

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Subject:** FW: Section 5 Exemption Certificate Application  
**Date:** 11 July 2025 12:22:44  
**Attachments:** [2601\\_Site Location Map.pdf](#)  
[2602\\_Site Layout.pdf](#)  
[2603\\_Existing Plans Elevations & Section.pdf](#)  
[2604\\_Home Office Plans.pdf](#)  
[Section 5 Application.pdf](#)

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**From:** John <John@johnmccayarchitect.ie>  
**Sent:** 11 July 2025 12:05  
**To:** planning mailbox <Planning@Donegalcoco.ie>  
**Cc:** RYAN NOLAN <ryannolan@Donegalcoco.ie>  
**Subject:** Section 5 Exemption Certificate 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.

Dear Sir / Madam

Please find attached the following application form and supporting documentation for Section 5 Exemption Certificate applicaiton -

- Section 5 Application Form
- 2601\_Site Location Map
- 2602\_Site Layout
- 2603\_Existing Plans, Elevations & Section
- 2604\_Home Office Pans, Elevations & Section

Regards

John Mc Cay RIAI (086 2678489)

Senior Architect

for

**John Mc Cay Architect Limited**  
Cockhill Road

Buncrana  
Co. Donegal  
F93 HY2C

T +353 74 93 00132

E [john@johnmccayarchitect.ie](mailto:john@johnmccayarchitect.ie)

W [www.johnmccayarchitect.ie](http://www.johnmccayarchitect.ie)



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



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

Planning Services

RECEIVED DATE: 11/07/2025

## 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](mailto:planning@donegalcoco.ie)**

<b>Name of Applicant(s):</b>	Lynn Mc Laughlin
<b>Agent Name:</b> (if applicable)	John Mc Cay
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	Sharagore, Buncrana, Co.Donegal F93 A2C4
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under this section 5 application)	
Change of use from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing	



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Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		X
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:	Lynn Mc Laughlin	
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:	Site Location Map, Site Layout, Existing Plans/Elevations, Home Office Plans/Elevations	
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:	No	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	10-07-2025



