



An  
Bord  
Pleanála

**Board Direction**  
**BD-016241-24**  
**ABP-318429-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/05/2024.

The Board decided this referral generally in accordance with the Inspector's recommendation and the following draft order:

**WHEREAS** a question has arisen as to whether alterations and an extension to an ancillary building to the rear of the former Lakehouse Hotel is or is not development or is or is not exempted development:

**AND WHEREAS** Midge Hotel Holdings LLC requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 12<sup>th</sup> day of October, 2023 stating that the matter was development and was not exempted development:

**AND WHEREAS** Midge Hotel Holdings LLC referred this declaration for review to An Bord Pleanála on the 8<sup>th</sup> day of November, 2023:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,

- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The alterations and extensions to the ancillary building constitute “works” under Section 2(1) of the Act and so they are development under Section 3(1) of the Act.
- (b) No exempted development for extensions to buildings in hotel use exists under either the Act or the Regulations.
- (c) The maintenance, improvement or alterations to the ancillary building have materially altered the external appearance of the building so as to render its appearance inconsistent with its original character. Accordingly, they are not exempted development under Section 4(1)(h) of the Act or any other provision within either the Act or the Regulations.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (3) of the 2000 Act, hereby decides that the alterations and extensions to an ancillary building located to the rear of the former Lakehouse Hotel is development and is not exempted development.

**Board Member**

*Eamonn James Kelly*  
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Eamonn James Kelly

**Date:** 08/05/2024