



Comhairle Contae
Dhún na nGall
Donegal County Council

Received

01 OCT 2025

Donegal County Council
Planning Services

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):	MS. MAURA O CONNELL
Agent Name: (if applicable)	DENIS BOWNER
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	LUNNIAH Td. DERRYBEG Co. DONEGAL F92C8H0
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
AS PART OF PLANNING PERMISSION REF. NO. 25/50095 DESKTOP EXAMINATION THE LOCATION OF THE GARAGE/STORE NOW BUILT, BUT NOT COMPLETE WAS NOT SHOWN ON THE LAYOUT MAP SUBMITTED THEREFORE THE APPLICATION WAS DEEMED INVALID. THE APPLICANT NOW WISHES TO APPLY FOR "A SECTION 5 DECLARATION" REGARDING THIS GARAGE/STORE. THE GARAGE/STORE MEASURES 4.4 x 4.4m INTERNAL GIVING A INTERNAL FLOOR ARE OF 19.36m² THIS BUILDING IS LOCATED 600mm AND 3300mm BEHIND THE ESTABLISHED BUILDING LINE OF THE MAIN HOUSE. THE RIDGE OF THIS BUILDING DOES NOT EXCEED THE LOWER RIDGE HEIGHT OF THE EXISTING DWELLING.	

