

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application - Stephen Ferry
Date: 09 July 2025 16:23:26
Attachments: [S22C-825070915240.pdf](#)
[General Arrangement Drawings.pdf](#)
[Site Layout Plan.pdf](#)
[Site Location Map.pdf](#)

From: office@mfriearchitects.ie <office@mfriearchitects.ie>
Sent: 09 July 2025 16:13
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Section 5 Application - Stephen Ferry

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Hi,

Please find enclosed Section 5 Application for Stephen Ferry.

Receipt Number for €80.00 payment – 665646

Should you have any queries or require anything further please let me know.

Kind Regards

Michael Friel
Architects & Surveyors Ltd
Creelough,
Co. Donegal
F92 TF60
T: 074 913 8814





**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

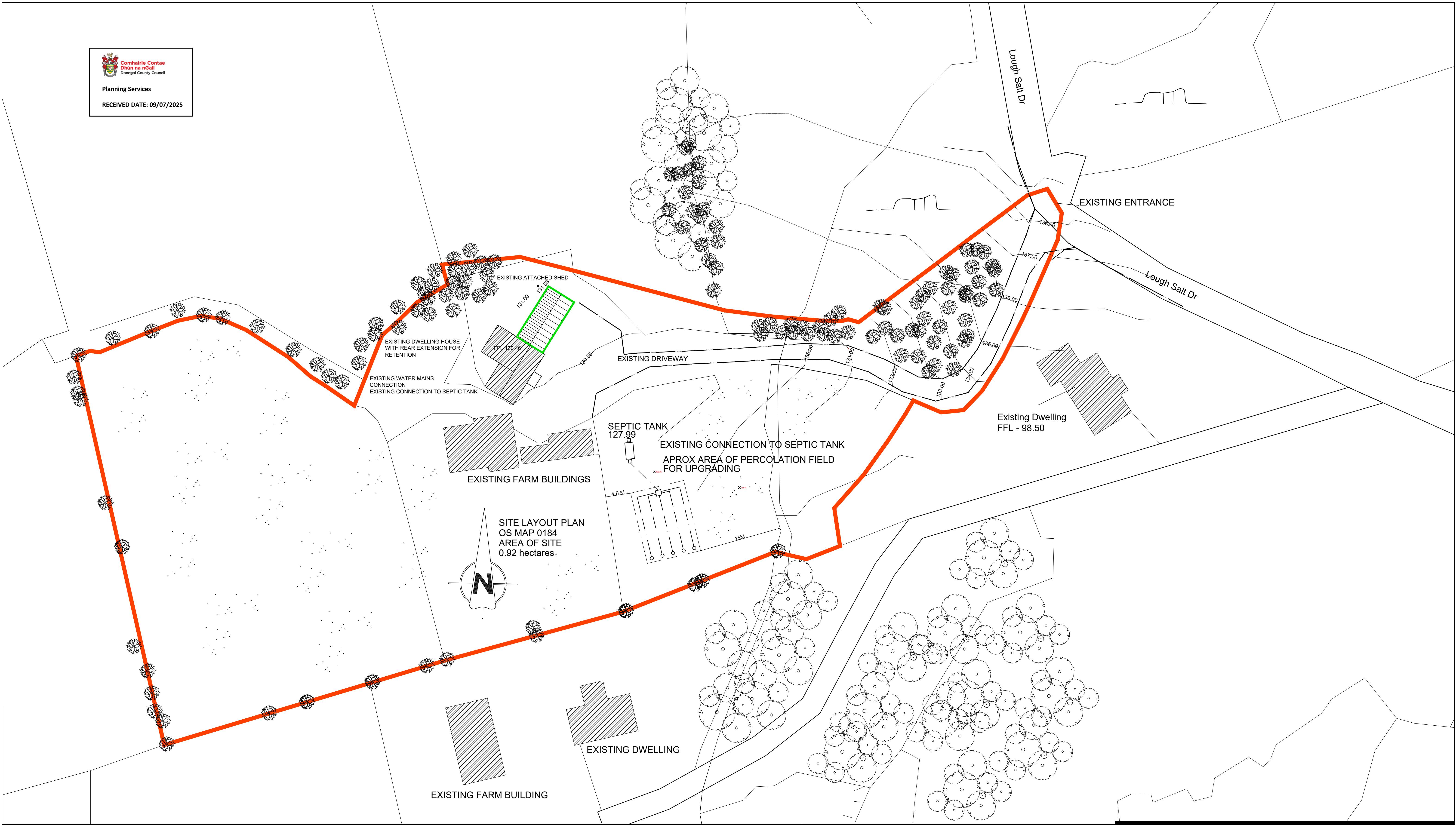
Name of Applicant(s):	Stephen Ferry
Agent Name: (if applicable)	Michael Friel Architects and Surveyors Ltd.
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Goldrum, Termon, Co. Donegal
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>Proposed extension to an existing dwelling house by the conversion for use as part of the house of the attached garage or shed to the side of the house.</p> <div data-bbox="212 1319 662 1617" data-label="Image"><p>Comhairle Contae Dhún na nGall Donegal County Council</p><p>Planning Services</p><p>RECEIVED DATE: 09/07/2025</p></div>	



