



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 11/03/2025



Comhairle Contae  
Dhún na nGall  
Donegal County Council

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

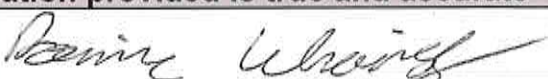
Completed application form & supporting documentation to be returned to the Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

<b>Name of Applicant(s):</b>	Irene Regan
<b>Agent Name:</b> (if applicable)	Dominic Whoriskey
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	Belvedere House, Gortlee, Letterkenny, Co. Donegal. F92 W01R.
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under this section 5 application)	
<p>Proposed change of use of an existing Guest House to provide accommodation for protected persons as provided for in S.I. No. 582/2015 Planning and Development Regulations 2015 - Class 14 (H).</p> <p>Belvedere House was constructed in approximately the early 1970's, and has been in use as a Bed and Breakfast guesthouse since construction. You can see from the layout that it is designed for the purpose of accomodating individuals. Currently, Belvedere House is in use for housing protected persons. On the site there is suffcient car parking with space for approximately 20 cars. Under Donegal County Council Development Plan 2024-2030, this site is classed as established development within the Letterkenny plan boundary.</p>	



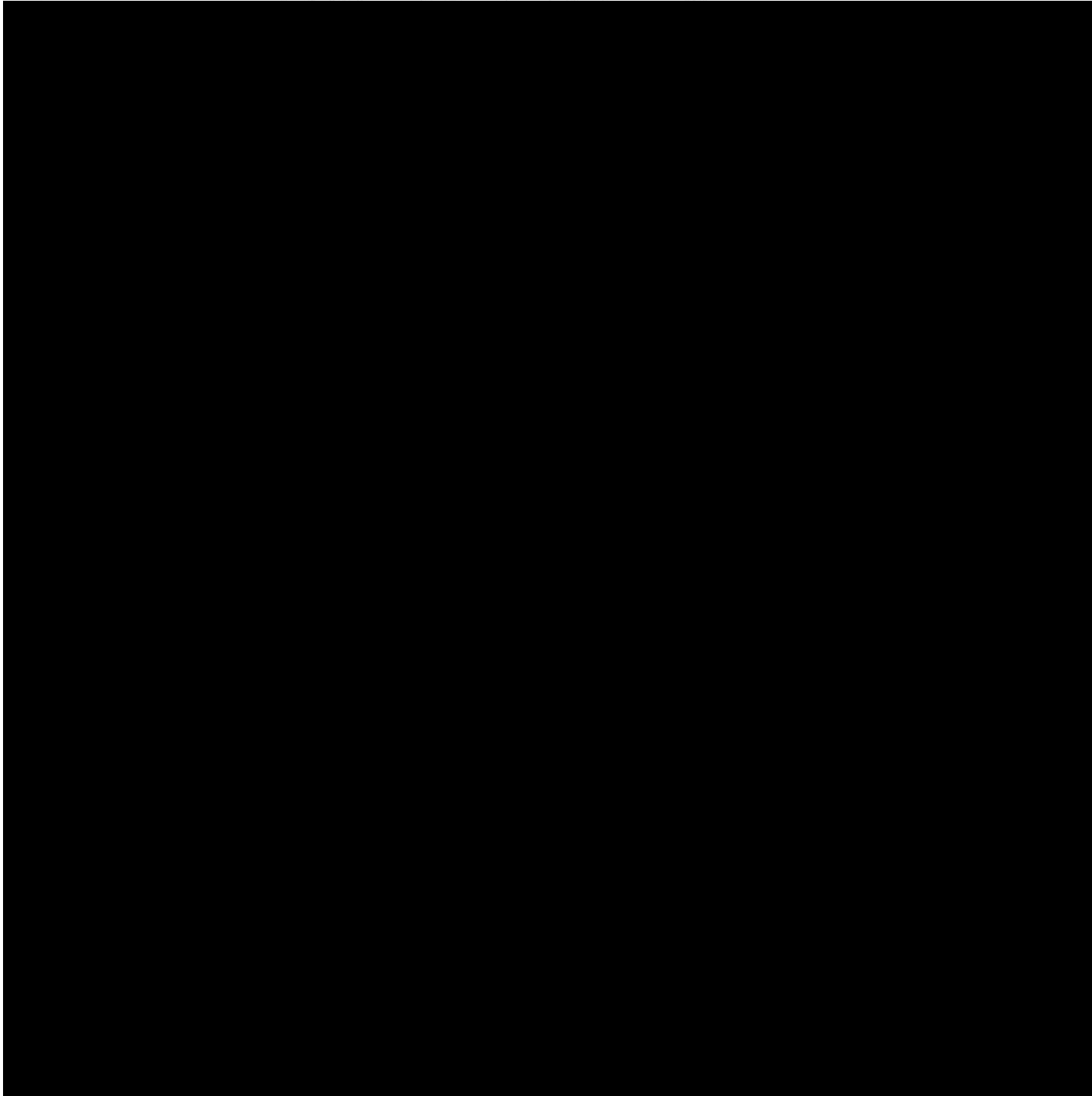
**Comhairle Contae  
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Donegal County Council

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:	Owner	
If not the Owner of the site, please provide the name of the Landowner:	N/A	
Please list types of plans, drawings etc. submitted with this application:	Elevations, floor plans and site location map	
Planning History - list any relevant planning application reference numbers:	N/A	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	N/A	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	11-03-2025