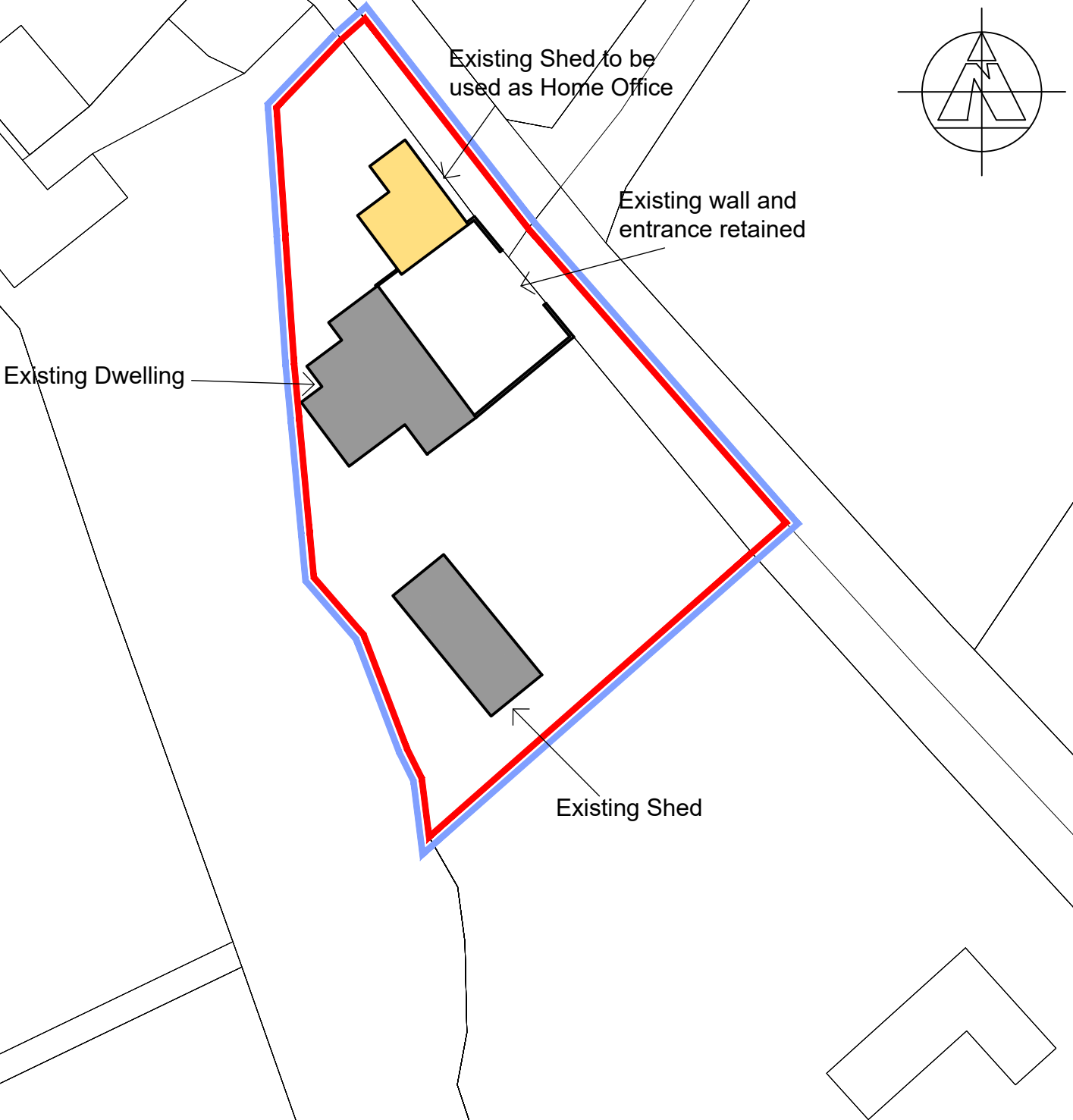
Comhairle Contae  
Dhún na nGall

Donegal County Council

Planning Services

RECEIVED DATE: 11/07/2025

drawing purpose:  
SECTION 5 EXEMPTION CERT.



