



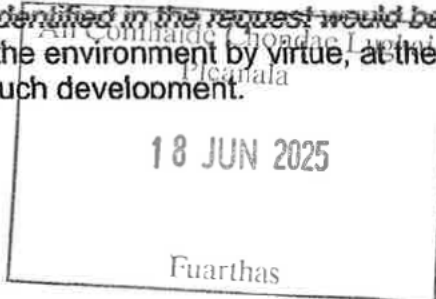
Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.



Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

CLARE GRIFFIN, BALLYMAKELLET, RAVENEDALE
DUNDALK, Co. LOUTH

Phone Number: [REDACTED] E-Mail: [REDACTED]

2. Name and address of agent (if any):

TONY EWANKS, EHP SERVICES, 154 RIVERSIDE DRIVE
RED BARN ROAD, DUNDALK, Co. LOUTH

Phone Number: [REDACTED] E-Mail: [REDACTED]

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

TONY EWANKS, EHP SERVICES, 154 RIVERSIDE DRIVE
RED BARN ROAD, DUNDALK, Co. LOUTH

4. Interest in site of the person seeking declaration:

OWNER OF DWELLING + DAUGHTER OF ADJOINING
FIELD OWNER

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

BALLYMAKELLET, RAVENEDALE, DUNDALK, Co. LOUTH

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

A91 WN92 + ADJOINING FIELD (SEE CASE LETTER)

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

PLEASE SEE ATTACHED PAGE

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes No

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant: Tony Ewbank **Date** 16th June 2025
on behalf of Clare Griffin (Applicant)

Please include one copy of the following documents with the application form:

- **Site Location Map:** (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations:** (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- **Application fee:** (€80)

Completed Application Form & Fee of €80.00 may be sent to:

**Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C**

OR

by email to

**with contact details to arrange
payment of fee.**

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

Question 1.

Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)?

Question 2.

Are the identified agricultural structures and works for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)?



Comhairle Contae Lú
Louth County Council

REGISTERED POST

Clare Griffin
c/o Tony Ewbanks
EHP Services
154 Riverside Drive
Red Barns Road
Dundalk
Co. Louth

24th April 2026

Re: Ref. S5 2025/43

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to (1) Whether the identified ancillary domestic outbuildings are considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended) and (2) Whether the identified structures and works for use to run the emerging farm operation described above and below are considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended) at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 19th June 2025 and further information received on 10th April 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

1. *Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

And

2. *Are the identified agricultural structures and works for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

T + 353 42 9335457
E info@louthcoco.ie
W www.louthcoco.ie

Cuirfear fáilte roimh chomhfhreagras Gaelge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
View Council alerts for Louth at www.mapalserter.ie/Louth

AND WHEREAS the said questions were referred to Louth County Council by Clare Griffin on 19th June 2025

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024,
- (b) The Plans and particulars submitted to the Planning Authority on 19th June 2025 and the further plans and particulars submitted to the Planning Authority on 10th April 2026,
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended) and specifically Classes 3, 5 and 8 of Part 1 and Classes 4, 7, 8 and 9 of Part 3,
- (d) The Planning history of the site

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (i) This Section 5 declaration does not include the existing building or use associated with 'Mountain Gate Holistics' located on the site.
- (ii) The ancillary residential development as labelled a)-f) within the applicant's submission, are within the established residential curtilage of the property and fall within the exemptions of Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended) and do not contravene the restrictions within Article 9.
- (iii) 'Agricultural' item number 1 i.e. the stone parking and vehicle circulation area, is used in connection with the commercial activities of 'Mountain Gate Holistics' (i.e. parking) in addition to domestic related parking and does not fall within the definition of 'agriculture' or related uses, as defined within Section 2 of the Planning and Development Act, 2024. Nor does it fall within the exemptions within Classes 1 to 17 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations, 2001 (as amended.)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

The identified ancillary domestic structures at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92, is **development and is exempted development**.

