



An
Bord
Pleanála

Inspector's Report ABP-300720-18

Question

Review of Section 57 Declaration

Location

Market Street, Ballyshannon, County
Donegal

Declaration

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

RPS 40852020

Referral

Referred by

Ms. Sinéad Coughlan on behalf of the
Coughlan Family

Owner/ Occupier

Estate of Annie Coughlan

Observer(s)

None

Date of Site Inspection

23rd April 2018

Inspector

Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 The Question	4
3.0 Planning Authority Declaration.....	4
3.1. Declaration	4
3.2. Planning Authority Reports	5
4.0 Planning & Referrals History.....	5
5.0 Legislative Context	6
5.1. Planning and Development Act 2000, as amended	6
6.0 Policy Context.....	8
6.1. Architectural Heritage Protection – Guidelines for Planning Authorities	8
6.2. Donegal County Development Plan 2018-2024	9
6.3. Draft Ballyshannon Local Area Plan 2018-2024.....	10
7.0 The Referral.....	10
7.1. Referrer’s Case	10
7.2. Planning Authority Response	11
8.0 Assessment	11
8.1. Introduction	11
8.2. Affect on the Character of the Protected Structure.....	13
8.3. Conclusion	16
9.0 Recommendation.....	17

1.0 Site Location and Description

- 1.1. The referral site comprises a four-bay three-storey terrace house on a sloping site, dating from approximately 1820, with a former shopfront on the lower southern frontage. It forms part of a terrace of buildings facing onto Market Street on the northeast side of Ballyshannon town centre.
- 1.2. The roof to the building is finished in slates and the chimneys have been rebuilt. The front elevation is finished in a painted smooth render over a plinth course with raised quoins to the corners. It features timber-sash square-headed windows with raised-render surrounds. A square-headed single window pane is fitted into the former shopfront to the building and the raised render surround has been removed. The front of the building features three square-headed door openings, the northern of which includes a raised-render surround. White pvc doors have been fitted into all three front doorways.
- 1.3. To the rear of the property is a walled garden that is overgrown adjacent to the building. Former outbuildings associated with the property, as identified on historical mapping of the area and evidenced by the remnants on the side boundaries, have been demolished and removed.
- 1.4. The building is amalgamated internally and at the time of my site visit, it was unoccupied and would not appear to have been occupied for a substantial period of time. The internal décor consists of numerous rooms with some fixtures, furniture and fittings remaining. Ground floor to ceiling heights are low compared with most modern buildings and many of the ceilings feature timber panelling. Timber panelling is used extensively within the building, including the window surrounds. A raised platform has been fitted to one of the second-floor rooms. Internal walls have mainly been plastered and painted, while some feature decorative wallpaper. Some areas proximate to water fittings have evidence of water damage and dampness, but generally the visual appearance of the building does not suggest extensive water ingress.
- 1.5. The building is listed in the National Inventory of Architectural Heritage (NIAH) under reference 4085202, which rates it as being of regional importance. In July 2017,

Donegal County Council added the building to the Council's RPS under reference no. 40852020, referring to the building being of specific 'architectural' interest.

2.0 The Question

2.1. The referrer has not questioned a specific element of the Section 57 Declaration in referring the Declaration for review by An Bord Pleanála under Section 57(8) of the Planning and Development Act 2000, as amended, hereinafter referred to as 'the Act'.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On the 6th day of August 2017, a request for a Section 57 Declaration was received by Donegal County Council from Ms. Sinéad Coughlan on behalf of the Coughlan family. The request for a Declaration from the Planning Authority was not accompanied by additional details, but the referrer had previously submitted narrative regarding the recent history of the building and its previous occupants, as well as photographs of the building to the Planning Authority.
- 3.1.2. On the 16th day of January 2018, the Planning Authority issued a Section 57 Declaration under the Chief Executive's Order No. 2018PH0052, setting out the works that they considered would affect the character of the structure and as a result would require planning permission. The Declaration also set out the works that the Planning Authority considered would not affect the character of the structure and as a result would not require planning permission.
- 3.1.3. The works that would require planning permission are stated in the Declaration to comprise:
- extensions / demolitions to the building;
 - material changes / alterations externally including the roof, ridges, rainwater goods, walls, windows and doors;
 - change of use.