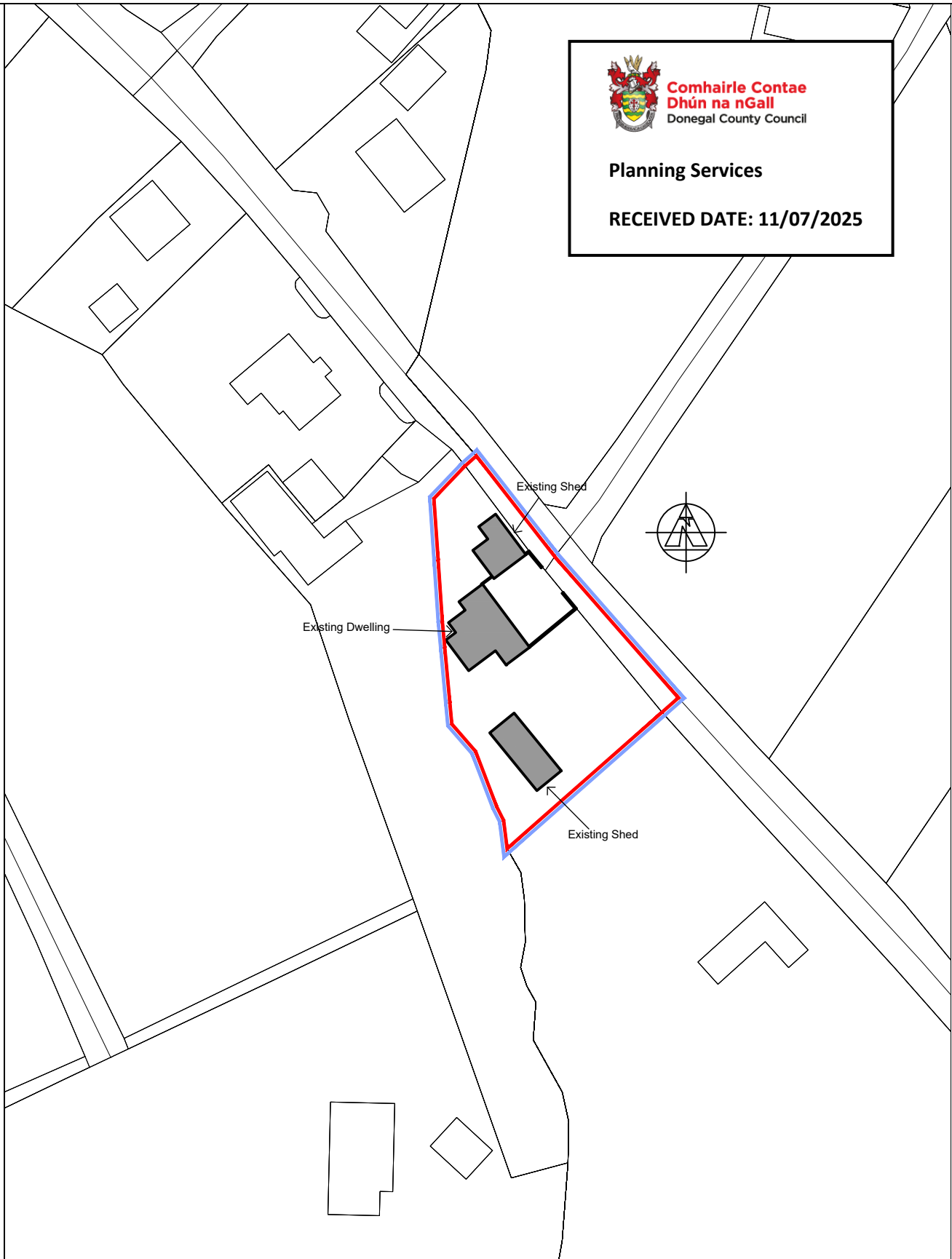
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drawing title SITE LAYOUT			
JOHN MC CAY ARCHITECT LIMITED BA (HONS.), MA ARCHITECTURE, R.I.B.A., M.R.I.A.I.  COCKHILL ROAD BUNCRANA CO. DONEGAL F93 HY2C  tel. + 353 74 930 0132 e-mail info@johnmccayarchitect.ie web www.johnmccayarchitect.ie			
scale 1:500@A3	date 10-07-25	drn by MG	chkd by JMC
job no 23054	drg no 2602	rev	



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RECEIVED DATE: 11/07/2025



JOHN MC CAY ARCHITECT LIMITED  
BA (HONS.), MA ARCHITECTURE, R.I.B.A., M.R.I.A.I.