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### **Advice to Applicant**

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

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Cc:** [MICHAEL MC ELWAINÉ](#)  
**Subject:** FW: S.5 Application  
**Date:** 11 March 2025 15:43:13  
**Attachments:** [Irene Regan S.5 Application.pdf](#)  
[Site Location Map Irene Regan.pdf](#)  
[Irene Regan Elevations.pdf](#)  
[Floor plans Irene Regan.pdf](#)

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**From:** Dominic Whoriskey <[whoriskeydesign@gmail.com](mailto:whoriskeydesign@gmail.com)>  
**Sent:** 11 March 2025 15:40  
**To:** planning mailbox <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Subject:** S.5 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 Sirs,

Please find attached S.5 application, site location map, elevations and floor plans.  
The amount of 80 euros has been paid to the cash office, receipt number is 664435.

If you have any queries please do not hesitate to contact me.

Regards,  
Dominic.

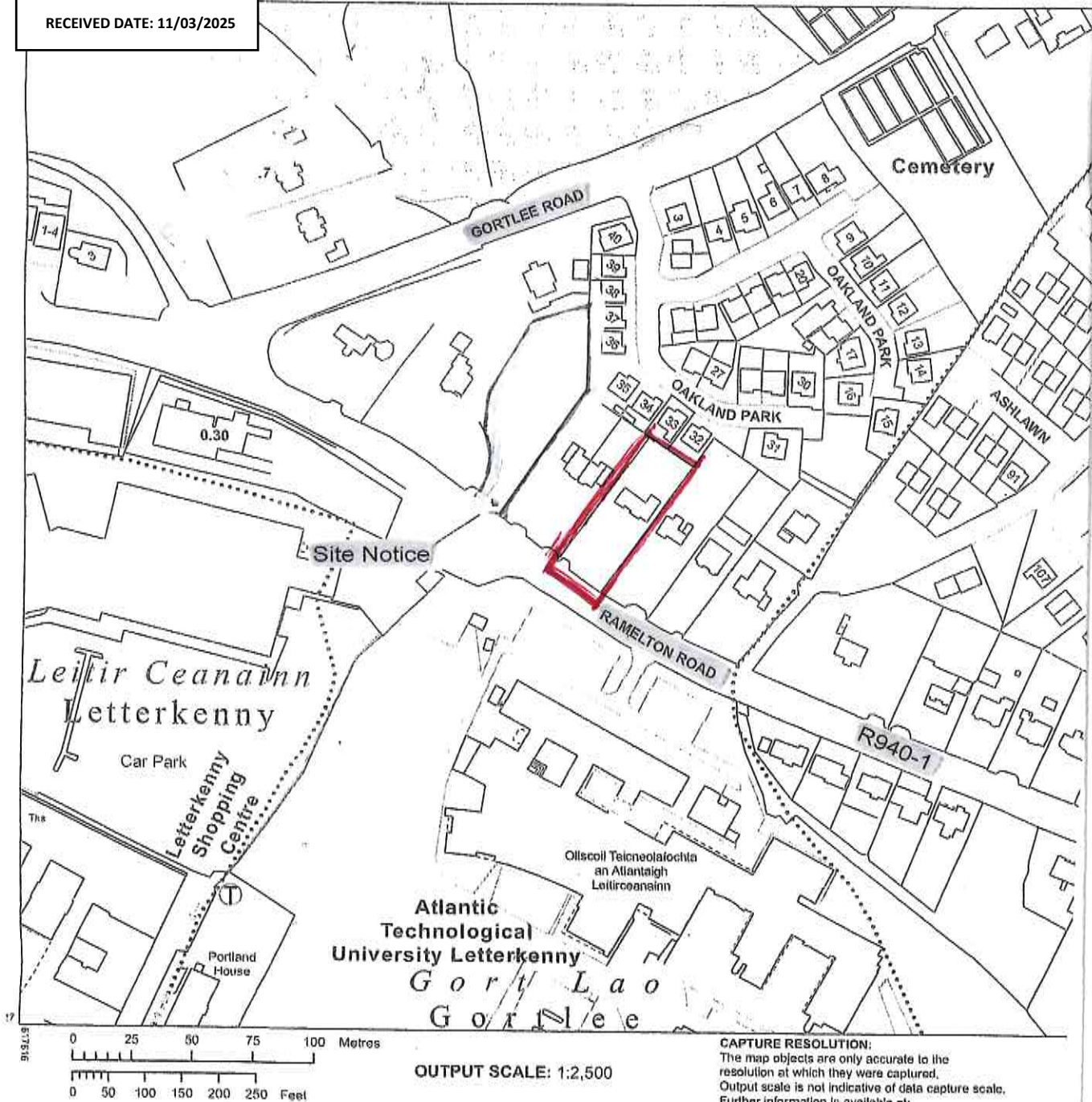
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**Dominic Whoriskey building design & surveying  
architecture . design . surveying**

