



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



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 14/10/2025

## SECTION 5 APPLICATION

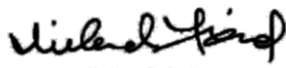
FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

**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>	Jacqueline Friel
<b>Agent Name:</b> (if applicable)	Michael Friel
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	Drumbrick, Termon, Letterkenny, County Donegal, F92 XYE2.
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>The continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House Type Accommodation.</p>	



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:	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:	Site Location Map Approved Planning Drawings.	
Planning History - list any relevant planning application reference numbers:	25/60108	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	None	

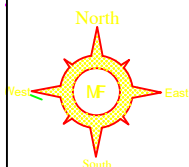
I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	14 <sup>th</sup> October 2025



Planning Services

RECEIVED DATE: 14/10/2025

RECEIVED: 30/01/2025



site notice 2  
position

Site Craginamore

Dermot & Grania's Bed

## SITE LOCATION MAP

OS Map No. 183 & 208

site notice 1  
position



Michael Friel  
Architects & Surveyors Ltd  
Creeshlough,  
Co. Donegal.  
Tel - 074 91 38814  
Mob - 087 269658  
E-mail:  
michael@mfrichelarchitects.ie

Client:  
Jacqueline Friel

Project:  
Retention permission for change of use  
of existing dwelling to guest house  
and garage at drumbrick, termon,  
letterkenny

Drawing:  
SITE LOCATION MAP

Scale:  
1:50 1:100

Date:  
July 2024

Job No:  
24---

Dwg Number:  
01.

Registered  
Architect

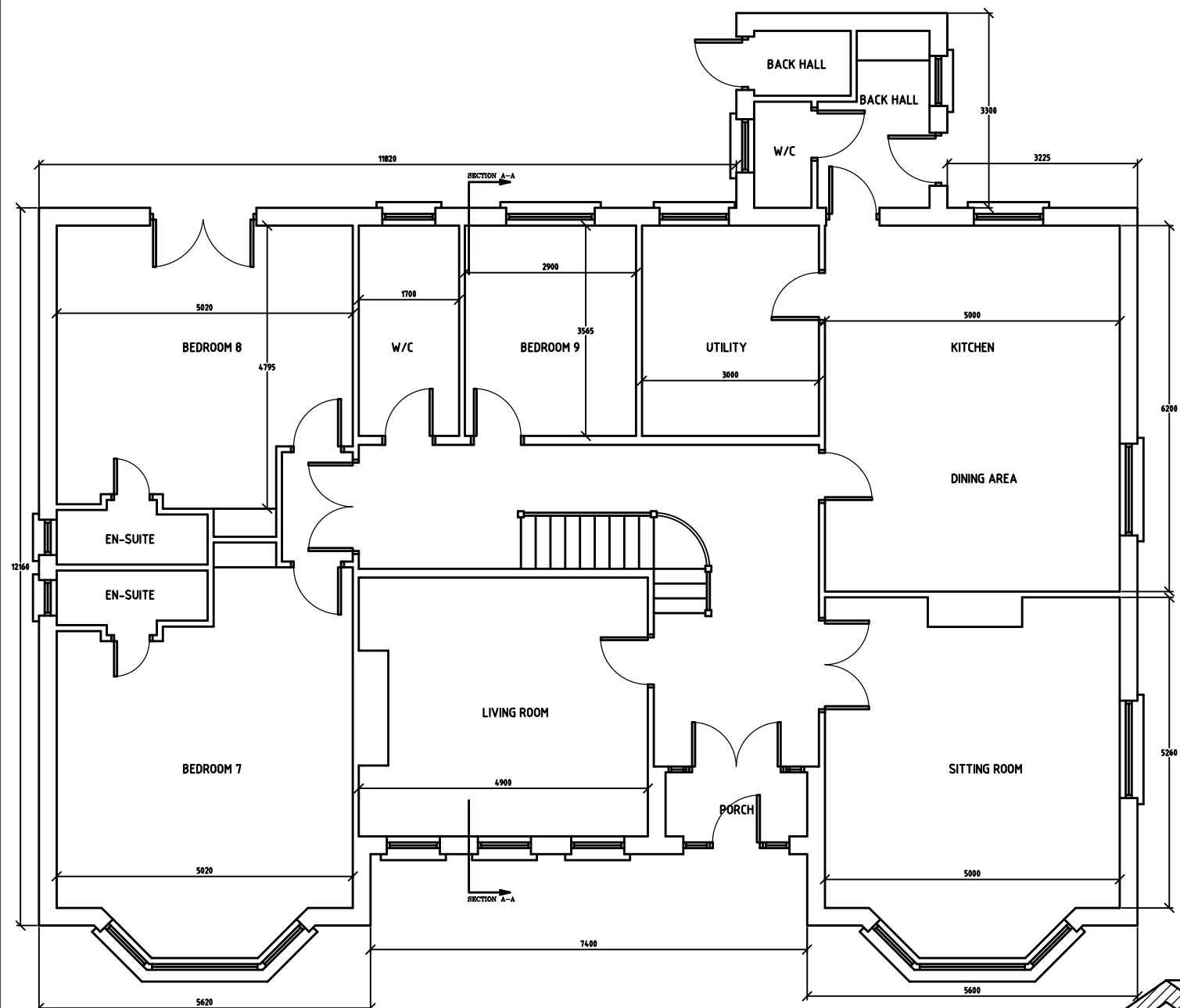
Architect  
Accredited in  
Conservation