3.1.4. The works that would not require planning permission are stated in the Declaration to comprise:

- essential repairs to the interior of the property, implemented using like for like materials;
- essential repairs to the exterior of the property, implemented using like for like materials – provided a condition report is issued establishing need for repairs and which demonstrates minimum intervention and that works are to be carried out in accordance with best conservation practice;
- internal and external decoration which do not compromise original finishes fixtures and fittings.

3.1.5. The Declaration also advised that change of use or intensification of use may require planning permission notwithstanding the terms of the Declaration. Within the Declaration the Planning Authority referred to the legal protection extending to the whole of the structure, including the land lying within the curtilage.

3.2. **Planning Authority Reports**

3.2.1. The Conservation Officer's report, which the Senior Planner in the Planning Authority recommended approving, noted the following:

- a brief description of the structure was provided;
- consultation with the Conservation Officer would be encouraged regarding a programme of works specific to the property, including any works proposed prior to any planning application being submitted;
- works that would require planning permission are outlined, as per details contained in the Declaration;
- reference is made to certain works that would require planning permission, regardless of the Declaration and also to the extent of legal protection afforded, as per the Declaration that subsequently issued.

4.0 **Planning & Referrals History**

4.1. **Planning History**

4.1.1. The referrer makes reference to Donegal County Council reference PLDL/11/07, relating to the erection of scaffolding to carry-out work to the roof of the building, but I have not identified this on the Planning Authority Register. This may have related to a licence for ‘appliances and cables, etc., on public roads’, as required under Section 254 of the Act.

4.2. Referrals History

4.2.1. The following recent referrals decided by An Bord Pleanála and relating to other Planning Authority areas, addressed works affecting Protected Structures:

- Stewart’s Mill, Mocmoyne townland, Boyle, County Roscommon – An Bord Pleanála Ref. PL20.RL3551 (RM0004) – In February 2017, the Board decided that proposals to change the use of the building (a Protected Structure) from the production of grain and maize products to a whiskey distillery, would constitute a material change of use that would constitute development and would not constitute exempted development;
- Cathedral Close Apartments, Cathedral Square, Waterford City – An Bord Pleanála Ref. 93.RM0003 – In August 2015, the Board decided that the use of new up/down sliding-sash windows incorporating ‘trickle ventilation’ units would constitute development and would not materially affect the character of the Protected Structure;
- No.18 Trafalgar Terrace, Monkstown, County Dublin – An Bord Pleanála Ref. PL06D.RL3386 (RM0002) – In August 2015, the Board decided that car parking on a grassed area fronting the property would constitute a change of use of the land, which was considered to be a material change of use, and therefore constitutes development and does not constitute exempted development.

5.0 Legislative Context

5.1. Planning and Development Act 2000, as amended

5.1.1. Section 2(1) of the Act states the following:-

“In this Act, except where the context otherwise requires –

- ‘development’ has the meaning assigned to it by Section 3
- ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

5.1.2. Section 3(1) of the Act states the following:-

- “In this Act, ‘ development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land.”

Section 4 (1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4(1)(h) relates to the carrying out of works for the maintenance, improvement or alteration of any structure which only affect the interior of the structure or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

5.1.3. Legislation relating to works affecting the character of protected structures, including the right to request a Declaration from the Planning as to the type of works which it considers would or would not materially affect the character of a Protected Structure is provided within Section 57 of the Act.

5.1.4. Despite certain exemptions provided for under Section 4 of the Act, as discussed above, subsection 57(1) of the Act states that works to a Protected Structure would only be exempt if it would not materially affect the character of:

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

5.1.5. Subsection 57(2) of the Act, outlines that ‘an owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the

structure or of any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest'. A Declaration must be issued by the Planning Authority under subsection 57(3) of the Act within 12 weeks of the request.