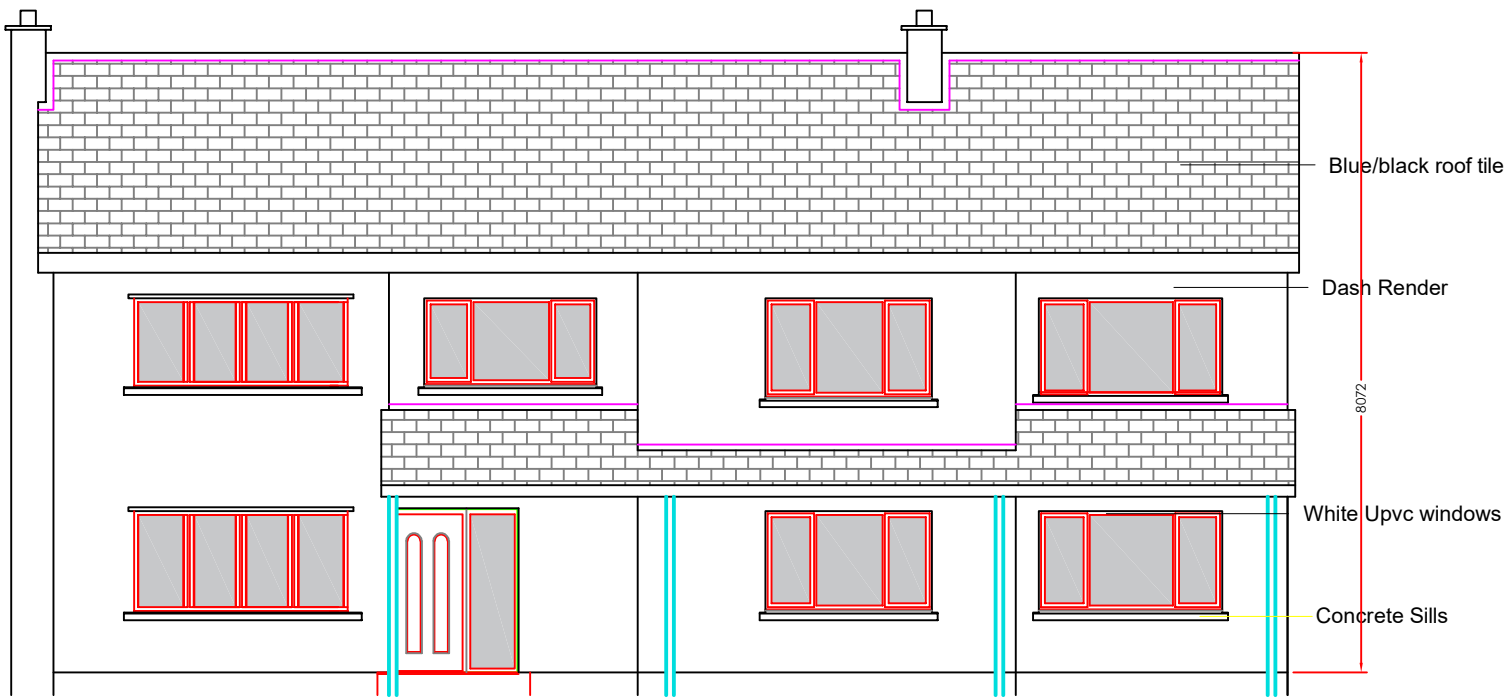
**Main Street  
Newtowncunningham  
Lifford  
Co. Donegal  
Tel: 074 91 56996 (2 lines)  
[whoriskeydesign@gmail.com](mailto:whoriskeydesign@gmail.com)**

