



An
Bord
Pleanála

Board Order
ABP-318429-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/50

WHEREAS a question has arisen as to whether the alterations and extension to an ancillary building to the rear of the former Lakehouse Hotel at Portnoo, County Donegal is or is not development or is or is not exempted development,

AND WHEREAS Midge Hotel Holdings care of Manahan Planners of 38 Dawson Street, Dublin requested a declaration on the said question from Donegal County Council and the Council issued a declaration on the 12th day of October, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Midge Hotel Holdings LLC care of Manahan Planners referred the declaration for review to An Bord Pleanála on the 8th day of November, 2023,

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

- (a) Sections 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, and
- (d) the pattern of development in the area,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the alterations and extension to the ancillary building constitute “works” under Section 2(1) of the Planning and Development Act 2000, as amended, 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 Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, and
 - (c) the maintenance, improvement or alterations to the ancillary building have materially altered the external appearance of 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 Planning and Development Act 2000, as amended, or any other provision within either the Act or the Planning and Development Regulations 2001, as amended,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the alterations and extension to an ancillary building to the rear of the former Lakehouse Hotel at Portnoo, County Donegal is development and is not exempted development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *9th* day of *May*, 2024.

