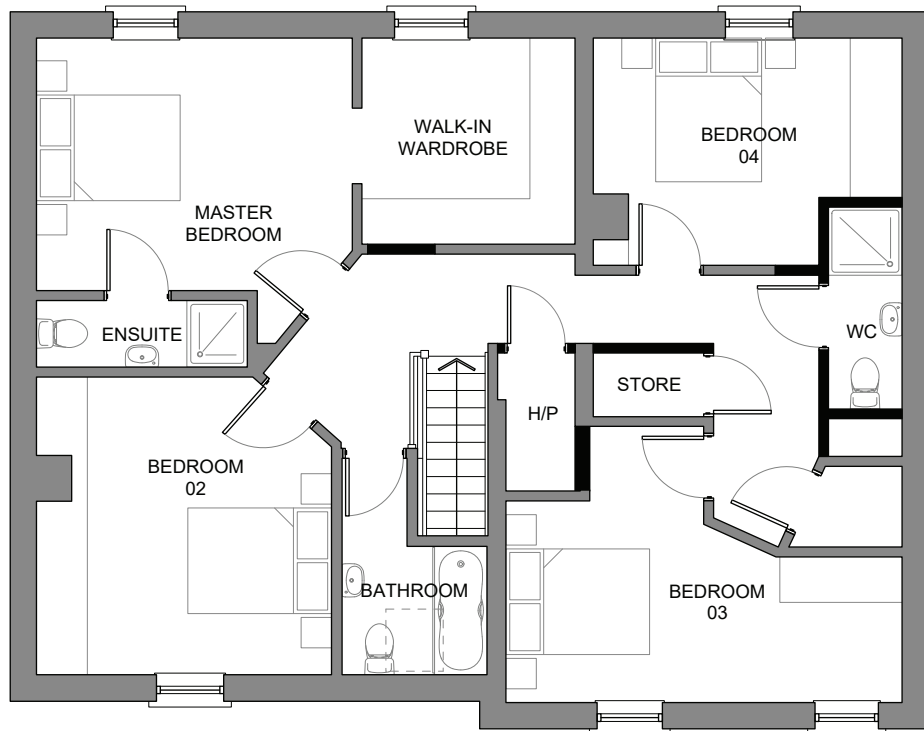
Dm By:	-	Project No.:	25.01
		Dwg No.:	T-050
Stage:	PLANNING	Scale:	1:100 @ A3
Date:	FEB 2025	Revision:	A

**PROJECT:**  
ALTERATIONS TO EXISTING DWELLING  
AT 'THE ROCK', BALLYSHANNON  
Co. DONEGAL

**CLIENT:**  
GERARD & SARAH FERGUSON



00  
100  
**PROPOSED GROUND FLOOR PLAN**  
1:100 @ A3



01  
100  
**PROPOSED FIRST FLOOR PLAN**  
1:100 @ A3

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			A	-	-
			Rev.	Note	Date

Drawing Title:

**PROPOSED GROUND & FIRST FLOOR PLANS**

Dm By:

Project No.:

25.01

Dwg No.:

T-100

Stage:

PLANNING

Scale:

1:100 @ A3

Date:

FEB 2025

Revision:

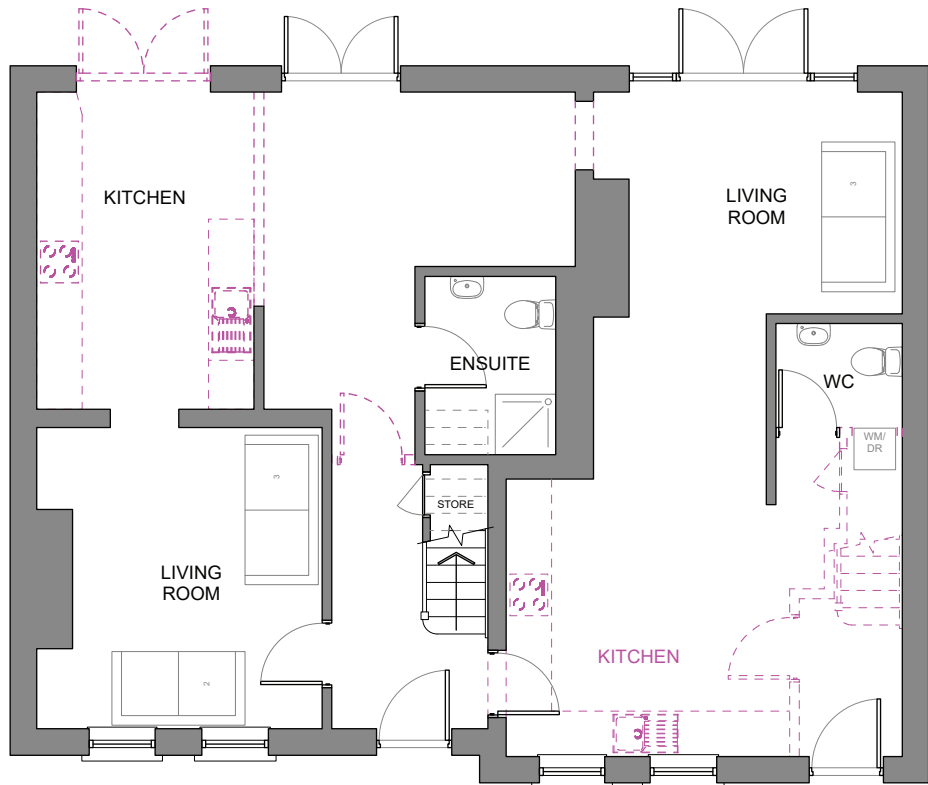
A

**PROJECT:**  
ALTERATIONS TO EXISTING DWELLING  
AT 'THE ROCK', BALLYSHANNON  
Co. DONEGAL  
**CLIENT:**  
GERARD & SARAH FERGUSON

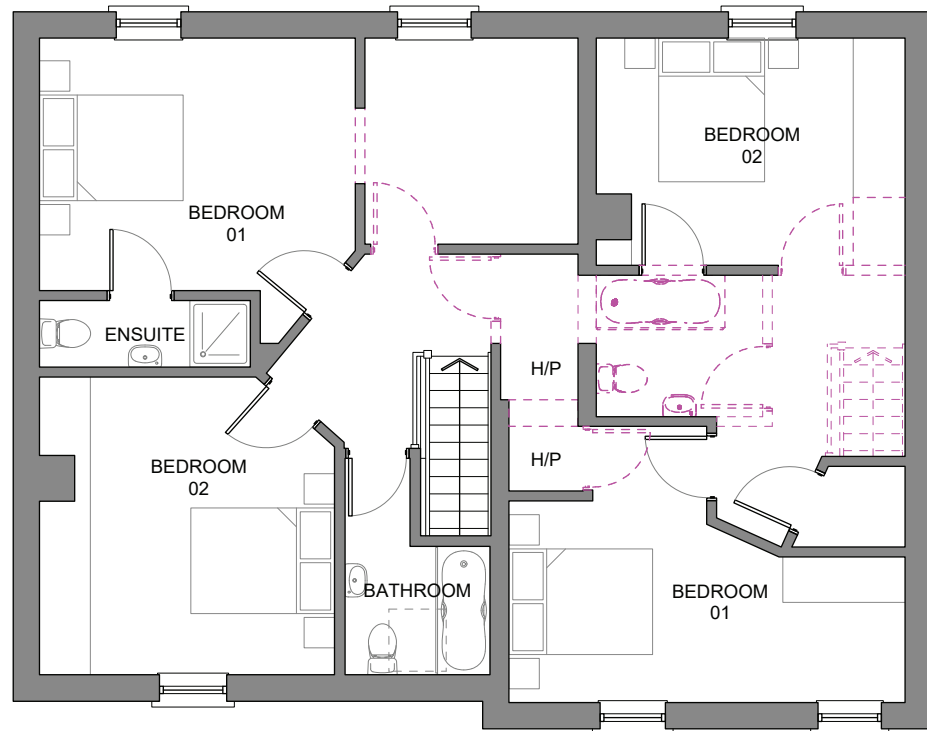


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RECEIVED DATE: 13/03/2025



00 GROUND FLOOR DEMOLITIONS PLAN  
070 1:100 @ A3



01 FIRST FLOOR DEMOLITIONS PLAN  
070 1:100 @ A3

PROPOSED DEMOLITIONS

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			A	-	-
			Rev.	Note	Date

Drawing Title:

GROUND & FIRST FLOOR  
DEMOLITIONS PLANS

Dm By:

Project No.:

PROJECT:

ALTERATIONS TO EXISTING DWELLING  
AT 'THE ROCK', BALLYSHANNON  
Co. DONEGAL

Stage:

PLANNING

Dwg No.:

T-070

Scale:

1:100 @ A3

Date:

FEB 2025

Revision:

A

CLIENT:

GERARD & SARAH FERGUSON





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Contae Dhún na nGall, F93 Y622

County House,  
Lifford,  
County Donegal, F93 Y622

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**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

**E-mail:** [sarahfrancesluke@gmail.com](mailto:sarahfrancesluke@gmail.com)

**Our Ref: S525/32**

18<sup>th</sup> March, 2025

Gerard & Sarah Ferguson



**Re: Section 5 - Application for proposed development at  
West Rock, Ballyshannon, Co Donegal, F94 P732 & F94 YP38**

A Chara,

I wish to acknowledge receipt of your application received on 13<sup>th</sup> March, 2025 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services

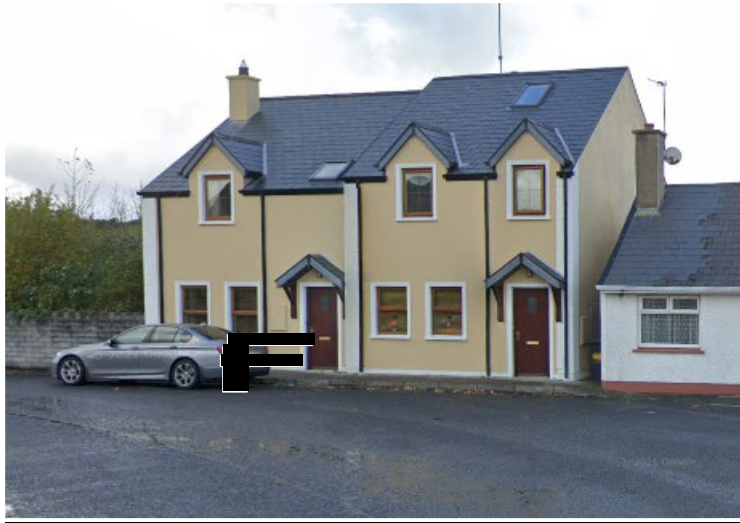


## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/32**

### **1.0 BACKGROUND**

#### **1.1 Location:**

The subject site is located at West Rock, Ballyshannon, Co. Donegal and comprises two semi-detached dwellings. The dwellings are within the Town Centre of Ballyshannon as designated in the Seven Strategic Towns (Ballyshannon) Local Area Plan 2018-2024 but are outside of the designated Archaeological Complex and Conservation Area.



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

Permission was granted under application ref. no. 06/21006 to demolish 2 no. uninhabitable dwellings and to erect 2 no. semi-detached dwelling houses.

#### **1.3 The Development:**

The proposed development sets out to convert 2 no. semi-detached dwellings into a single dwelling house. The works proposed are mostly internal but include the provision of an additional double door at ground floor level to the rear of the building.

### **2.0. THE QUESTION**

Gerard and Sarah Ferguson have made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- (i) Conversion of two semi-detached houses into one detached house.

### **3.0 EVALUATION**

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

#### Section (2)

**“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(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)(h)

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

#### 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 –

- (i) “by reason of the size, nature, or limited effect on its surroundings....”
- (ii) “the development is authorised, or is required to be authorised, by or under any enactment....”

#### Section 4(2)(b)

**“Regulations** under paragraph (a) maybe subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.”

#### Section 4(2)(c)

**“Regulations** under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act”.

#### 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.”

It is noted that subject site is not within a Natura 2000 site.