Attachments area





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



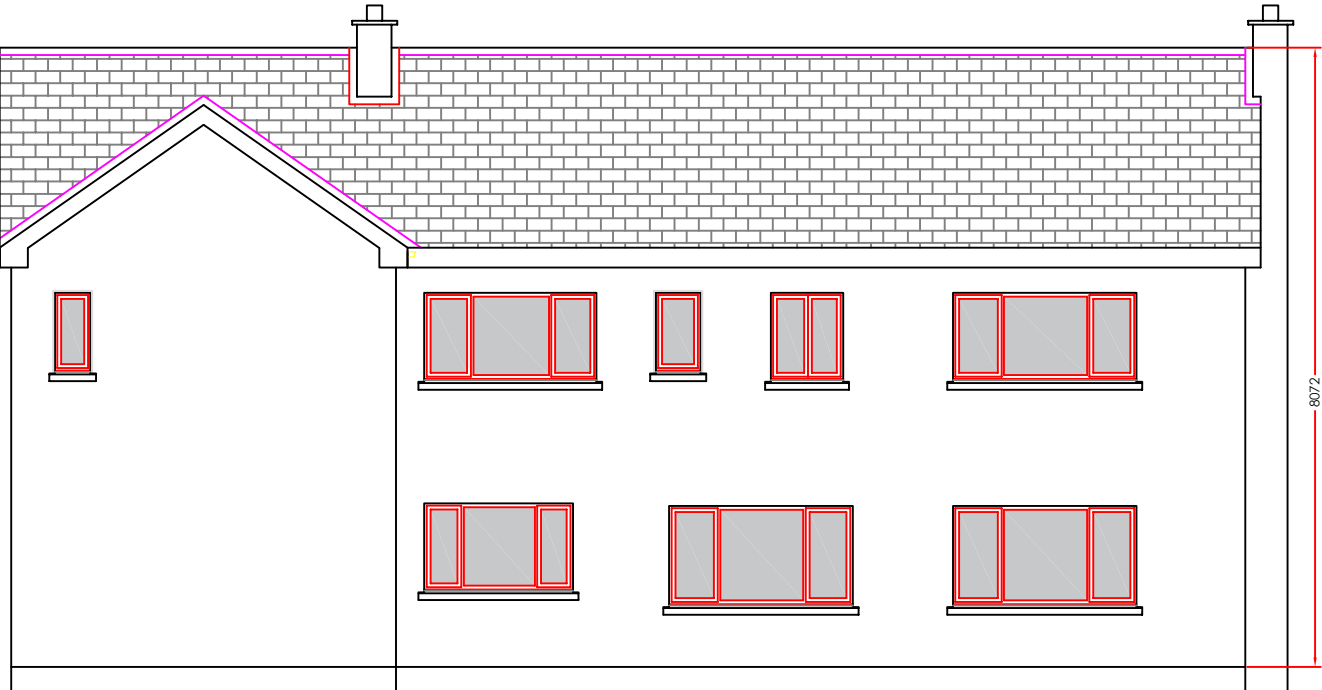
Front Elevation



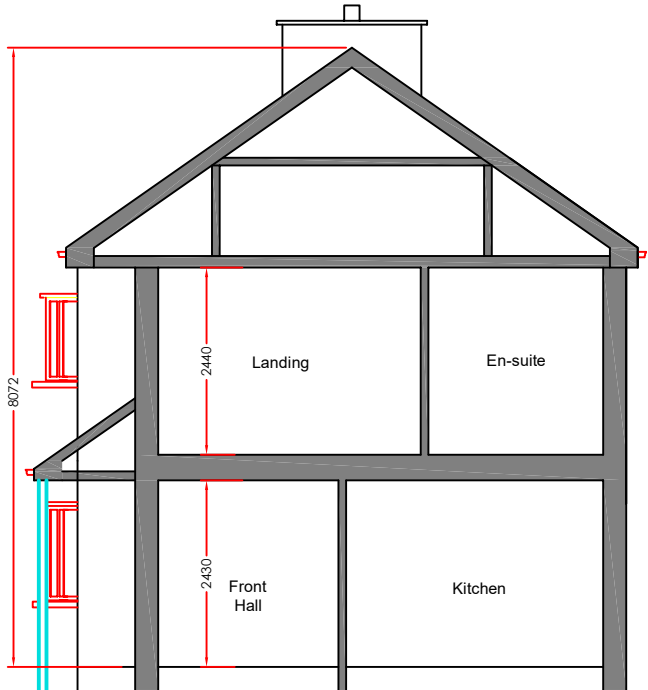
**Comhairle Contae  
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Donegal County Council

