

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Subject:** FW: Section 5 Declaration Application Ballintra, Co Donegal.  
**Date:** 26 January 2026 15:25:03  
**Attachments:** [Outlook-o1lea2ni.png](#)  
[Section 5 Declaration Application Form.pdf](#)  
[2026.01.26 Planning Section Cover Letter.pdf](#)  
[22-14 - PL002 - SITE LAYOUT PLAN.pdf](#)  
[22-14 - PL101 - EXISTING FLOOR PLANS, ELEVATIONS & SECTION.pdf](#)  
[22-14 - PL001 - SITE LOCATION MAP.pdf](#)

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**From:** Paul Doherty <[paul@dohertyarchitects.com](mailto:paul@dohertyarchitects.com)>  
**Sent:** 26 January 2026 15:23  
**To:** [planning mailbox](#) <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Subject:** Section 5 Declaration Application Ballintra, Co Donegal.

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.

A Chara

Attached please find an application for a section 5 Declaration.

Kind Regards

Paul

Paul Doherty FRIAI

Dip Arch Tech, Dip Arch, B Arch Sc, PG Dip Urban Regeneration,  
PSDP.

Architect Accredited in Conservation Grade 3.

Paul Doherty Architects Ltd,  
Castle Street, Donegal Town.

E Mail; [paul@dohertyarchitects.com](mailto:paul@dohertyarchitects.com)





PAUL DOHERTY ARCHITECTS LTD



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 26/01/2026

The Planning Section  
Donegal Council  
County House  
Lifford  
Co Donegal

26<sup>th</sup> of January 2026

**Re- Request for Section 5 Declaration  
Drumnacroil House, Ballintra, Co Donegal**

A Chara,

We have been requested by Mr. Liam Duffy to lodge an application seeking a Section 5 Declaration for the continued use of an existing guesthouse property at Drumnacroil House, Drumnacroil, Ballintra, Co Donegal, to provide accommodation for persons availing of international protection.

S.I No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015 provides under class 14 (H) for a change of use of various forms of premises providing residential overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation, which will be deemed to be exempt development, thus not requiring planning permission for the change of use.

This property has been used to provide accommodation for persons availing of international protection since the start of the Russian invasion of Ukraine and we are informed that the Department of Justice intends to continue to utilise the property for the accommodation of international protection applicants

The following information is attached with this application.

1. Completed Section 5 Application Form.
2. Site Location Map
3. Site Layout Map
4. Existing plans elevations and sections of the existing property.
5. The required fee of € 80 has been paid to the DCC cash office receipt No 667187

I trust the above is in order, but should you have any further queries, please do not hesitate to contact us.

ARCHITECTURE - SUSTAINABLE DESIGN - PLANNERS

PAUL DOHERTY ARCHITECTS LTD. - Castle Street - Donegal Town - Co. Donegal

Tel > 074 97 23131 - Fax > 074 97 23157 - Email > paul@dohertyarchitects.com

Directors > P.A. Doherty MRIAI - A. Meehan MRIAI - P. Doherty Dip. MK IPAV Company Reg. No. 282335

RIAI

Yours sincerely

*Paul Doherty*

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Paul Doherty FRIAI

Paul Doherty Architects Ltd.



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



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

**Planning Services**

**RECEIVED DATE: 26/01/2026**

## 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>	Liam Duffy
<b>Agent Name:</b> (if applicable)	Paul Doherty Architects Ltd
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	Drumnacroil House, Drumnacroil, Ballintra, Co Donegal.
<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 guesthouse to provide accommodation for persons availing of international protection.</p> <p>S.I No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015 provides under class 14 (H) for a change of use of various forms of premises providing residential overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation, which will be deemed to be exempt development, thus not requiring planning permission for the change of use.</p> <p>This property has been used to provide accommodation for persons availing of international protection since shortly after the start of the Russian invasion of Ukraine and we are informed that the Department of Justice intends to continue to utilise the property for the accommodation of international protection applicants</p>	



<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
		No
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
		No
<b>Applicant(s) Interest in the site:</b>	Owner	
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>	1. Completed Section 5 Application Form. 2. Site Location Map 3. Site Layout Map House Plans & Elevations	
<b>Planning History - list any relevant planning application reference numbers:</b>	98-2936 Erection of B & B Guesthouse 25/60634 Attic Utilisation to provide additional bedrooms	
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>	No	