COCKHILL ROAD  
BUNCRANA  
CO. DONEGAL  
F93 HY2C

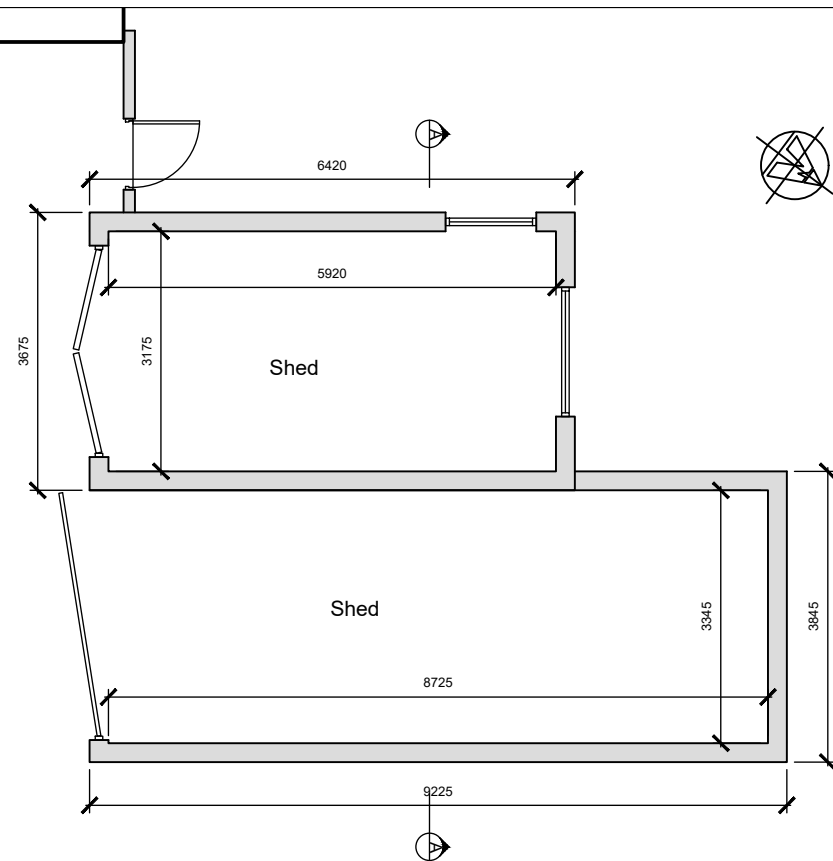


tel. + 353 74 930 0132  
e-mail info@johnmccayarchitect.ie  
web www.johnmccayarchitect.ie

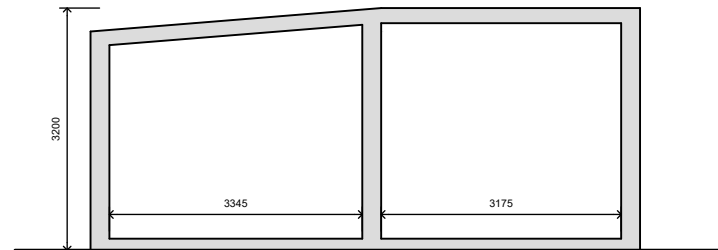
project title

CHANGE OF USE OF SHED TO HOME OFFICE  
AT LINSFORT, BUNCRANA  
FOR LYNN MC LAUGHLIN

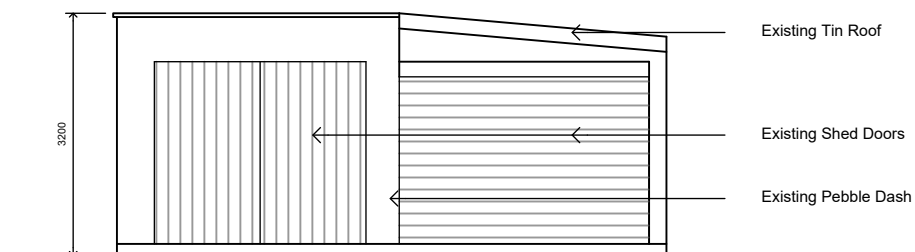
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drawing title			
SITE LAYOUT MAP			
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job no	drg no	rev	
23054	2601		



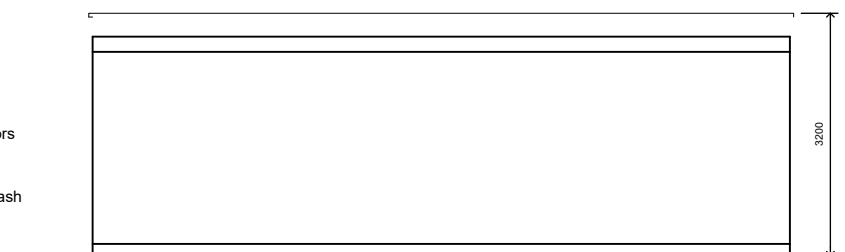
Existing Shed Plan  
Total Area: 49.5m<sup>2</sup>



