

From: [MARTINA PARKE \(PLANNING\)](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Short Term Letting and Tourism Bill 2025 - Section 5 application
Date: 20 October 2025 15:35:29
Attachments: [Seawater House House Plans.pdf](#)
[PROPERTY TAX.pdf](#)
[Tv Licence.pdf](#)
[Energia.pdf](#)
[_fillable-section-5-declaration-of-exemption-application-form.pdf](#)

From: james boyle <[REDACTED]>
Sent: 20 October 2025 15:27
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Short Term Letting and Tourism Bill 2025 - Section 5 application

You don't often get email from [REDACTED]. [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 Lorna / Anna

Thank you for taking my call past, Friday,

As discussed, please see attached my primary home plans and proof of my primary residence when home.

I work in the UK and come home back and forward throughout the year; I do short term lets 5- 6 months of the year.

I want to register with county council so I can register with failte Ireland before April 2026

Please note planning fee paid ref number 666405

Below is the section 5 form filled out to the best of my knowage

Advantages my short term lets are.

I make use of my home when needed.

Local tourism economy

lack of hotels rooms in the area

Tax receipts/ returns on sales!

Keeps my personal home maintained.

utility certs all in place

Bottom line is if we must go full planning architects, Lawyers then I do not believe it is worthwhile continuing, or I could go with the 90-day rule which is not a great option.



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



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

Planning Services

RECEIVED DATE: 20/10/2025

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**

Name of Applicant(s):	james Boyle
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Seawater house Strand road bunbeg co donegal F92 N276
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>Location map number eircode- F92 N276 Planning doc number 042717 https://eplan.donegalcoco.ie/PlanningDoc.aspx?id=042717</p> <p>My primer home is exciting and there is i no development required. Refer to my email notes for short-term let permission.</p> <p>As discussed, please see attached my primary home plans and proof of my primary residence when home.</p> <p>I work in the UK and come home back and forward throughout the year; I do short term lets 5-6 months of the year.</p> <p>I want to register with county council so I can register with failte Ireland before April 2026</p> <p>Please note planning fee paid ref number 666405</p> <p>Advantages my short term lets are.</p>	



Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		no
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		no
Applicant(s) Interest in the site:	James Boyle	
If not the Owner of the site, please provide the name of the Landowner:		
Please list types of plans, drawings etc. submitted with this application:	House Drawings	
Planning History - list any relevant planning application reference numbers:	04/2717 – house -	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	NO	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	James Boyle
Date:	20/10/25

Thank you for taking the time to read this and if you require any further information,
please do not hesitate to contact me!

