



SECTION 5 APPLICATION

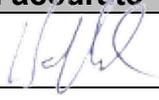
FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Completed application form & supporting documentation to be returned to the Planning Authority by email to planning@donegalcoco.ie

Name of Applicant(s):	
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	



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:		
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:		
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:		

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

PLANNING REPORT

Section 5 Application – Declaration of Exempted Development

The accommodation for persons seeking international protection at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK

DONEGAL COUNTY COUNCIL

DECEMBER 2025

SUBMITTED ON BEHALF OF:
Graded Homes Limited,
Unit 19 Antrim Enterprise Agency,
58 Greystone Road,
Antrim

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpdc.ie www.hpdc.ie

HUGHES
PLANNING
& DEVELOPMENT CONSULTANTS

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany a request for a Declaration pursuant to Section 5 of the Planning and Development Act, 2000, as amended, on behalf of our client, Graded Homes Limited, concerning Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK.

The question before the Planning Authority is:

“Whether the use of the office at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development?”

We note the term ‘Displaced Persons’ under Article 2 of Council Implementing Decision (EU) 2022-382 of 4th March 2022 means the following categories of persons displaced from Ukraine on or after 24th February 2022, as a result of the military invasion by Russian armed forces that began on that date:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (a) Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
- (a) Family members of the persons referred to in points (a) and (b).

It is further noted that for the purposes of paragraph 1, point (c), the following persons shall be considered to be part of a family, in so far as the family was already present and residing in Ukraine before 24 February 2022:

- (i) The spouse of a person referred to above, point (a) or (b), or the unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens;
- (i) the minor unmarried children of a person referred to above, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (i) Other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in paragraph 1, point (a) or (b) at the time.

Thereafter, for the purposes of this exemption, ‘Displaced Persons’ shall be defined based on the above.

We note that the definition of ‘international protection’ is as follows:

1. *‘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).*

Consequently, ‘International Protection’ is defined under the 2015 Act as:

- as a refugee, on the basis of a refugee declaration, or
- as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

Thereafter, for the purposes of this exemption, people under international protection shall be defined based on the above.

We would submit that the use of an office as temporary accommodation for displaced persons seeking international protection constitutes exempted development as per the provisions outlined throughout this report.

2.0 Site Description

The subject site comprises a single-storey structure used as an office since 1943. The structure was used by Oatfields Sweet Factory, which was immediately adjacent to the property to the northeast. The property was owned by Haddon Mc Kinney, who was the owner of the factory, along with his brother Ira Mc Kinney who lived in the dwelling to the west. Since acquiring the property, the applicants have continued the use of the premises as office and have used the property for guest accommodation.



Figure 1.0 Aerial image of the subject site (red marker).