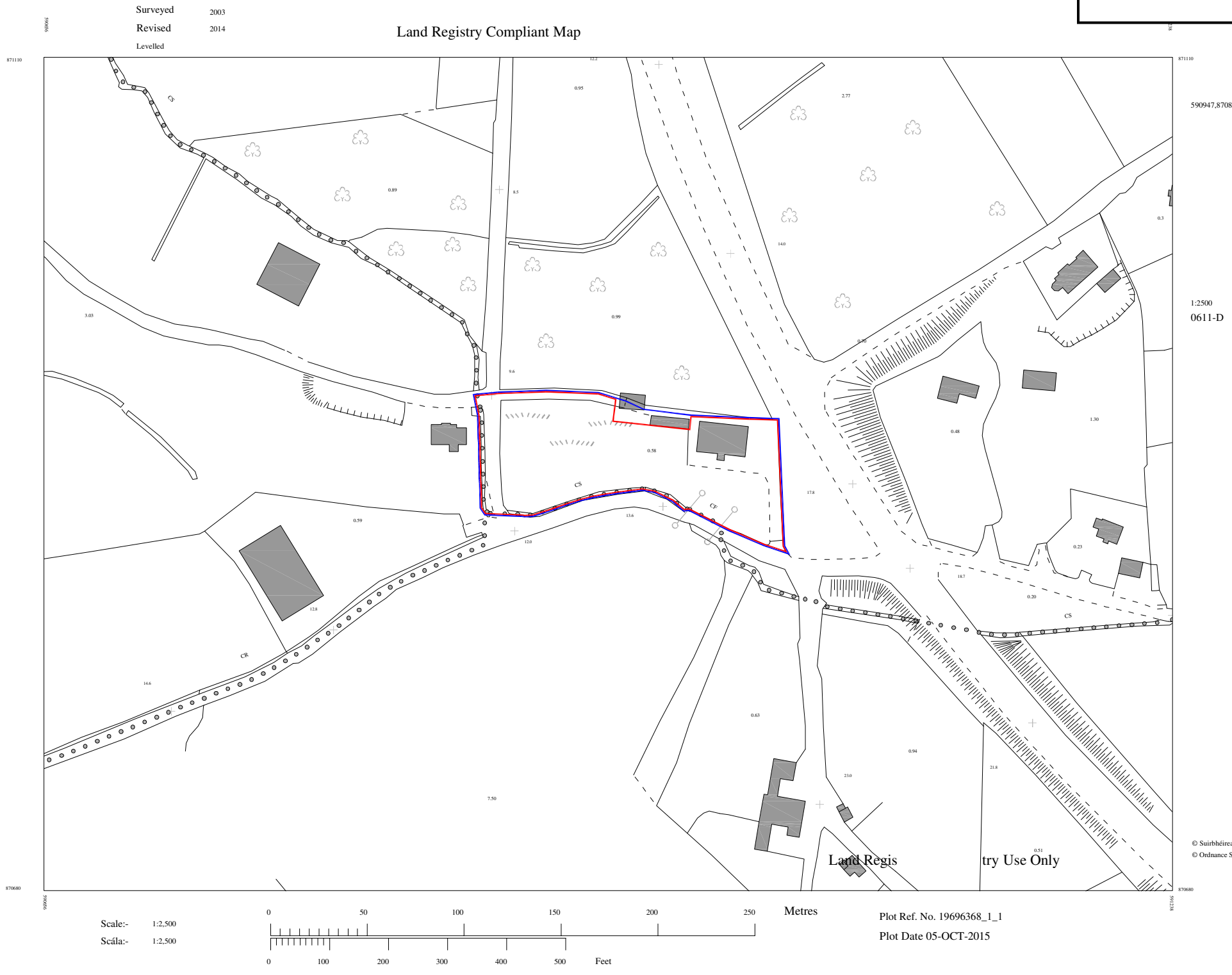
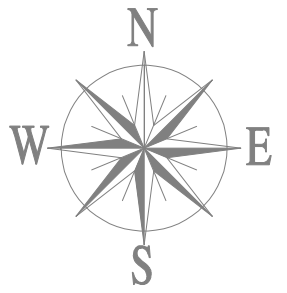
<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	<i>Paul Doherty</i>
<b>Date:</b>	2026.01.26



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

**Planning Services**

**RECEIVED DATE: 26/01/2026**



**SITE LOCATION MAP**  
SCALE 1:2500  
EXTENT OF OWNERSHIP OUTLINED IN BLUE = 0.87 Ha  
EXTENT OF SITE OUTLINED IN RED = 0.84 Ha