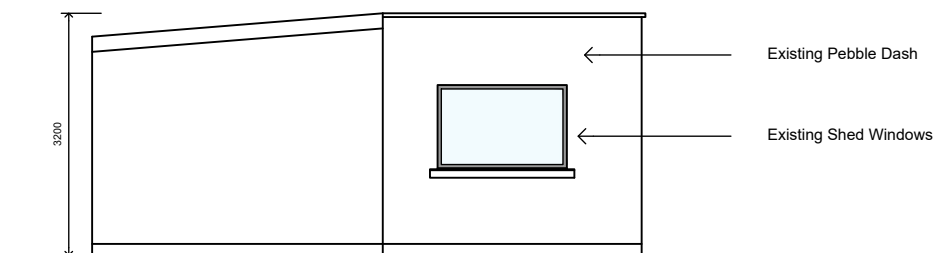
Existing Section A-A



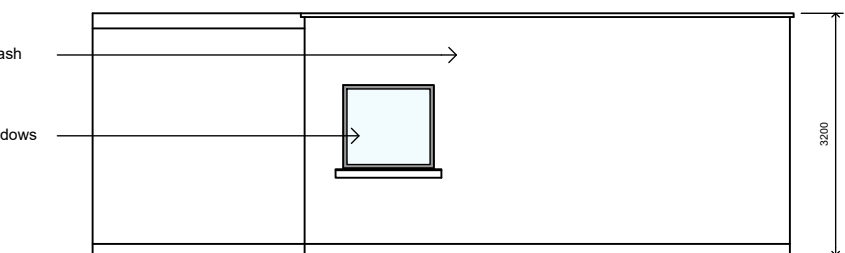
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation

drawing purpose:  
SECTION 5 EXEMPTION CERT.