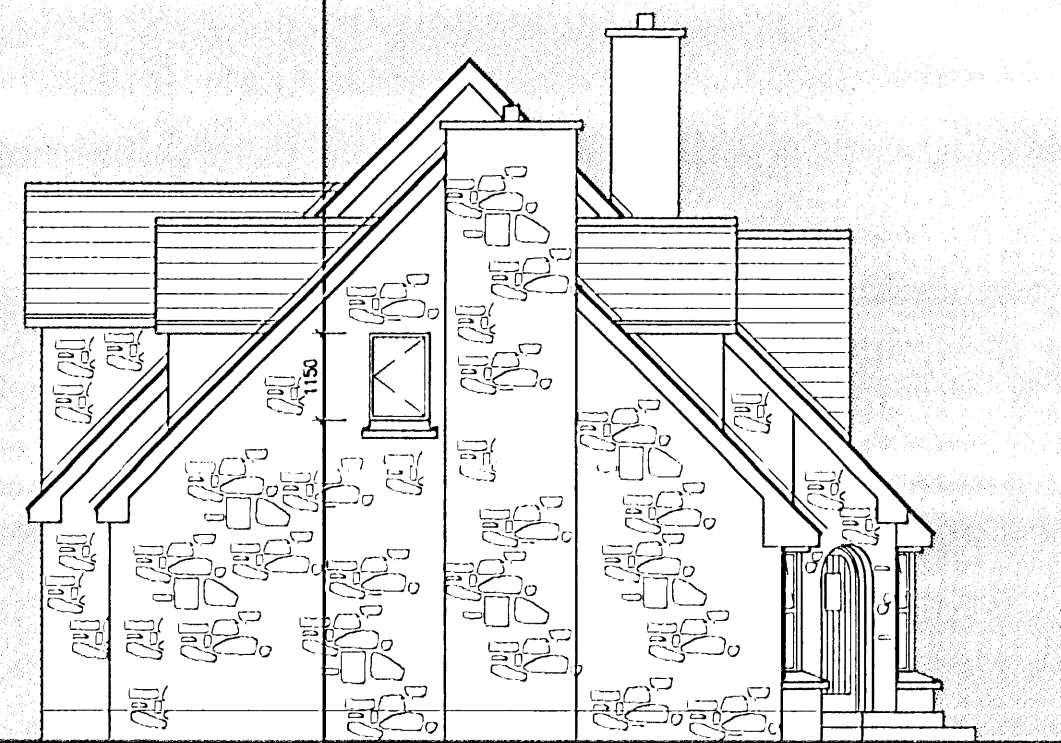
Kind Regards

James Boyle





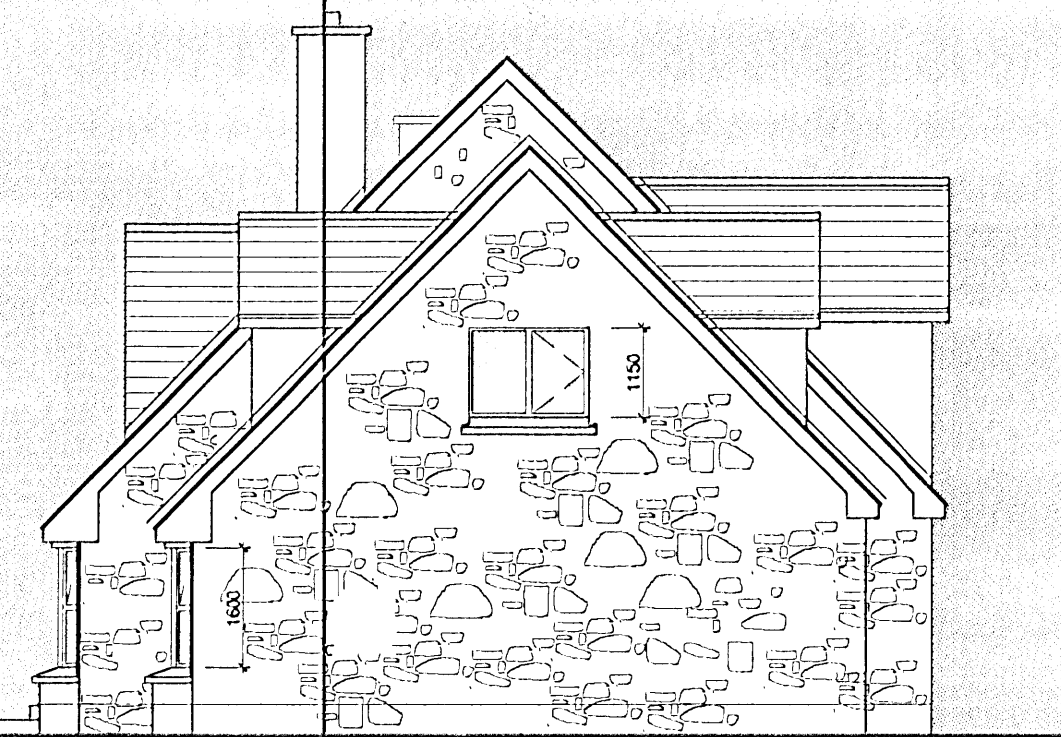
PROPOSED EAST ELEVATION scale 1:100



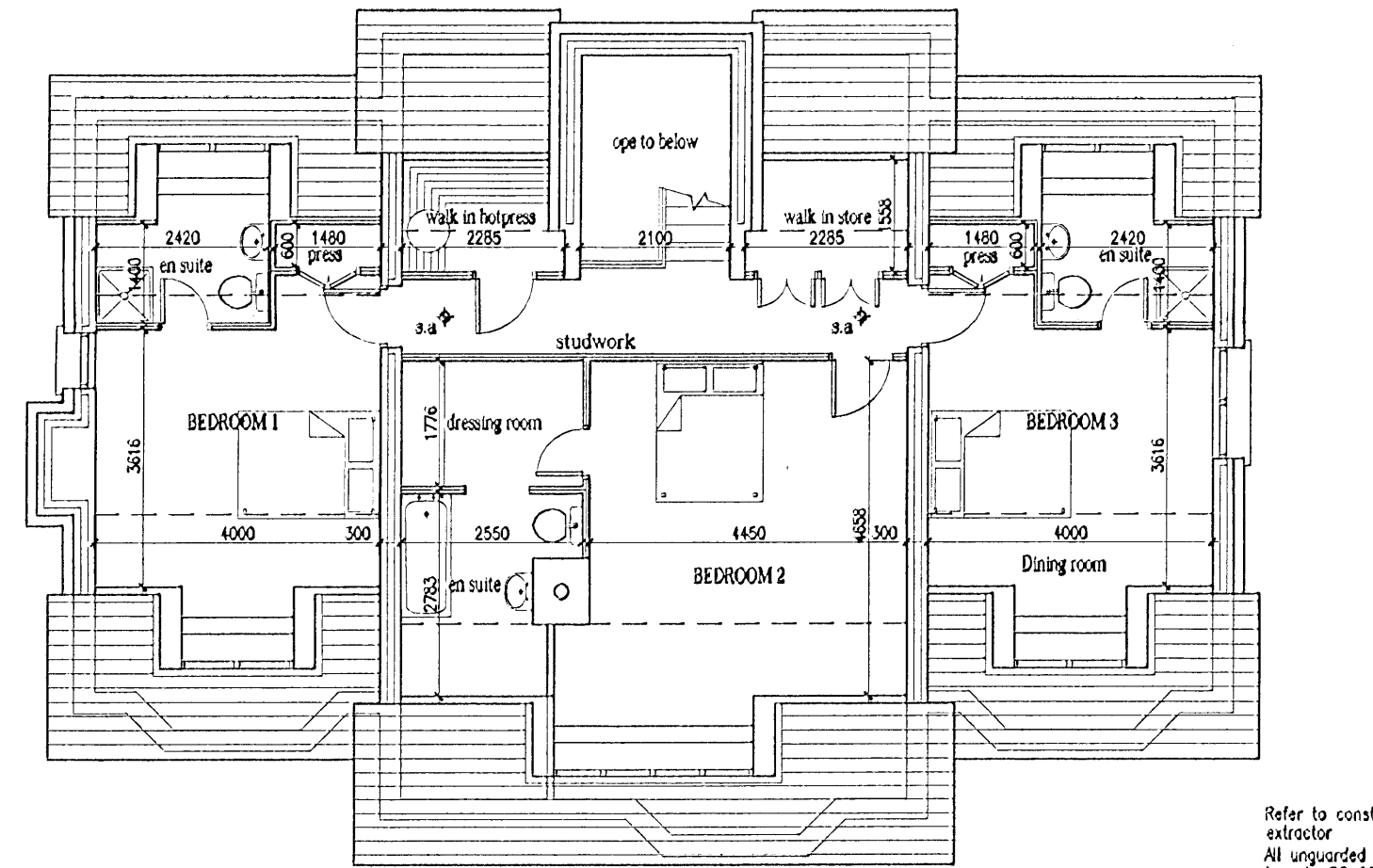
PROPOSED NORTH ELEVATION scale 1:100