PSDP  
Accreditation

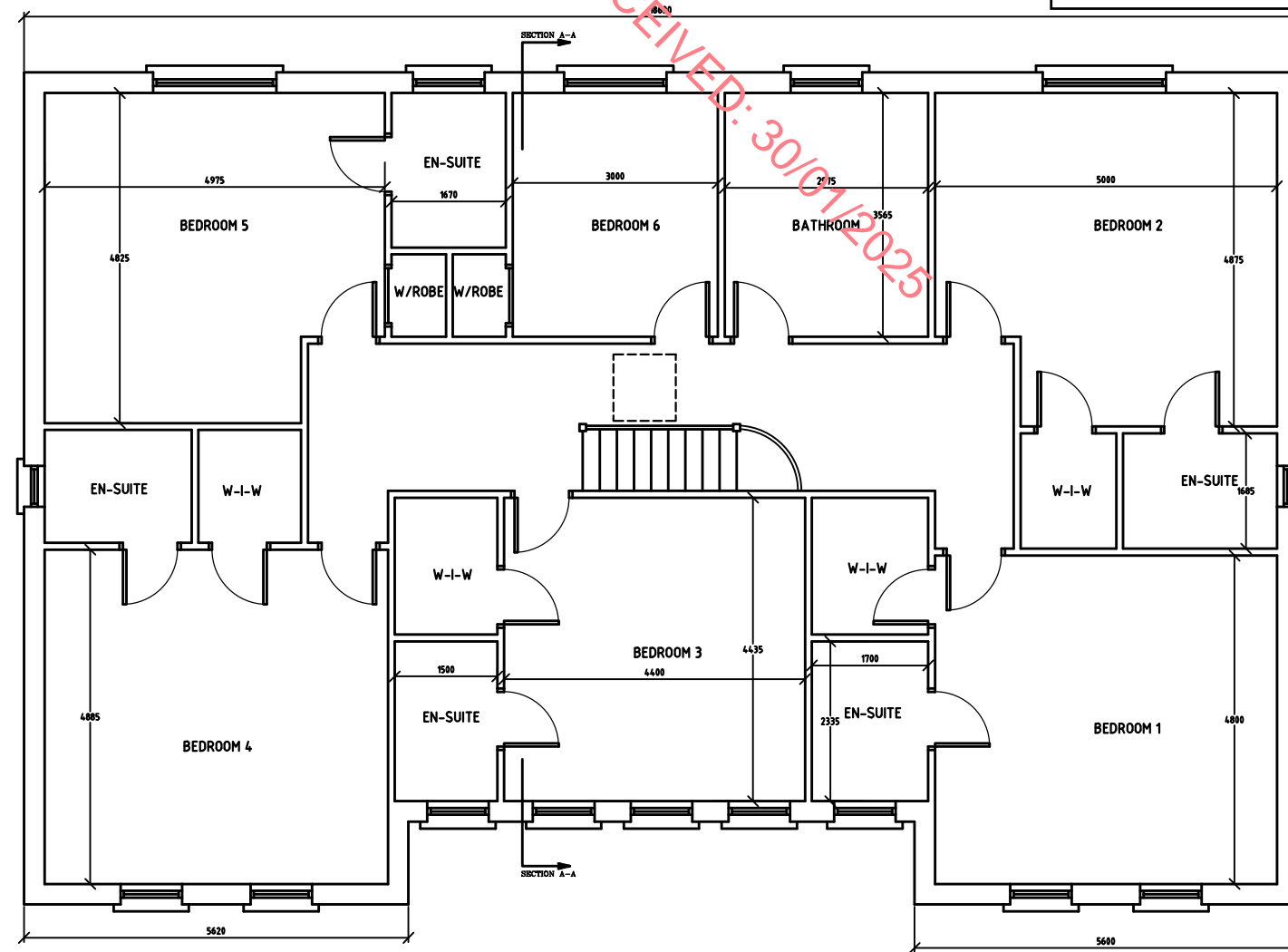
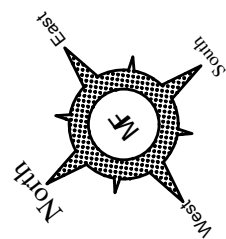
2024