The following identified agricultural structures and works for use to run the emerging farm operation is **development and is exempted development**

- 1.7M high timber fencing separating the residential curtilage from the adjoining field;
- Vegetable garden and raised planters for the growing of fruit and vegetables;

- A freestanding timber and metal chicken coop measuring W.2.15m x L.1.67m x H.2.16m and netted / enclosed run measuring W.5.5m x L.12m
- A freestanding open ended, timber and sheet metal pig shelter measuring W.2.5m x L.1.5m and fenced off pen for the future housing and rearing of 2 no. Tamworth breed piglets.
- An open sided wood storage structure measuring W.2.26m x L.1.48m x H.1.8m
- 3 no. mobile bee hive boxes
- A freestanding ancillary honey shed used for storage and processing, spinning and jarring of collected honey measuring W.3.69m x L.3.73m x H.2.7m.
- A freestanding metal framed polytunnel measuring 55m² in area used to grow fruit and vegetables.
- A freestanding horse box measuring 2.19m x 4.33m x 2.9m used to store animal feed, hay and other farming related material.
- Juvenile apple trees recently planted along the field's north-eastern boundary

AND

The following identified 'agricultural structures and works for use to run the emerging farm operation' **is development** and **is not exempted development**

- Rough stone parking and vehicle circulation area measuring W11m x L23m (referenced as number 1)

In Summary

A Declaration of Exemption is hereby:

GRANTED for the **identified ancillary domestic structures and the following identified structures and works for use to run the emerging farm operation**

- 1.7M high timber fencing separating the residential curtilage from the adjoining field;
- Vegetable garden and raised planters for the growing of fruit and vegetables;
- A freestanding timber and metal chicken coop measuring W.2.15m x L.1.67m x H.2.16m and netted / enclosed run measuring W.5.5m x L.12m
- A freestanding open ended, timber and sheet metal pig shelter measuring W.2.5m x L.1.5m and fenced off pen for the future housing and rearing of 2 no. Tamworth breed piglets.
- An open sided wood storage structure measuring W.2.26m x L.1.48m x H.1.8m
- 3 no. mobile bee hive boxes

- *A freestanding ancillary honey shed used for storage and processing, spinning and jarring of collected honey measuring W.3.69m x L.3.73m x H.2.7m.*
- *A freestanding metal framed polytunnel measuring 55m² in area used to grow fruit and vegetables.*
- *A freestanding horse box measuring 2.19m x 4.33m x 2.9m used to store animal feed, hay and other farming related material.*
- *Juvenile apple trees recently planted along the field's north-eastern boundary*

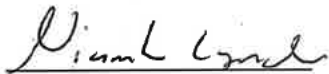
at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92 and that

A Declaration of Exemption is hereby:

REFUSED for the rough stone parking and vehicle circulation area measuring W11m x L23m (referenced as number 1) at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92 **as detailed on the plans and particulars submitted on 19th June 2025 and further information received on 10th April 2026.**

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Niamh Lynch
Planning Section

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No: 279/2026

Reference No: S5 2025/43

Date Application Received: 19/06/2025 and further information on 10/04/2026

Description of Development: (1) Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)
(2) Are the identified structures and works for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)

Name of Applicant: Clare Griffin

Location of Development Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

1. *Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

And

LCP Order No. 279/2026

Reference No: S5 2025/43

2. *Are the identified agricultural structures and works for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

AND WHEREAS the said questions were referred to Louth County Council by Clare Griffin on 19th June 2025

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024,
- (b) The Plans and particulars submitted to the Planning Authority on 19th June 2025 and the further plans and particulars submitted to the Planning Authority on 10th April 2026,
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended) and specifically Classes 3, 5 and 8 of Part 1 and Classes 4, 7, 8 and 9 of Part 3,
- (d) The Planning history of the site

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (i) This Section 5 declaration does not include the existing building or use associated with 'Mountain Gate Holistics' located on the site.
- (ii) The ancillary residential development as labelled a)-f) within the applicant's submission, are within the established residential curtilage of the property and fall within the exemptions of Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended) and do not contravene the restrictions within Article 9.
- (iii) 'Agricultural' item number 1 i.e. the stone parking and vehicle circulation area, is used in connection with the commercial activities of 'Mountain Gate Holistics' (i.e. parking) in addition to domestic related parking and does not fall within the definition of 'agriculture' or related uses, as defined within Section 2 of the Planning and Development Act, 2024. Nor does it fall within the exemptions within Classes 1 to 17 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations, 2001 (as amended.)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

