

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application Rose Cottage, Eleven Ballyboes, Greencastle FAO Glenn Doherty
Date: 29 January 2026 16:08:38
Attachments: [7 Certificate of Compliance.pdf](#)
[6 ME-2025-159 Final BCA \(small file\).pdf](#)
[Site Layout.pdf](#)
[Proposed Drawings.pdf](#)
[Section 5 Application.pdf](#)
[Site Location.pdf](#)

From: Megan McKeever <megan@birney.co>
Sent: 29 January 2026 15:19
To: planning mailbox <Planning@Donegalcoco.ie>
Cc: laura mcafferty <laura_mcaffs@yahoo.co.uk>
Subject: Section 5 Application Rose Cottage, Eleven Ballyboes, Greencastle FAO Glenn Doherty

You don't often get email from megan@birney.co. [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.

Hello,

We are emailing in relation to a section 5 application for the rear extension to Rose Cottage, Eleven Ballyboes, Greencastle, Donegal. This extension was completed in 2006, prior to our clients owning the property. The extension was replacing existing accommodation, as was confirmed in the Certificate of Compliance issued at that time. It must be noted on this application that the extension is very likely to have been built with defective blocks. We have attached the Building Conditions Assessment recently carried out to identify such. Please also find attached:

1 x Section 5 form
1 x Existing Plans, Elevations
1 X Site Location Plan
1 x Site Layout
1 x Certificate of Compliance (issued by architect of extension)

The client has been in contact with Glenn Doherty and is working with the community facilitator Michelle Coyle. They were advised that to proceed with their application on the scheme they would need to submit a section 5 application. Reference:

Should you require additional information please address any correspondence in relation to this planning application to the undersigned. If you cannot reach me by phone I am in a meeting and will see an email the same day.

Best Regards,

Megan

Birney Architects
E: megan@birney.co / M: +44 7547004673



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 29/01/2026



Comhairle Contae
Dhún na nGall
Donegal County Council

SECTION 5 APPLICATION

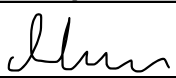
FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Completed application form & supporting documentation to be returned to the Planning Authority by email to planning@donegalcoco.ie

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



Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	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
Applicant(s) Interest in the site:		
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:		
Planning History - list any relevant planning application reference numbers:		
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:		

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




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

Planning Services

RECEIVED DATE: 29/01/2026

BIRNEY ARCHITECTS
Building 104 Ebrington Derry BT47 6HF
028 7200 7201 / hello@birney.co
Birney.co