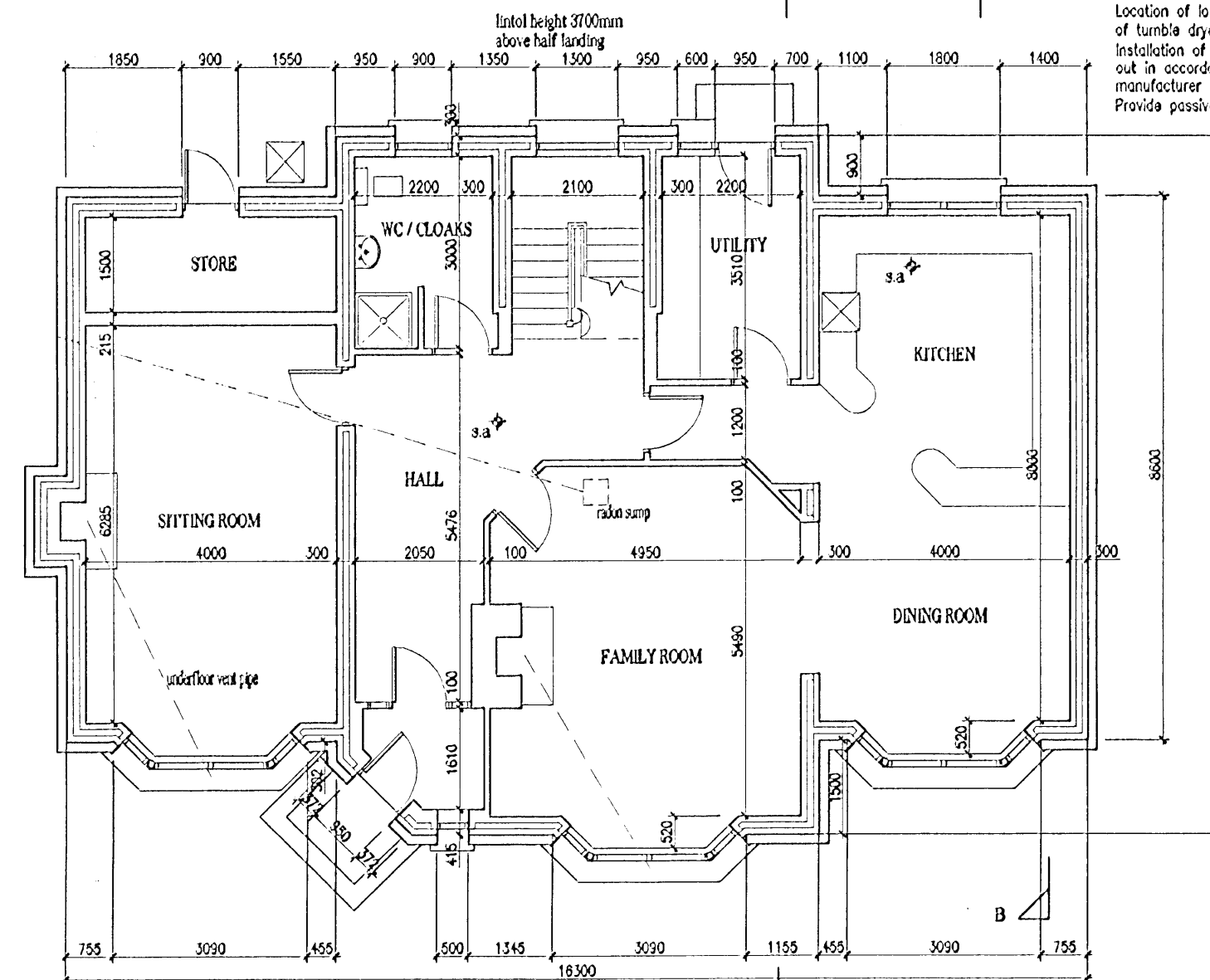
PROPOSED WEST ELEVATION scale 1:100



PROPOSED SOUTH ELEVATION scale 1:100



PROPOSED FIRST FLOOR PLAN Scale 1/100



PROPOSED GROUND FLOOR PLAN Scale 1/100

Total floor area = 250 sq m (2691 sq ft)