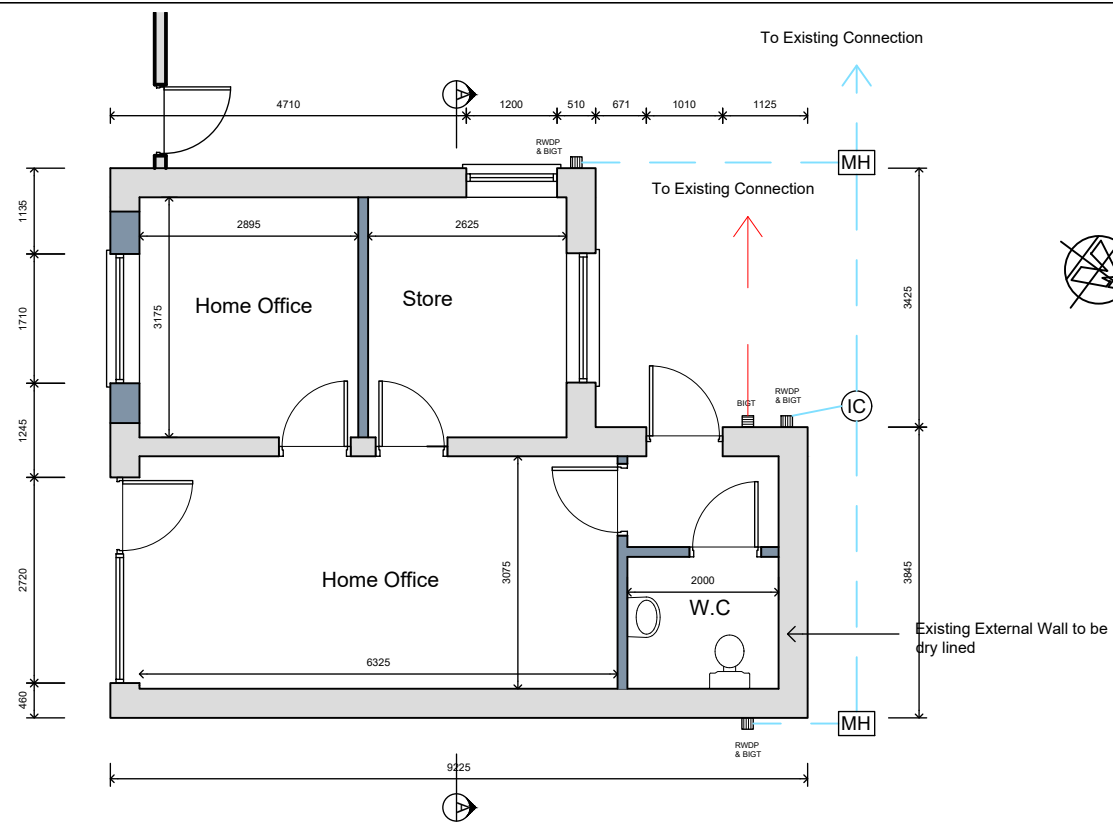
Planning Services

RECEIVED DATE: 11/07/2025

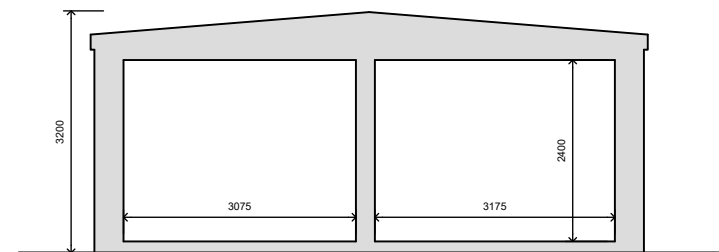
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	CHANGE OF USE OF SHED TO HOME OFFICE		
	AT LINSFORT, BUNCRANA		
	FOR LYNN MC LAUGHLIN		

drawing title EXISTING PLANS, ELEVATIONS & SECTION			
JOHN MC CAY ARCHITECT LIMITED BA (HONS.), MA ARCHITECTURE, R.I.B.A., M.R.I.A.I.			
COCKHILL ROAD BUNCRANA CO. DONEGAL F93 HY2C			
tel.	+ 353 74 930 0132		
e-mail	info@johnmccayarchitect.ie		
web	www.johnmccayarchitect.ie		
scale	date	drn by	chkd by
1:100@A3	10-07-25	MG	JMC

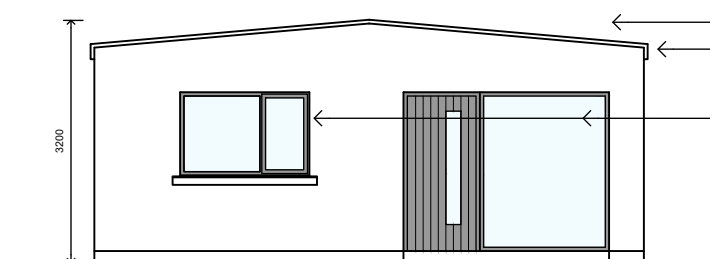
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23054	2603	



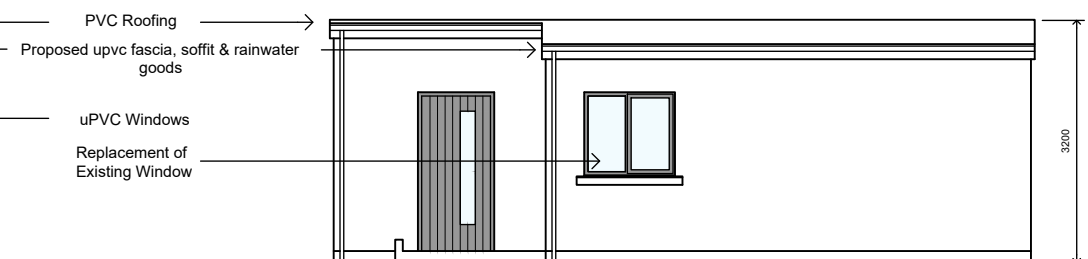
Shed Plan  
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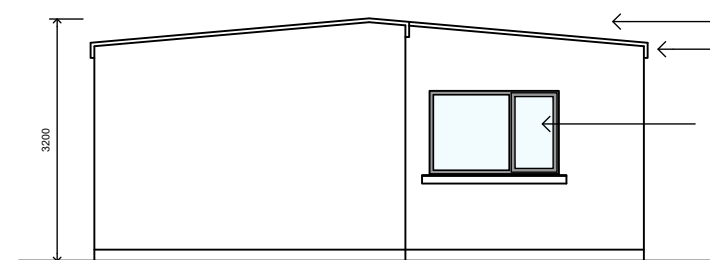
Section A-A