**Planning Services**

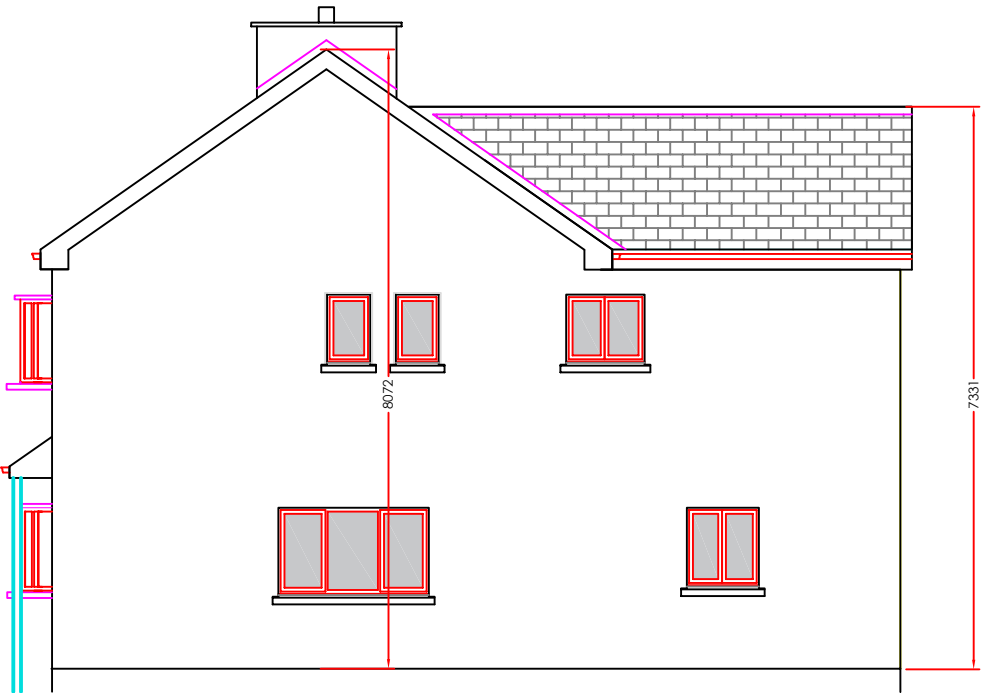
RECEIVED DATE: 11/03/2025



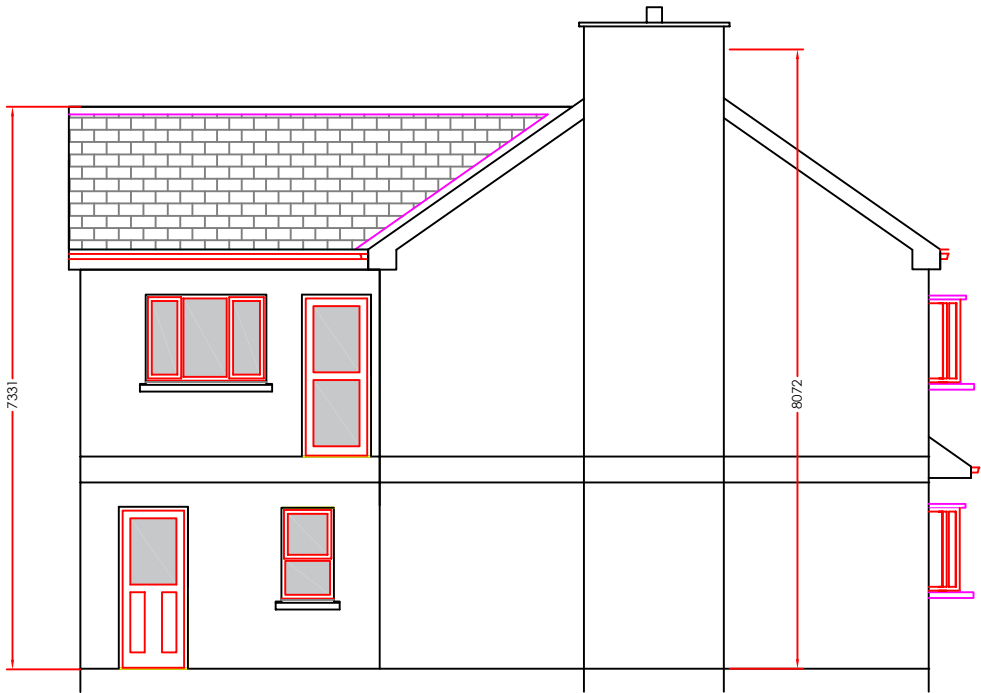
Rear Elevation



Section A-A



Side Elevation



Side Elevation

No.	Description	Date
This drawing is the property of Dominic Whoriskey and must not be copied or used for any purpose other than that for which it is supplied without the written consent.		



**Dominic Whoriskey**  
Design & Surveying  
Main Street  
Newtowncunningham  
Lifford PO  
Co. Donegal  
Tel: 074 91 56996  
Email: whoriskeydesign@gmail.com

PROJECT	Belvedere House, Gortlee, Letterkenny, Co. Donegal
SHEET	Existing Elevations & Section

