

An
Bord
Pleanála

Board Order
ABP 314076-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

WHEREAS a question has arisen as to whether or not the change of use of a dwelling, as a principal place of residence (outside of a rent pressure zone) to a dwelling in use for short-term letting purposes at 31 The Rectory, Fahan, County Donegal is or is not development and is or is not exempted development.

AND WHEREAS the said question was referred to An Bord Pleanála by Donegal County Council on the 7th day of July, 2022:


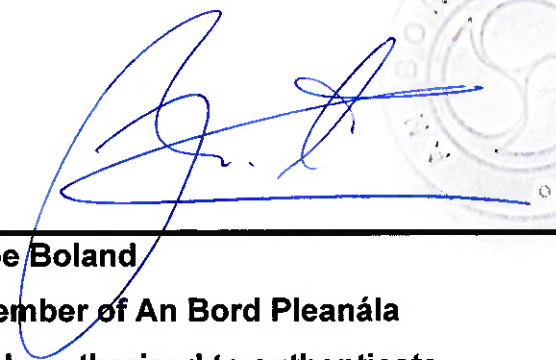
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) of the Planning and Development Regulations, 2001 as amended,
- (c) Part 4 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of the subject house for short-term holiday lettings use is a change of use from the permitted use as a permanent residential unit, which in the light of the different matters that it raises for assessment compared to those which would have arisen for the original use as permanent residential accommodation, constitutes a material change of use and thus development, and
- (b) neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended recognise the said material change of use to be exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(4) of the 2000 Act, hereby decides that the change of use of a dwelling, as a principal place of residence (outside of a rent pressure zone) to a dwelling in use for short-term letting purposes at 31 The Rectory, Fahan, County Donegal is development and is not exempted development.



Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 12TH day of December 2023