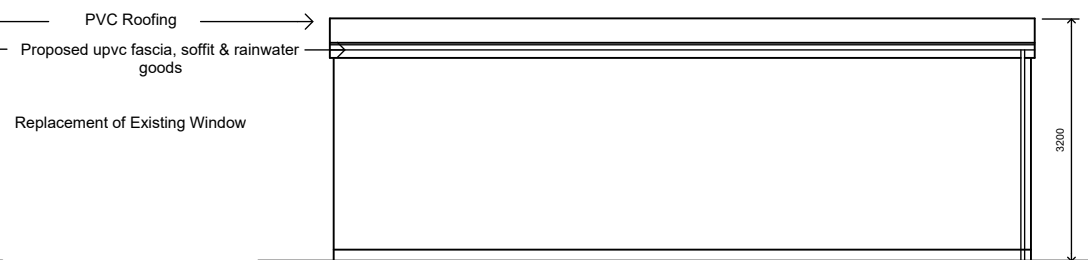
Shed Front Elevation



Proposed Shed Side Elevation 2 Scale 1:100



Proposed Shed Rear Elevation Scale 1:100



Proposed Shed Side Elevation 1 Scale 1:100

drawing purpose:  
SECTION 5 EXEMPTION CERT.



Planning Services

RECEIVED DATE: 11/07/2025

rev	description	date	by
	project title		
	CHANGE OF USE OF SHED TO HOME OFFICE		
	AT LINSFORT, BUNCRANA		
	FOR LYNN MC LAUGHLIN		

drawing title  
HOME OFFICE PLANS

JOHN MC CAY ARCHITECT LIMITED  
BA (HONS.), MA ARCHITECTURE, R.I.B.A., M.R.I.A.I.

COCKHILL ROAD  
BUNCRANA  
CO. DONEGAL  
F93 HY2C

tel. + 353 74 930 0132  
e-mail info@johnmccayarchitect.ie  
web www.johnmccayarchitect.ie

scale	date	drn by	chkd by
1:100@A3	10-07-25	MG	JMC

job no	drg no	rev
23054	2604	





**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.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

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

**E-mail:** [John@johnmccayarchitct.ie](mailto:John@johnmccayarchitct.ie)

**Our Ref: S525/65**

10<sup>th</sup> July, 2025

Lynn McLaughlin  
C/o John McCay Architect Ltd.

**Re: Section 5 - Application for development at Cockhill Road, Buncrana, Co Donegal, F93 HY2C.**

A Chara,

I wish to acknowledge receipt of your application received on 11<sup>th</sup> July, 2025 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/65**

### **1.0 BACKGROUND**

#### **1.1 Location:**

Sharagore, Buncrana, Co. Donegal, F93 A2C4.

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

No record of any planning history on the subject site.

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

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

- Change of use from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing.

#### **1.4 Comments:**

The subject site is in the rural area of Linsfort, northwest of Buncrana. The site is occupied by an existing single storey dwelling with single storey sheds located to the side and front of the dwelling. The entire site is in an area designed as 'Structurally Weak Rural Area' in the County Donegal Development Plan 2024 – 2030 and a High Scenic Amenity Area.



### **2.0 EVALUATION**

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

### **3.0 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 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 may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

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

#### **Section 4.1.(h)**

The following shall be exempted development for the purposes of this Act –

Development consisting of the carrying out of works for the maintenance,

Improvement of 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 4.1.(j)**

The following shall be exempted development for the purposes of this Act –

Development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.