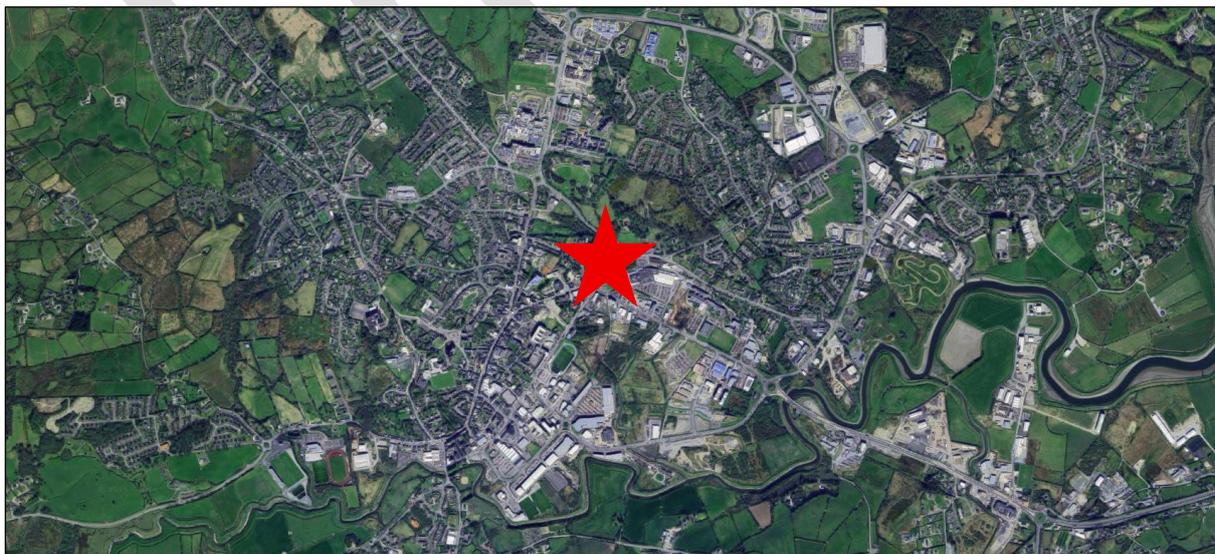


Figure 2.0 Wider locational context of the subject site (red star) in the context of Letterkenny.



Figure 3.0 Aerial image of the subject site.

3.0 Planning History

A review of the Donegal County Council online planning register revealed no planning history associated with the subject site.

4.0 Proposed Use

The proposal seeks the change of use from office and guest accommodation to use as accommodation for refugees and asylum seekers. We note that no works are being sought with regard to this declaration and the determination of the planning authority is only sought in respect of a change of use as set out above under Class 14(h) and Class 20F of Planning and Development Regulations 2001.

5.0 Legislative Provisions

In respect of the legislative provisions, we refer to Class 14(h) contained within the Planning and Development Regulations 2001 – 2024 Schedule 2, Article 6, Part 1. We note that Class 14(h) is contained within S.I. No. 582 of 2015 of the Planning and Development (Amendment) (No. 4) Regulations 2015. We refer to the provisions of exempted development Class 14(h) which states that;

‘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’*

Class 14(h) is inserted by Article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015.

Article 4 of these Regulations inserts 4 new classes of exempted development into the Planning and Development Regulations 2001 (“the Principal Regulations”), which has the effect that the changes of

use specified in the new classes are exempted from the requirement to obtain planning permission. The new classes of exempted development are as follows:

'Class 14(h): Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation. This class of exempted development will assist in implementing the Government's Irish Refugee Protection Programme (IRPP), which was established on 10 September 2015 in response to the migration crisis in central and southern Europe.'

As per Class 14(h) as noted above, a variety of premises providing residential or overnight accommodation can be used for the purpose of accommodating refugees and asylum seekers, we confirm that the property to which this Section 5 application relates, comprises a guesthouse use. It is considered the definition of a 'guesthouse' falls under the umbrella of '*premises providing residential or overnight accommodation*'. On this basis, it is submitted that the subject property can avail of the exemption afforded under Class 14(h).

In addition to Class 14(h), we would note that the structure comprises an office use and has been used for such since 1943. The use of the structure for accommodating persons seeking international protection through IPAS should be considered exempted development as per Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Class 20F reads as follows:

Class 20F

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support 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.

The subject site comprises a structure with an established office use. It is our opinion that the use of the structure to accommodate persons seeking international protection should be considered exempted development under Class 20F. 'Office' is listed under Class 20F of the regulations.

The above exemption is subject to the following limitations as listed in Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended):

Limitations

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 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².*
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 a change of use is taking place prior to 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.*

With regards to point 6, the term 'Displaced Persons' under Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022 means the following categories of persons displaced from Ukraine on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (b) Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
- (c) Family members of the persons referred to in points (a) and (b).

It is further noted that for the purposes of paragraph 1, point (c), the following persons shall be considered to be part of a family, in so far as the family was already present and residing in Ukraine before 24 February 2022:

- (i) The spouse of a person referred to above, point (a) or (b), or the unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens;
- (ii) the minor unmarried children of a person referred to above, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (iii) Other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in paragraph 1, point (a) or (b) at the time.