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

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:	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:	1- Site Location Map 2- Site Layout Plan 3- General Arrangement Drawing	
Planning History - list any relevant planning application reference numbers:	2460859	
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:	9 JUL 2025



Job Title
SECTION 5 APPLICATION FOR CONVERSION FOR
USE AS PART OF THE HOUSE OF ANY SHED
ATTACHED TO THE SIDE
AT GOLDRUM, TERMON
CO. DONEGAL

Client:
STEPHEN FERRY

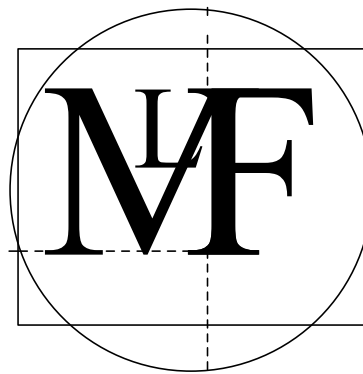
Drawing Title:
SITE LAYOUT PLAN

Scale 1:500

Date: JUL. 2025.

Job Number:
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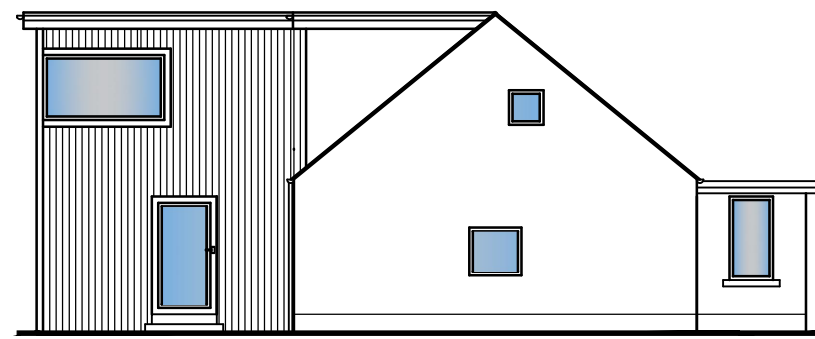
Drg. Number:
02.



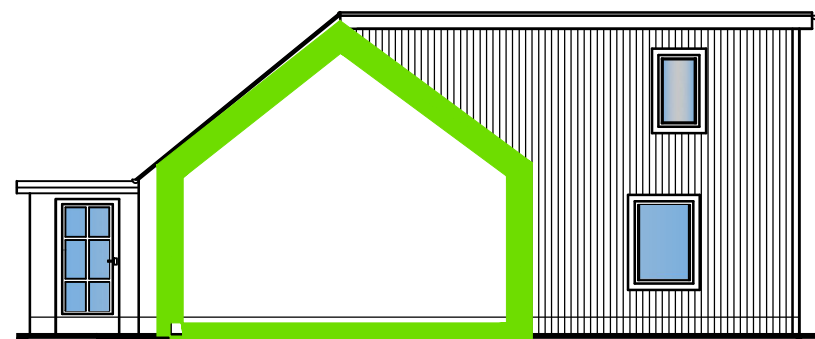
MICHAEL FRIEL
Architects & Surveyors

Creeslough, Co. Donegal.
Tel: 074 91 38814
Fax: 074 9138815
Mob: 087 28 69 658
email: mlfriel@eircom.net