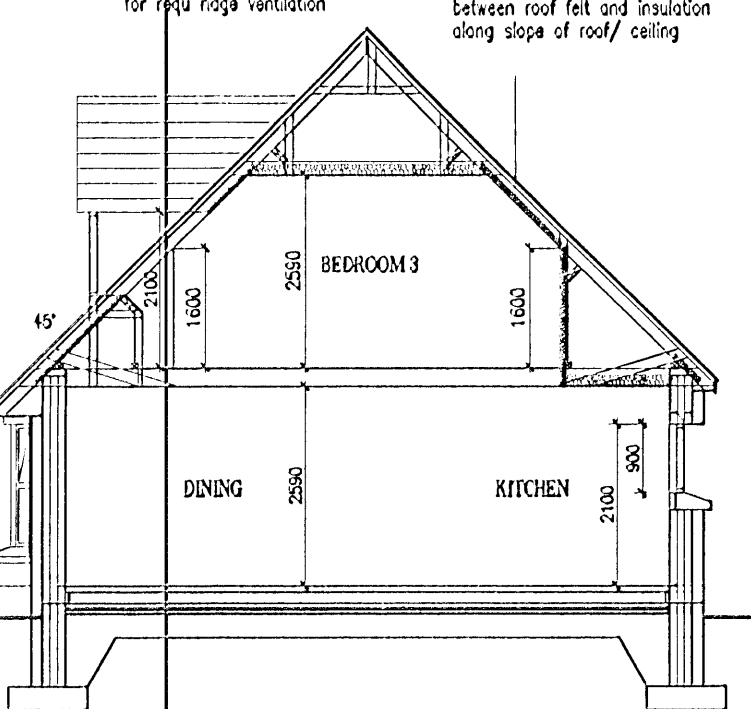
note dimensions indicate blockwork only (not stonework)

Refer to construction notes with reference to cooker extract.
All unguarded glazing within 800mm of floor to be safety type to BS 6262 PART 4.
Double glazed windows to be provided throughout.
Manufacturer to provide to this office U Value of same.
Provide lead flashing to all roof abutments.
Location of kitchen extractor is dependent on location of cooker and shall not be taken as that shown.
Location of low level pv in utility is dependent on location of tumble dryer.
Installation of external boiler unit and flue shall be carried out in accordance with details and instructions given by manufacturer of same.
Provide passive vent to all habitable rooms.