The identified ancillary domestic structures at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92, is **development and is exempted development**,

LCP Order No. 279/2026

Reference No: S5 2025/43

The following identified agricultural structures and works for use to run the emerging farm operation **is development** and **is exempted development**

- *1.7M high timber fencing separating the residential curtilage from the adjoining field;*
- *Vegetable garden and raised planters for the growing of fruit and vegetables;*
- *A freestanding timber and metal chicken coop measuring W.2.15m x L.1.67m x H.2.16m and netted / enclosed run measuring W.5.5m x L.12m*
- *A freestanding open ended, timber and sheet metal pig shelter measuring W.2.5m x L.1.5m and fenced off pen for the future housing and rearing of 2 no. Tamworth breed piglets.*
- *An open sided wood storage structure measuring W.2.26m x L.1.48m x H.1.8m*
- *3 no. mobile bee hive boxes*
- *A freestanding ancillary honey shed used for storage and processing, spinning and jarring of collected honey measuring W.3.69m x L.3.73m x H.2.7m.*
- *A freestanding metal framed polytunnel measuring 55m² in area used to grow fruit and vegetables.*
- *A freestanding horse box measuring 2.19m x 4.33m x 2.9m used to store animal feed, hay and other farming related material.*
- *Juvenile apple trees recently planted along the field's north-eastern boundary*

AND

The following identified 'agricultural structures and works for use to run the emerging farm operation' **is development** and **is not exempted development**

- *Rough stone parking and vehicle circulation area measuring W11m x L23m (referenced as number 1)*

SIGNED: *O. Rooney*
Orla Rooney
Assistant Planner

Dated: *22/04/2026*

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a Declaration of Exemption be:

GRANTED for "The identified ancillary domestic structures at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92" and "The following identified agricultural structures and works for use to run the emerging farm operation at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92

LCP Order No. 279/2026


Reference No: S5 2025/43

- *1.7M high timber fencing separating the residential curtilage from the adjoining field;*
- *Vegetable garden and raised planters for the growing of fruit and vegetables;*
- *A freestanding timber and metal chicken coop measuring W.2.15m x L.1.67m x H.2.16m and netted / enclosed run measuring W.5.5m x L.12m*
- *A freestanding open ended, timber and sheet metal pig shelter measuring W.2.5m x L.1.5m and fenced off pen for the future housing and rearing of 2 no. Tamworth breed piglets.*
- *An open sided wood storage structure measuring W.2.26m x L.1.48m x H.1.8m*
- *3 no. mobile bee hive boxes*
- *A freestanding ancillary honey shed used for storage and processing, spinning and jarring of collected honey measuring W.3.69m x L.3.73m x H.2.7m.*
- *A freestanding metal framed polytunnel measuring 55m² in area used to grow fruit and vegetables.*
- *A freestanding horse box measuring 2.19m x 4.33m x 2.9m used to store animal feed, hay and other farming related material.*
- *Juvenile apple trees recently planted along the field's north-eastern boundary"*

and

REFUSED for the "Rough stone parking and vehicle circulation area measuring W11m x L23m at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92" as detailed on the plans and particulars submitted on 19th June 2025 and further information received on 10th April 2026.

SIGNED:


Thomas McEvoy
Director of Services

Dated: 24th April 2026

To whom this function has been delegated in accordance with the provision of sections 154 of the Local Government Act 2001 by Order no CE.S. 25/25 dated the 20th day of January 2025

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2025/43
Applicant's Name:	Claire Griffin
Type of Application:	Section 5 Declaration
Development:	<p><u>Question 1</u> Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)?</p> <p><u>Question 2</u> Are the identified agricultural structures and works for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)?</p>
Site Location:	Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92
Site Inspection	4 th July 2025
Report Date	16 th April 2026
Due Date:	30 th April 2026

1. Summary of Previous Report:

Having considered the declaration and further to the Planning Authority's assessment report dated 4th July 2025, the following details were requested from the applicant:

1. Under Article 9 (1) of the Planning and Development Regulations, 2001 (as amended,) Development to which Article 6 relates shall not be exempted development for the purposes of the Act –
 - a) If the carrying out of such development would –
 - iii) endanger public safety by reason of traffic hazard or obstruction of road users.