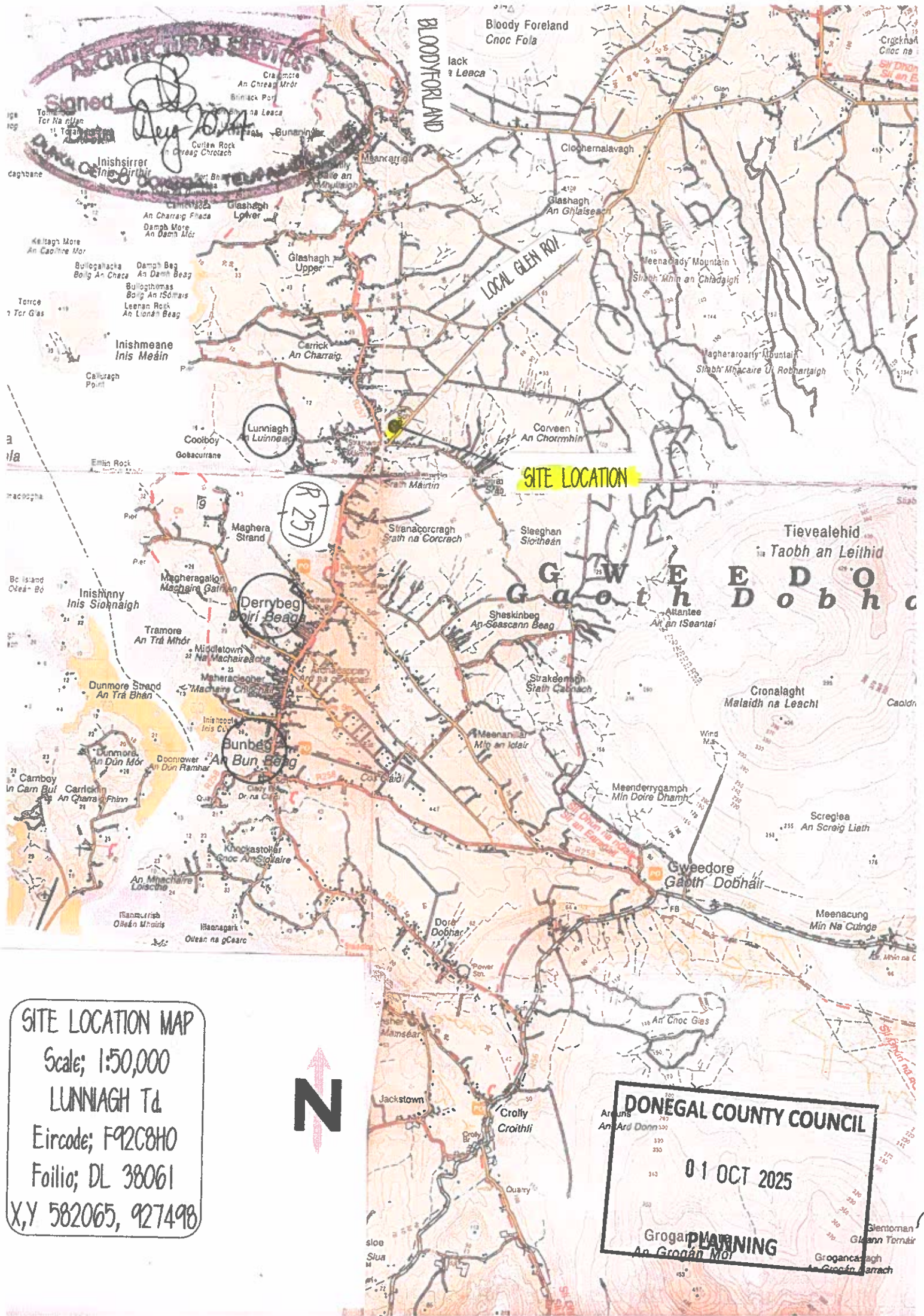
PAYMENT OF €80 RECEIPT No. 666226



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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:	—	
Please list types of plans, drawings etc. submitted with this application:	SITE LOCATION 1: 50000 + 1:1000 SITE LAYOUT 1: 500 DRAWING OF HOUSE + OUTHOUSE	