- 5.1.6. Prior to the Planning Authority issuing a Declaration or An Bord Pleanála reviewing a Declaration, it is firstly a requirement under subsection 57(4) for the Planning Authority or An Bord Pleanála to have regard to any guidelines issued under Section 52 of the Act, which I note would include the Architectural Heritage Protection Guidelines for Planning Authorities, as revised by the Department of Arts, Heritage & the Gaeltacht in 2011. Secondly, it is a requirement to have regard to any recommendations made to the Planning Authority under Section 53 of the Act, relating to recommendations from the Minister for Culture, Heritage and the Gaeltacht concerning the inclusion of specific structures or parts of structures or features within the RPS. Subsections 57(5) and (6) of the Act concern places of public worship, while subsection 57(7) allows the Planning Authority to subsequently review a Declaration.
- 5.1.7. A person to whom a Declaration under subsection 57(3) has been issued by a Planning Authority relating to a Protected Structure, can refer the Declaration for review by An Bord Pleanála under subsection 57(8) of the Act. It is this subsection of the Act that the referrer has utilised in requesting that the Board review the subject Declaration.
- 5.1.8. Subsection 57(9) requires the Planning Authority to enter details of the Declaration on their register and to make available copies of the Declaration and their decision. Subsection 57(10)(a) outlines matters for consideration by the Planning Authority or the Board on appeal, when dealing with applications for planning permission.

6.0 Policy Context

6.1. Architectural Heritage Protection – Guidelines for Planning Authorities

- 6.1.1. The Architectural Heritage Guidelines, first published in 2004, serve as a guide for the protection of the built heritage and include guidance on criteria to be used when selecting structures for protection, guidance in relation to the assessment of

development proposals and Declaration requests, and guidance regarding specific design elements.

- 6.1.2. Section 4 of the Guidelines refers specifically to Declarations and clarifies that it is not necessary for the referrer to have any specific works in mind when applying for a Declaration. Section 4.2 of the Guidelines briefly outline the role of An Bord Pleanála in the process, while sections 4.3, 4.4 and 4.5 provide guidance on evaluation procedures and the inspection process when considering or reviewing a Section 57 Declaration. Section 4.12 offers sample phrases for use in Declarations when dealing with the main structural elements of a Protected Structure, such as the exterior walls, the roofs, the openings and the internal layout.
- 6.1.3. Part 2 of the Guidelines provides detailed design guidance in relation to specific aspects of building conservation.

6.2. Donegal County Development Plan 2018-2024

- 6.2.1. Section 7.2 of the recently adopted Donegal County Development Plan 2018-2024 addresses the 'built heritage' and this highlights the key mechanisms that the Planning Authority will use in aiming to 'preserve, protect and enhance the built heritage of the County'. As part of the aim to harness the heritage tourism potential of the County, the Planning Authority designated Ballyshannon, and other similar-sized towns in the County, as 'Heritage Towns'. Subsections 7.2.2 and 7.2.3 of the Development Plan outline objectives and policies aimed at preserving, protecting and enhancing the built heritage of the County.
- 6.2.2. The Development Plan includes Objective BH-0-2 'to further consolidate and protect the built heritage of the County through a systematic programme of additions to the RPS having regard to Ministerial recommendations arising from the NIAH survey of Donegal'. In March 2017, the Planning Authority initiated a programme of proposed additions to the RPS, which included the subject structure.
- 6.2.3. Section 12 of the Development Plan includes the RPS for the County. Numerous structures within the Ballyshannon urban area are included within the Record, including the referral property and The Market House, on Market Street, a three-bay, two-storey public house dating from approximately 1860 (RPS Ref. 40852021) and currently occupied by 'O'Donnell's' Bar and the 'Golden Dragon' restaurant.

6.3. Draft Ballyshannon Local Area Plan 2018-2024

- 6.3.1. The Planning Authority is currently in the process of preparing a Local Area Plan for the town of Ballyshannon. The Draft Plan identifies that the referral site is located in a town centre zone and an 'area of townscape character'. Furthermore, the Draft Plan identifies the frontage of the site along Market Street as being part of an 'Area of Townscape Character'.