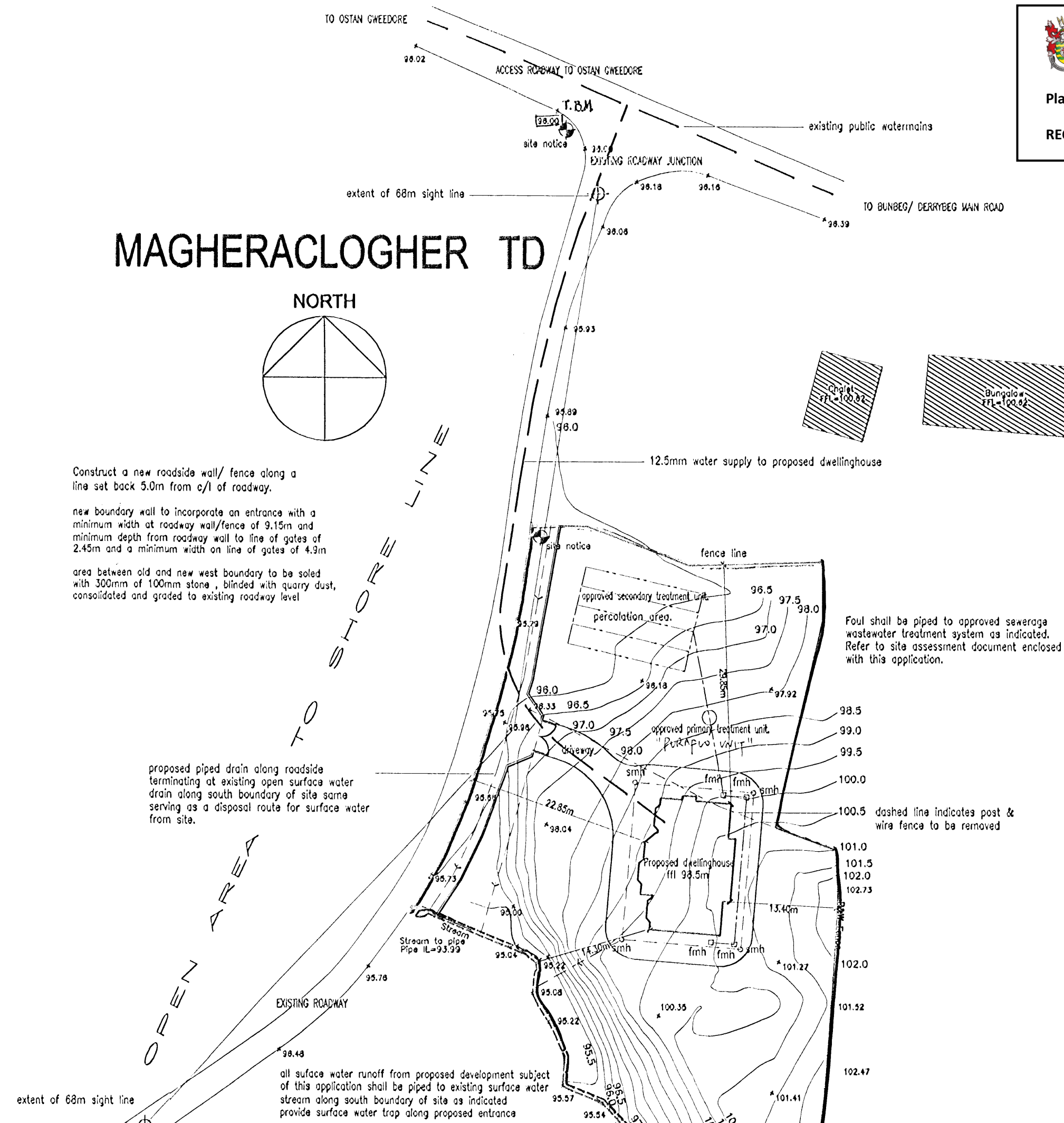
refer to detail no 10 for section detail of floor construction indicating 800mm barrier service pipes penetrating region barrier shall be sealed in accordance with fig 4.
Rotten sump to be located centrally and ensure gaps are left in rising walls to allow radon to pass through 100mm dia pipe from sump shall terminate outside dwelling and capped - pipe can be extended up and run fitted should subsequent test readings require.

refer to construction notes for req'd ridge ventilation

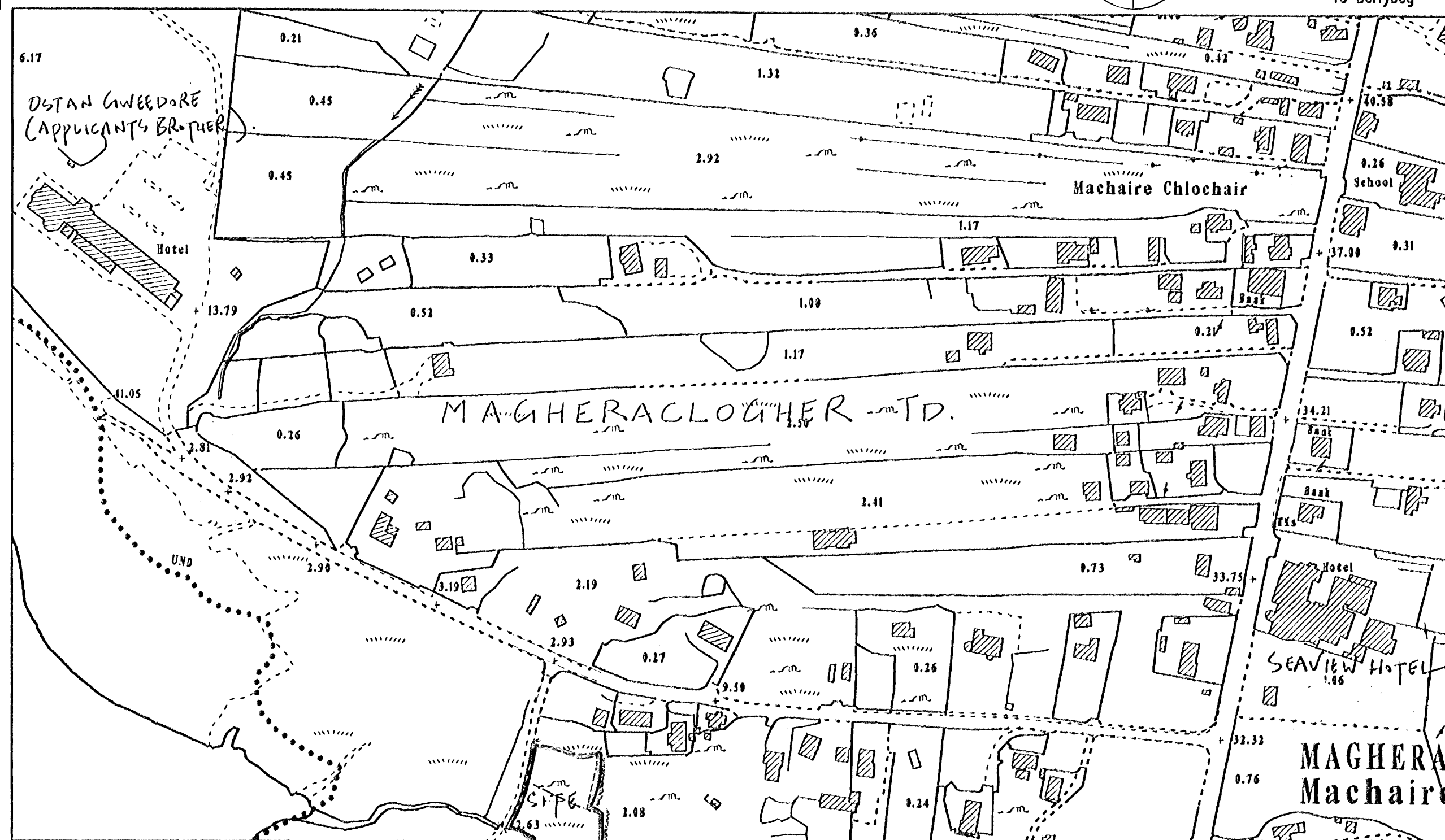
ensure on air space of 50mm between roof felt and insulation along slope of roof/ ceiling