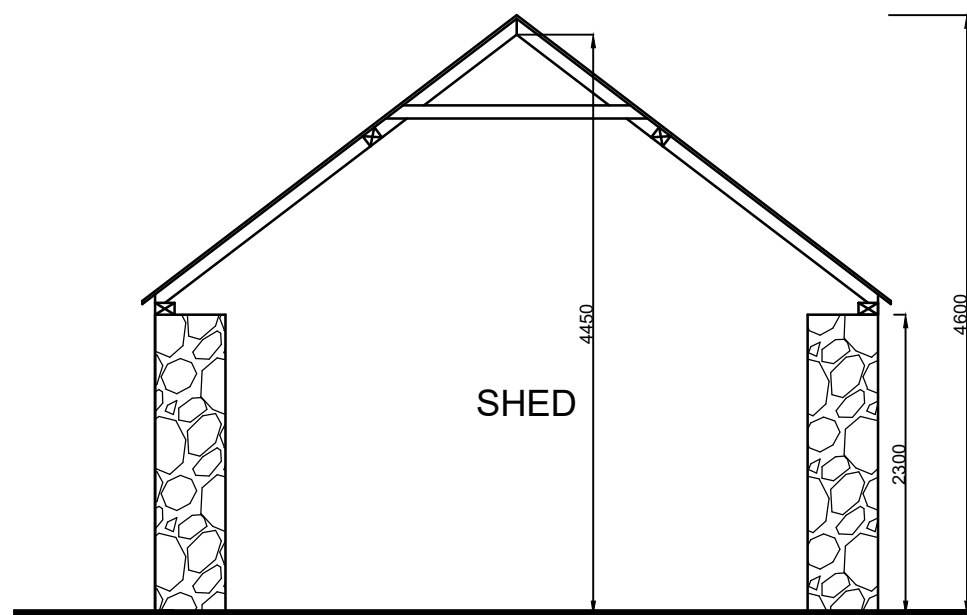




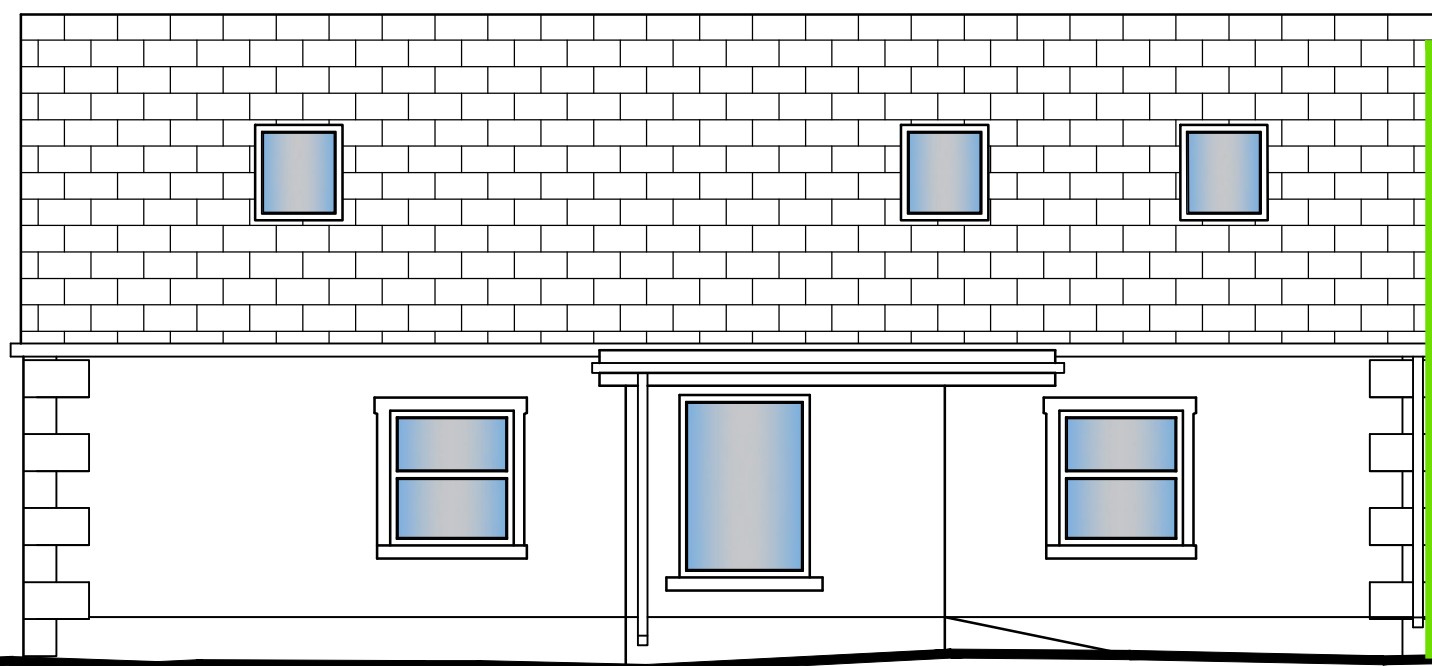
SIDE ELEVATION
SCALE 1:50