7.0 The Referral

7.1. Referrer's Case

- 7.1.1. The Declaration issued by Donegal County Council was referred to the Board for review by Ms. Sinéad Coughlan, on behalf of the Coughlan family. The following points are set out in the request:
- the previous owners and occupiers of the property are stated, one of whom operated a small grocery store from the premises prior to the 1970s;
 - various works have been undertaken to the property in recent decades including replastering of the front of the house in the 1970s, installation of central heating and reroofing after 1997, as well as the rebuilding of the chimneys and the replacement of timber doors and windows to the front with white pvc replacements after 2011;
 - reference is made to the timelines and correspondence involved with respect to the addition of the property to the RPS, as well as the Section 57 Declaration request;
 - the Planning Authority's description of the property within the RPS and subsequent Declaration is not accurate and fails to recognise that material changes to the property have already taken place;
 - the Declaration restrictions would make it extremely difficult for the property to be maintained or sold. Difficulties in selling the property would in turn lead to the structure falling into further disrepair.
- 7.1.2. The referral was accompanied by copies of correspondence relating to the addition of the property to the RPS and the Section 57 Declaration, including photographs

and a letter dated 11th April 2017 from the referrer to the Planning Authority requesting that the property not be added to the RPS.

7.2. Planning Authority Response

7.2.1. The Planning Authority provided copies of correspondence between the Planning Authority and the referrer regarding the addition of the property to the RPS and the issuing of a Section 57 Declaration. In response to the request to review the Declaration, the Planning Authority state the following:

- the site is located within the historic core of Ballyshannon, a heritage town, and makes a strong positive contribution to the streetscape;
- the Conservation Officer carried out an internal and external inspection of the property in August 2017 on foot of the Section 57 Declaration request;
- the Declaration issued is reasonable with respect to the works that would require planning permission, the need for like for like replacement materials, as well as the need for a condition report and best practise conservation;
- matters raised with respect to the Section 55 process relating to the addition of the structure to the RPS are a separate matter, nevertheless, the referrer's submission was highlighted to the Council Members for their consideration prior to addition of the structure to the RPS.

8.0 Assessment

8.1. Introduction

8.1.1. The NIAH survey of the Ballyshannon area and other parts of County Donegal was carried out between 2008 and 2012, and provides a representative sample of the architectural heritage of the County. In line with the Development Plan objective BH-O-2, on the 23rd day of March 2017, Donegal County Council contacted the owner/occupier of the subject property, outlining their intention to add the subject structure to the RPS for the County. On the 11th day of July 2017, the Planning Authority wrote to the owner/occupier, in this case the referrer, to advise them that the subject property had been added to the RPS.

- 8.1.2. Section 57 of the Act allows the owner or occupier of a Protected Structure to make a written request to the Planning Authority for a Declaration as to the type of works the Authority considers would or would not materially affect the character of the Protected Structure. Any person to whom a Declaration has issued under Section 57 of the Act, may subsequently refer the declaration to An Bord Pleanála for review.
- 8.1.3. In contrast to a Declaration under Section 5 of the Act, it is not necessary for the referrer to have any specific works in mind when applying for a Section 57 Declaration, as is the situation with this case. I note that previous referral cases under Section 57 of the Act submitted to An Bord Pleanála for review examined a specific question, while the referrer in this case has not questioned a specific element of the Section 57 Declaration issued by Donegal County Council. Furthermore, whether or not the structure should or should not be a Protected Structure is also not subject of this review. In short, it is only the conditions and limitations of the Declaration issued by the Planning Authority that can be reviewed and adjudicated upon by the Board.
- 8.1.4. In the case of a Section 57 Declaration, conditions and limitations are included for the purposes of clarity. If it is considered that the works are deemed not to materially affect the character of a Protected Structure, a planning application is not therefore required for the stated works, subject to the Declaration permitting the works with or without conditions and/or limitations.
- 8.1.5. It is necessary to ensure that the review process conforms to the approach required under the Act, in particular having regard to guidance contained in the Architectural Heritage Guidelines (including sections 4.1 to 4.6). The detailed guidance notes in Part 2 of the Architectural Heritage Guidelines under the heading ‘identifying the special features for protection’, are designed to assist Planning Authorities in carrying out inspections for Declarations.
- 8.1.6. A map delineating the boundary of the property, which the Declaration is considered to cover, has been provided by the Planning Authority, and I am satisfied that no part of the structure is omitted from the Declaration.

