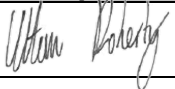






**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<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>
<b>Applicant(s) Interest in the site:</b>		
<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>		
<b>Planning History - list any relevant planning application reference numbers:</b>		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

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





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

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

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County Donegal, F93 Y622

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

**E- mail:** ultan@mccullagh.ie

**Ref. No:** S526/30

**Date:** 3<sup>rd</sup> March, 2026

Milltown House Ltd.  
C/o McCullagh Architecture & Surveying Ltd.  
Glenfinn Road  
Ballybofey  
Co Donegal

## DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

**Re: Application for a Section 5 Declaration – Change of use of existing guesthouse for the provision of emergency IPAS accommodation at Ardlenagh, Laghey, Co Donegal.**

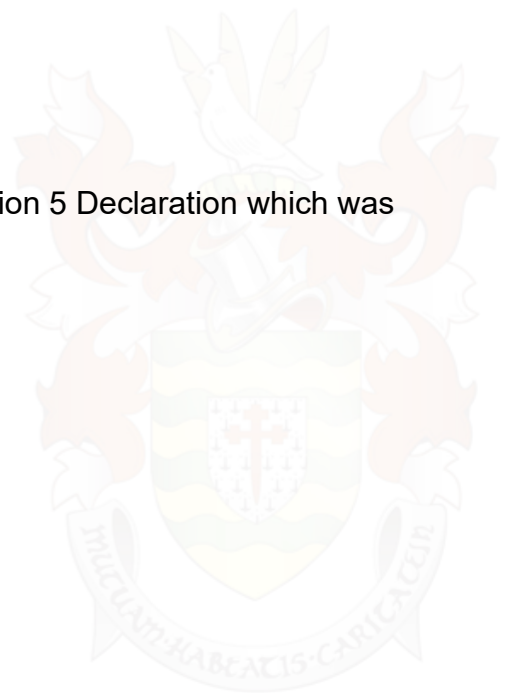
A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 3<sup>rd</sup> March, 2026.

Mise le meas

*Martina Parke*

Donegal County Council  
Planning Services



## SECTION 5 REFERRAL REPORT – Ref.No: 26/30

### Donegal County Council

#### **1.0 COMMENTS**

The subject site is a property known as Milltown, Ardlenagh, Laghey.

The proposed works constitute one element as follows:

1. Change of use from existing guesthouse to an emergency provision centre for persons seeking international protection.

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 subject site is zoned as Established Development in the Seven Strategic Towns Local Area Plan 2018-2024.

#### **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.

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

Restrictions on exemption.

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.

**4.0 ASSESSMENT**

**4.1 Consideration of Proposed Development:**

- (i) S5 25/20 for a change of use from BnB to IPAS accommodation was found not to be exempt as permission had never been granted for the BnB use.
- (ii) Permission was granted under application ref. no. 25/62093 for retention of change of use to guesthouse accommodation.

Condition no. 3 of this permission states that *'The guesthouse shall be used as short-term tourist accommodation for a maximum stay of 60 consecutive days only and shall not be used as long-term or permanent residential accommodation.'*

- (iii) Having regard to the recent grant of permission, the proposed change of use would result in permanent occupancy of the dwelling that is not permitted as set out above.
- (iv) Article 9(1)(a)(i) sets out that a development shall not be exempted development if it contravenes a condition attached to a permission.
- (v) It is therefore considered that the proposed works noted above constitute "development" within the meaning of the Act, being works, and are **NOT** exempted development coming within the scope of Article 9(1)(a)(i) of the Planning & Development Regulations 2001 (as amended).
- (vi) Appropriate assessment is not a consideration in the assessment of this referral.

### **7.1 Conclusion:**

It is considered that:

The proposed change of use constitutes "development" within the meaning of the Act, being works, but is **not** exempted development coming within the scope of Article 9(1)(a)(i) 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 Pleanála for determination.

### **8.0 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 for:**


(i) Change of use to IPAS emergency accommodation

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

(a) Sections, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Article 9 (1) (a)(i) of the Planning & Development Regulations 2001 (as amended).

**And concluded that:**

The proposal is development and is **NOT** exempted development on the basis that the proposed use is contrary to a condition of permission ref. no. 25/62093 coming within the scope of Article 9(1)(a)(i) of the Planning & Development Regulations 2001 (as amended).

Signed:   
Position: Executive Planner  
Date: 23/03/2026.



---

Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services, 23/03/2026

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)**

**Chief Executive  
Order No:**

2026PH0750

**Ref Number:**

S526/30

**Section 5:**

Request received 3<sup>rd</sup> March 2026 from Milltown House Limited c/o McCullagh Architecture & Surveying, Glenfin Road, Ballybofey, Co. Donegal in relation to the change of use of existing guesthouse for the provision of emergency IPAS accommodation at Ardlenagh, Laghey, Co. Donegal.

**Submitted:**

Written request received 3<sup>rd</sup> March 2026 as above and report dated 23<sup>rd</sup> March 2026 from the Planner (Ref. No: S5 26/30 refers).

  
**STAFF OFFICER**

**Order:**

Having considered the said request, the report of the 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 EXECUTIVE PLANNER**

DATED THIS <sup>24<sup>th</sup></sup> DAY OF MARCH 2026

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) and
- Article 9 (1) (a)(i) 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** on the basis that the proposed use is contrary to a condition of Planning Permission Ref. no. 25/62093 coming within the scope of Article 9(1)(a)(i) of the Planning & Development Regulations 2001 (as amended).

JB 24/03



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

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**W:** www.ccdhunnangall.ie

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

**Ref. No:** S526/30

**By Email Only to:** ultan@mccullagh.ie

24<sup>th</sup> March 2026

MILLTOWN HOUSE LIMITED  
C/O MCCULLAGH ARCHITECTURE & SURVEYING  
GLENFIN ROAD  
BALLYBOFEY  
CO. DONEGAL

**Re: Change of use of existing guesthouse for the provision of emergency IPAS accommodation at Ardlenagh, Laghey, Co. Donegal.**

A Chara,

I refer to your request received on 3<sup>rd</sup> March 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 Executive 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:** 2026PH0750

**Reference No:** S526/30

**Name of Requester:** MILLTOWN HOUSE LIMITED  
C/O MCCULLAGH ARCHITECTURE & SURVEYING  
GLENFIN ROAD  
BALLYBOFEY  
CO. DONEGAL

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

Change of use of existing guesthouse for the provision of emergency IPAS accommodation

**Location:** Ardlenagh, Laghey, Co. Donegal

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and
- Article 9 (1) (a)(i) 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** on the basis that the proposed use is contrary to a condition of Planning Permission Ref. no. 25/62093 coming within the scope of Article 9(1)(a)(i) of the Planning & Development Regulations 2001 (as amended).



**For Senior Executive Planner  
Planning Services**

**Dated this 24<sup>th</sup> day of March 2026**

**From:** [RUTH MCCROSSAN](#)  
**To:** [Ultan Doherty](#)  
**Subject:** Section 5 26/30  
**Date:** 24 March 2026 14:45:00  
**Attachments:** [image001.png](#)  
[S5 26.30-Letter & Declaration - SIGNED.pdf](#)

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Dear Ultan,

Please find attached Declaration for Section 5 26/30.

If you have any queries, please contact [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Kind regards

**Ruth McCrossan**

Development Management | Community Development & Planning Services | Donegal  
County Council | Lifford | Co. Donegal

**Tel: + 353 74 9153900 | Email: [ruthmccrossan@donegalcoco.ie](mailto:ruthmccrossan@donegalcoco.ie)**



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