

L. G. Lawlor

Daniel O'Connor

From: Bord
Sent: Monday 29 January 2024 09:40
To: Appeals2
Subject: FW: ABP-318746-23
Attachments: P Corcoran response to ABP.pdf; UD2379 Paul Corcoran
Importance: High

From: Seamus (M Friel Architects) <seamus@mfrichelarchitects.ie>
Sent: Friday, January 26, 2024 4:58 PM
To: Bord <bord@pleanala.ie>
Subject: ABP-318746-23
Importance: High

A Chara,

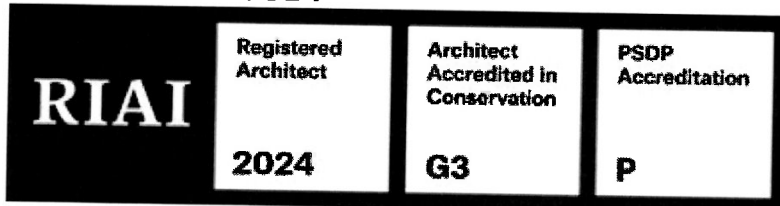
Please find a response to file No. ABP-318746-23, on behalf of our clients Mr. Paul Corcoran & Eibhlin Johnston.

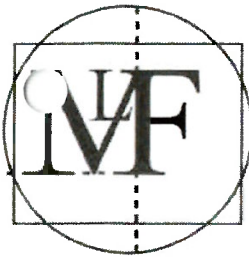
I trust that this is satisfactory.

Le meas,

Seamus

Seamus O Domhnaill,
Michael Friel Architects & Surveyors.
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MICHAEL FRIEL

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Response to Section 5 appeal.

Ref No: ABP-318746-23

Location: Teach Joe, 2 Knockastollar, Bunbeg, Co. Donegal.

Our Clients: Paul Corcoran & Eibhlín Johnston

A Chara,

I wish to formally respond to the appeal which has been made against the decision of Donegal County Council in regards to a complaint which was made by Máire Nic Niallais and Niall Hackett.

From the outset it is important that I clarify that the property which I own in Knockastollar, Bunbeg is not used on a large scale commercial basis, it is predominantly used by myself and my family who spend many weekends enjoying the area from the base of this House. The council had initially corresponded with our client where he was issued with a warning letter, we responded to this warning letter on behalf of our client and I have included a copy of the correspondence which we sent to the Council for your perusal in regards to this matter.

The appellants have appealed two aspects of the response which the Council issued to the appellants, Namely;

- (1) The appellants claimed that there was a change of use from a residential dwelling to a commercial short term let property, the Council found that this did not constitute development.
- (2) The appellants claimed that a wooden jetty was constructed to facilitate kayaking on the lake for use for commercial guests, the Council found that this was development but was exempted development.

I will lay out hereunder our clients response to the appeal on these two matters and hope that it finds favour with An Bord Pleanála.

(1) Intensified change of use from residential to commercial short term let.

The property is located in a rural area of Donegal in Bunbeg. The dwelling was erected in the 1970's or early 1980's and no condition was attached when permission was granted restricting the type of use that the Dwelling should have. In addition to this the area where the House is located is not within a Rent Pressure Zone (RPZ) as a result planning permission is not required for change of use to use the property for the purposes of short term let on occasion. The House is not our client's primary place of residence, however they have advised me that they use the property for their own use on at least 10 occasions per annum. The property is leased out on a short term basis for a restricted amount of weeks and or weekends per year, the property is predominantly used by families who come and stay in the property, to give a flavour of the guests who use the property the owner has advised that in 2023 of the 18 times it was used as a short term let, 13 of these were families, whilst the remaining 5 were in the area for events such as weddings, festivals or funerals which were taking place in the local area. As of yet 3 bookings have been taken for 2024 and 2 of those bookings are for families, I make this point to refute the claim by the appellants that the House is used by youths who generate loud noise and music etc., this is simply not the case.

It is my understanding that this or any other property in this area can be leased out for short term lease as the area is not within an RPZ, therefore this use of the property for lease is exempt development as per the Planning & Development Act 2000 as amended including amendment 3A of the principal Act.

(3) Construction of a wooden Jetty to facilitate Kayaking on the lake for use of commercial guests.