8.2. **Affect on the Character of the Protected Structure**

8.2.1. In reviewing the Declaration, it is essential to ensure that the Declaration does not exempt works or development that would have a material affect on the character of the Protected Structure or any element of the Structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, for example works or development under:

- Section 4(1)(h) of the Act (i.e. development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures);
- Article 6 of the Regulations (i.e. exempted development outlined in Part 1 of Schedule 2 including conditions and limitations);
- Article 10 of the Regulations (change of use subject conditions and limitations).

8.2.2. As stated in the Declaration, the works that would require planning permission and therefore do not constitute exempted development, are stated to comprise:

- extensions / demolitions to the building;
- material changes / alterations externally including the roof, ridges, rainwater goods, walls, windows and doors;
- change of use.

Extensions & Demolitions

8.2.3. The existing structure does not feature any extensions, while the historical outbuildings to the rear have previously been demolished and removed. The NIAH record refers to the building being well-maintained and retaining its early architectural character and form. The building of an extension or the undertaken of demolitions to a structure, can compromise the special interest of a structure. The Architectural Heritage Guidelines highlight that 'in urban areas, careful consideration needs to be given to proposals for the construction of rear extensions to protected

structures'. Rear elevations sometimes contain fabric that is useful in reading the history of the structure, for example, the surviving older windows or doors. Under subsection 57(10) of the Act, the demolition of a Protected Structure can only be permitted in 'exceptional circumstances'. Accordingly, I am satisfied that extension and demolition works to the subject Protected Structure, located in an urban area and maintaining much of its original character and form, would materially affect the character of this Protected Structure.

Material Changes / Alterations externally including the Roof, Ridges, Rainwater Goods, Walls, Windows and Doors

- 8.2.4. The grounds for review of the Declaration assert that various alterations have been made to the property in recent years, including the rebuilding of the chimneys and the replacement of a number of the original timber doors and windows to the front with white pvc replacements. These alterations are asserted to have already materially affected the character of the structure and this is not recognised in the Declaration issued by Donegal County Council. It is also asserted that the conditions and limitations of the Declaration would undermine the ability to maintain the property into the future.
- 8.2.5. The description of the subject structure, as outlined in the Declaration would appear to be directly transcribed from the NIAH survey record for the structure and as the NIAH survey was undertaken (during 2008-2012) prior to the stated works to the structure (after 2011), this is not recognised in the conditions and limitations of the Declaration. In response, the Planning Authority state that the Conservation Officer carried out an internal and external inspection of the property in August 2017 on foot of the Section 57 Declaration request and they are satisfied that the Declaration is reasonable.
- 8.2.6. The NIAH record refers to the property as comprising an 'unassuming building' that 'makes a strongly positive contribution to the streetscape of Ballyshannon, and is an integral element of the built heritage of the town adding historic interest to Market Street'. The NIAH record appraising the building, primarily focuses on the front façade as the main feature of interest.
- 8.2.7. The Architectural Heritage Guidelines identify works that would materially alter the character of the exterior of a building, including specific works to the walls, roof and

openings of a building. I recognise that some alterations to the structure have previously occurred, however, I consider that the building continues to make a strong and positive contribution to the streetscape and that consequently material changes and / or alterations externally to the roof, ridges, rainwater goods, walls, windows and doors would also materially affect the character of the Protected Structure.

Change of Use

8.2.8. The building was not occupied at the time of my site visit and it is stated that the building had most recently been used for residential purposes, while historically part of the south side ground-floor area had been used as a grocer's shop. The Architectural Heritage Guidelines note that a new use may have many implications for the fabric and character of a structure, requiring works that may not be immediately obvious, for example, with regard to compliance with the Building Regulations.

8.2.9. Section 57(1) of the Act refers to 'the carrying out of works to a protected structure' and does not refer to development comprising 'the making of any material change in the use of any structures or over land'. Consequently, 'change of use' is not a material consideration within a Section 57 Declaration, as this would not fall within the definition of 'works', provided within the Act. Accordingly, reference to 'change of use' should be omitted from the Declaration.