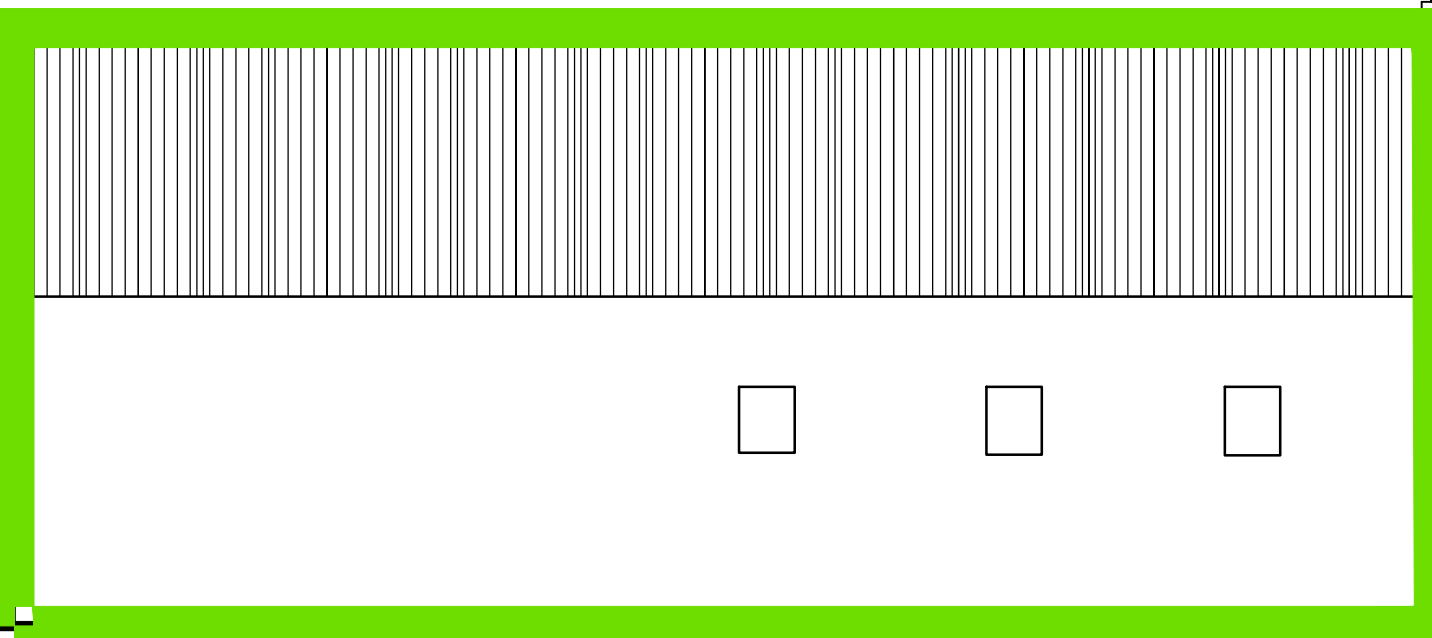
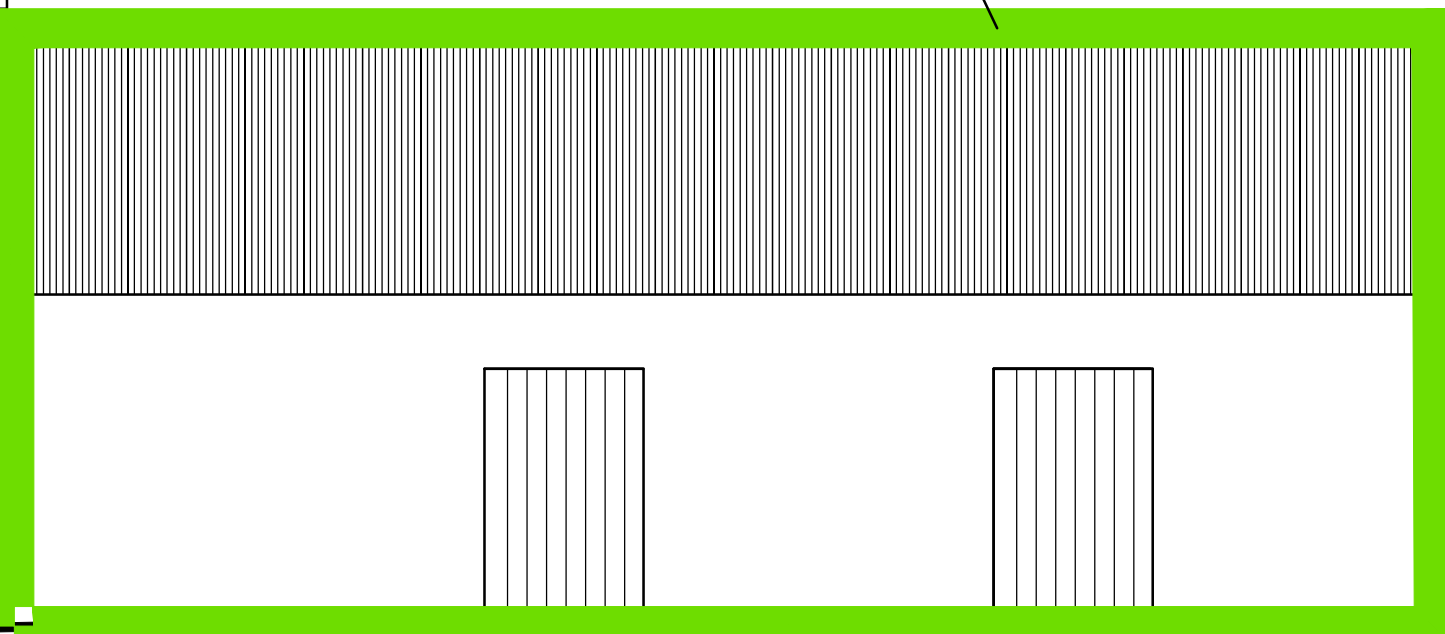
SIDE ELEVATION
SCALE 1:50