Planning History - list any relevant planning application reference numbers:	P.P. Ref. No 25/58005 (RETENTION PERMISSION GRANTED)	
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:	Denis Bomer
Date:	25/09/2025



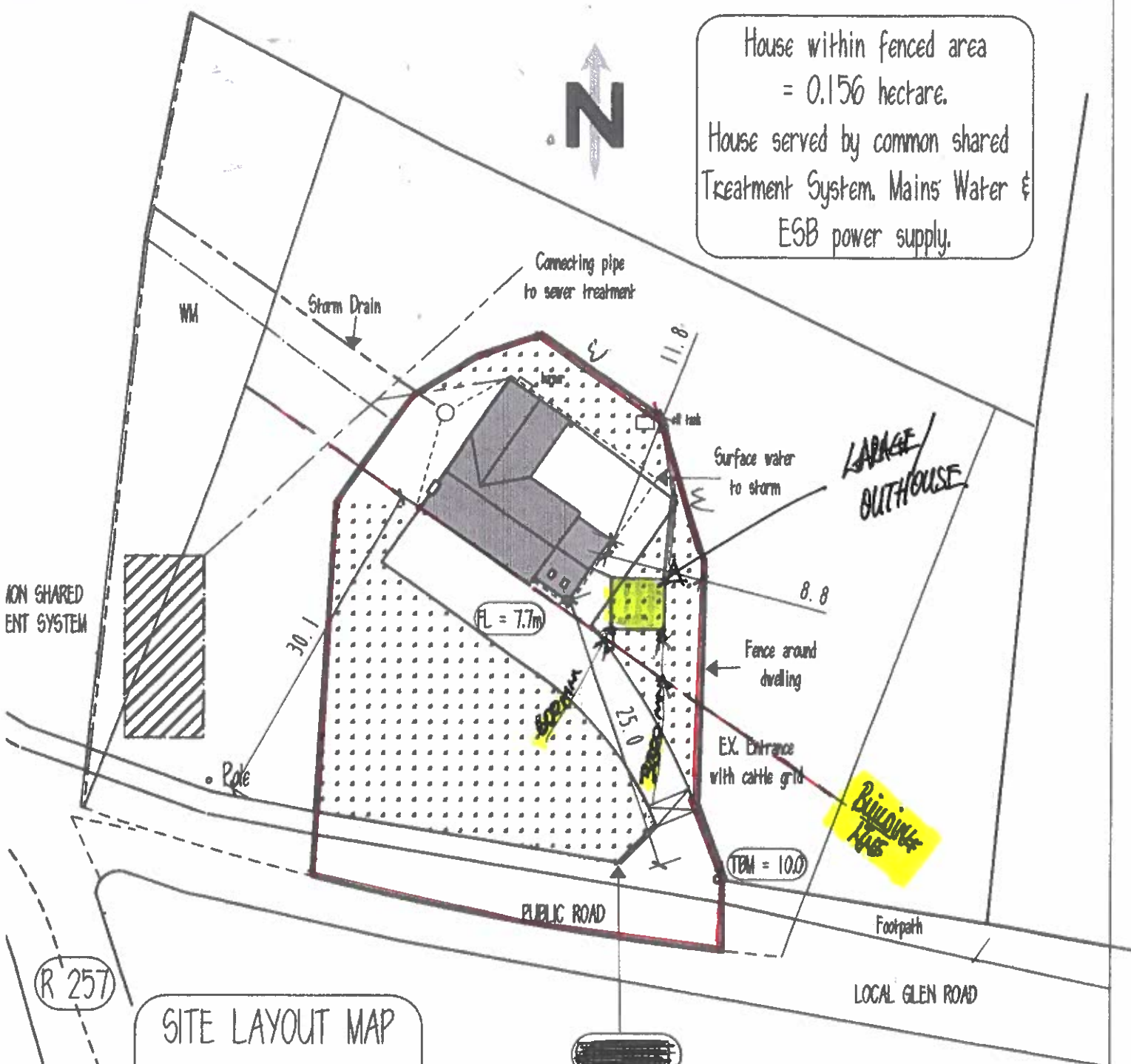
SITE LOCATION MAP
Scale; 1:50,000
LUNNIAGH Td
Eircode; F92C8H0
Foilio; DL 38061
X,Y 582065, 927498