On the basis of the information submitted, the degree of commercial activity occurring on the site and the associated numbers of daily vehicles attending the site on a daily basis is unclear. The applicant is requested to address this in a comprehensive manner. Further information provided shall include a breakdown of all commercial activities on the site (including clarification as to

whether there is any agricultural produce sold from the site for example including honey) and numbers of vehicles generated to the site on a daily basis, together with any other details as appropriate, to fully demonstrate how the above restriction to exempted development is not engaged.

2. In assessing the subject structures / works under Class 7 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended,) which refers to ancillary provision for effluent storage, whilst the submitted details indicate that references to effluent are not applicable, the applicant is requested to clarify how livestock (including from the existing chickens and piglets) waste is managed and stored from the site and how the requirements of Class 7 are fully met in this regard.
3. The applicant is requested to provide a scaled Site Layout Plan indicating the precise location of the existing structures within the curtilage of the dwelling, to include the following:
 - a) Calculation of the remaining private amenity space available for the dwelling and to satisfy condition 2, column 2, under Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended.)
4. The applicant is requested to provide a scaled Site Layout Plan which accurately details the location and quantum of the existing stone yard area, including precise measurements. This is required to satisfy condition 2, column 2, under Class 8 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended.)

2. Response from Applicant:

The applicant has provided a detailed response to the FI request, in the form of a response letter (prepared by EHP Services, dated 1st April 2026,) together with the following drawing and particulars:

- Drawing No. 3362-01 (Site Layout Map, dated 07/04/26)
- Indicative Dry Manure Management Plan

In having regard to the further information provided, the following comments are noted in relation to the 4 no. further information points outlined in Section 1 above:

1. Item 1 – Road Safety

The submitted details indicate that the only non-residential related activities occurring on site is the agricultural production of fruit, vegetables, eggs and honey on the adjoining field. It clarifies that the 'Mountain Gate Holistics Business,' operating from the shed within the residential curtilage of the applicant's property is a recent venture and it is noted that this shed and its use does not form part of the queries submitted within the Section 5 declaration. The details further explain that the applicant's partner is employed in the construction industry and also uses the stone yard to park vehicles after work, however that no commercial or construction related business is operating from the site. The details also indicate that the stone yard is used by clients visiting the applicant's business 'Mountain Gate Holistics' which operates between Tues – Fri

and which attracts a total of 8-12 no. clients weekly and all sessions are by appointment only, with some clients also walking to the premises.

The submitted details highlight that the applicant is aware that 'Mountain Gate Holistics' is not exempted development and is not therefore, the subject of the Section 5 Declaration and it is intended to regularise this in due course through a separate grant of planning permission.

In terms of commercial related activities from the agricultural operations, the submitted statement outlines that none of the produce is sold from the site (being sold at a local market) and consequently does not attract any associated traffic to the site.

In summary, the total number of vehicles coming to / from the site equates to a maximum of 12 vehicles weekly, including domestic and clients attending 'Mountain Gate Holistics.'

2. Item 2 – Effluent

The following livestock are kept on site:

- 9 no. laying hens
- 2 no. Kune Kune Pigs
- 3 no. bee hives

The submitted statement indicates that wood shavings are used within the chicken coops which absorb all free liquids and semi-solid waste material that could leach into the ground and the coop is cleaned regularly. Straw is used within the pigs and both the straw and wood shavings are removed to 2 no. compost bays (measuring 3m x 2m x 1.4m) which are lined with heavy gauge silage sheeting over a 300mm bed of hardcore gravel and that the bays have a maximum capacity of 8.4m³.