G3

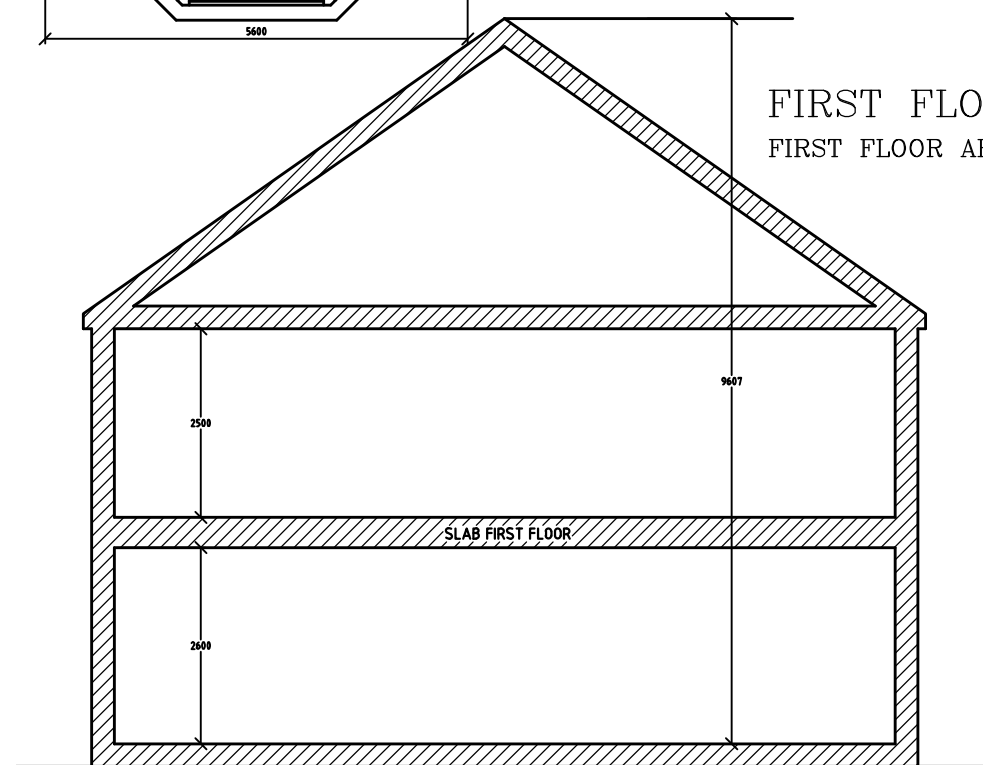
P



GROUND FLOOR LAYOUT PLAN  
GROUND FLOOR AREA = 213 sq. m. ( sq. ft.)