PROJECT: Laura McCafferty

CLIENT: ROSE COTTAGE, SHROOVE
CO. DONEGAL

TITLE: LOCATION PLAN
DRAWING NO.: 26003 / 001
DATE: JAN 26
SCALE: 1:2500 @ A3

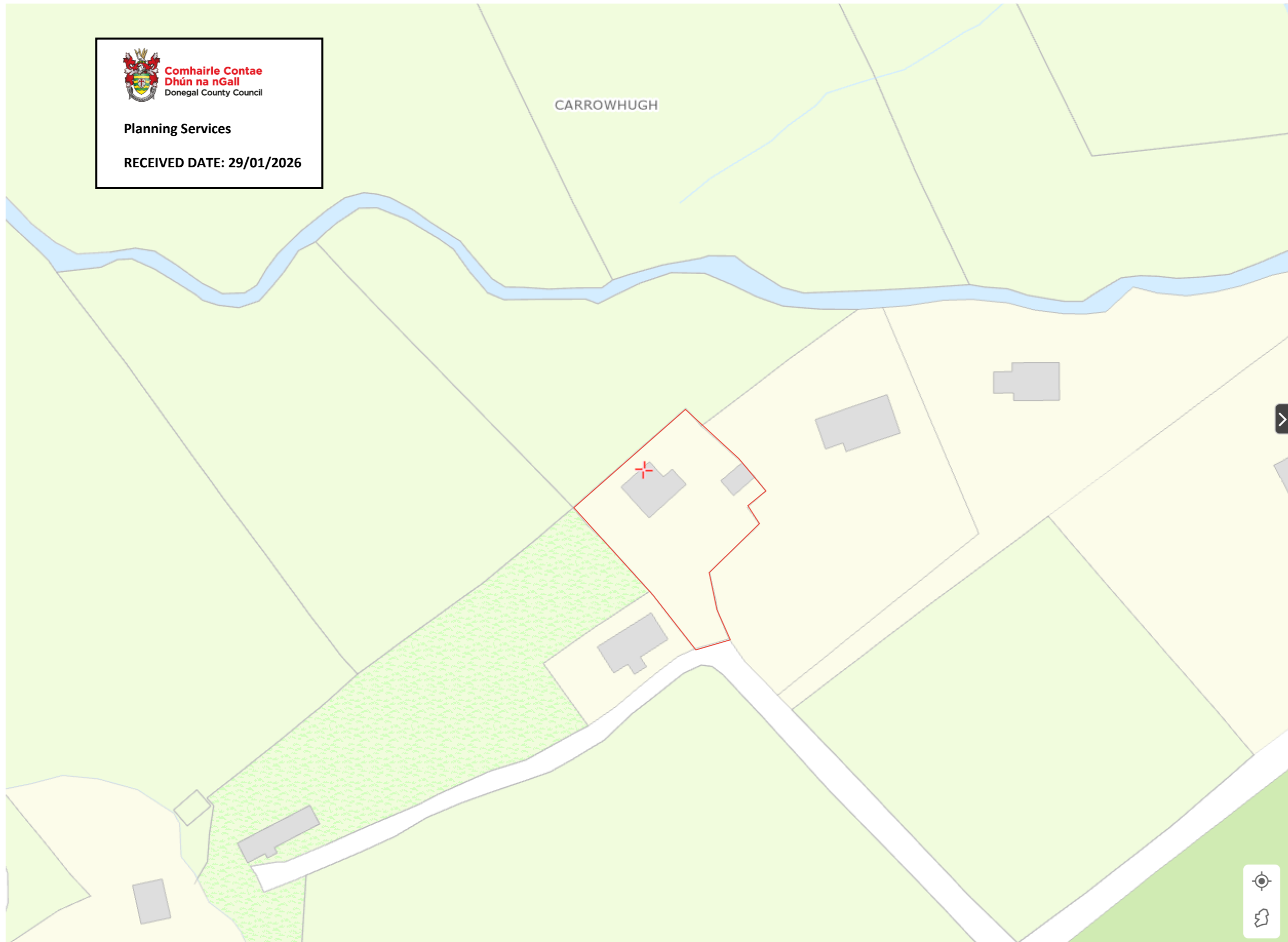


Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 29/01/2026

