

Laura

Cathy Carleton

From: Bord
Sent: Monday 22 January 2024 14:39
To: Appeals2
Subject: FW: Case Ref. ABP-318746-23
Attachments: S5 2357 - Obs.pdf

From: JADE PEARSON <jpearson@Donegalcoco.ie>
Sent: Monday, January 22, 2024 2:33 PM
To: Bord <bord@pleanala.ie>
Subject: Case Ref. ABP-318746-23

A Chara,

Please find attached the observations of this Council in relation to Case Ref. ABP-318746-23.

Regards,

Jade Pearson
Community Development & Planning Services



**Comhairle Contae
Dhún na nGall**
Donegal County Council

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Your Ref: ABP-318746-23

Our Ref: S5 23/57

22nd January 2024

An Bord Pleanála
No. 64 Marlborough Street,
Dublin 1.

RE: RESPONSE TO APPEAL REF. ABP-318746-23 RELATING TO SECTION 5 APPLICATION TO DETERMINE WHETHER CERTAIN MATTERS ARE OR ARE NOT DEVELOPMENT AND ARE OR ARE NOT EXEMPTED DEVELOPMENT AT TEACH JOE, KNOCKASTOLLER, BUNBEG, CO. DONEGAL.

A Chara,

I refer to your correspondence of 4th January 2024 received by the Planning Authority on 5th January 2024 relating to the above appeal.

I wish to advise that the contents of the appeal by Máire Nic Niallais and Niall Hackett have been noted, and that the majority of the matters raised by the appellant have either previously been addressed in the planning report, a copy of which has already been issued to An Bord Pleanála or relate to civil matters concerning rights of way, and neighbourly disputes which the Planning Authority does not get involved in.

The rationale for the Council's determination of the Section 5 question is set out in the planning report as previously submitted.

However, it is notable that since determination of this Section 5 application by Donegal County Council, An Bord Pleanála have offered clarification regarding change of use from residential dwelling to use of said dwelling as short-term holiday let.

An Bord Pleanála, in determining "Whether or not the change of use of a dwelling, as a principal place of residence (outside of a rent pressure zone) to a dwelling in use for short-term letting purposes, is or not development and is or is not exempted development" determined that:

"The use of the subject house for short-term holiday lettings use is a change of use from the permitted use as a permanent residential unit, which in the light of the different matters that it raises for assessment compared to those which would have arisen for

the original use as permanent residential accommodation, constitutes a material change of use and thus development,

and

Neither the Planning and Development Act, 2000 (as amended), nor the Planning and Development Regulations, 2001-2022 recognise the said material change of use to be exempted development."

An Bord Pleanála went on to order that:-

"The change of use of a dwelling, as a principal place of residence (outside of a rent pressure zone) to a dwelling in use for short-term letting purposes is development and is not exempted development".

In this regard, we, as the Planning Authority for Donegal County Council acknowledge this clarification and further acknowledge that the change of use of an existing residential dwelling to a holiday home in use as short-term/holiday lettings does indeed constitute development and such development is not exempted development.

Trusting this is to your satisfaction.

Yours sincerely,

E. Reid.

**For A/Senior Ex. Planner
Planning Services**

/jp