Each compost bay is covered with heavy duty plastic sheeting to prevent precipitation leaching through the material and either running off or percolating into the ground. Each bay is turned monthly to achieve a target temperature of 55 degrees Celsius over a period of 3 days, to sanitise the material with extra straw / leaves added if required. When the bays are full, the material is placed elsewhere within the landholding as a 'compact field heap' for a period of no more than 180 days. This is covered in plastic sheeting and rimmed with straw bales to absorb incidental seepage and to facilitate further composting and bio stabilisation of the dry litter mix. The finished compost material is then spread over the landholding twice a year in mid-April and mid-September at a rate of ≤5 tonnes per hectare. Spreading is excluded from a 10m wide untreated grass buffer along the edge of the adjoining stream, to ensure consistency in current water quality levels.

The statement notes that the management system complies with the relevant Regulations and in consultation with the Department of Agriculture Food and the Marine, the applicant has produced an indicative dry manure management plan for the agricultural landholding and activities. This corresponding dry manure management plan concludes that:

- manure volumes are fractional relative to regulatory thresholds;
- Storage and disposal proposals satisfy S.I. 113/2022

- The composting and land recycling methods ensure no raw effluent enters the nearby river

3. Item 3 – Site Layout and Domestic Private Amenity Space

A Site layout drawing has been provided (Drawing No. 3362-01) as requested. The supporting statement indicates that the remaining private amenity space associated with the dwelling is 915.4788m² and is well in excess of the 25m² condition and limitation no. 3 within Column 2 of Class 3, Part 1 of the Planning Regulations.

4. Item 4 – Site Layout and Stone Yard Details

A Site layout drawing has been provided (Drawing No. 3362-01) as requested. The supporting statement clarifies that the stone yard measures 10m x 21.5m with a total area of 215m².

3. **Assessment:**

Does the proposal constitute development?

Having regard to the definition of 'development' in Section 2 of The Planning and Development Act, 2024, the erection of the existing structures (labelled a to e) within the residential curtilage and the existing agricultural structures and works (numbered 1 to 11) are considered to constitute 'development,' whilst the parking of a touring caravan within the residential curtilage, would not neatly fall within this definition.

Does the proposal constitute exempted development?

Question 1:

In the previous assessment, in relation to question 1, the Planning Authority was unable to determine, on the basis of the submitted details, whether the subject development is exempted development as it was unclear whether sufficient private amenity space remains within the curtilage of the dwelling, in accordance with Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended.)

In having regard to the further particulars provided included scaled layout drawing, it has been appropriately demonstrated that the development has not reduced the amount of private amenity space reserved for the exclusive use of the occupants of the dwelling to the rear or side of the house to less than 25m² and as such, condition no. 3, column 2, under Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended) has not been contravened.

Accordingly, the identified ancillary domestic structures (as labelled a to e within the applicant's submission,) are considered **exempted development**.

Question 2:

In the initial assessment in relation to question 2, it was unclear whether:

- the development contravenes Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001, as amended in relation to whether the development would endanger public safety by reason of traffic hazard or obstruction of road users.

In having regard to the submitted figures and clarification, the subject development does not involve any additional traffic to the site, with 12 no. weekly vehicles associated with the separate business on site (not subject to this assessment.) Accordingly, it has been demonstrated that the subject agricultural development does not contravene the restrictions within Article 9, including 9(1)(a)(iii) of the PDR 2001, as amended.

- The management of livestock waste is managed and stored in accordance with Class 7, Part 3, Schedule 2, Article 6 of the Planning and Development Regulations, 2001 (as amended.)

In having regard to the submitted statement and dry waste management plan, the development does not contravene conditions 1-8 within Class 7, Part 3. Nor does it contravene the conditions and limitations of Class 8.

- Condition 2, column 2, under Class 8 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended) is satisfied in relation to the existing parking area.

The applicant has clarified that the open loose yard is 215m² in its floor area. Class 8 relates to the following:

“works consisting of the provision of roofless cubicles, open loose yards, self-feed or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.”