DONEGAL COUNTY COUNCIL
01 OCT 2025
Grogan PLANNING
An Grogán Mór



House within fenced area
= 0.156 hectare.
House served by common shared
Treatment System. Mains Water &
ESB power supply.



SITE LAYOUT MAP
Scale; 1:500
LUNNIAGH Td.
Eircode; F92C8H0
Foilio; DL 38061
X,Y 582065, 927498

Note; Extension shown in RED for Retention Planning
The Dwelling House remains a Two Bedroom House.
All finishes will match that of the existing house.

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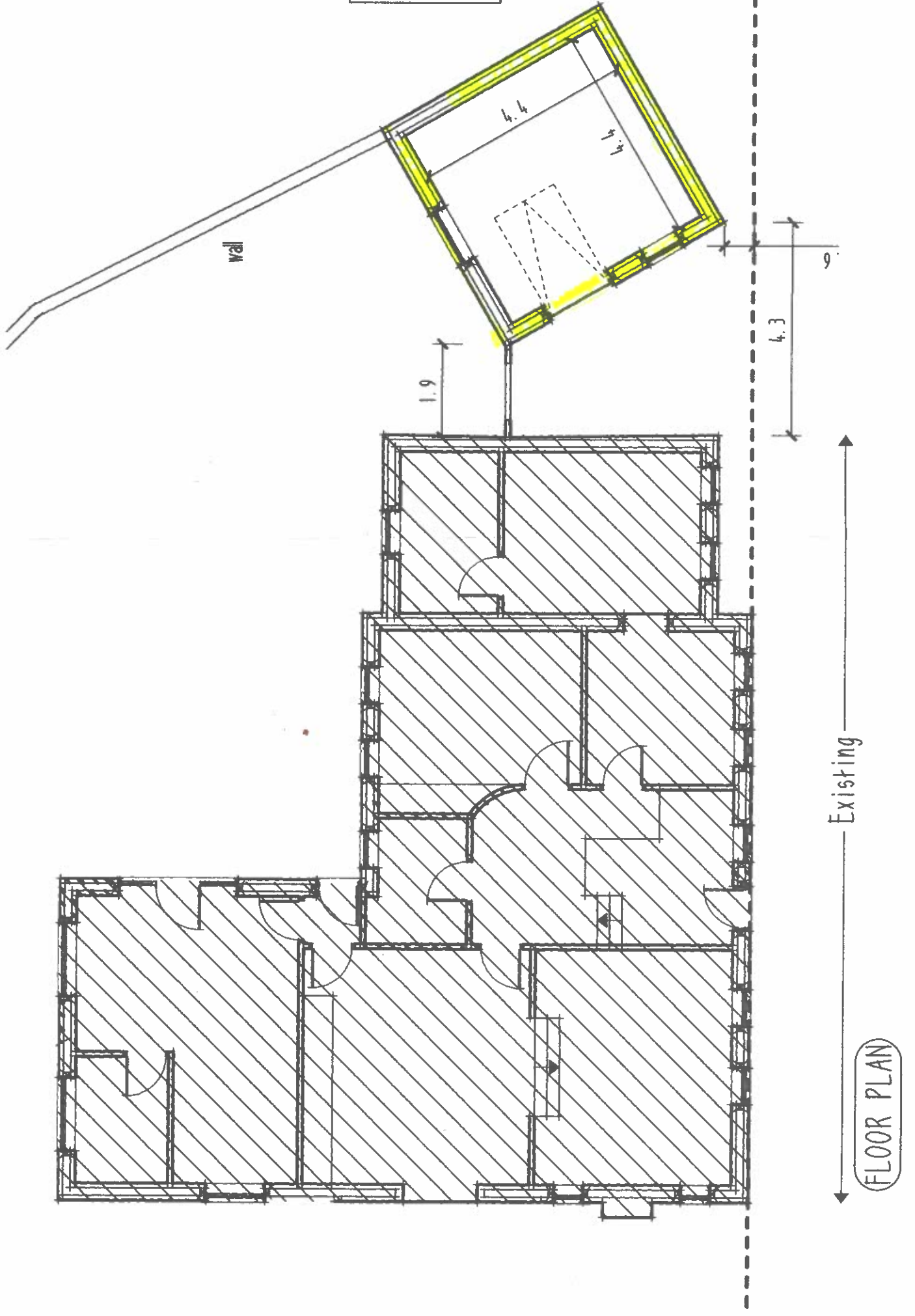
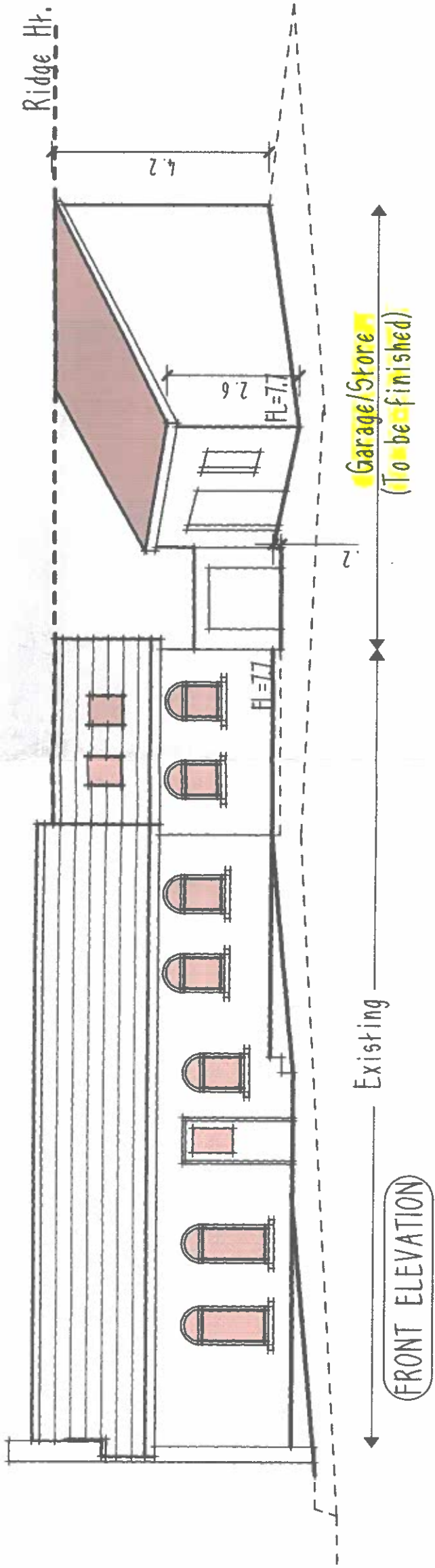
DONEGAL COUNTY COUNCIL
01 OCT 2025
PLANNING



ARCHITECTURAL SERVICES
Signed *[Signature]*
Date *Aug 2024*
DUNGLOE CO DONEGAL TEL/FAX 076-3748

SITE LOCATION MAP
Scale; 1:1000
LUNNIAGH Td.
Eircode; F92C8H0
Foillio; DL 38061
X,Y 582065, 927498

NOTICE



Garage/Storeroom
(To be finished)
Floor Area = 19.36m.sq.
Scale 1:100

DONEGAL COUNTY COUNCIL
01 OCT 2025
PLANNING



SECTION 5 REFERRAL REPORT – Ref. No: S5 25/83

1.0 BACKGROUND

1.1 Location:

Lunniagh, Derrybeg, F92 C8H0

1.2 Site Description:

The site is occupied by an existing single storey, detached dwelling house within a rural area.



