

An
Bord
Pleanála

AN BORD PLEANÁLA	
LDG-	077.344-25
ABP-	
15 JAN 2025	
Fee: €	220
Type:	CASH
Time:	13:48
By:	HAND

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Click or tap here to enter text.

SEAMUS GIBSON

(b) Address

Click or tap here to enter text.

BALLYBEGLEY, NEWTOWNCUNNINGHAM
LIFFORD,
Co. DONEGAL F93E8C3

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the
address in Part 1

☐
X

The agent at the address in
Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Click or tap here to enter text.

DONEGAL COUNTY COUNCIL

(b) Planning authority register reference number

(for example: 18/0123)

Click or tap here to enter text.

S5 24/95

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Click or tap here to enter text.

MOYLE MOSS, NEWTOWNCUNNINGHAM, Co. DONEGAL.



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

Áras an Chontae,
Leifear,
Contae Dhún na nGall, F93 Y622

County House,
Lifford,
County Donegal, F93 Y622

T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S5 24/95

17th December 2024

Séamus Gibson,
Ballybegley,
Newtowncunningham,
Co. Donegal,
F93 E8C3

**Re: Construction of 2 no. farm sheds at Moyle Moss, Newtowncunningham, Co.
Donegal**

A Chara,

I refer to your request received on 2nd December 2024 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**

/RMcC

Planning and Development Acts, 2000 (as amended)
(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive's Order No: 2024PH3189

Reference No: S5 24/95

Name of Requester: Séamus Gibson,
Ballybegley,
Newtowncunningham,
Co. Donegal,
F93 E8C3

Summarised Description of development the subject matter of request:

Construction of 2 no. farm sheds

Location: Moyle Moss, Newtowncunningham, Co. Donegal

IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

IS Development

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The Planning Authority, in considering this referral, had regard particularly to:

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- Articles 6(1), 9(1) and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it contravenes Article 9, Sub-articles (1)(a)(ii) and (iii) of the Planning and Development Regulations, 2001(as amended).



For Senior Ex. Planner
Planning Services

Dated this 17th day of December 2024

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I am a small farmer and in consultation with Teagasc Agriculture and food development authority in Ireland and from guidance from the office of the planning Regulator, I am made aware that certain farm buildings are exempted from planning permission please see attached document paragraph 3. Type 4: of the Agriculture & Farm Development - The Planning Issues from the office of the planning regulator.

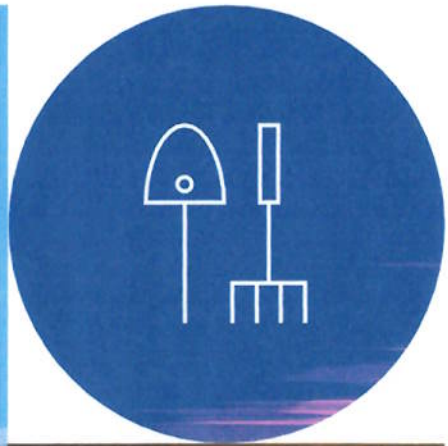
I have applied to the Donegal Co. Council for a planning exempted development pursuant to Section 5 of the planning & Development Act 2000 (as amended)

For No. 2 Dry store farm Sheds adhering strictly to the above mention guide lines .

I do hope in your considering this appeal that you would look upon it favourably but however I will respect your disson

Kind Regards,
Séamus Gibson.

Agricultural & Farm Development - The Planning Issues



Planning
Leaflet 9



Óifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



An Roinn Tithíochta,
Rialtais Aitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage

1. Do I need planning permission?

Planning permission is generally required for developing any land or property unless there is a specific exemption in planning law. This type of development is known as exempted development. The term development includes carrying out any work (i.e. building, demolition or alteration) on, in, over or under land or buildings and includes making material (i.e. significant) change of use of a structure or land.

2. What is exempted development?

Exempted development is development for which planning permission is not required under planning law. Much agricultural development, especially uses of land for agricultural purposes, is exempt. Some agricultural buildings and structures are exempt from planning permission, provided they meet certain conditions. The main exemptions for developing buildings are set out in Question 3 below.

You can obtain a declaration of exempted development from your planning authority which confirms that a development does not require planning permission. This is called a Section 5 Declaration.

3. What are the main planning permission exemptions for agricultural buildings?

Development of the following types of agricultural buildings and structures, is generally exempt from planning permission, subject to compliance with specific conditions:

Type 1: A roofed structure housing cattle, sheep, goats, donkeys, horses, deer or rabbits, provided that its floor area does not exceed 200 square metres and that the total floor area of all Type 1 structures within the farmyard complex (or within 100 metres of the complex) does not exceed 300 square metres floor space.

Type 2: A roofed structure housing pigs, mink or poultry provided that its floor area does not exceed 75 square metres and that the total floor area of all Type 2 structures within the farmyard complex (or within 100 metres of the complex) does not exceed 100 square metres. In addition, boundary fencing of a mink holding must be escape-proof.

Type 3: Roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours and silage making/storage structures, provided that the floor area of any new structures does not exceed 200 square metres and that the total floor area of all Type 3 structures within the farmyard complex (or within 100 metres of the complex) does not exceed 300 square metres.

Type 4: A store, barn, shed, glasshouse etc., not exceeding 300 square metres in floor area and not used for housing animals or storing effluent, provided that the total floor area of all Type 4 structures within the farmyard complex (or within 100 metres of the complex) does not exceed 900 square metres.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

