

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION/NON-EXEMPTION
Date: 12 March 2026 8:25:22
Attachments: [SITE LOCATION.pdf](#)
[SITE LAYOUT.pdf](#)
[PHOTO.pdf](#)
[fillable-section-5-declaration-of-exemption-application-form.pdf](#)
[J.Gallagher 99650.pdf](#)

From: John Gallagher <[REDACTED]>
Sent: 11 March 2026 17:46
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION/NON-EXEMPTION

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.

Dear Planning Office.

Please find attached the required form to make an application as to whether the re-roofing of an agricultural shed is/is not exempted development.

Also enclosed is a site layout plan which highlights the buildings to be re-roofed as well as a photo which indicate both the extent of the re-roofing and the need for same.

New roofing will be standard blue/black roofing

I attach also details of payment of required fee.

I look forward to hearing from you.

John Gallagher,
Doneyloop Farm.



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

Planning Services

RECEIVED DATE: 11/03/2026



**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
		X
Applicant(s) Interest in the site:	FULL OWNER	
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:	NONE	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	11/03/2026

DONEYLOOP CHURCH

EIRCODE OF DWELLING
= F93 F3F2

EXTENT OF ROOF TO BE RE-ROOFED
OUTLINED RED



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

Planning Services

RECEIVED DATE: 11/03/2026



**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.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E- mail: [REDACTED]

Ref. No: S526/39

Date: 13th March 2026

John Gallagher
Millview House
Magherycallaghan
Castlefin
Co Donegal
F93 V27C

DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Re: Application for a Section 5 Declaration – Replacement of existing cladding on agricultural shed with new agricultural cladding at Magherycallaghan, Doneyloop, Castlefin, Co Donegal.

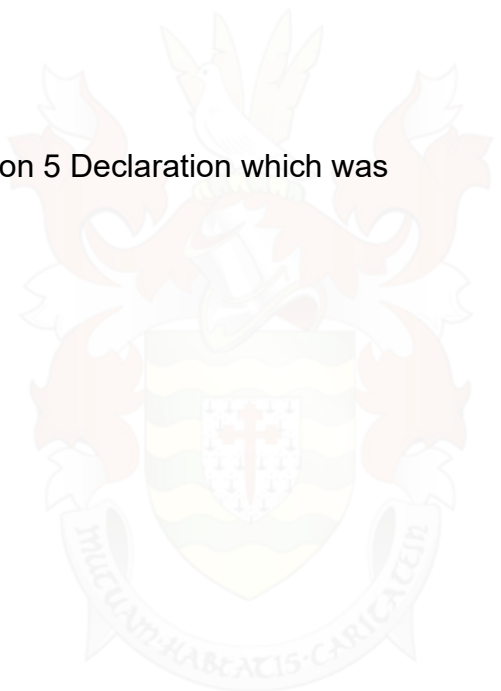
A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 11th March 2026.

Mise, le meas

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 26/39

1.0 BACKGROUND

1.1 Location:

Magherycallaghan, Doneyloop, Co Donegal.



1.2 Site Description:

This is a plot of land to the west of an existing third party dwelling and existing farmyard complex. Access to the site is provided to the north of the existing shed via the L-3044-1.



Site relative to adjoining farmlands/farm complex and existing dwellings.

1.3 Planning History

No Planning history at the site



Structure in situ recorded in 25 Inch (1897-1913) maps. No RPS or NIAH Designation

1.4 Proposed Development:

Replacing existing roof on agricultural building.

Existing roofing is old asbestos roofing on the building which has been used as a farm shed since the early 1960s. (Advice to be issued regarding Asbestos)

The roofing needs to be replaced and guttering added.



2.0. THE QUESTION

The applicant, John Gallagher, has made a submission to Donegal County Council seeking a Declaration of Exemption in relation to Replacement of existing roof on agricultural shed with new blue/black roofing and guttering added.

3.0 EVALUATION

3.1 Planning and Development Act, 2000

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

Section 4 of the Act refers to 'Exempted Development' and Subsection (1) sets out categories of development that shall be exempted development for the purposes of this Act. Subsection (1) (h) states the following:

- *'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 177U

"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

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;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised structure” means a structure other than—

- (a) a structure which was in existence on 1 October 1964, or
- (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act (or under section 34, 37G or 37N of this Act), being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act);

“unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F21 (or under section 34, 37G or 37N of this Act), being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

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 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

Restrictions on Exemption include inter alia:- .

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) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
 - (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,
 - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological 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, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
 - (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,

4.0 ASSESSMENT

4.1 Is or is not development

Having regard to sections 2 and 3 of the Planning and Development Act 2000, as amended the construction of a replacement roof on an agricultural building constitutes development.