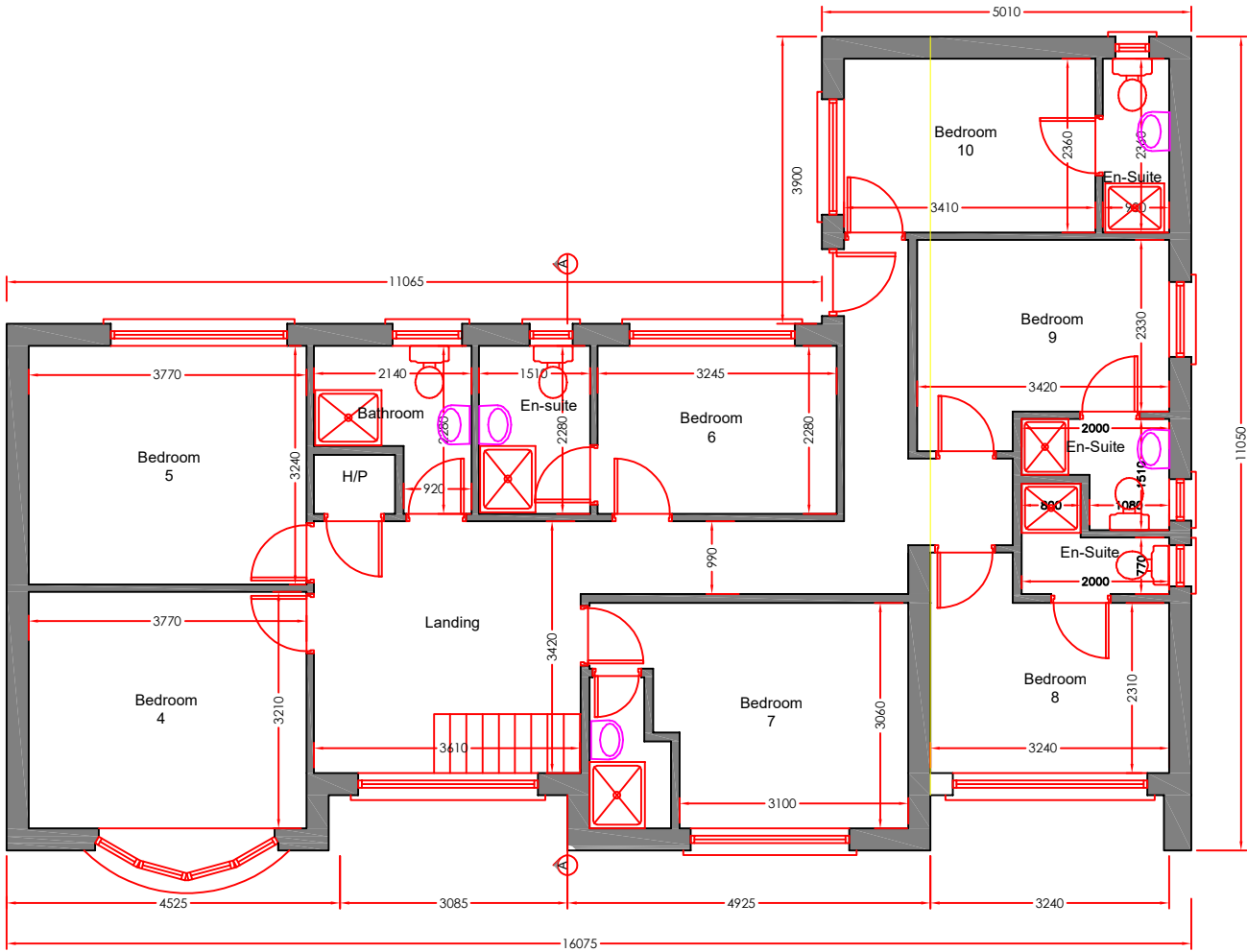
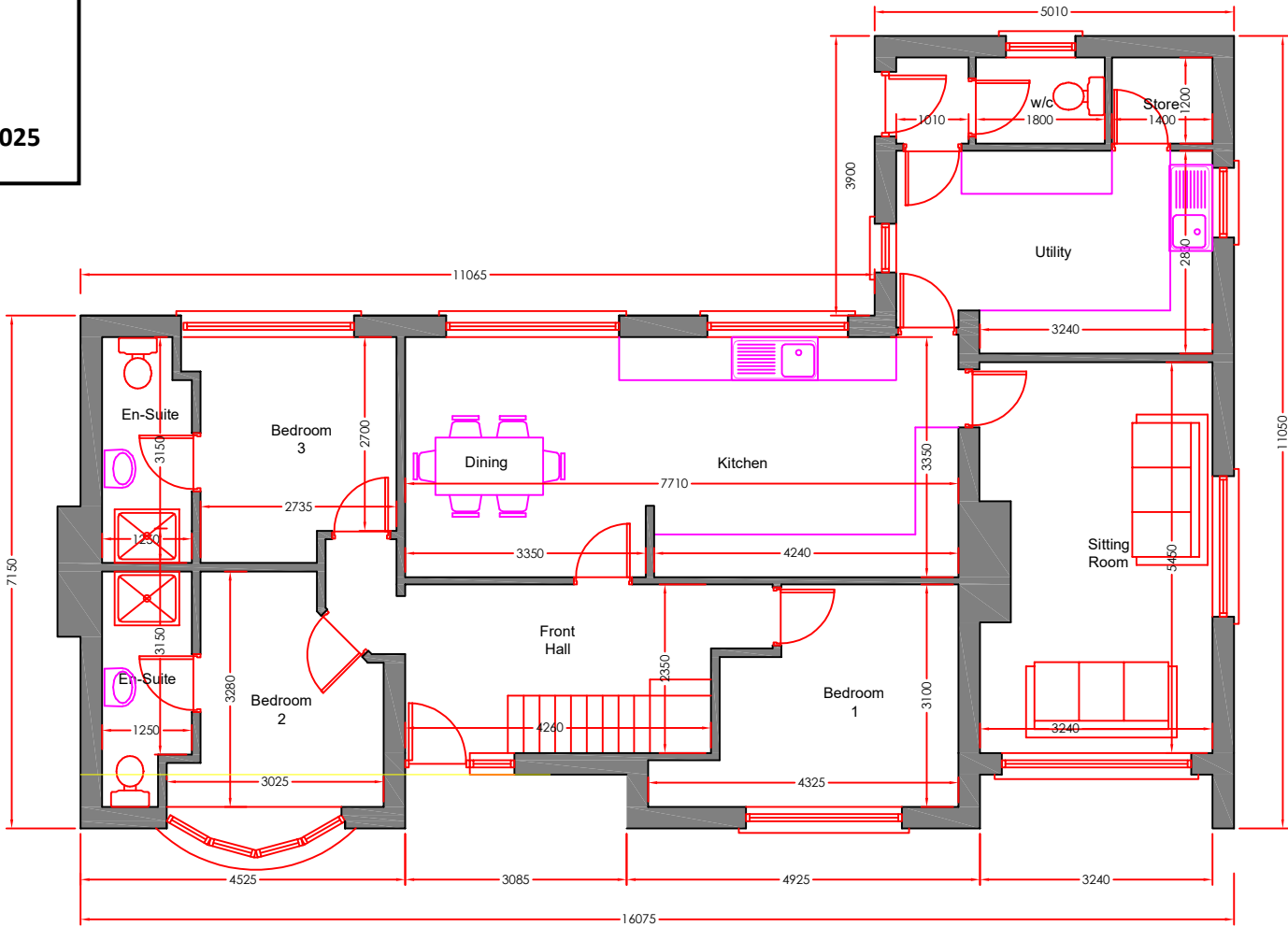
CLIENT Irene Regan			
Date 31/01/2025	Project number .	Scale (@ A1) 1 : 50	
Drawn by JL	PURPOSE OF ISSUE	DRAWING NUMBER	REV
Checked by DD	Planning	C105	*



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 11/03/2025



No.	Description	Date
This drawing is the property of Dominic Whoriskey and must not be copied or used for any purpose other than that for which it is supplied without the written consent.		