It is considered that Article 2 of the Council Implementing Decision (EU) 2022/382 of the 4th of March 2022 sets out the criteria for displaced persons. The housing of persons described otherwise, unless specifically noted under this class, will not meet the requisite standards of the exemption described herein and would therefore not constitute exempted development under Class 20F.

Furthermore, in relation to point 7, 'International Protection' is defined under the 2015 Act as:

- a) as a refugee, on the basis of a refugee declaration, or
- b) as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

Thereafter, for the purposes of this exemption, people under international protection shall be defined based on the above.

It is noted that Article 9 of the Regulations places restrictions on exempted development in certain cases. It states:

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 permission under the Act or be inconsistent with any use specified in a permission under the Act,*

There are no conditions of note in the recent planning permissions.

In summary, the subject site comprises a structure with office and guest accommodation uses, and the temporary change of use of the entirety of the subject site to accommodate persons seeking international protection is considered exempted development under Class 20F of Part 1, Schedule 2 of

the Planning and Development Regulations 2001 (as amended), and Class 14(h) of the Planning and Development (Amendment) (No. 4) Regulations 2015

6.0 Planning Context

6.1 Letterkenny Plan and Local Transport Plan 2023-2029

The Letterkenny Plan and Local transport Plan 2023-2029 governs land use on the subject site in conjunction with the Donegal County Development Plan 2024-2030. The subject site is zoned 'Opportunity Site' under the Letterkenny Plan 2023-2029, with the objective 'to reserve lands for specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area'. The subject site is located within Opportunity Site 11, which has the following policy:

Policy LK-OPP-11: It is a policy of the Council to –

- (i) Support the principle of the following development types on Opportunity Site 11, subject to compliance with all relevant policies and standards contained in this Plan and the CDP.
 - Residential,
 - Commercial use,
 - Retail (subject to the provisions of the retail strategy of the CDP); and
 - Recreational use.
- (ii) Require the submission of an appropriately detailed Flood Risk Assessment with all proposals for development on Opportunity Site 11.