FIRST FLOOR LAYOUT PLAN  
FIRST FLOOR AREA = 196 sq. m. ( sq. ft.)



SECTION A-A

GROUND FLOOR AREA = 213 sq. m. ( sq. ft.)  
FIRST FLOOR AREA = 196 sq. m. ( sq. ft.)  
TOTAL FLOOR AREA = 409 sq. m. ( sq. ft.)



Michael Friel  
Architects & Surveyors Ltd  
Creeshlough,  
Co. Donegal.  
Tel - 074 91 38814  
Mob - 087 2869658  
E-mail:  
michael@mfrichelarchitects.ie

Client:  
Jacqueline Friel

Project:  
Retention permission for change of use  
of existing dwelling to guest house at  
drumbrick, termon, letterkenny

Drawing:  
General arrangement drawings

Scale:  
1:50 A3 = 1:100

Date:  
July 2024

Job No:  
24---

Dwg Number:  
01.

RIA

Registered  
Architect

Architect  
Accredited in  
Conservation

PSDP  
Accreditation

2024

G3

P

blue/black slate roof

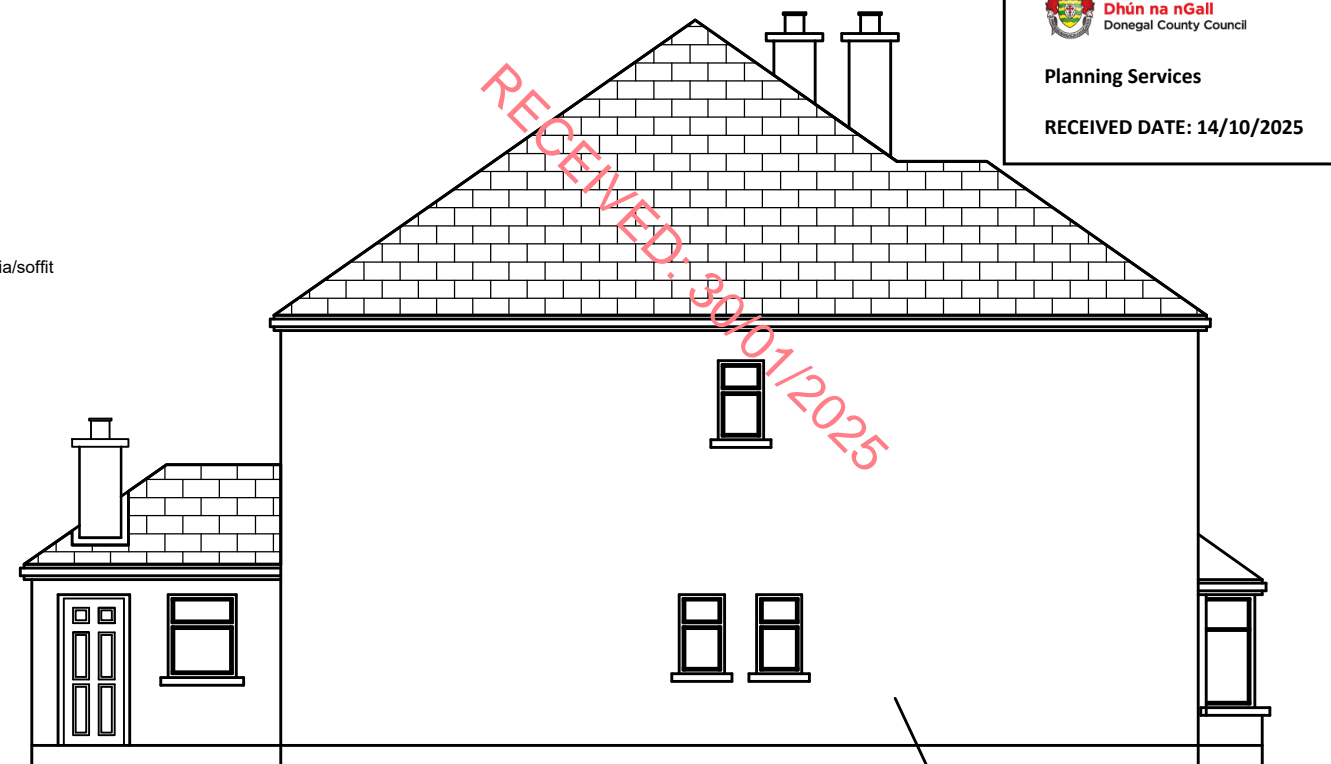


FRONT ELEVATION

(facing northwest)

smooth render  
painted walls

18628

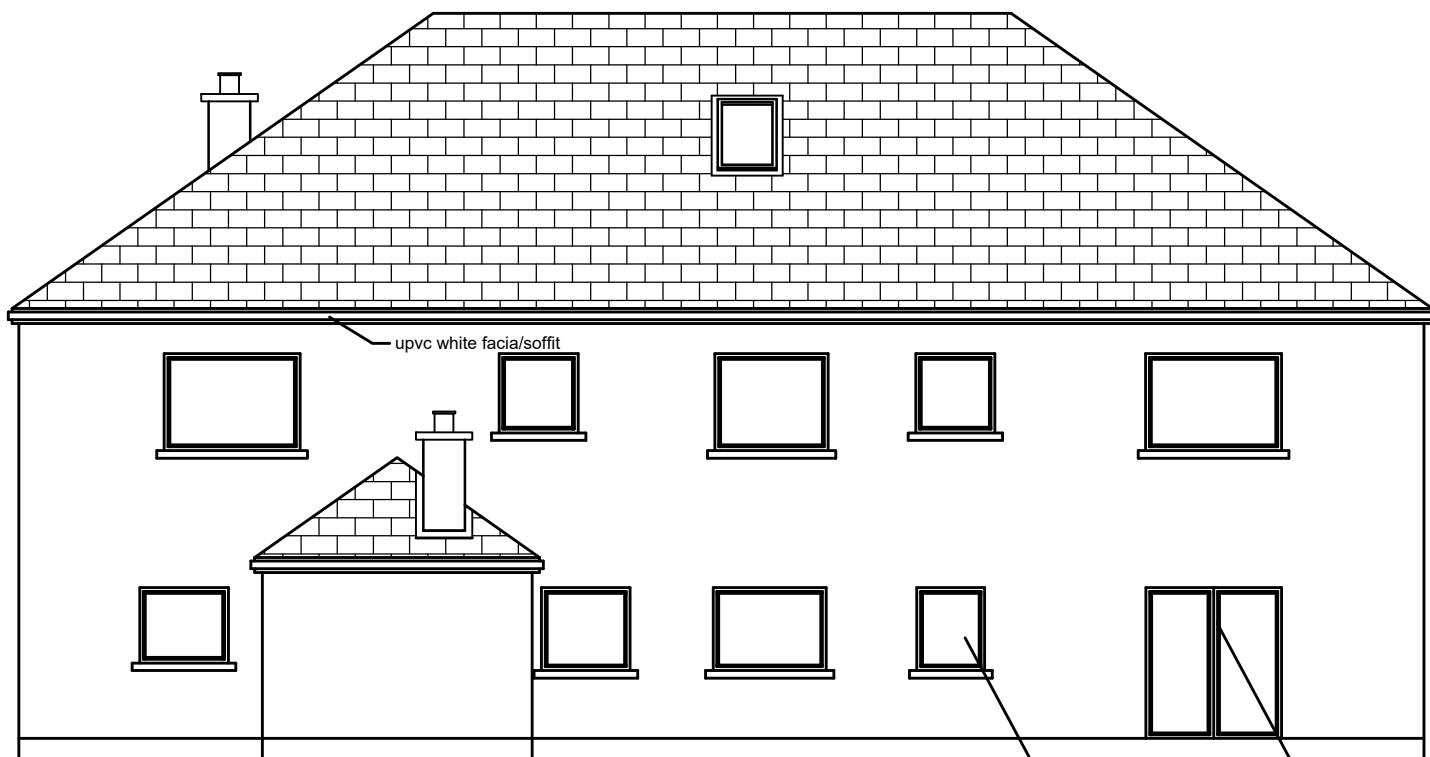


SIDE ELEVATION

(facing northeast)