REV	DATE

**PLANNING APPLICATION**

PROJECT  
EXISTING DRUMNACROIL GUET HOUSE,  
BALLINTRA, CO. DONEGAL.  
For: Liam Duffy

DRAWING TITLE

**SITE LOCATION MAP**

DRAWING NO.  
22-14-PL001

DRAWN  
John Kelly

COMPUTER; REF / FILE

SCALE 1:2500

DATE January 2026



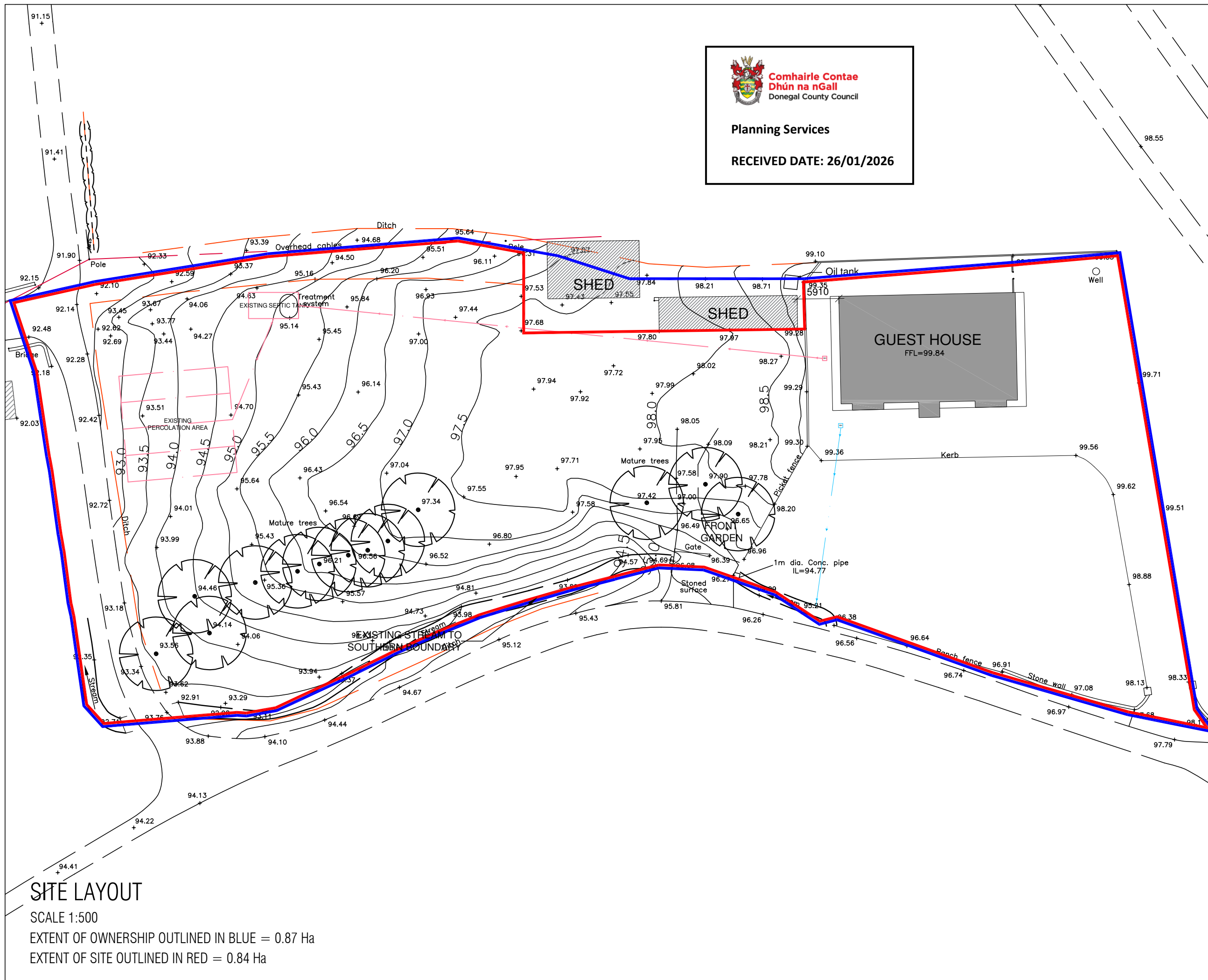
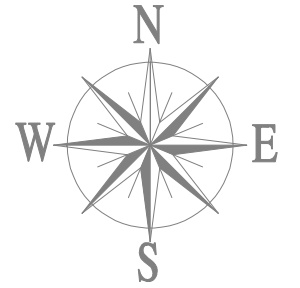
**PAUL DOHERTY  
ARCHITECTS LTD.**  
Architects & Interior Designers

CASTLE STREET,  
DONEGAL TOWN, CO. DONEGAL.  
TEL: (074) 97 23131 FAX: (074) 97 23157  
e-mail: info@dohertyarchitects.com



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services  
RECEIVED DATE: 26/01/2026



**SITE LAYOUT**  
SCALE 1:500  
EXTENT OF OWNERSHIP OUTLINED IN BLUE = 0.87 Ha  
EXTENT OF SITE OUTLINED IN RED = 0.84 Ha