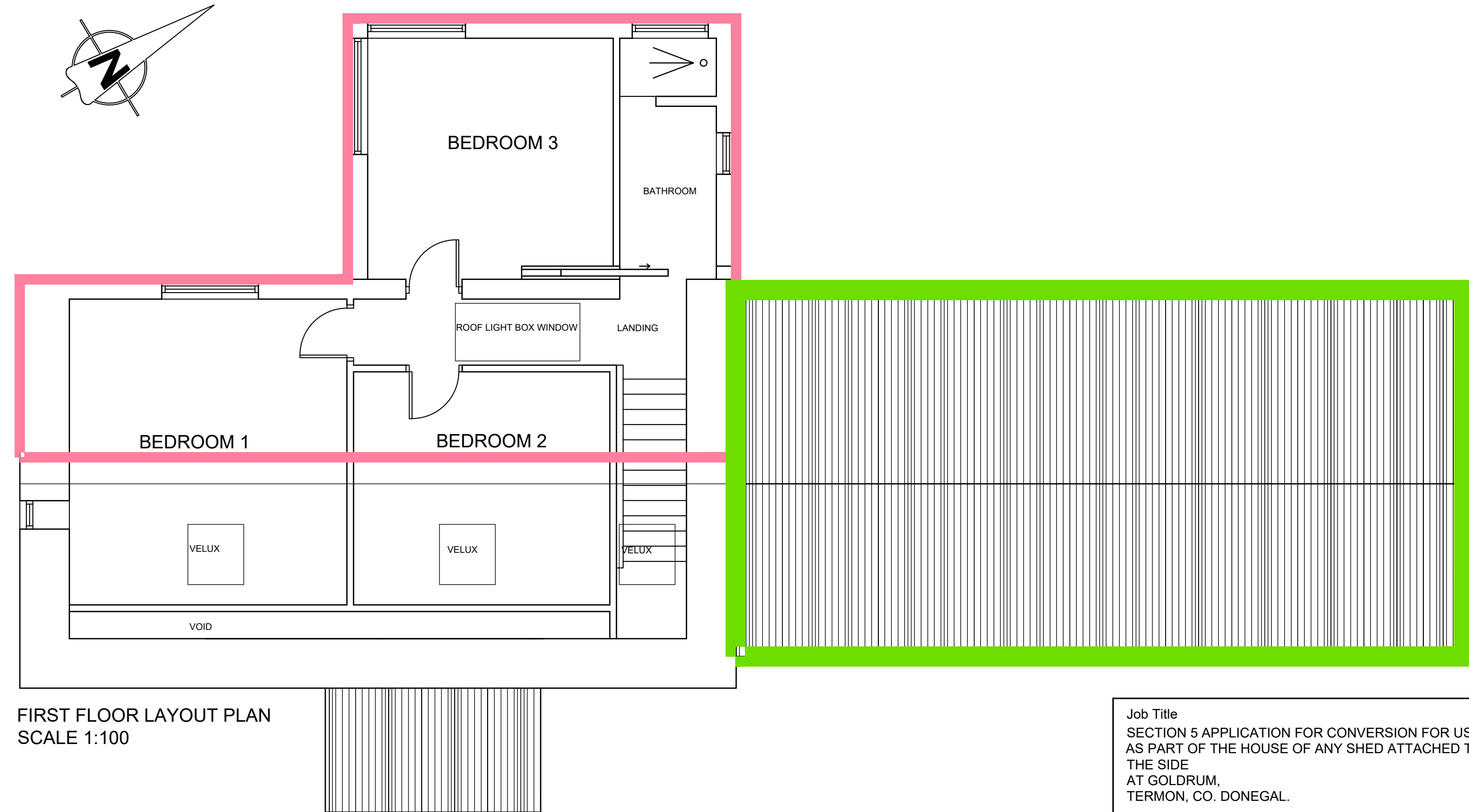
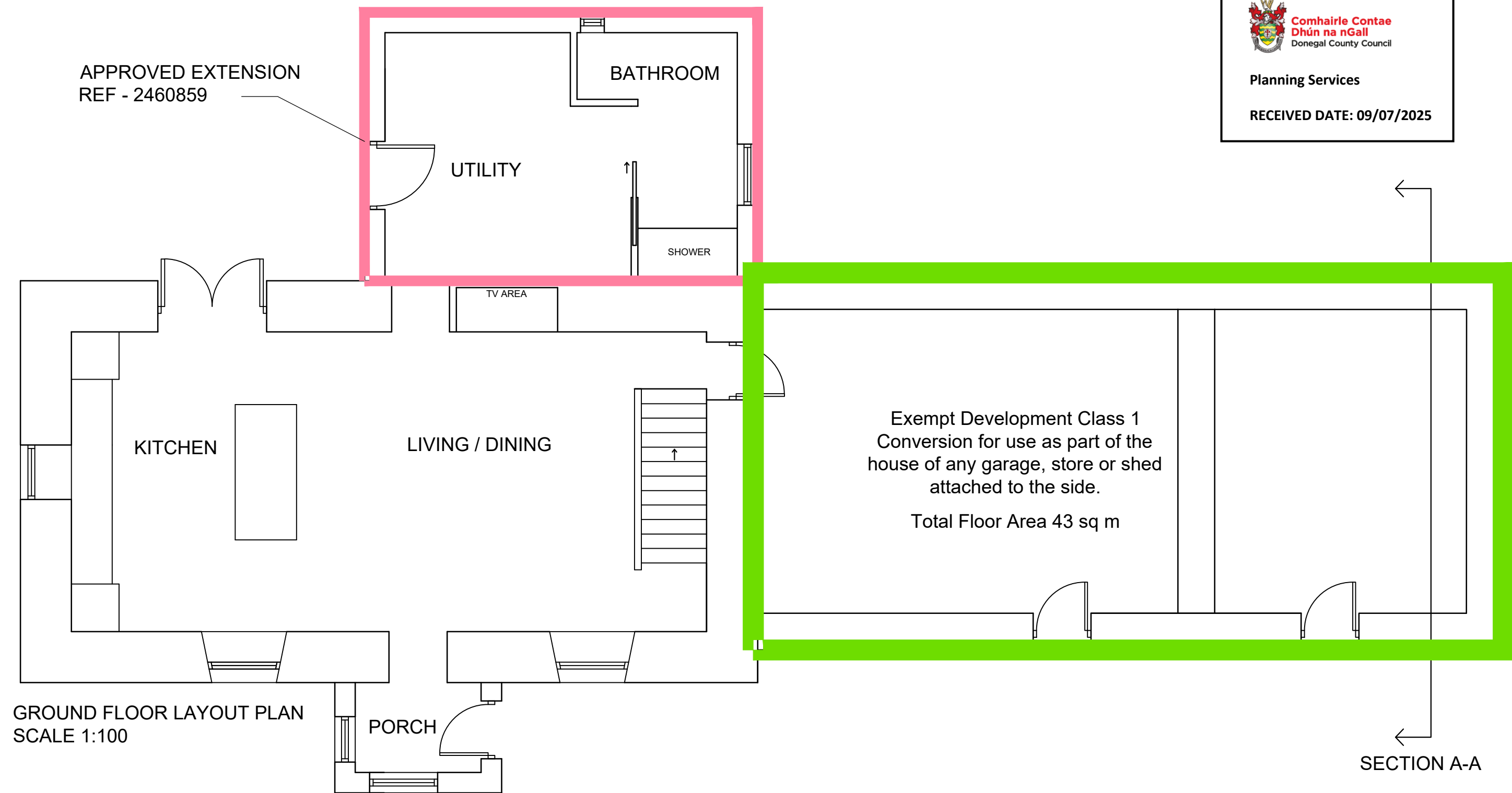
