

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322247-25

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: S525/04**

**WHEREAS** a question has arisen as to whether the proposed use of a dwelling 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) at Cornagill, Letterkenny, County Donegal is or is not development or is or is not exempted development,

**AND WHEREAS** Carl Rainey and others of Cornagill, Letterkenny, County Donegal requested a declaration on the said question from Donegal County Council and the Council issued a declaration on the 14<sup>th</sup> day of March, 2025 stating that the matter is development and is not exempted development,

**AND WHEREAS** Carl Rainey and others of Cornagill, Letterkenny, County Donegal referred the declaration for review to An Coimisiún Pleanála on the 9<sup>th</sup> day of April, 2025,

**AND WHEREAS** An Coimisiún 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, as amended,
- (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 of the Planning and Development Regulations 2001, as amended,
- (f) Section 3 of Part I of the Child Care (Standards in Children's Residential Centres) Regulations, 1996 (SI No. 397/1996),
- (g) the planning history of the site, and
- (h) the pattern of development in the area,

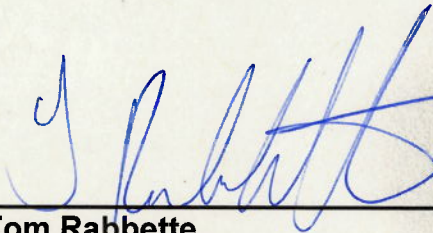
**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (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, and



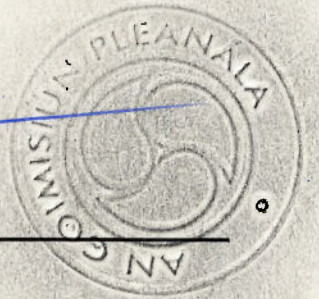
- (d) there are no exemptions applicable for a change of use from a dwelling to use as a residential care facility for children under social care placements,

**NOW THEREFORE** An Coimisiún 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 proposed use of a dwelling 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) at Cornagill, Letterkenny, County Donegal is development and is not exempted development.



**Tom Rabbette**

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



Dated this 25<sup>th</sup> day of July 2025.