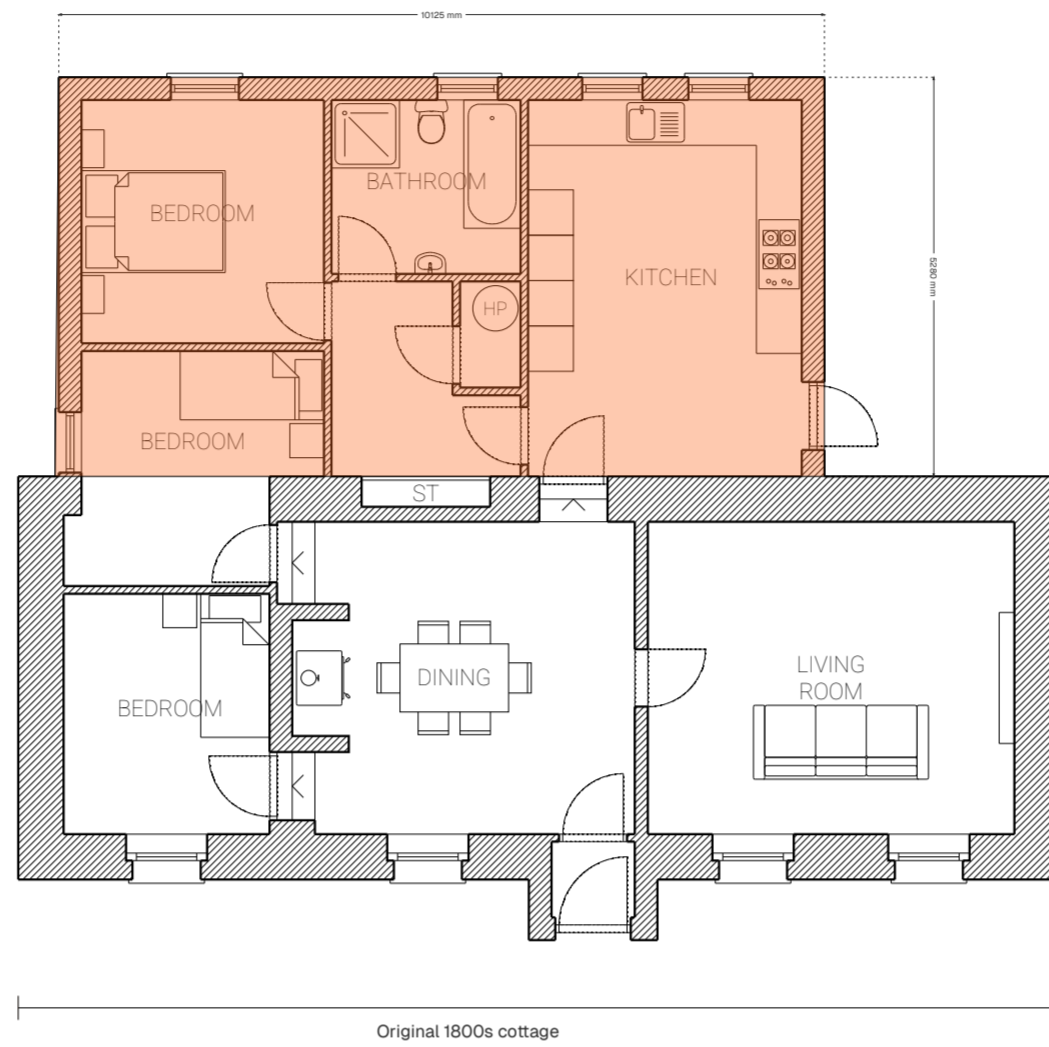
CARROWHUGH



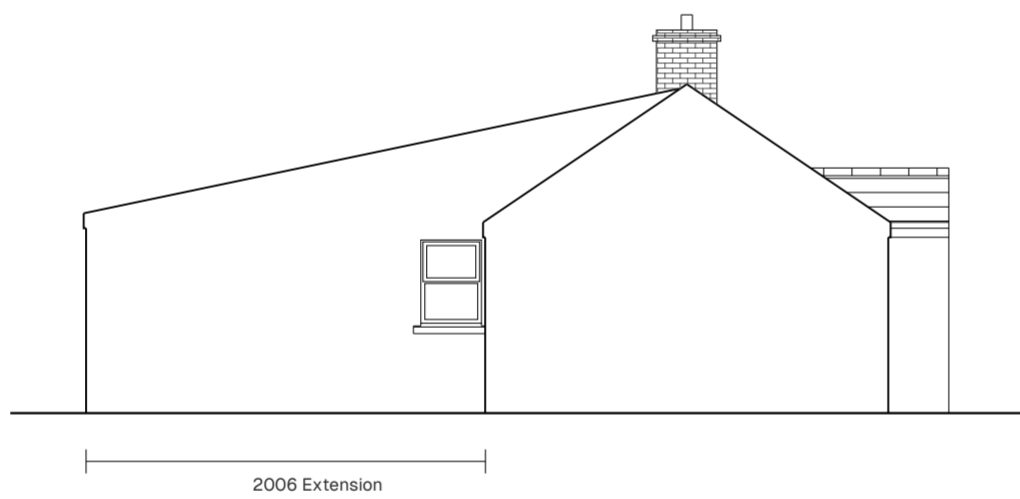
BIRNEY ARCHITECTS
Building 104 Ebrington Derry BT47 6HF
028 7200 7201 / hello@birney.co
Birney.co