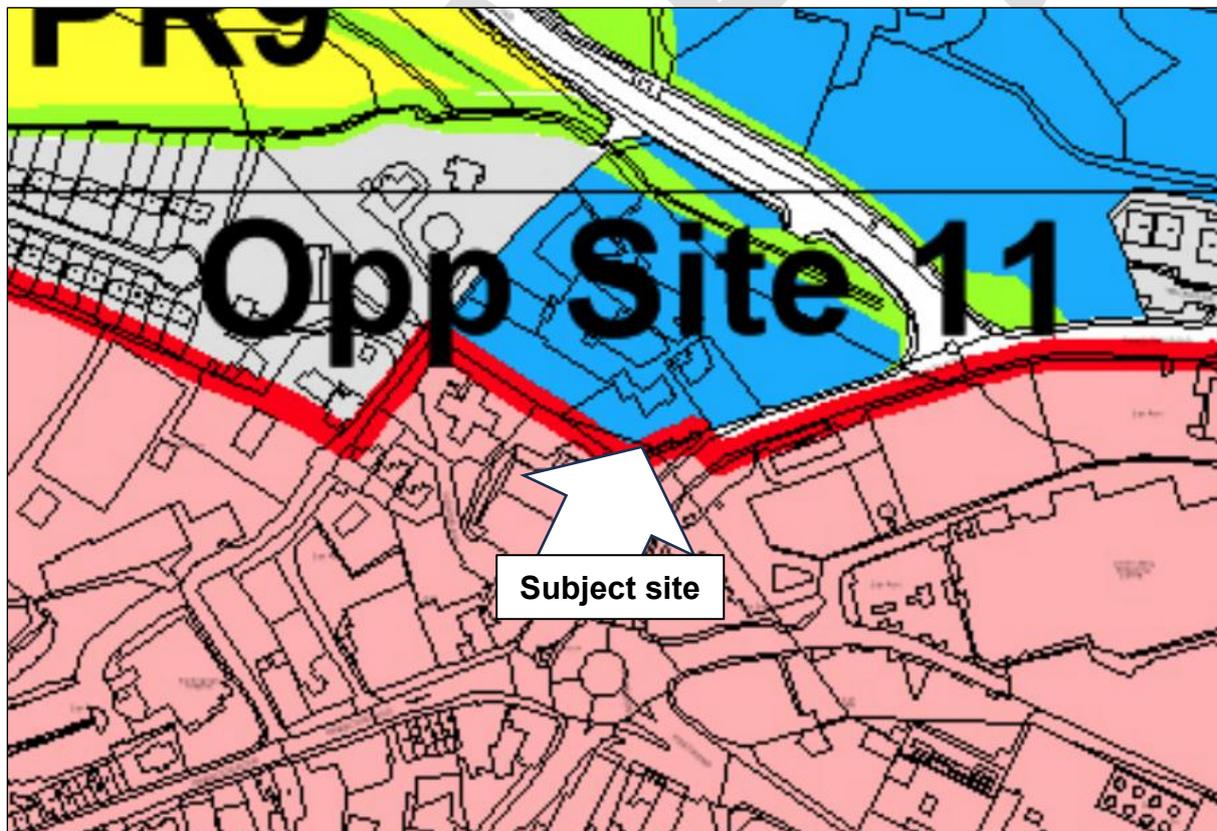


Figure 4.0 Extract from Map 7.1 Land Use Zoning Map of the Letterkenny Plan and Local Transport Plan 2023-2029, with the subject site indicated by an arrow.

The proposal seeks to use the building to provide accommodation for refugees and asylum seekers. We would consider that the exempted use is consistent with the zoning objective, and it is therefore submitted that the proposed use is appropriate for the subject site.

7.0 Conclusion

The subject site at Oatlands, Ramelton Road, Letterkenny, Co. Donegal. F92 V0DK, is intended to provide accommodation for persons seeking international protection. This facility will not provide care to residents.

Therefore, the question before the planning authority is:

“Whether the use of the office at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 v0dk, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development?”

As such, we would ask Donegal County Council to make a declaration as to whether the proposed use of the building as outlined in the body of this report is exempt development or does not constitute exempt development at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK. It is noted that no works are being sought as part of this declaration.

Accordingly, we request a declaration to this effect from Donegal County Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.