The property abuts a small lake, which has been used for generations by local persons to swim, fish or enjoy as an amenity to the area, our client and his family enjoy kayaking and as a result have ensured safe passage to the lake for themselves and their kayaks through putting in place a safe wooden walkway from where the kayaks can be launched. The kayaks are stored within the garage beside the House on the site and are available to be used by persons who are staying in the House, most guests do not use the kayaks but they are none the less available if they wish to use them. The putting in place of a wooded walkway to the river and a small jetty type structure at the end is exempt development as set out in Class 6, part 1, schedule 2 of the general exempted development which permits the provision of a hard surface within the curtilage of a dwelling house. The structure is less than 25 square metres and meets the terms of exempted development in this instance.

The appellant had also made reference to the making of a road, where a disused road existed through commonage, this road is and was the road to this House,

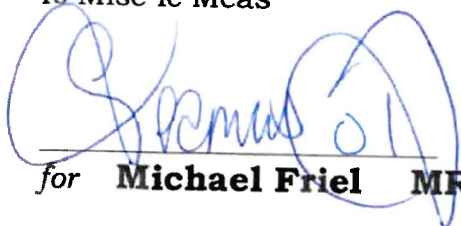
was not disused in any way and we simply carried out maintenance work to the road for ease of access. Our client has tried without success to engage in a positive and meaningful way with the appellants, but we understand that this has been met with resistance at every juncture. Both our clients house and the appellants House are located within close proximity to each other and obviously there will be sounds and noises which will emanate from both holdings and will travel or be heard at the other House in this rural area, there are a number of Houses which are in closer proximity to our clients house and our Client enjoys a very good relationship with the House owners and they are not perturbed or annoyed by noise or any other factor as a result of our Client's house.

Our client has learned from a neighbour that they have been stopped from walking their dog, on a leash on the L-5493-1 by the appellants. It cannot be a fact that any person or persons can stop other persons from using a public roadway irrespective if they are using the road for the purposes of walking or in a vehicle and it is our clients firm opinion that the appellants do not wish for anyone to be living on or using the road except for themselves. The appellants do have an opportunity to plant trees or hedging so as to act as a screen between both properties, but this is an option which they do not wish to avail of for whatever reasons.

It is our client's intention, as outlined to Donegal County Council to regularise planning matters which may require retention permission so as to comply with the Planning & Development Act, however the points which have been appealed by the appellants should not require planning permission and I hope that An Bord Pleanála accept this as being the case.

I trust that the above is satisfactory and look forward to hearing from the Board in due course when you have had an opportunity to assess and make a recommendation on the matter.

Is Mise le Meas


for **Michael Friel** **MRIAI**

Daniel O'Connor

From: Seamus (M Friel Architects) <seamus@mfrielarchitects.ie>
Sent: Thursday 26 October 2023 17:20
To: planning enforcement
Subject: UD2379 Paul Corcoran

A Chara,

I refer to UD File UD 2379 which has been sent to Mr. Paul Corcoran and wish to advise that we have been asked to act as agents on this matter for him.

In respect to the warning letter which our client received, may I ask for clarification on Point 1, which states;

1. The material change of use of an existing residential dwelling to a holiday home in use as short-term/holiday lettings without the benefit of planning permission.

The dwelling I understand was erected in the late 1970's or early 1980's and I therefore pose the question is the material change a variation of the conditions of the Permission that was granted or is it in breach of

The Planning Regs which were in place at the time the grant of permission was issued?

Gweedore is hive of tourism and cultural activity during the Summer Months, a strategy which the local Authority expend a considerable amount to of time and money in promoting. With the recent influx of persons seeking international protection as well as those fleeing war torn Ukraine, hotel and indeed glamping/ chalet type accommodation has become extremely scarce across Donegal but particularly in the west of the County. By pursuing a policy of enforcement with those who are prepared to provide short term accommodation to the Tourists who visit our county it really does not bode well for the businesses and services which depend on their Tourism sector for their very survival, therefor I hope that the Council can clarify the material alteration which has occurred and what condition has been breached given that the building is in existence for in excess of 40 years.

In regards to points No.2 & No.3 it is our intention to deal with both of these matters through the submission of a formal planning application.

I hope the above is satisfactory and I look forward to hearing from you.

Kind regards,

Seamus.

Seamus O Domhnaill,
Michael Friel Architects & Surveyors.
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