

An
Coimisiún
Pleanála

Direction
ABP-322247-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/07/2025.

The Commission decided, generally as recommended by the Inspector and as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether the proposed use of the dwelling at Cornagill, Letterkenny, as a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) is or is not development or is or is not exempted development:

AND WHEREAS Carl Rainey and Others requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 14th day of March 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Carl Rainey and Others referred this declaration for review to An Bord Pleanála on the 9th day of April 2025:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 5 (1), 6(1), 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Section 3 of Part I of Child Care (Standards in Children's Residential Centres) Regulations, 1996 (SI No. 397/1996),
- (g) the planning history of the site,
- (h) the pattern of development in the area:

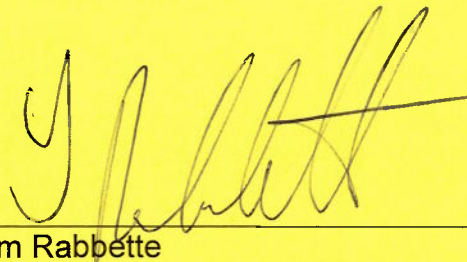
AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposal is development within the meaning of the Planning and Development Act 2000 (as amended) as it entails the making of a material change of use of the subject residence,
- (b) The exemption under Class 14(f) applies to a residence for persons with an intellectual or physical disability or mental illness and their care providers.
- (c) The exemption under Class 14(f) does not apply to a residence for use as a residential care facility for children under social care placements.

- (d) There are no exemptions applicable for a change of use from a dwelling to use as a residential care facility for children under social care placements.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the proposed use of the dwelling at Cornagill, Letterkenny, as a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) is development and is not exempted development.

**Planning
Commissioner:**



Tom Rabbette

Date: 23/07/2025