Other Works affecting the Character of the Structure

8.2.10. In addition to the above, having inspected the structure both internally and externally and considered the requirements set out under Section 57 of the Act, including the need to have regard to the Architectural Heritage Guidelines, I do not consider that there are any other works that would materially affect the character of the structure or any element of the Structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, that need to be attached to the Declaration, as part of this review.

Works not affecting the Character of the Structure

8.2.11. The works that would not affect the character of the Protected Structure, are stated in the Declaration to comprise:

- essential repairs to the interior of the property, implemented using like for like materials;
- essential repairs to the exterior of the property, implemented using like for like materials – provided a condition report is issued establishing need for repairs and which demonstrates minimum intervention and that works are to be carried out in accordance with best conservation practice;
- internal and external decoration which do not compromise original finishes fixtures and fittings.

8.2.12. The Architectural Heritage Guidelines provide detailed advice regarding the carrying out of repairs to properties. Undertaking of repairs to the interior of the structure with like-for-like materials would not affect the character of the Protected Structure, particularly considering the fact that the primary elements contributing to the special historical architectural character of the structure are found on the exterior of the subject structure. With regard to the carrying out of external repairs, such works can have the potential to materially affect the character of the Protected Structure, as evidenced in the replacement of the three original doors with white pvc doors and alterations to the shopfront window. However, I note that a condition report is required to be issued to the Planning Authority in advance of such repair works in future, establishing the need for repairs, demonstrating minimum intervention and outlining that works are to be carried out in accordance with best conservation practice. Furthermore, the use of like for like replacement of the original elements would ensure that such works would not materially affect the character of the structure. I am satisfied that internal and external decoration that would not compromise original finishes, fixtures and fittings would not materially affect the character of the structure.

8.3. **Conclusion**

8.3.1. With the exception of the need to omit item (3) referring to 'change of use', from the works which would affect the character of the structure and as a result would require planning permission, I am satisfied that the works stated in the Declaration, as materially affecting the character of the Protected Structure are reasonable and appropriate. I am also satisfied that the works outlined in the subject Declaration as

not materially affecting the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, are reasonable and appropriate. Accordingly, by reference to subsection 57(8) of the Act and subject to the amendment outlined above and detailed in the recommendation below, the Declaration issued by Donegal County Council on the 16th day of January, 2018, regarding the subject property at Market Street, Ballyshannon, County Donegal, including the conditions and limitations of same, is reasonable and appropriate.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS Donegal County Council issued a declaration on the 16th day of January, 2018, stating those works and development that would affect the character of the structure and as a result would require planning permission and those works that would not affect the character of the structure and as a result would not require planning permission:

AND WHEREAS Ms. Sinéad Coughlan on behalf of the Coughlan family referred this declaration for review to An Bord Pleanála on the 19th day of January, 2018:

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

- (a) Sections 2, 3, 4 and 57 of the Planning and Development Act, 2000, as amended,
- (b) the location of the subject property at Market Street, Ballyshannon, County Donegal and the inclusion of the property in the record of protected structures, as set out in the Donegal County Development

Plan 2018-2024 and the inclusion of the property in the National Inventory of Architectural Heritage,

- (c) the provisions of the 'Architectural Heritage Protection Guidelines for Planning Authorities' issued by the Department of Arts, Heritage and the Gaeltacht (2011),
- (d) historical maps and the documentation submitted by all parties as part of the referral, including historical details and photographs of the property,
- (e) internal and external inspection of the property by the planning inspector,
- (f) the location map with boundaries delineated provided by the Planning Authority,

AND WHEREAS An Bord Pleanála has concluded that:

- (g) subject to the omission of reference to development involving 'change of use', the works stated within the Declaration that would materially affect the character of the structure are reasonable and appropriate and the works stated that would not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, are also reasonable and appropriate.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by subsection 57(8) of the Planning and Development Act 2000, as amended, hereby decides that, subject to an amendment omitting reference to 'change of use' as works that would materially affect the character of the Protected Structure, the Declaration issued by Donegal

County Council, which states those works that would affect the character of the structure and as a result would require planning permission and those works that would not affect the character of the structure and as a result would not require planning permission, is reasonable and appropriate.

Colm McLoughlin
Planning Inspector

24th September 2018