PROPOSED SECTION B-B scale 1:100



PROPOSED SITE LAYOUT Scale 1:500



LOCATION MAP SCALE 1/2500 OSno.32/11



CONSTRUCTION NOTES COMMENCING 2003
These notes refer to all drawings contained in this contract. This drawing should be read in conjunction with relevant architectural and consultants drawings and specifications. This drawing should not be scaled, work to written dimensions, bringing any discrepancies to the attention of the architect. All dimensions to be checked on site prior to the manufacture of any components. Description and specification notes written on this drawing are to be equally binding as if contained in specification or bill of quantities. Everything is to be done that is usual and necessary for the completion of the works bearing in mind what may be reasonably implied or inferred by the specification although some may not be specifically mentioned. All new works to be carried out in accordance with the building regulations.
Foundations: see architect Detail no. 10
Reinforced concrete strip foundations generally 400mm minimum thickness and three times the width of the supported wall occasionally slightly smaller foundations will suffice on very good ground conditions but any change must be only after referral and agreement with the architect. The bottom of all foundations should be a minimum of 900mm below ground level. Steps or changes in level of the foundation in the foundation should have an overlap twice the height of the step, or thickness of the foundation, or 300mm whichever is greater. The depth of any step should not be greater than twice the thickness of the foundation.
Concrete Ground Floors:
75mm solid cement screed on 150mm concrete slab on 50mm Kingspan Thermalfloor insulation T70 [$\lambda=0.019$ w/mk] on monolax RMB radon resisting membrane with folds.
25mm solid blinding on 800mm min. compacted hardcore.
Insulation board to be taken up at slab/external wall junctions.
Any suspicion of radon gas seepage from ground rock should be reported to the architect.
Refer to detail 10 for DPM detail.
First Floor Timber: see detail no. 12
25mm water and boil proof floor boarding on joists [of appropriate depth see cross section] at 400mm centres.
Ends of joists should be treated and tapered. Floor joists running parallel to external walls should provide lateral restraint by means of galvanised steel straps and timber bracing of 2000mm centres between the internal loadbearing partitions.
Windows: to be a minimum of 1/10 of the floor area of the room with an opening section to be a minimum of 1/20 of the floor area of the room. Passive ventilation should also be provided to all habitable rooms equivalent to 6000mm² clear opening.
Cavity Walls: see detail no.15
19mm external render on 100mm concrete block [5N/mm] outer leaf 15mm clear cavity with 60mm Kingspan Thermalwall IW 50 insulation [$\lambda=0.019$ W/mk]. Alternative insulating methods which achieve same overall U Value to be agreed and confirmed by architect. Insulation to be held on galvanised and stainless steel wall ties [I.S. 268] at 450mm vertical spacing and 750mm horizontal spacing with 300mm vertical spacing around window and door openings. 215mm concrete block [1:1:6 mortar mix] inner leaf with 12mm plaster finish.
Insure all windows and door openings are appropriately damp proofed in accordance with good building practice. provide 150mm boarding for all lintels.
Chimneys & Hearths
Flue size min 200mm. Flues to be rebated and socketed.
Stairs & Balustrade NOT APPLICABLE
Rafters and gables as shown. Raftings 840mm-1000mm over pitch line. Balustrade shall be so constructed so that a 100mm diameter sphere cannot pass through any openings.
Roof:
Slated or tiled roof [see elevation] on cross battens on SAREC type 1 F roofing felt on 150mm by 38mm rafters at 400mm centres to span no more than 2000mm without support from purlin [see cross section]. Rafters to be nailed at ridge line to 175mm by 25mm ridge piece. 125mm by 30mm joists ties and struts to be at 1600mm max. centres. 225mm by 75mm purlins to be structurally supported every 4000mm on cross walls or chimney stacks if this is not possible contractor should seek direction from architect. Rafters and ceiling joists [150mm by 50mm] to be nailed at gables to 100mm by 75mm wallplates strapped to walls at 1000mm max intervals with 30mm by 5mm galvanised steel straps. 12.5mm plasterboard with skimcoat finish to ceilings. 200mm glass fibre quilt insulation ($K=0.040$ W/m.K) 90mm Kingspan Thermaphon IP10 rigid board insulation ($\lambda=0.019$ W/m.K) Lateral support to be provided for gable walls with galvanised steel straps fixed to wall and underside of at least two rafters at 2000mm centres from ridge 820/300mm by 25mm treated timber soffit board to provide equivalent of 10mm continuous ventilation to roofspace at eaves.
Roof Ventilation:
Roof spaces should have ventilation openings in two opposite sides, each at least equal to continuous ventilation gap running the full length of the eaves and 25mm wide. Ventilation opening required at ridge at least equal to continuous ventilation gap running full length of the ridge and 5mm wide.
Ensure on airspace or 50mm over the insulation to allow crossflow of air.
Kitchen Ventilation:
Provide a mechanical extract ventilator to kitchen capable of extracting at a rate of 60 litres per second. Wall vent also required or 30 litres if incorporated into cooker hood.
Soil Vent Pipe
Top of s.v.p. shall terminate 900mm min. over any opening less than 3m from stack. Provide cage on top of stack.