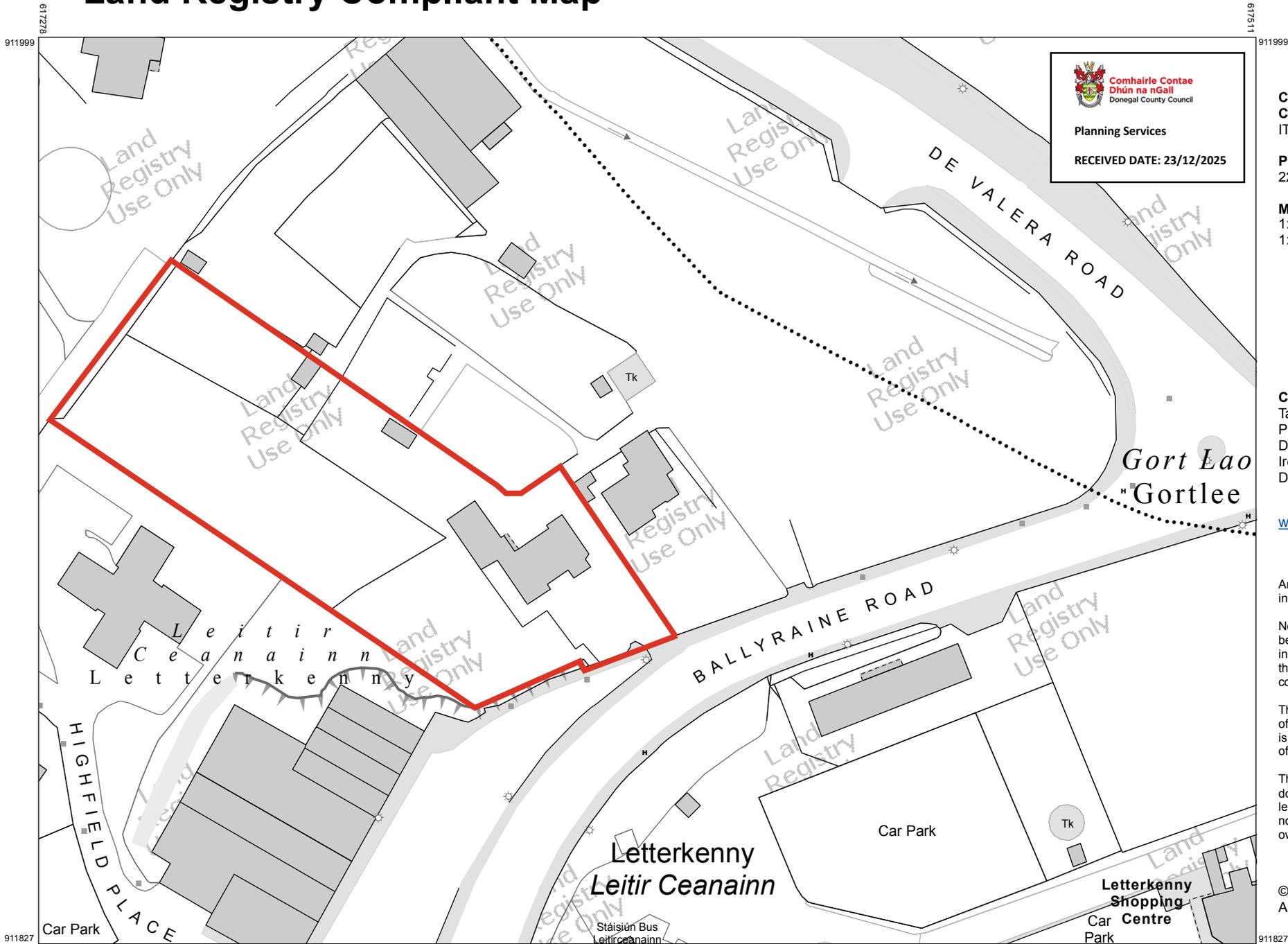


Kevin Hughes (MIPI MRTPI)
Director
For HPDC Ltd.

Land Registry Compliant Map



Tailte Éireann



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

Planning Services

RECEIVED DATE: 23/12/2025

CENTRE COORDINATES:
ITM 617395,911913

PUBLISHED: 22/12/2025
ORDER NO.: 50509588_1

MAP SERIES: 1:1,000
MAP SHEETS: 0260-22, 0283-02

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

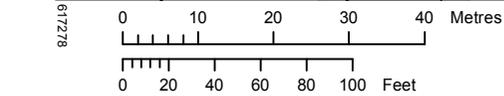
Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2025.
All rights reserved.



OUTPUT SCALE: 1:1,000

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.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'





**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

T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Sent via E-mail: sean.egan@hpdc.ie

Our Ref: S525/111

29th December 2025

Graded Homes Limited
C/O Hughes Planning & Development Consultants

Re: Section 5 – Whether the use of the office and guest accommodation at Oatlands Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK to provide accommodation for persons seeking international protection, does or does not constitute exempted development.

A Chara,

I wish to acknowledge receipt of your application received on 23rd December 2025 in relation to the above.