PROJECT: Laura McCafferty
CLIENT: ROSE COTTAGE, SHROOVE
CO. DONEGAL

TITLE: SITE LAYOUT
DRAWING NO.: 26003 / 002
DATE: JAN 26
SCALE: 1:1000 @ A3



EXISTING GROUND FLOOR PLAN



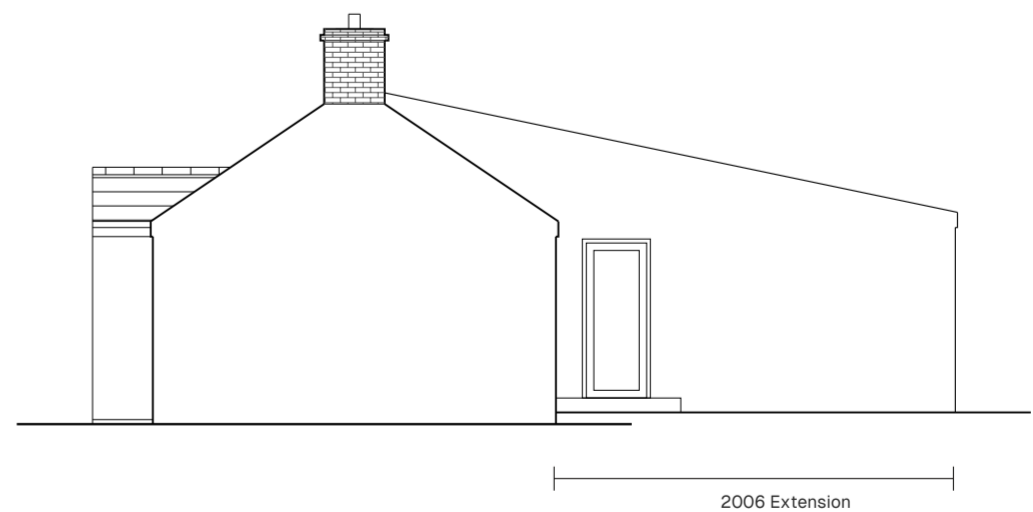
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



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

Planning Services
E: planning@donegalcoco.ie

E-mail: megan@birney.co

Our Ref: S526/12

3rd February, 2026

Matthew Graham & Laura McCafferty
C/o Megan McKeever – Birney Architects
104 Ebrington Square
BT47 6FA

Re: Application to determine if the 47 square metre single storey extension constructed in 2006 to replace previous accommodation at Rose Cottage, Eleven, Ballyboes, Greencastle, Co Donegal is “exempted development” or not.

A Chara,

I wish to acknowledge receipt of your application received on 29th January 2026 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 26/12

1.0 BACKGROUND

1.1 Location:

Eleven Ballyboes, Greencastle, Co. Donegal, F93 A4Y2

1.2 Site Description:

The site is located in a rural area northeast of the village of Greencastle. The site is occupied by an existing cottage which has been extended to the rear by means of a single storey extension. The above cited extension is the subject of the current referral.

1.3 Planning History

-No planning history associated with the development. Agent has indicated the cottage and a previous extension is pre 1963, with a new replacement extension constructed circa 2006.

1.4 Development:

A 47square metre single storey extension constructed in 2006 to replace previous accommodation.

2.0. THE QUESTION

The applicants Matthew Graham and Laura Mc Cafferty through their Agent, M MCKeever, (Birney Architects) has 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 exempt from planning permission

- 1. A 47square metre single storey extension constructed in 2006 to replace previous accommodation.*

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 define, 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(1)

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act. This includes Section 4(1)(h) i.e:

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

3.2 Planning and Development Regulations, 2001 (as amended)

Article 3: Interpretation

“gross floor space” means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

Article 5(2): Interpretation for Exempted Development

In Schedule 2, unless the context otherwise required, an reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1)

Subject to Article 9, development of 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.

Class 1 of Part 1 of Schedule 2 (*Exempted Development – General*) (*Development within the curtilage of a dwellinghouse*)

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations:

- 1(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
 - (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
 - (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
-
- 2(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1

- October 1964**, including those for which planning permission has been obtained, shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
 - (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 4 (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
- 6(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

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 -

Sub-paragraphs (i) – (xii) (inclusive)

Sub-paragraph (viii), in particular, provides that development shall not be exempted development if it would, *'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,'*

4.0 ASSESSMENT

4.1 Consideration of the development against the relevant conditions and limitations of Class 1 of Part 1 of Schedule 2 (*Exempted Development – General*) (*Development within the curtilage of a dwellinghouse*) **detailed above as follows:**

- The extension is single storey, with dimensions stated on submitted drawing as being 10125mm in length and a width of 5280mm, with a stated internal floor area of 47sqm, as such the extension exceeds the 40sqm threshold to the rear of the detached dwelling. Accordingly, same is contrary to 1 (a) above.
- The rear wall of the house does not include a gable, however the height of the extension walls exceeds the height of the rear wall of the house. Accordingly same is contrary to exemption 4 (a) above

4.2 Consideration has also been given to the proximity to the site to any Natura 2000 sites. Having regard to the scale and nature of the proposed development on, alongside the physical distances from the nearest Natura 2000 site, and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Screening for Appropriate Assessment is not required in this instance.

4.2 Is or is not development

The provision of the single storey rear extension to the dwelling house constructed circa 2006 constitutes development.