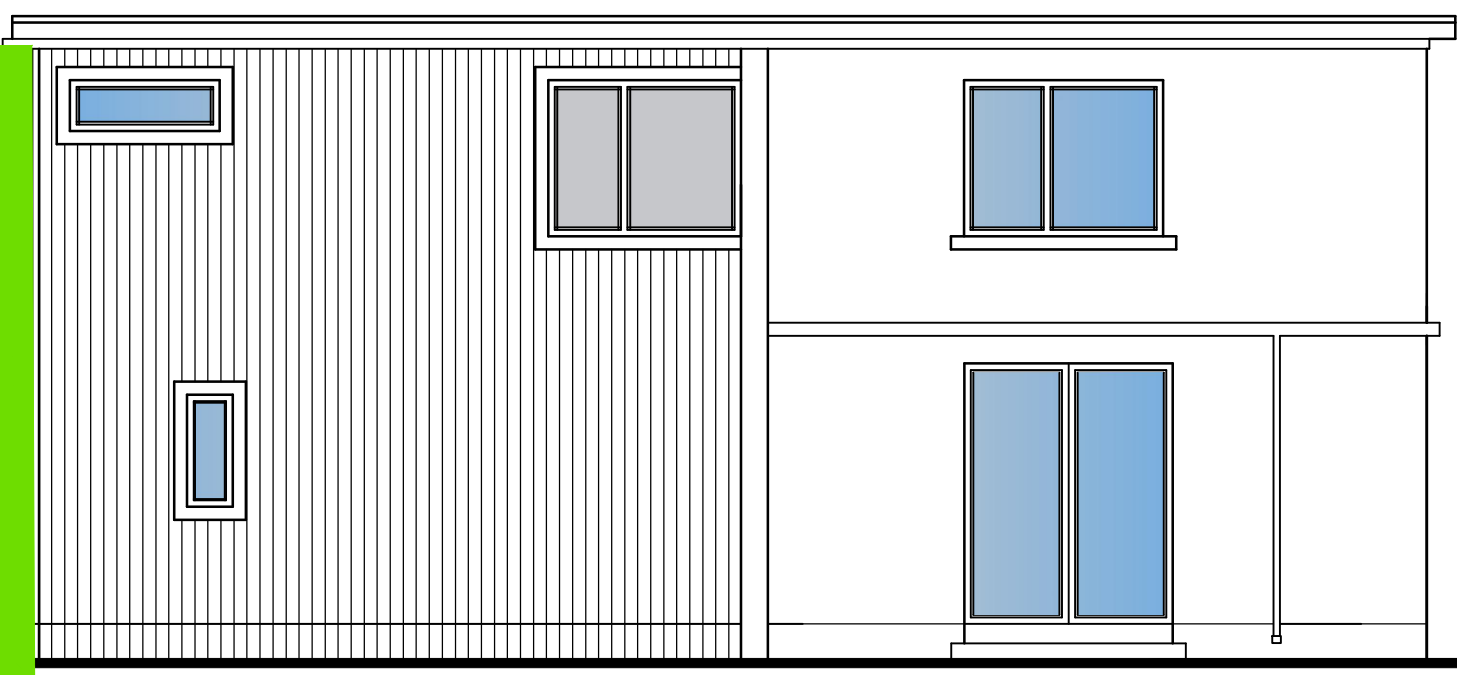
SECTION A-A
SCALE 1:100



