

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322208-25

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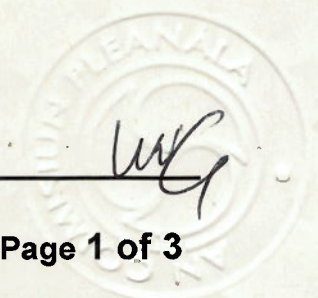
**Planning and Development Acts 2000 to 2024**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 3525/14**

**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 7<sup>th</sup> day of March 2025 stating that the said matter is development and is not exempted development:



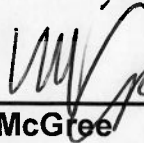
**AND WHEREAS** ERM Contracts Limited referred the declaration for review to An Coimisiún Pleanála on the 3<sup>rd</sup> day of April 2025:

**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.



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Liam McGree

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 06<sup>th</sup> day of AUGUST 2025.