Yours sincerely,



Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 25/111

1.0 BACKGROUND

1.1 Location:

Oatlands, Ramelton Road, Co. Donegal F92 V0DK.



1.2 Site Description:

The site is located within Letterkenny town. The site is occupied by an existing 2 storey building fronting on to the regional road R-229-4 where only pedestrian access is provided.



1.3 Planning History

No planning history available.

2.0. THE QUESTION

The agent Hughes Planning & Development Consultants, on behalf of Graded Homes Limited, 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 use of the office and guest accommodation at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK to provide accommodation for persons seeking international protection.

The application form has not specified under what part of the Regulations the application is being made.

3.0 EVALUATION

3.1 Planning and Development Act, 2000

Section 2(1) – Interpretation

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

"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 4 – Exempted Development

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4 (1)(h) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure, or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

Section 4 (2) (a) of the Act provides that the Minister may, by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

Section 177U

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

3.2 Planning and Development Regulations, 2001

Article 6(1) – Exempted Development

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 – Restrictions on Development

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 – Part 1 of Schedule 2 – ‘Exempted Development - General’

The Planning and Development (Amendment) (No.4) Regulations 2015 (S.I No 582/2015) amend Part 1 of Schedule 2, entitled ‘Exempted Development - General’ to insert a new section in Class 14 (h), (i) and (j) exemption to allow a change of use of certain class/use of building for protected persons (i.e. an applicant for international protection).

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,

(i) 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 (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

Conditions and Limitations

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 - General
Temporary Structures and Uses Class 20F

<p>CLASS 20F</p> <p>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.</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p> <p>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 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>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.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>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.</p>
	<p>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).</p> <p>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.</p>

4.0 ASSESSMENT

4.1 Is or is not development

The accompanying report states that the subject site comprises a single storey structure used as an office since 1943 by Oatfields Sweet Factory. The report also states that since acquiring the property the applicants have used the property for guest accommodation. However, no planning history exists for the property to confirm either alleged use.

Notwithstanding the above, the Planning Authority is satisfied that the use of an office and guest accommodation to provide accommodation for persons seeking international protection would constitute a material change of use and is therefore would be considered 'development' as defined in Sections 3(1)(a) of the Act.

4.2 Is or is not exempted development

It is not clear from the application form, however the accompanying report would infer that two separate questions are being asked –

Question 1

Whether the use of the office at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development under Class 20F?

The office is described in the accompanying report to be previously used as an ancillary use to Oatfield Sweet Factory. Evidence of a separate office use would be required before a change of use under Class 20F could be considered. It is noted that plans of the 'office' building were not submitted for consideration.

On the basis of the information available to the Planning Authority the building referred to is considered to be an ancillary building and therefore does not fall within any of the uses identified under Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Question 2

Whether the use of the guest accommodation at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development under Class 14(h)?

As noted above a category of exempted development is provided under Class 14(h) inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment) (No. 4) Regulations 2015 which allows for change of use: "(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation to use as accommodation for protected persons," subject to class 14 (j), the use ceasing and returning back to the previous use immediately prior to the change and not after a period of 3 years from the date of the commencement of the change of use.

In broad terms the use as guest accommodation would come within the scope of Class 14 of Planning and Development Regulations 2001 (as amended) however, evidence of the guest accommodation use being authorised would be required before a change of use under Class 14(h) could be considered. It is noted that plans of the 'guest accommodation' were not submitted for consideration.