FRONT ELEVATION
SCALE 1:100



REAR ELEVATION
SCALE 1:100



Job Title
SECTION 5 APPLICATION FOR CONVERSION FOR USE
AS PART OF THE HOUSE OF ANY SHED ATTACHED TO
THE SIDE
AT GOLDRUM,
TERMON, CO. DONEGAL.

Client
STEPHEN FERRY

Drawing Title
GENERAL ARRANGEMENT DRAWING.

Scale 1:50, 1:100 Date: JUL. 2025.

Job Number .. Drg. Number 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

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

Planning Services
E: planning@donegalcoco.ie

E-mail office@mfrielarchitects.ie

Our Ref: S525/63

10th July, 2025

Stephen Ferry
C/o Michael Friel Architects & Surveyors Ltd.

Re: Section 5 - Application for development at Goldrum, Termon

A Chara,

I wish to acknowledge receipt of your application received on 9th July, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/63

Donegal County Council

1.0 COMMENTS

The subject site comprises a stated area of 0.9ha, in the townland of Goldrum, which is not readily visible from the adjoining local road. The site comprises an existing dwelling and sheds.

The immediately adjoining area is characterised primarily by residential dwellings. An existing dwelling which is single storey in character is located on the subject site and forms part of a small cluster of development also comprising farm buildings. The same is served by an existing entrance and long private driveway.

Access to the site is off the adjoining local county road, L-1192-4.

The site is located within an area of High Scenic Amenity.

The site is not located within any designated European Natura 2000 sites, however the site is located 1.3km from Leannan River SAC.