The existing yard (which is not within the established residential curtilage,) it has been clarified, is used for parking associated with the commercial business at the site in addition to domestic vehicles and extends to 215m². Given its scale and nature in terms of associated use, I do not consider that it is primarily used for agricultural purposes or that it falls within the exemption of Class 8 or indeed, any other Class within Part 5 (Exempted Development – Rural.)

Accordingly, this element of the development (as numbered 1 on the applicant’s submitted map) **is not exempted development.**

In having regard to the above, some of the identified agricultural structures and works for use to run the emerging farm operation as submitted (i.e. **items numbered 2-11**) **are exempted development**, however the rough stone parking and vehicle circulation area (**item number 1**) **is not exempted development.**

4. Recommendation:

Accordingly, it is recommended that an order along the following lines is issued: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

1. *Are the identified ancillary domestic outbuildings considered exempted development under Class 3, 5 and 8 Part 1, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

And

2. *Are the identified agricultural structures and works** for use to run the emerging farm operation described above and below considered exempted development under the Classes 4, 7, 8 & 9 Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended)?*

AND WHEREAS the said questions were referred to Louth County Council by Claire Griffin on 19th June 2025

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024,
- (b) The Plans and particulars submitted to the Planning Authority on 19th June 2025 and the further plans and particulars submitted to the Planning Authority on 10th April 2026,
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended) and specifically Classes 3, 5 and 8 of Part 1 and Classes 4, 7, 8 and 9 of Part 3,
- (d) The Planning history of the site

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (i) This Section 5 declaration does not include the existing building or use associated with 'Mountain Gate Holistics' located on the site.
- (ii) The ancillary residential development as labelled a)-f) within the applicant's submission, are within the established residential curtilage of the property and fall within the exemptions of Class 3 of Part 1, Schedule 2, Article 6 of the Planning and Development Regulations 2001 (as amended) and do not contravene the restrictions within Article 9.
- (iii) 'Agricultural' item number 1 i.e. the stone parking and vehicle circulation area, is used in connection with the commercial activities of 'Mountain Gate Holistics' (i.e. parking) in addition to domestic related parking and does not fall within the definition of 'agriculture' or related uses, as defined within Section 2 of the Planning and Development Act, 2024. Nor does it fall within the exemptions within Classes 1 to 17 of Part 3, Schedule 2, Article 6 of the Planning and Development Regulations, 2001 (as amended.)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

the identified ancillary domestic structures at Ballymakellett, Ravensdale, Dundalk, Co. Louth, A91 WN92, is **development and is exempted development**,


The following identified agricultural structures and works for use to run the emerging farm operation is **development and is exempted development**

- 1.7M high timber fencing separating the residential curtilage from the adjoining field;
- Vegetable garden and raised planters for the growing of fruit and vegetables;
- A freestanding timber and metal chicken coop measuring W.2.15m x L.1.67m x H.2.16m and netted / enclosed run measuring W.5.5m x L.12m
- A freestanding open ended, timber and sheet metal pig shelter measuring W.2.5m x L.1.5m and fenced off pen for the future housing and rearing of 2 no. Tamworth breed piglets.
- An open sided wood storage structure measuring W.2.26m x L.1.48m x H.1.8m
- 3 no. mobile bee hive boxes
- A freestanding ancillary honey shed used for storage and processing, spinning and jarring of collected honey measuring W.3.69m x L.3.73m x H.2.7m.
- A freestanding metal framed polytunnel measuring 55m² in area used to grow fruit and vegetables.
- A freestanding horse box measuring 2.19m x 4.33m x 2.9m used to store animal feed, hay and other farming related material.
- Juvenile apple trees recently planted along the field's north-eastern boundary

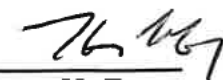
AND

The following identified 'agricultural structures and works for use to run the emerging farm operation' is **development and is not exempted development**

- Rough stone parking and vehicle circulation area measuring W11m x L23m (referenced as number 1)


Orla Rooney
Assistant Planner
Date: 16/04/2026


Turlough King
A/Senior Planner
Date: 16/04/2026


Thomas McEvoy
Director of Services
Date: 24/4/26