**Dominic Whoriskey**  
Design & Surveying  
Main Street  
Newtowncunningham  
Lifford PO  
Co. Donegal  
Tel: 074 91 56996  
Email: whoriskeydesign@gmail.com

PROJECT: Belvedere House Gortlee, L'Kenny.	CLIENT Irene Regan			
	Date 31/01/2025	Project number	Scale (@ A1) 1 : 50	
	Drawn by JL	PURPOSE OF ISSUE	DRWAING NUMBER	REV
	Checked by DD	Planning	C105	*





**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](mailto:info@donegalcoco.ie)  
**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunnangall.ie](http://www.ccdhunnangall.ie)  
**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

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

**Our Ref: S525/30**

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

Irene Regan  
C/o Dominic Whoriskey  
Main Street  
Newtowncunningham  
Co Donegal

<b>Re: Section 5 - Application for proposed development at Belvedere House, Gortlee, Letterkenny, Co Donegal, F92 W01R</b>
--

A Chara,

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

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



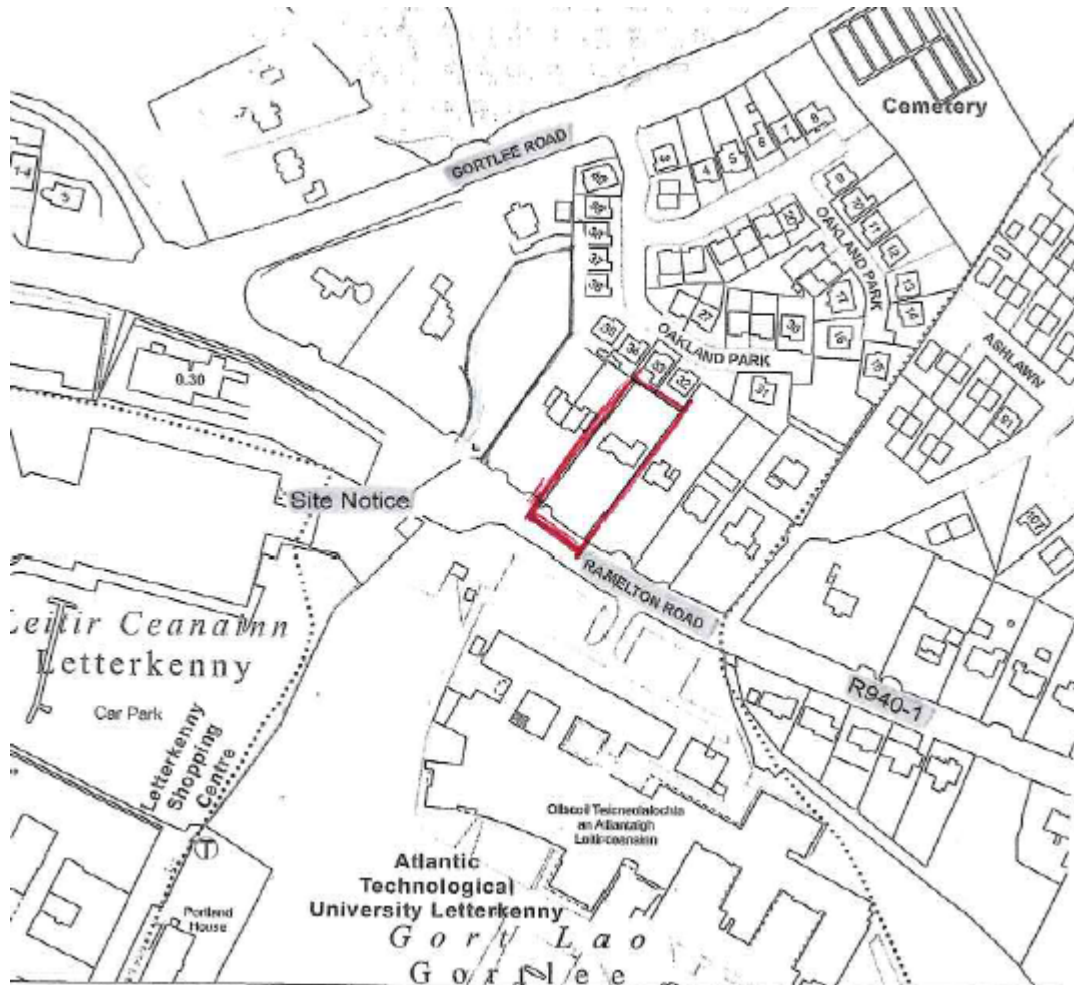
## Donegal County Council

### SECTION 5 REFERRAL REPORT – Ref. No: S5 25/30

#### **1.0 BACKGROUND**

##### **1.1 Location:**

The subject site is located at Belvedere House, Gortlee, Letterkenny, County Donegal, F92 W01R.



##### **1.2 Site Description:**

The site is located within the settlement framework of Letterkenny on land zoned as 'Established Development' under the current operative Letterkenny Local Area Plan. The property comprises a large two-storey detached structure, which appears as a residential dwelling. Based on the submitted floor plans and elevations, the property includes up to ten bedrooms, multiple bathrooms, and shared living and kitchen spaces. The layout and configuration reflect a structure capable of accommodating a relatively high number of occupants. However no evidence has been submitted of the building being used as a guesthouse.