PLANNING APPLICATION

PROPOSED CONSTRUCTION OF A DORMER TYPE DWELLINGHOUSE WITH APPROVED SEWERAGE WASTEWATER TREATMENT SYSTEM AT MAGHERACLOGHER TD., BUNBEG FOR Mr. JIMMY BOYLE

Drawing 1	Drawn AD
Scale 1/100, 1/500, 1/2500	Date 13/4/04
Job Number 04 - 131	Drawing Number A 01
Ordnance Survey Ireland Licence No. AR 0013402 © Ordnance Survey Ireland and Government of Ireland	
GARR & COMPANY ARCHITECTS	
Sally Boyle, Co. Donegal Tel: 0749 9131060 Fax: 0749 9130281	

Revenue

Cáin agus Custaim na hÉireann
Irish Tax and Customs



Local Property Tax

LPT

LPT/VHT Branch
P.O. Box 1
Limerick

Brainse CMÁ/CTF
Bosca Poist 1
Luimíneach

d014 v605 * ??SEQSTRING??



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 20/10/2025

MR JAMES BOYLE
SEAWATER HOUSE
STRANDROAD
BUNBEG
DONEGAL
F92 N276



01 7383626

15 August 2024

LOCAL PROPERTY TAX (LPT)

Please keep this information in a safe place for future use.

Dear MR BOYLE,

You have received this letter due to one of the following reasons

- . You recently requested a PIN for your property
- . You have been recently registered as an owner of a residential property

The Property ID and PIN numbers quoted above, along with your PPSN, will allow you access to your online LPT record via www.revenue.ie. You can also access your online LPT record through ROS or myAccount if registered for these services.

You can use this facility to complete any outstanding returns and/or select a payment method for any LPT liability due.

If you became the owner of the property since 01 November last you will not be able to access the LPT record until the end of next October as you are not liable for LPT this year.

Further information about making a return or payment of LPT is available on www.revenue.ie or by contacting the LPT Branch at 01 738 36 26

Yours sincerely,

Joseph Howley
Collector-General



**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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E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Our Ref: S525/90

E-mail: [REDACTED]

21st October, 2025

James Boyle
Seawater House
Strand Road
Bunbeg
Co Donegal
F92 N276

Re: Section 5 – Short-term lets for 5/6 months of the year at Seawater House, Stran Road, Bunbeg, Co Donegal, F92 N276

A Chara,

I wish to acknowledge receipt of your application received on **20th October, 2025** in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 24/90

1.0 BACKGROUND

1.1 Location:

Dwelling house at Seawater House, Strand Road, Bunbeg, Co. Donegal, F92 N276

1.2 Planning History:

- Planning permission granted in 2004 for construction of a dormer dwelling house with approved sewerage wastewater treatment system (Ref.04/2717).



1.3 Proposed Development:

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

- Use of the dwelling as short-term let accommodation for 5 to 6 months of the year.

2.0. THE QUESTION

The referrer seeks a declaration that the above-mentioned use of the dwelling as short-term let accommodation for 5 to 6 months of the year is exempted development.

3.0 **EVALUATION**

3.1 **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....

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

Outlines categories of development that may be exempt from requiring planning permission.

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 (5)

- (a) Each of the following shall be exempted development:

- (i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that –

- (I) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons, and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission;

(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –

(I) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission.

(b) Where a person proposes to undertake development to which paragraph (a) applies, he or she shall, not later than 2 weeks before the commencement of the development, notify the planning authority in whose functional area the proposed development will occur of the proposed development, or cause that planning authority to be so notified, in writing.....