REV	DATE

**PLANNING APPLICATION**

PROJECT  
EXISTING DRUMNACROIL GUET HOUSE,  
BALLINTRA, CO. DONEGAL.  
For: Liam Duffy

DRAWING TITLE

**SITE LAYOUT PLAN**

DRAWING NO.  
22-14-PL002

DRAWN  
John Kelly

COMPUTER; REF / FILE

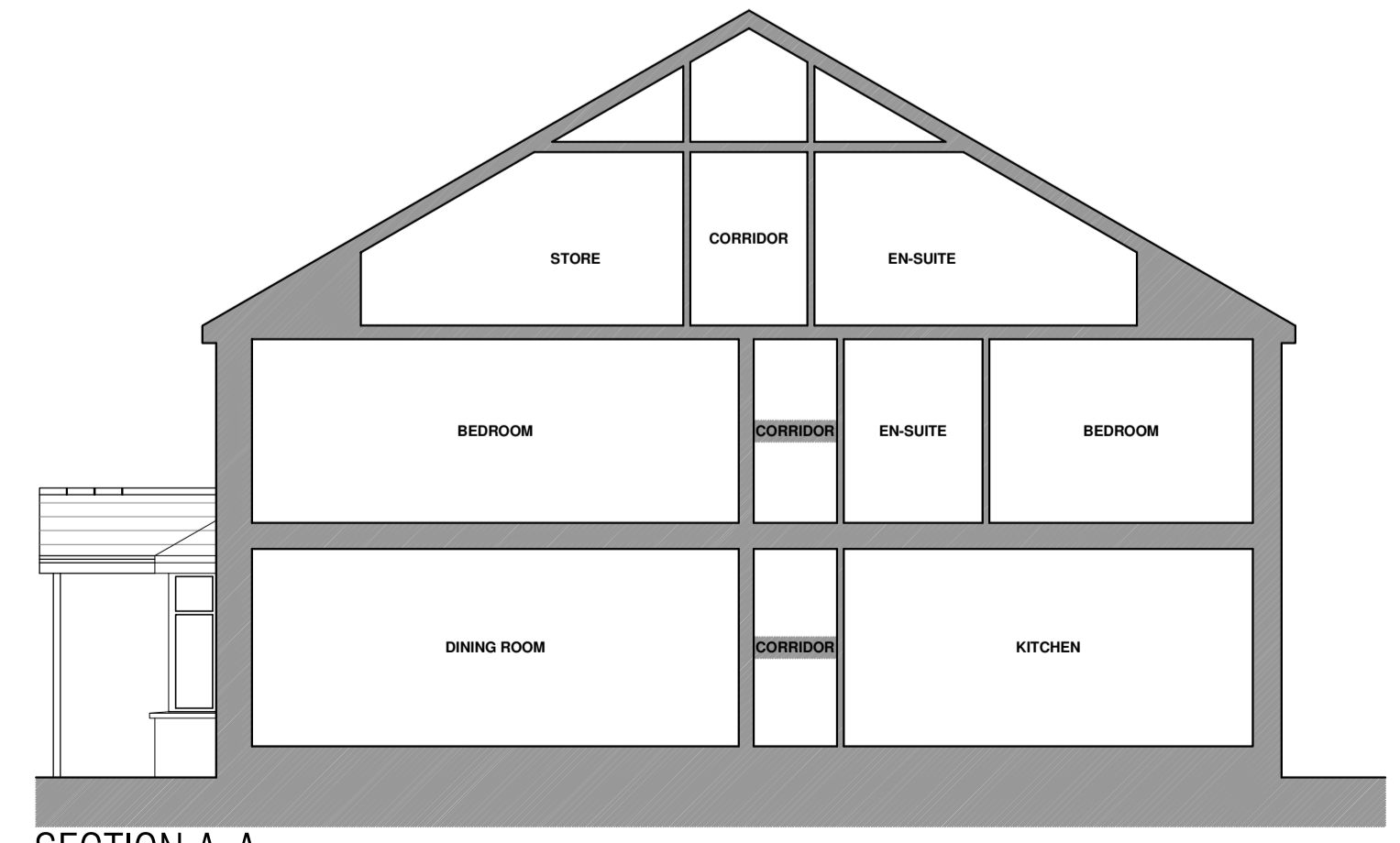
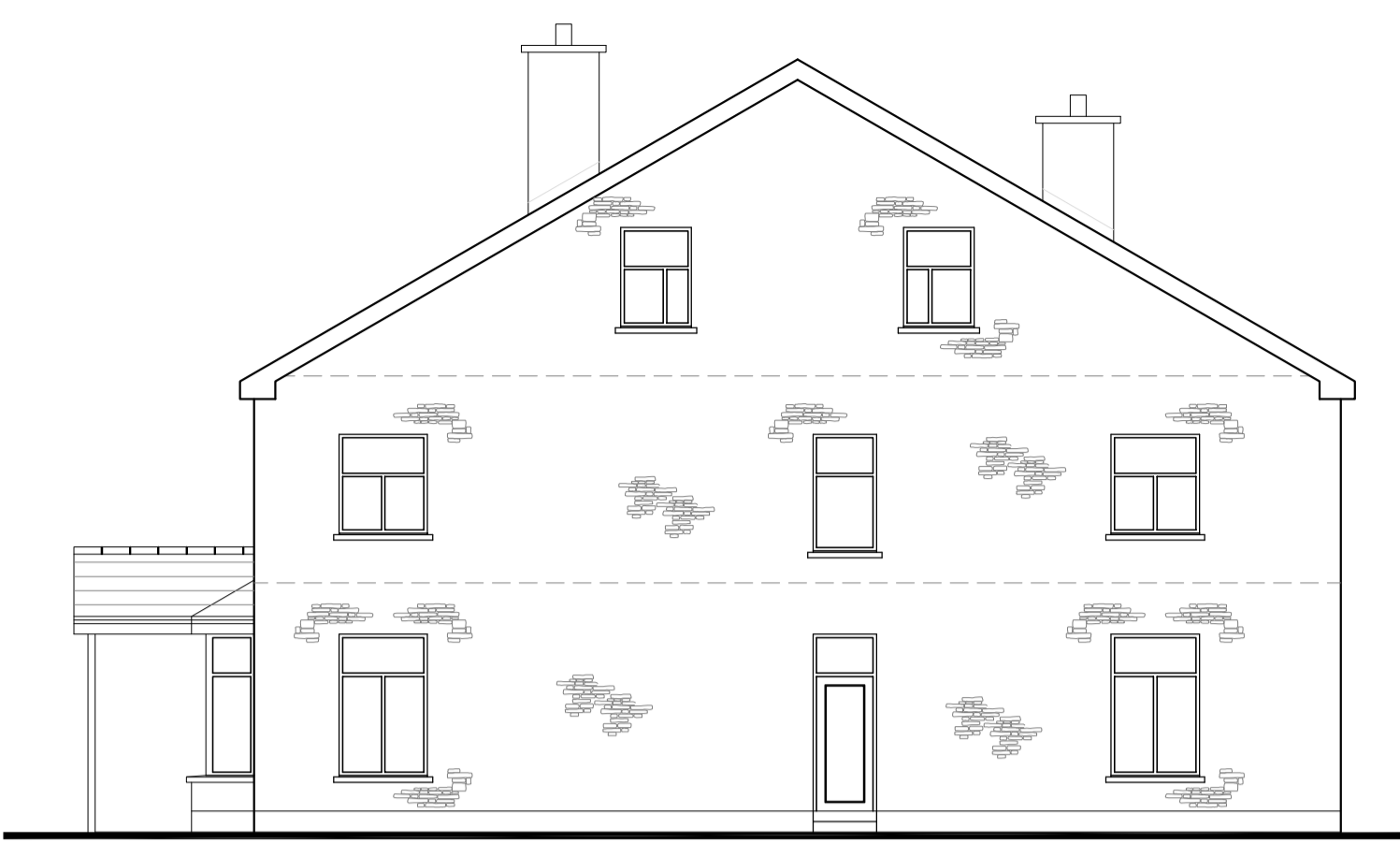
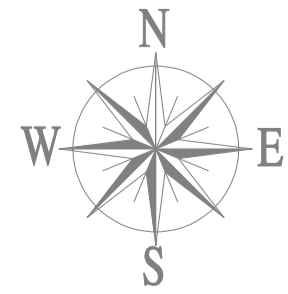