The proposed works constitute one element as follows:

1. “Proposed extension to an existing dwelling by the conversion for use as part of the house of the attached garage/shed to the side of the house.”

The attached shed proposed to be converted is single storey, of traditional vernacular character and will provide an additional floor space of 43sqm.

The existing dwelling is not on the Council’s Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The site is located in an area designated as Structurally Weak in the County Donegal Development Plan 2024-2030.

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".

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) – Exempted Development

Description of Development:

Development within the curtilage of a house

CLASS 1

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.

4.0 PLANNING HISTORY

24/60859 – Planning permission granted on 28/08/2024 for “EXTENSION TO THE REAR OF EXISTING DWELLING HOUSE AND UPGRADING OF EXISTING SEPTIC TANK SYSTEM”

The approved retained extension had a ridge height of 5.13m, consisted of a floor area of 57.2sqm, with a FFL of 130.46m

5.0 ASSESSMENT

4.1 Consideration of Proposed Development:

- (i) The proposed extension relates to the conversion of an attached side garage/shed has a stated floor area of 43sq.m.
- (ii) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works.
- (iii) Having regard to *Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)* the following is noted: The dwelling has previously been extended under Reg. Ref. 24/60859, with a 57.2 sqm rear extension already constructed. Under Class 1 limitations 2(a) , where the house has been previously extended, the cumulative floor area of all

extensions cannot exceed 40 sqm to benefit from exemption. The cumulative total (57.2 sqm + 43 sqm) = 100.2 sqm, is far exceeding the 40 sqm threshold. Therefore, while the works constitute an extension via conversion of an attached garage, and they exceed the cumulative floor area limits for exempted development under Class 1.

- (iv) Appropriate assessment is not a consideration in the assessment of this referral. Having regard to the scale and nature of the proposed development on an existing brownfield site, alongside the physical distances from the nearest Natura 2000 site (1.3km), 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 not considered that Screening for Appropriate Assessment is required in this instance.

4.2 Conclusion:

It is considered that:

- (i) Proposed extension to an existing dwelling by the conversion for use as part of the house of the attached garage/shed to the side of the house constitutes “development” within the meaning of the Act, being works, but is not exempted development as the house has been extended previously. The floor area of the proposed extension, taken together with the floor area of extension retained under Reg. Ref. 24/60859 exceeds 40 square metres.

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) Extension to an existing dwelling by the conversion for use as part of the house of the attached garage/shed to the side of the house

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

- (a) Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001 (as amended)

And concluded that:

The proposal is development but is not exempted development as the proposed extension provides a cumulative floor area of all extensions that exceeds the limit prescribed for exemption under Class 1 and therefore does not come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



Executive Planner
Development Applications Unit
31/07/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services, 01/08/2025

Chief Executive's Order No: 2025PH2265

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 9th July 2025 from Stephen Ferry C/o Michael Friel Architects & Surveyors Ltd, Creeslough, Co. Donegal F92 TF60 in relation to the extension to an existing dwelling house by the conversion for use as part of the house of the attached garage or shed to the side of the house at Goldrum, Termon, Co. Donegal

SUBMITTED:-

Written request received 9th July 2025 as above and report dated 31st July 2025 from the Executive Planner (Ref. No: S5 25/63 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 5th DAY OF AUGUST 2025

LMPG.

Chief Executive's Order No: 2025PH2265

Ref.No: S5 25/63

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, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended), and Article 9 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** but **IS NOT EXEMPTED DEVELOPMENT** as the proposed extension provides a cumulative floor area of all extensions that exceeds the limit prescribed for exemption under Class 1 and therefore does not come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 05/08



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

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

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County Donegal, F93 Y622

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W: www.donegalcoco.ie
W: www.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/63

5th August 2025

STEPHEN FERRY
C/O MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD
CREESLOUGH
CO. DONEGAL
F92 TF60

Re: Extension to an existing dwelling house by the conversion for use as part of the house of the attached garage or shed to the side of the house at Goldrum, Termon, Co. Donegal

A Chara,

I refer to your request received on 9th 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 Board 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: 2025PH2265

Reference No: S525/63

Name of Requester: Stephen Ferry
C/O Michael Friel Architects & Surveyors Ltd
Creeslough
Co. Donegal
F92 Tf60

Summarised Description of development the subject matter of request:

Extension to an existing dwelling house by the conversion for use as part of the house of the attached garage or shed to the side of the house

Location: Goldrum, Termon, 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:

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended), and Article 9 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** but **IS NOT EXEMPTED DEVELOPMENT** as the proposed extension provides a cumulative floor area of all extensions that exceeds the limit prescribed for exemption under Class 1 and therefore does not come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 5th day of August 2025