## **6.0 ASSESSMENT**

### **6.1 Consideration of Proposed Development:**

Section 4(1)(h) provides that:

*"Development consisting of the use of any structure or other land for the purpose for which it was used immediately before the commencement of this Act, or for any purpose incidental to that use, shall be exempted development."*

However, a material change of use may still require permission unless it is considered not material or is listed as exempt under the Planning and Development Regulations 2001 (as amended).

Planning and Development Regulations 2001 – Class 3 of Part 1, Schedule 2

Class 3 provides for:

*"The use of any structure or other land for a purpose incidental to the enjoyment of the house as such."*

A shed used for domestic storage is typically considered incidental to the enjoyment of the dwelling.

A home office may also fall under this exemption, provided:

It is used by a resident of the house,

It is not visited by clients/customers, and

It does not involve signage, staff, or deliveries associated with a business.

The change of use of the existing shed to a home office, where such use is solely for purposes incidental to the enjoyment of the dwelling house (e.g. private remote working by a resident), and does not involve clients, employees, signage, or other commercial activity, is considered exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), and Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regarding the facade improvements to the building the works consist of the following.

- (i) The proposed alterations include a like for like roof replacement and the replacement of windows and doors on the building are all considered to be minor in scale and fall within the scope of section 4.1.(h) and will not alter the character, mass and scale of the permitted building.
- (ii) There is no significant additional loading on the capacity of the permitted wastewater treatment system.
- (iii) There are no third-party properties in proximity to the subject site.
- (iv) Appropriate assessment is not a consideration in the assessment of this referral.

## **6.2 Conclusion:**

It is considered that:

The proposed change of use from a shed to a home office and the alterations to the building constitute “development” within the meaning of the Act, being works, but is exempted development coming within the scope of section 4.1.(h) 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 to An Bord Pleanála for determination.

## **7.0 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 from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing.

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

(a) Sections, 2, 3, and 177U of the Planning and Development Act, 2000 (as amended) and section 4.1.(h) of the Planning & Development Act 2000 (as amended) and Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**And concluded that:**

The proposal is development and is exempted development coming within the scope of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

**Signed:**



**Position:** Executive Planner

**Date:** 06/08/2025.



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
07/08/2025

**Chief Executive's Order No: 2025PH2345**

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

**SECTION 5:-**

Request received 11<sup>th</sup> July 2025 from Lynn McLaughlin C/o John McCay, Cockhill Road, Buncrana, Co. Donegal in relation to the change of use from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing at Sharagore, Buncrana, Co. Donegal F93 A2C4

**SUBMITTED:-**

Written request received 11<sup>th</sup> July 2025 as above and report dated 6<sup>th</sup> August 2025 from the Executive Planner (Ref. No: S5 25/65 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 7<sup>th</sup> DAY OF AUGUST 2025

L.M.P.G.

**Chief Executive's Order No: 2025PH2345**

**Ref.No: S5 25/65**

**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, and 177U of the Planning and Development Act, 2000 (as amended) and section 4.1.(h) of the Planning & Development Act 2000 (as amended) and
- Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**And concluded that:**

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

JS 07/08





**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.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

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

Ref. No: S525/65

7<sup>th</sup> August 2025

Lynn McLaughlin  
C/o John McCay  
Cockhill Road  
Buncrana  
Co. Donegal  
F93 HY2C

**Re: Change of use from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing at Sharagore, Buncrana, Co. Donegal F93 A2C4.**

A Chara,

I refer to your request received on 11<sup>th</sup> July 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 Commission 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:** 2025PH2345

**Reference No:** S525/65

**Name of Requester:** Lynn McLaughlin  
C/o John McCay  
Cockhill Road  
Buncrana  
Co. Donegal  
F93 HY2C

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

Change of use from existing shed to home office, upgrade of existing windows, replacement of existing flat roof and tin roof to PVC flat roofing

**Location:** Sharagore, Buncrana, Co. Donegal F93 A2C4.

**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, and 177U of the Planning and Development Act, 2000 (as amended) and section 4.1.(h) of the Planning & Development Act 2000 (as amended) and
- Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**And concluded that:**

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

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

**Dated this 7<sup>th</sup> day of August 2025**