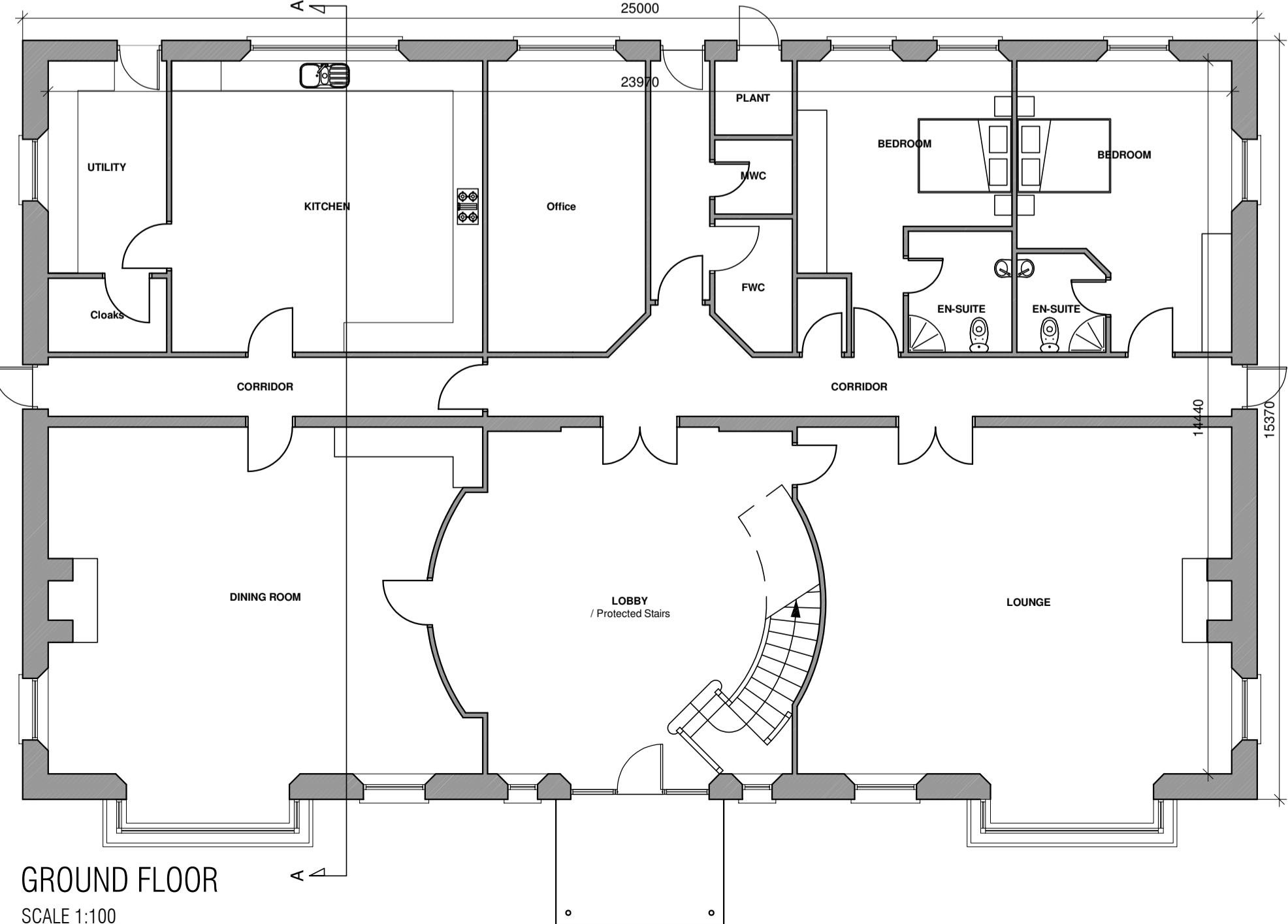
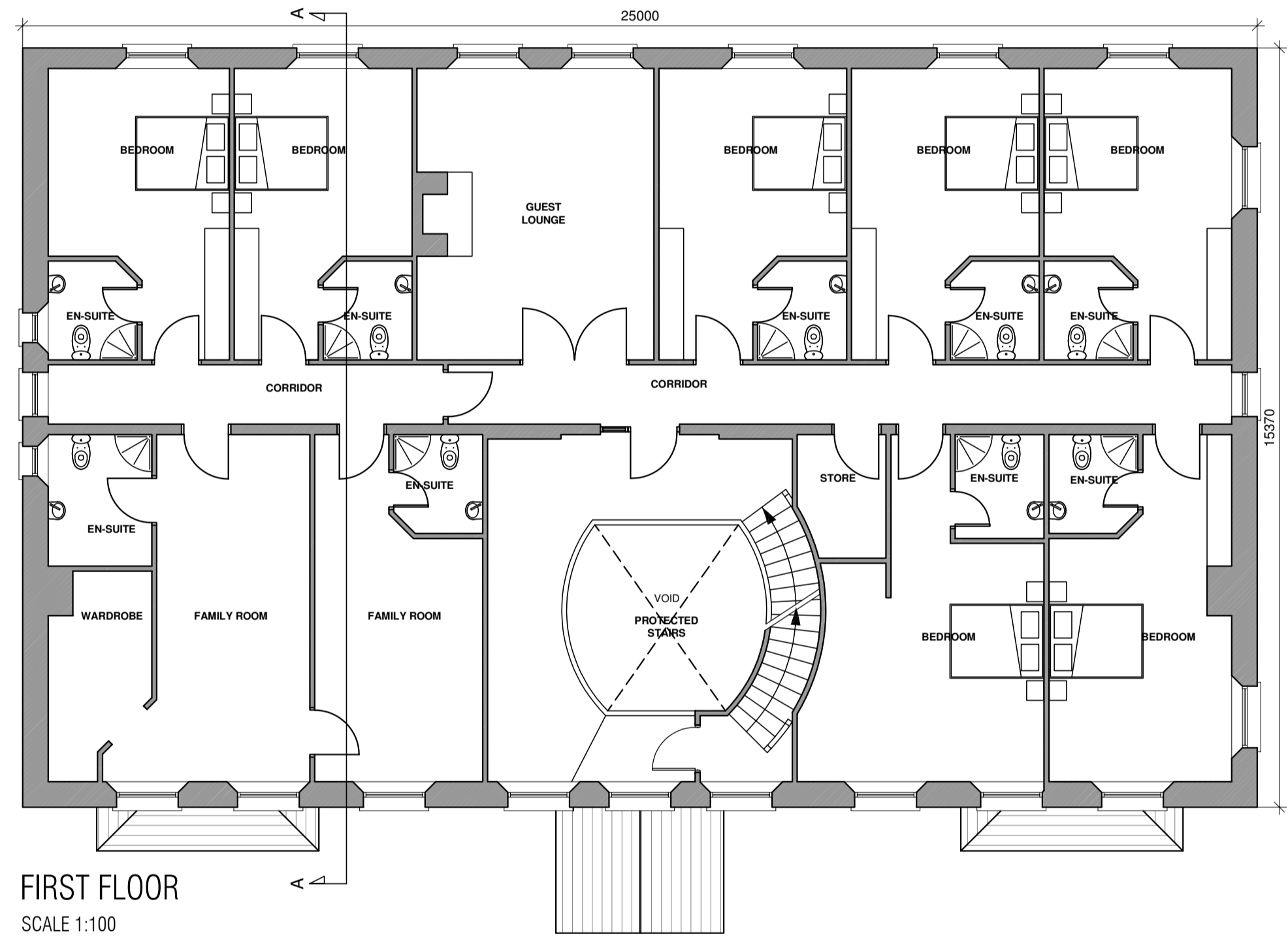
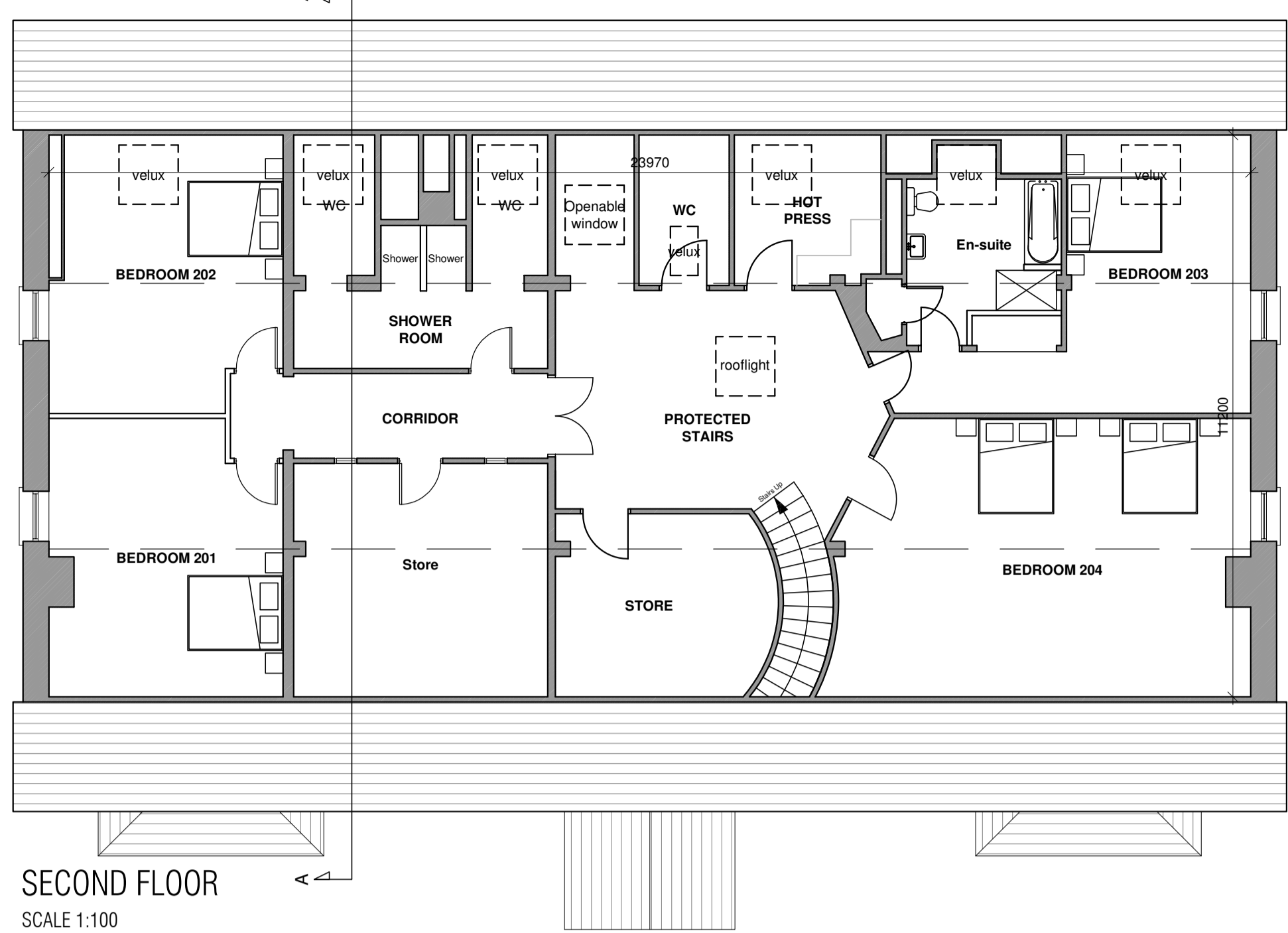
SCALE 1:500