### 1.3 Planning History

No record of recent planning history or submitted with the Section 5 referral.

### 2.0. THE QUESTION

The agent, Dominic Whoriskey, on behalf of the applicant, Irene Regan, has made a submission to Donegal County Council seeking a Declaration of Exemption under Schedule 2, Part 1 Class 14(h) of the Planning and Development Regulations 2001 (as amended) as to whether or not the following is exempt from planning permission:

Whether the use of the existing building at Belvedere House, Gortlee, Letterkenny, County Donegal, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt 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 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".

#### **Class 14(h) of Schedule 2, Part 1:**

- Permits a change of use "from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof... to use as accommodation for protected persons."
- Protected persons are defined under the International Protection Act 2015.
- Conditions of exemption include:
  - Compliance with the definition and purpose of "protected persons."
  - No contravention of planning conditions or zoning regulations.

### **3.0 ASSESSMENT**

#### **3.1 Consideration of Proposed Development**

##### **1. Existing Use:**

The property currently consists of a large detached residential dwelling located within the 'Established Development' zone of Letterkenny.

##### **2. Proposed Use:**

- The change of use is proposed to accommodate protected persons under Class 14(h).
- Protected persons are defined in Section 2(1) of the International Protection Act 2015.

##### **3. Analysis of Development:**

- There is no recent planning history on this site however the applicant states that the building has been used as guest house since its construction in the 1970's. The internal layout as detailed on the submitted plans shows multiple bedrooms and living spaces, suggesting a dwelling previously used for private family occupation but capable of accommodating a higher density of use. However, there is no planning history to support this claim and no other forms of evidence, such as business records etc have been submitted to support the claim the building was used as a guesthouse since built, as claimed by the applicant. There is insufficient evidence and documentation submitted with this section 5 application to demonstrate this.

##### **4. Compliance with Class 14(h) Conditions:**

- On the basis of the information submitted, the proposal does not align with Class 14(h), as it cannot be demonstrated that the existing building has been in continuous operation as a guesthouse since its construction

#### **3.2 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).

#### **3.3 Environmental Impact Assessment (EIA)**

- No significant environmental impacts arise from this proposed change of use, and the development is not within a class of projects requiring EIA under Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 (as amended).

### **4.0 CONCLUSION**

It is considered that:

1. The proposed use of the building for accommodation for protected persons constitutes development under Section 3(1) of the Planning and Development Act 2000 (as amended).
2. The proposed development is not exempted development under Class 14(h) of the Planning and Development Regulations 2001 (as amended), as it does not satisfy the prescribed conditions for exemption.

## 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 to:

(i) change the use of the existing guesthouse at Belvedere House, Gortlee, Letterkenny, County Donegal, F92 W01R, to provide accommodation for protected persons as provided for in S.I No. 582/2015 Planning & Development Regulations Class 14(h)

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).
- Articles 6(3), 9(1), and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).
- Section 5 declarations by An Bord Pleanála.

And concluded that:

The proposal IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT, as it has not been demonstrated that the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



Executive Planner  
Development Applications Unit  
06/05/2025





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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
06/05/2025

**Chief Executive's Order No: 2025PH1239**

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

**SECTION 5:-**


Request received 11<sup>th</sup> March 2025 from Irene Regan C/o Dominic Whoriskey, Main Street, Newtowncunningham, Co. Donegal, F93 KV08 in relation to the change of use of an existing guest house to provide accommodation for protected persons as provided for in S.I. No. 582/2025 Planning & Development Regulations 2015-Class 14(H) at Belvedere House, Gortlee, Letterkenny, Co. Donegal, F92 W01R.

**SUBMITTED:-**

Written request received 11<sup>th</sup> March 2025 as above and report dated 6<sup>th</sup> May 2025 from the Executive Planner (Ref. No: S5 25/30 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
SENIOR EX. PLANNER

DATED THIS 8<sup>th</sup> DAY OF MAY 2025

MME

**Chief Executive's Order No: 2025PH1239**

**Ref.No: S5 25/30**

**SCHEDULE**

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT**, as it has not been demonstrated that the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JB 08/05

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH1239

**Reference No:** S525/30

**Name of Requester:** Irene Regan  
C/o Dominic Whoriskey  
Main Street,  
Newtowncunningham,  
Co. Donegal  
F93 KV08

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

Change of use of an existing guest house to provide accommodation for protected persons as provided for in S.I. No. 582/2025 Planning & Development Regulations 2015-Class 14(H).

**Location:** Belvedere House, Gortlee, Letterkenny, Co. Donegal, F92 W01R.

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT**, as it has not been demonstrated that the development falls within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



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

**Dated this 8<sup>th</sup> day of May 2025**



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

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

Ref. No: S525/30

8<sup>th</sup> May 2025

IRENE REGAN  
C/O DOMINIC WHORISKEY  
MAIN STREET,  
NEWTOWNCUNNINGHAM,  
CO. DONEGAL  
F93 KV08

**Re: Change of use of an existing guest house to provide accommodation for protected persons as provided for in S.I. No. 582/2025 Planning & Development Regulations 2015-Class 14(H) at Belvedere House, Gortlee, Letterkenny, Co. Donegal, F92 W01R.**

A Chara,

I refer to your request received on 11<sup>th</sup> March 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

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