### **3.2 Planning and Development Regulations, 2001 (as amended)**

#### **Schedule 2, Part 1, Class 14**

Development consisting of a change of use -

(e) from use as two or more dwelling, to use as a single dwelling, of any structure previously used as a single dwelling

#### **3.0. ASSESSMENT**

4.0. The Planning Authority is satisfied that the proposed works to create a single dwelling with conversion of the 2 no. existing dwellings would constitute ‘development’ as defined in Sections 2 & 3 of the Act.

5.0. On the basis of planning history, it would appear that there were previously two dwellings on the site that were demolished to facilitate erection of the two existing dwellings. Following consideration of this proposal and having regard to the information submitted, it is considered that the development does not come within the scope of Class 14 (e) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) as there is no evidence of a single dwelling on the site that was subdivided at any time.

6.0. Appropriate Assessment is not a consideration in the assessment of the proposal.

7.0. It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanala for determination.

#### **8.0. RECOMMENDATION**

Notwithstanding the above detailed exemptions and limitations, the applicant has sought a declaration on works which have been clarified.

The submitted maps indicate a highlighted site with written consent to said works from relevant landowners.

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

**IS Development**

**&**

**IS NOT Exempted Development**

**WITHIN THE MEANING OF THE ABOVE ACT**

**The proposal for:**


**Conversion of 2 no. semi detached dwellings to form a single dwelling dwelling house**

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

Section 3 and 4 of the Planning and Development Act, 2000 (as amended) and Class 14 (e) 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 NOT EXEMPTED DEVELOPMENT as it does not fall within the scope of Class 14 (e) of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 (as amended).

**Signed:**   
**24/03/2025.**



---

Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
08/04/2025

**Chief Executive's Order No: 2025PH0922**

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

**SECTION 5:-**

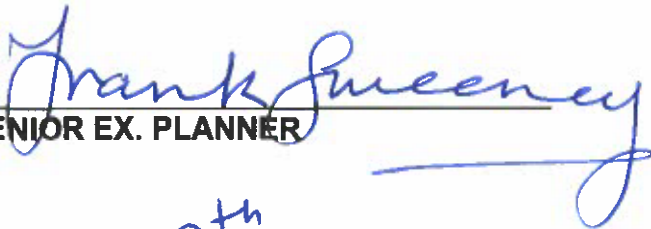
Request received 13<sup>th</sup> March 2025 from Gerard & Sarah Ferguson, V [REDACTED] 32 in relation to the conversion of 2 no. semi-detached dwellings to form a single dwelling house at West Rock, Ballyshannon, Co Donegal.

**SUBMITTED:-**

Written request received 13<sup>th</sup> March 2025 as above and report dated 24<sup>th</sup> March, 2025 from the Executive Planner (Ref. No: S5 25/32 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 9<sup>th</sup> DAY OF APRIL, 2025

**Chief Executive's Order No: 2025PH0922**

**Ref.No: S5 25/32**

**SCHEDULE**

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 3 & 4 of the Planning and Development Act, 2000 (as amended).
- Class 14(e) 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 **NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 14 (e) of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 (as amended).

JS  
09/04



**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

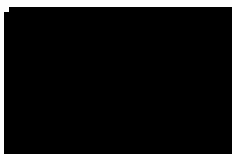
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**W:** www.donegalcoco.ie  
**W:** www.ccdhunnangall.ie

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

**Ref. No:** S525/32

9<sup>th</sup> April, 2025

Gerard & Sarah Ferguson



**Re: The conversion of 2no. semi-detached dwellings to form a single dwelling house at West Rock, Ballyshannon, Co Donegal.**

A Chara,

I refer to your request received on 13<sup>th</sup> March 2025 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,

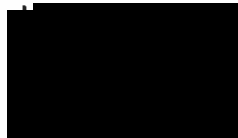
**For Senior Ex. Planner  
Planning Services**

/mp

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH0922  
**Reference No:** S525/32  
**Name of Requester:** Gerard & Sarah Ferguson



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

Conversion of 2no. semi-detached dwellings to form a single dwelling house

**Location:** West Rock, Ballyshannon, Co Donegal.

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 3 & 4 of the Planning and Development Act, 2000 (as amended).
- Class 14(e) 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 **NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 14 (e) of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 (as amended).

A blue ink signature of the Senior Executive Planner.

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

**Dated this 9<sup>th</sup> day of April, 2025**