DATE January 2026




**PAUL DOHERTY ARCHITECTS LTD.**  
Architects & Interior Designers

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e-mail: info@dohertyarchitects.com




**Comhairle Contae**  
 Dhún na nGall  
 Donegal County Council  
 Planning Services  
 RECEIVED DATE: 26/01/2026

REV	DATE
<b>PLANNING APPLICATION</b>	
PROJECT EXISTING DRUMNACROIL GUET HOUSE, BALLINTRA, CO. DONEGAL. For: Liam Duffy	
DRAWING TITLE	
EXISTING FLOOR PLANS, ELEVATION & SECTION	
DRAWING NO. 22-14-PL101	DRAWN John Kelly
COMPUTER; REF / FILE	
SCALE 1:100	DATE January 2026
 <b>PAUL DOHERTY</b> <b>ARCHITECTS LTD.</b> <i>Architects &amp; Interior Designers</i>	
CASTLE STREET, DONEGAL TOWN, CO. DONEGAL. TEL: 07497 23131 FAX: 07497 23157 e-mail: info@pdaarchitects.com	

## **SECTION 5 REFERRAL REPORT – Ref.No: 26/08**

### **Donegal County Council**

#### **1.0 COMMENTS**

The subject site is a guesthouse known as Drumnacoil House, Ballintra, Co. Donegal. It has recently been used as accommodation for Ukrainian refugees. The proposed works constitute one element as follows:

1. Change of use from existing guesthouse to accommodation for persons seeking international protection as provided for in S.I. No. 582/2015 Planning and Development Regulations 2015 – Class 14(H).

The existing building is not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The entire site is within an area designated as Structurally Weak Rural Area and as High Scenic Amenity in the County Donegal Development Area 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 14

Development consisting of a change of use –

(h) 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.

**4.0 ASSESSMENT**

**4.1 Consideration of Proposed Development:**

- (i) The building has been permitted as a guesthouse under application ref. no. 98/2936.
- (ii) Application ref. no. 25/60634 sought to regularise unauthorised works within the site and was granted on appeal. The principle of development and the use of the building as accommodation for those of refugee status was accepted.
- (iii) It is therefore considered that the proposed works noted above constitute "development" within the meaning of the Act, being works, and is exempted development coming within the scope of

Class 14 (h) of the Planning & Development Regulations 2001 (as amended).

- (iv) Appropriate assessment is not a consideration in the assessment of this referral.

**4.2 Conclusion:**

It is considered that:

- (v) The change of use from guesthouse to accommodation for persons seeking international protection constitutes “development” within the meaning of the Act, being works, and is exempted development under the scope of Class 14 (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 Pleanala for determination.

**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:**

- (i) change the use from guesthouse to accommodation for persons seeking international protection

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

Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and 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 and is exempted development as the development falls within the scope of Class 14 (h) of the Planning & Development Regulations 2001 (as amended).

**Signed:** 

**Position: Exec Planner**

Date: 13/02/2026.



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
16/02/2026



**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

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

**Planning Services**  
**E:** planning@donegalcoco.ie

**E-mail:** paul@dohertyarchitects.com

**Our Ref: S526/08**

27<sup>th</sup> January, 2026

Liam Duffy  
C/o Paul Doherty Architects Ltd.  
Castle Street  
Donegal Town  
Co Donegal

**Re: Application to determine if continued use of an existing guesthouse to provide accommodation for persons availing of international protection at Drumnacroil House, Drumnacroil, Ballintra, Co Donegal is “exempted development” or not.**

A Chara,

I wish to acknowledge receipt of your application received on 26<sup>th</sup> January 2026 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



**Chief Executive's Order No: 2026PH0497**

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

**SECTION 5:-**


Request received 26<sup>th</sup> January 2026 from Liam Duffy C/o Paul Doherty Architects Ltd, Castle Street, Donegal Town, Co, Donegal F94 AEK0 in relation to the change of use of an existing guesthouse to provide accommodation for persons availing of international protection at Drumnacroil House, Drumnacroil, Ballintra Co. Donegal.

**SUBMITTED:-**

Written request received 26<sup>th</sup> January 2026 as above and report dated 13<sup>th</sup> February 2026 from the Executive Planner (Ref. No: S5 26/08 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 19<sup>th</sup> DAY OF FEBRUARY 2026



**Chief Executive's Order No: 2026PH0497**

**Ref.No: S5 26/08**

**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:**

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and 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 EXEMPTED DEVELOPMENT**, as the development falls within the scope of Class 14 (h) of the Planning & Development Regulations 2001 (as amended).

J 19/02



**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.ccdhunngall.ie

**Planning Services**  
**E:** planning@donegalcoco.ie

Ref. No: S526/08

19<sup>th</sup> February 2026

LIAM DUFFY  
C/O PAUL DOHERTY ARCHITECTS LTD  
CASTLE STREET  
DONEGAL TOWN  
CO. DONEGAL  
F94 AEK0

**Re: Change of use of an existing guesthouse to provide accommodation for persons availing of international protection at Drumnacroil House, Drumnacroil, Ballintra Co. Donegal.**

A Chara,

I refer to your request received on 26<sup>th</sup> January 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 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:** 2026PH0497

**Reference No:** S526/08

**Name of Requester:** LIAM DUFFY  
C/O PAUL DOHERTY ARCHITECTS LTD  
CASTLE STREET  
DONEGAL TOWN  
CO. DONEGAL  
F94 AEK0

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

Change of use of an existing guesthouse to provide accommodation for persons availing of international protection

**Location:** Drumnacroil House, Drumnacroil, Ballintra 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:**

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and 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 EXEMPTED DEVELOPMENT**, as the development falls within the scope of Class 14 (h) of the Planning & Development Regulations 2001 (as amended).

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

**Dated this 19<sup>th</sup> day of February 2026**