16318

smooth render  
painted walls



REAR ELEVATION

(facing southeast)

upvc white  
windows

upvc white  
doors



SIDE ELEVATION

(facing southwest)

smooth render  
painted walls

Client:  
Jacqueline Friel

Project:  
Retention permission for change of use  
of existing dwelling to guest house at  
drumbrick, termon, letterkenny

Drawing:  
General arrangement drawings



Michael Friel  
Architects & Surveyors Ltd  
Creeslough,  
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E-mail:  
michael@mfrichelarchitects.ie

Scale:  
1:50 A3 =1:100

Date:  
July 2024

Job No:  
24---

Dwg Number:  
01.

RIA  
2024 G3 P



**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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**Our Ref: S525/87**

17<sup>th</sup> October, 2025

Jacqueline Friel  
C/o Michael Friel  
Creeshlough  
Co. Donegal  
F92 TF60

**Re: Section 5 - Application for the continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House Type Accommodation at Drumbrick, Termon, Letterkenny, Co. Donegal, F92XYE2.**

A Chara,

I wish to acknowledge receipt of your application received on 14<sup>th</sup> October, 2025 in relation to the above.

Yours sincerely,

Donegal County Council  
Planning Services



## **Donegal County Council**

### **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/87**

#### **BACKGROUND**

##### **Location**

The subject site is located at Drumbrick, Termon, Letterkenny PO, County Donegal, F92 XYE2..

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

The subject site comprises a stated area of 0.860ha, in the townland of Drumbrick, Termon, which is not readily visible from the adjoining local road. The site comprises gradually sloping lands in a relatively remote rural area, There is an existing dwelling and garage on the site. Access to the site is off the Private road which adjoins the local county road, L1442-1. The site is located within an area of High Scenic Amenity and falls within a Structurally Weak Rural Area (discussed further below). There is a Megalithic Tomb located within the site and there is a Burial Ground located approx. 97m to the Northeast. There is a SAC located approx. 804m to the Northeast.

##### **Planning History**

25/60108 – Permission Granted (dated 04/09/2025) for (1) Retention of (A) Guest House Type Accommodation and (B) Domestic Garage, and (2) Installation of a New Effluent Treatment Plant including all other associated site development works. Subject to 9 conditions, including restrictions on maximum bedspaces (9), use as short-term tourist accommodation only (max 60 consecutive days), and prohibition on long-term or permanent residential use.

#### **THE QUESTION**

The agent, Michael Friel, on behalf of the applicant, Jacqueline Friel, has made a submission to Donegal County Council seeking a Declaration of Exemption as to whether or not the following is exempt from planning permission:

“The continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House Type Accommodation”

#### **EVALUATION**

##### **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".

**Planning and Development Regulations, 2001 (as amended)**

*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*

(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.

**Class 14(h) of Schedule 2, Part 1 (as inserted by S.I. No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015)**

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, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

Protected persons are defined under the International Protection Act 2015.

Conditions of exemption include

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.:

**Schedule 2 Part 1 Exempted Development –Uses Class 20F:**

**CLASS 20F**

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.<sup>3</sup>

## **ASSESSMENT**

### **Consideration of Proposed Development**

#### **Existing Use:**

The property currently consists of a retained guesthouse type accommodation under permission 25/60108, with a maximum of 9 bedspaces, restricted to short-term tourist use (max 60 consecutive days) and not for long-term or permanent residential accommodation. No details accompany the application regarding proposed works (if any), occupancy numbers, or duration of stays for protected persons.