4.2 **Is or is not exempted development**

It is considered the replacement of a roof on an agricultural building that the works come within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and can be considered to be exempted development by virtue of this section.

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 to:

Replace existing roof on an existing agricultural shed with new blue/black roofing and guttering added at Magherycallaghan, Doneyloop, Co Donegal.

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

Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended).

and concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it falls within the scope of within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Applicant is advised that this declaration does not constitute permission for the use of the structure for the purposes of housing animals which would require Planning Permission for such use. It is accepted the building is used for storage purposes associated with the existing farm.

Applicant is further advised from a Waste Management perspective regarding the removal/disposal of asbestos of the requirement to contact the Waste Regulation Officer

Donna Maskery in Donegal County Council, Environment Section prior to any works commencing.

Donna Callagher

Executive Planner
25/03/2026.

FS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
25/03/2026

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

**Chief Executive
Order No:**

2026PH0818

Ref Number:

S526/39

Section 5:

Request received 11th March 2026 from John Gallagher Millview House, Magherycallaghan, Castlefin, Co. Donegal F93 V27C in relation to the replacement of existing roof on an existing agricultural shed with new blue/black roofing and guttering added at Magherycallaghan, Doneyloop, Castlefin, Co. Donegal.

Submitted:

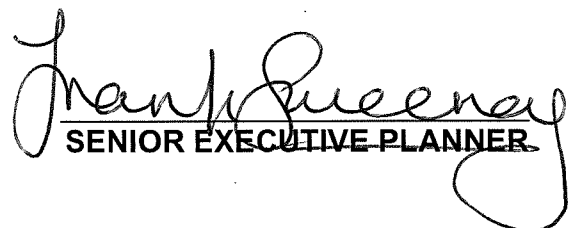
Written request received 11th March 2026 as above and report dated 25th March 2026 from the Planner (Ref. No: S5 26/39 refers).



STAFF OFFICER

Order:

Having considered the said request, the report of the 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 EXECUTIVE PLANNER

DATED THIS 27th DAY OF MARCH 2026

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:

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it falls within the scope of within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Advice to Applicant

Applicant is advised that this declaration does not constitute permission for the use of the structure for the purposes of housing animals which would require Planning Permission for such use. It is accepted the building is used for storage purposes associated with the existing farm.

Applicant is further advised from a Waste Management perspective regarding the removal/disposal of asbestos of the requirement to contact the Waste Regulation Officer Donna Maskery in Donegal County Council, Environment Section prior to any works commencing.

J3 27/03



**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.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S526/39

27th March 2026

JOHN GALLAGHER
MILLVIEW HOUSE
MAGHERYCALLAGHAN
CASTLEFIN
CO. DONEGAL
F93 V27C

Re: Replacement of existing roof on an existing agricultural shed with new blue/black roofing and guttering added at Magherycallaghan, Doneyloop, Castlefin, Co. Donegal.

A Chara,

I refer to your request received on 11th March 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 Commission within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

For Senior Executive Planner
Planning Services

/jmmcc



Planning and Development Acts, 2000 (as amended)

(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive Order No: 2026PH0818
Reference No: S526/39
Name of Requester: JOHN GALLAGHER
MILLVIEW HOUSE
MAGHERYCALLAGHAN
CASTLEFIN
CO. DONEGAL
F93 V27C

Summarised Description of development the subject matter of request:

Replacement of existing roof on an existing agricultural shed with new blue/black roofing and guttering added.

Location: Magherycallaghan, Doneyloop, Castlefin, Co. Donegal.

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:

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it falls within the scope of within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Advice to Applicant

Applicant is advised that this declaration does not constitute permission for the use of the structure for the purposes of housing animals which would require Planning Permission for such use. It is accepted the building is used for storage purposes associated with the existing farm.

Applicant is further advised from a Waste Management perspective regarding the removal/disposal of asbestos of the requirement to contact the Waste Regulation Officer Donna Maskery in Donegal County Council, Environment Section prior to any works commencing.



**For Senior Executive Planner
Planning Services**

Dated this 27th day of March 2026

From: [JESSICA McCLURE](#)
To: [REDACTED]
Subject: S526.39 Response
Date: 27 March 2026 15:18:00
Attachments: [S526.39-Letter & Declaration.pdf](#)
[image001.png](#)

A Chara,

Please find attached S526.39 declaration letter.

Kind Regards,
Jessica

Jessica McClure
Community Development & Planning Services
County House | Lifford | Co. Donegal
E: jmccclure@donegalcoco.ie



Comhairle Contae
Dhún na nGall
Donegal County Council