(i) In this subarticle – ‘principal private residence’ means, in relation to a house that is the subject of a short term letting, a house in which the landlord or licensor concerned ordinarily resides;

‘rent pressure zone’ and ‘short term letting’ have the meanings assigned to them by section 3A (inserted by section 38 of the Residential Tenancies (Amendment) Act 2019) of the Planning and Development Act 2000 (No. 30 of 2000).

4.0 ASSESSMENT

4.1 Is or is not development

The proposed change constitutes a material change of use under Section 3(1) of the Act.

4.2 Is or is not exempted development

Permission was granted on the site for erection of a dwelling house. It is noted that the planner's recommendation report for the original application refers to a permanent dwelling.

The applicant currently works in the UK and travels between Ireland and the UK throughout the year. The applicant has stated that the subject dwelling is their primary residence and has provided evidence in the form of a recent electricity bill dated 2025, tv licence letter dated 2021 and Local Property Tax Letter dated 2024. Based on the submitted information it would appear that the subject dwelling is the applicant's primary residence.

The applicant has stated in the application form that they rent out their property as a short-term let for 5 to 6 months of the year, while they are working in the UK.

Article 6 (5) of the Planning & Development Regulations 2001 (as amended) states that the following shall be exempted development:

- (ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –
 - (I) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and
 - (II) the development –
 - (A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and
 - (B) is consistent with any use specified in any such permission.

The applicant has stated that the dwelling is rented out for a minimum of 5 months a year, which exceeds the 90 day limit. Therefore, the development is not exempt. (It is noted that the development does not contravene a condition attached to the permission granted in respect of the house under the Act).

4.3 Appropriate Assessment

As the development constitutes a change of use without physical works, there is no requirement for an Appropriate Assessment under Section 177U(9) of the Planning and Development Act 2000 (as amended).

5.0 RECOMMENDATION

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:

- Use of the dwelling as short-term let accommodation for 5 to 6 months of the year.

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

Section 2, 3 and 177U of the Planning and Development Act, 2000 (as amended) and Article 6(5) 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 NOT EXEMPTED DEVELOPMENT as it does not come within the scope of Article 6(5) of the Planning and Development Regulations, 2001 (as amended).



Signed:

Executive Planner

Position:

14/11/2025

Date:



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services, 14/11/25

Chief Executive's Order No: 2025PH3344

Planning and Development Acts 2000 (as amended)

SECTION 5:-

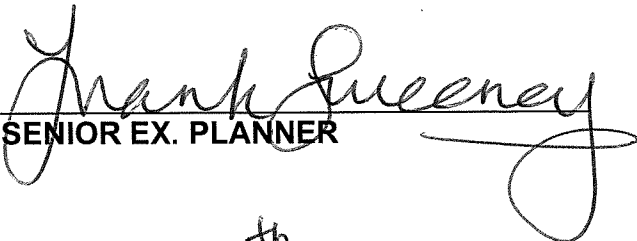
Request received 20th October 2025 from James Boyle Seawater House, Strand Road, Bunbeg, Co. Donegal F92 N276 in relation to the use of the dwelling as short term let accommodation for 5 to 6 months of the year at Seawater House, Strand Road, Bunbeg, Co. Donegal F92 N276.

SUBMITTED:-

Written request received 20th October 2025 as above and report dated 14th November 2025 from the Executive Planner (Ref. No: S5 25/90 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Coimisiún 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 14th DAY OF NOVEMBER 2025

Chief Executive's Order No: 2025PH3344

Ref.No: S5 25/90

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:

- Section 2, 3 and 177U of the Planning and Development Act, 2000 (as amended) and
- Article 6(5) 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 come within the scope of Article 6(5) of the Planning and Development Regulations, 2001 (as amended).

y3 14/11



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

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

County House,
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County Donegal, F93 Y622

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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/90

14th November 2025

JAMES BOYLE
SEAWATER HOUSE
STRAND ROAD
BUNBEG
CO. DONEGAL
F92 N276

**Re: Use of the dwelling as short term let accommodation for 5 to 6 months of the year
at Seawater House, Strand Road, Bunbeg, Co. Donegal F92 N276.**

A Chara,

I refer to your request received on 20th October 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 Coimisiún Pleanála of such fee as may be prescribed, refer a Declaration for review by the Coimisiún within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**

/jmcc

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

DECLARATION

Chief Executive's Order No: 2025PH3344

Reference No: S525/90

Name of Requester: JAMES BOYLE
SEAWATER HOUSE
STRAND ROAD
BUNBEG
CO. DONEGAL
F92 N276

Summarised Description of development the subject matter of request:

Use of the dwelling as short term let accommodation for 5 to 6 months of the year

Location: Seawater House, Strand Road, Bunbeg, Co. Donegal F92 N276.

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

IS Development

IS Not Exempted Development

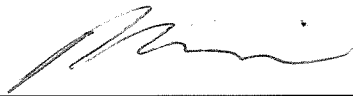
WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2, 3 and 177U of the Planning and Development Act, 2000 (as amended) and
- Article 6(5) 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 come within the scope of Article 6(5) of the Planning and Development Regulations, 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 14th day of November 2025