On the basis of the information available to the Planning Authority, the established use of the building referred to is considered to be a dwellinghouse and therefore does not fall within any of the uses

identified under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Google Street View (For sale sign advertising a 4-bed luxury house)



5.0 AA SCREENING

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

6.0 RECOMMENDATION

6.1 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE AS FOLLOWS –

That the use of a use of an office and guest accommodation to provide accommodation for persons seeking international protection would constitute a material change of use and therefore **IS** development' in accordance with Sections 3(1)(a) of the Planning and Development Act 2000, as amended

&

6.2 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE AS FOLLOWS -

The the use of the building referred to as an 'office' to provide accommodation for persons seeking international protection **IS NOT** Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1), 10(6) and Class 20F of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concludes that:

- The use of the building referred to as an 'office' to provide accommodation for persons seeking international protection IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and IS NOT EXEMPTED DEVELOPMENT as the building is considered to be an ancillary building and does not fall within any of the uses identified under Class 20F of the Planning & Development Regulations 2001 (as amended).

6.3 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE AS FOLLOWS -

The the use of the building referred to as 'guest accommodation' to provide accommodation for persons seeking international protection **IS NOT** Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1), 10(6) and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concludes that:

- The use of the building referred to as 'guest accommodation' to provide accommodation for persons seeking international protection IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and IS NOT EXEMPTED DEVELOPMENT as the established use of the building referred to is considered to be a dwellinghouse and therefore does not fall within any of the uses identified under Class 14(h) of the Planning & Development Regulations 2001 (as amended).



Signed: _____
Position: Assistant Planner
Date: 26th January 2026



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
26/01/2026

Chief Executive's Order No: 2026PH0201

Planning and Development Acts 2000 (as amended)

SECTION 5:-

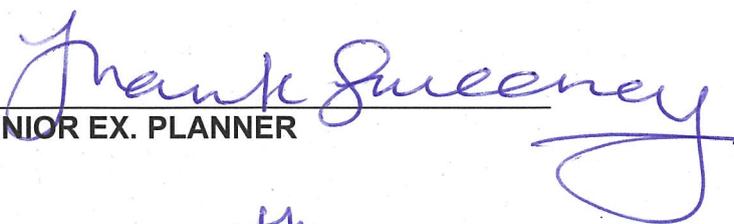
Request received 23rd December 2025 from Graded Homes Limited, c/o Hughes Planning & Development Consultants, 85 Merrion Square South, Dublin 2, D02 FX60 in relation to whether the use of office and guest accommodation to provide accommodation for persons seeking international protection constitutes exempted development or does not constitute exempt development at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK.

SUBMITTED:-

Written request received 23rd December 2025 as above and report dated 26th January 2026 from the Assistant Planner (Ref. No: S5 25/111 refers).

ORDER:-

Having considered the said request, the report of the Assistant 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 26th DAY OF JANUARY 2026



Chief Executive's Order No: 2026PH0201

Ref.No: S5 25/111

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:

- Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(3), 9(1), 10(6) 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 the established use of the building referred to is considered to be a dwellinghouse and therefore does not fall within any of the uses identified under Class 14(h) of the Planning & Development Regulations 2001 (as amended).

JS 26/01



**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

T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/111

26th January 2026

GRADED HOMES LIMITED
C/O HUGHES PLANNING & DEVELOPMENT CONSULTANTS
85 MERRION SQUARE SOUTH
DUBLIN 2
D02 FX60

Re: Whether the use of office and guest accommodation to provide accommodation for persons seeking international protection constitutes exempted development or does not constitute exempt development at Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK

A Chara,

I refer to your request received on 23rd December 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 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: 2026PH0201

Reference No: S525/111

Name of Requester: GRADED HOMES LIMITED
C/O HUGHES PLANNING & DEVELOPMENT
CONSULTANTS
85 MERRION SQUARE SOUTH
DUBLIN 2
D02 FX60

Summarised Description of development the subject matter of request:

Whether the use of office and guest accommodation to provide accommodation for persons seeking international protection constitutes exempted development or does not constitute exempt development

Location: Oatlands, Ramelton Road, Letterkenny, Co. Donegal, F92 V0DK.

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:

- Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(3), 9(1), 10(6) 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 the established use of the building referred to is considered to be a dwellinghouse and therefore does not fall within any of the uses identified under Class 14(h) of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 26th day of January 2026