#### **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.

#### **Analysis of Development:**

The Planning Authority is satisfied that the change of use to accommodation for persons availing of international protection would constitute 'development' as defined in Sections 2 & 3 of the Act, as it represents a material change in use. The Planning and Development Act 2000 (as amended) does not explicitly define material change

of use. Accommodation for protected persons is typically long-term in nature, differing from the short-term guest use permitted.

While the existing use as a guesthouse falls within the qualifying premises under Class 14(h), the exemption is subject to Article 9(1)(a)(i), which restricts exempted development where it would contravene a condition attached to a permission. The proposed use contravenes Condition 3 of permission 25/60108, which explicitly prohibits long-term or permanent residential accommodation.

Planning Authority does not consider Class 20F applicable in this instance, as no evidence has been submitted that the temporary use is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth. The development does not therefore accord with the conditions and limitations with respect to this Class 20F exemption.

### **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).

### **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).

### **CONCLUSION**

It is considered that:

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), as it represents a material change of use. The proposed use does not qualify as exempted development, as it contravenes Condition 3 of permission 25/60108 under Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended), and does not align with the intended use under Class 14(h) or Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

### **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) The continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House Type Accommodation

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) without contravening conditions of the prior permission.



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Executive Planner  
Development Applications Unit  
04/11/2025



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
10/11/2025

**Chief Executive's Order No: 2025PH3260**

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

**SECTION 5:-**

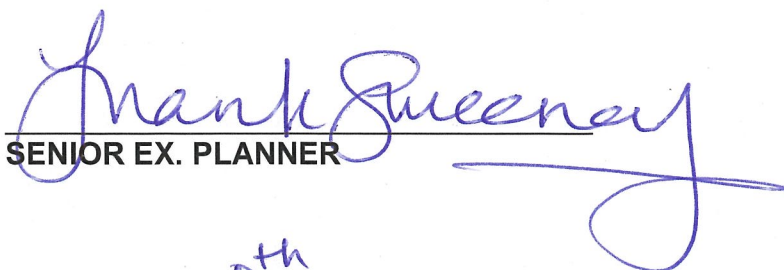
Request received 14<sup>th</sup> October 2025 from Jacqueline Friel c/o Michael Friel Architects, Creeslough, Letterkenny, Co. Donegal, F92 TF60 in relation to the continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House type accommodation at Drumbrick, Termon, Letterkenny, Co. Donegal, F92 XYE2.

**SUBMITTED:-**

Written request received 14<sup>th</sup> October 2025 as above and report dated 4<sup>th</sup> November 2025 from the Executive Planner (Ref. No: S5 25/87 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 10<sup>th</sup> DAY OF NOVEMBER 2025

**Chief Executive's Order No: 2025PH3260**

**Ref.No: S5 25/87**

**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) without contravening conditions of the prior permission.

JS 10/11



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

**Ref. No:** S525/87

10<sup>th</sup> November 2025

JACQUELINE FRIEL  
C/O MICHAEL FRIEL ARCHITECTS  
CREESLOUGH  
LETTERKENNY  
CO. DONEGAL  
F92 TF60

**Re: Continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House type accommodation at Drumbrick, Termon, Letterkenny, Co. Donegal, F92 XYE2.**

A Chara,

I refer to your request received on 14<sup>th</sup> October 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 Coimisiún within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

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

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH3260

**Reference No:** S525/87

**Name of Requester:** JACQUELINE FRIEL  
C/O MICHAEL FRIEL ARCHITECTS  
CREESLOUGH  
LETTERKENNY  
CO. DONEGAL  
F92 TF60

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

Continued use of an existing property providing accommodation for persons availing of International Protection. Planning Permission Ref No 25/60108 approved for a Guest House type accommodation

**Location:** Drumbrick, Termon, Letterkenny, Co. Donegal, F92 XYE2.

**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) without contravening conditions of the prior permission.

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

**Dated this 10<sup>th</sup> day of November 2025**