



An
Coimisiún
Pleanála

Direction
ABP-322208-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/07/2025.

The Commission decided, as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether the use of residential apartments, where care is not provided, a long-term residential accommodation for protected persons, at Farleigh House, High Road, Letterkenny, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS ERM Contracts Limited care of Hughes Planning and Development Consultants requested a declaration on the said question from Donegal County Council and the said Council issued a declaration on the 7th day of March 2025 stating that the said matter is development and is not exempted development:

AND WHEREAS ERM Contracts Limited referred the declaration for review to An Coimisiún Pleanála on the 3rd day of April 2025:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the nature and current use of the site,
- (f) the submissions of the Referrer,
- (g) the report of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that the permitted and current use of the premises as self-contained apartments, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use and, therefore, does not constitute development:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the use of the premises at Fairleigh House, High Road, Letterkenny, County Donegal as self-contained residential apartments as a long-term residential accommodation for protected persons where care is not provided, is not development.

Planning

Commissioner:

Date: 06/08/2025



Liam McGree