4.3 Is or is not exempted development

- The extension is located to the rear of the existing detached cottage. The agent cites the replacement of a pre-1963 extension to the rear of the dwelling with a new extension circa 2006. There is no exemption for the replacement of pre 1963 development. Class 1 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 (as amended), addresses rear extensions to houses.

- The construction of the rear extension is Not exempted development in accordance with the Conditions & Limitations as defined under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended) as it exceeds the threshold area limitations of 40sqm threshold to the rear of the detached dwelling. Accordingly, same is contrary to 1 (a) above Conditions & Limitations.
- The rear wall of the extension does not include a gable; however the height of the walls exceeds the height of the rear wall of the house. Accordingly same is contrary to exemption 4 (a) above Conditions & Limitations.

5.0 RECOMMENDATION

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST, NAMELY

- a) A 47 square metre single storey extension constructed in 2006 to replace previous accommodation

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

And concluded that:

(a)The construction of a single storey extension with a stated internal area of 47sqm to the rear of a detached dwelling house at Eleven Ballyboes, Greencastle, Co. Donegal, F93 A4Y2 to replace previous accommodation.

IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended)

&

IS NOT EXEMPTED DEVELOPMENT as it does not fall within the scope of the relevant conditions and limitations of Class 1 of Part 1 of Schedule 2 (*Exempted Development – General*) (*Development within the curtilage of a dwellinghouse*) of the Planning & Development Regulations 2001 (as amended) which relate to development within the curtilage of a dwellinghouse.

Signed: 
Position: **Executive Planner**
Date: **17/02/2026**



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
20/02/2026

Chief Executive's Order No: 2026PH0509

Planning and Development Acts 2000 (as amended)

SECTION 5:-

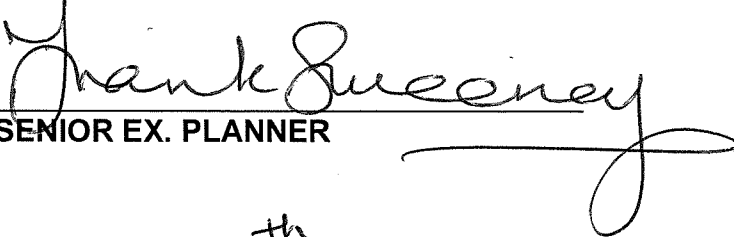
Request received 29th January 2026 from Matthew Graham & Laura McCafferty C/o Megan McKeever, Birney Architects, 104 Ebrington Squire, Derry, BT47 6FA in relation to the construction of a single storey extension at Rose Cottage, Eleven Ballyboes, Greencastle, Co. Donegal.

SUBMITTED:-

Written request received 29th January 2026 as above and report dated 17th February 2026 from the Executive Planner (Ref. No: S5 26/12 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 24th DAY OF FEBRUARY 2026



Chief Executive's Order No: 2026PH0509

Ref.No: S5 26/12

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

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) **& IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of the relevant conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted Development – General) (Development within the curtilage of a dwellinghouse) of the Planning & Development Regulations 2001 (as amended) which relate to development within the curtilage of a dwellinghouse.

JB 24/02

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

DECLARATION

Chief Executive's Order No: 2026PH0509

Reference No: S526/12

Name of Requester: MATTHEW GRAHAM & LAURA MCCAFFERTY
C/O MEGAN MCKEEVER
BIRNEY ARCHITECTS
104 EBRINGTON SQUARE
DERRY
BT47 6FA

Summarised Description of development the subject matter of request:

Construction of a single storey extension

Location: Rose Cottage, Eleven Ballyboes, Greencastle, 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:

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

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) **& IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of the relevant conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted Development – General) (Development within the curtilage of a dwellinghouse) of the Planning & Development Regulations 2001 (as amended) which relate to development within the curtilage of a dwellinghouse.



For Senior Ex. Planner
Planning Services

Dated this 24th day of February 2026



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

Planning Services
E: planning@donegalcoco.ie

Ref. No: S526/12

24th February 2026

MATTHEW GRAHAM & LAURA MCCAFFERTY
C/O MEGAN MCKEEVER
BIRNEY ARCHITECTS
104 EBRINGTON SQUARE
DERRY
BT47 6FA

**Re: Construction of a single storey extension at Rose Cottage, Eleven Ballyboes,
Greencastle, Co. Donegal.**

A Chara,

I refer to your request received on 29th January 2026 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 Planner
Planning Services**

/j/mcc