1.3 Planning History

- 24/50196 Permission granted for retention of extension to the east side of dwelling house as built.

2.0 THE QUESTION

The applicant, Maura O'Connell, has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is exempt from planning permission:

1. The erection of a garage/store

3.0 EVALUATION

3.1 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

“Structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so define, 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 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 (as amended)

Article 5(2): Interpretation for Exempted Development

In Schedule 2, unless the context otherwise required, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1)

Subject to Article 9, development of 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)– (xii) (inclusive)

Class 3 of Part 1 of Schedule 2 (*Exempted Development - General*) (*Development within the curtilage of a dwellinghouse*)

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

4.0 ASSESSMENT

4.1 Is or is not development

The erection of a domestic garage/store within the grounds of the dwelling house at Lunnagh meets the definition of works and so it constitutes development.

4.2 Is or is not exempted development

The garage/store has already been constructed on site, although it is not finished, and is located at the side of the existing dwelling. The garage/store does not site forward of the front wall of the house. The floor area of the garage/store is 19.36sqm and there are no other similar structures within the grounds of the dwelling. The dwelling retains more than 25sqm of private open space to the rear and side of the house. Details of the proposed finishing materials for the garage/store have not been provided. Condition/limitation no.5 states that 'The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres. The submitted drawing states that the ridge height of the garage/store is 4.2m.



The garage/store is therefore not exempted development under Class 3 of Part 1 Schedule 2.

- 4.3 The site is located approx. 0.9km from the nearest Natura 2000 site and as such it is considered that screening for Appropriate Assessment is not required.

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:

The erection of a garage/store

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

Section 2, 3 and 4 of the Planning and Development Act, 2000 (as amended) and Articles 6(1), 9(1) and Class 3 of Part 1 of Schedule 2 to the Planning and 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 does not come within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



Signed:

Executive Planner

Position:

22/10/2025

Date:



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
22/10/2025



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

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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Issued by E-mail denisbonner60@gmail.com

Our Ref: S525/83

2nd October, 2025

Maura O'Connell
C/o Architectural Services - Daniel McGee & Denis Bonner

Re: Section 5 - Application for a Garage / Store measuring 4.4 * 4.4m, giving an internal floor area of 19.36m².

A Chara,

I wish to acknowledge receipt of your application received on 1st October, 2025 in relation to the above.

Yours sincerely,

Donegal County Council
Planning Services



Chief Executive's Order No: 2025PH3094

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 1st October 2025 from Ms. Maura O'Connell C/o Denis Bonner Architectural Services, Dungloe, Co. Donegal in relation to the erection of a garage/store at Lunniagh, Derrybeg, Co. Donegal F92 C8H0.

SUBMITTED:-

Written request received 1st October 2025 as above and report dated 22nd October 2025 from the Executive Planner (Ref. No: S5 25/83 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 23rd DAY OF OCTOBER 2025



Chief Executive's Order No: 2025PH3094

Ref.No: S5 25/83

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 2, 3 and 4 of the Planning and Development Act, 2000 (as amended) and
- Articles 6(1), 9(1) and Class 3 of Part 1 of Schedule 2 to the Planning and 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 does not come within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

JS 23/10

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

DECLARATION

Chief Executive's Order No: 2025PH3094

Reference No: S525/83

Name of Requester: Ms. Maura O'Connell
C/o Denis Bonner Architectural Services
Dungloe
Co. Donegal

Summarised Description of development the subject matter of request:

Erection of a garage/store

Location: Lunniagh, Derrybeg, Co. Donegal F92 C8H0.

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

IS Development

IS Not Exempted Development

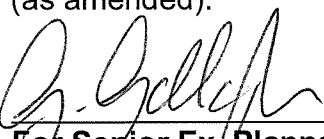
WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2, 3 and 4 of the Planning and Development Act, 2000 (as amended) and
- Articles 6(1), 9(1) and Class 3 of Part 1 of Schedule 2 to the Planning and 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 does not come within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 23rd day of October 2025



**Comhairle Contae
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Donegal County Council

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Ref. No: S525/83

23rd October 2025

MS. MAURA O'CONNELL
C/O DENIS BONNER ARCHITECTURAL SERVICES
DUNGLOE
CO. DONEGAL

Re: Erection of a garage/store at Lunniagh, Derrybeg, Co. Donegal F92 C8H0.

A Chara,

I refer to your request received on 1st 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
/JMcC