Comhairle Contae Lú
Louth County Council

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.

2. Any person may, on payment of the prescribed fee, request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.

3. The question to be determined should be clear as to whether it relates to an existing development or a proposed development. If the development is proposed, details of the nature, size and location of the proposed development should be submitted. Floor plans and elevations should be submitted.

4. 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.

5. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

6. 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.

COMHAIRLE CONTAE LÚ
LOUTH COUNTY COUNCIL

26 JUN 2026

PLANNING

Section 5 Declaration - Application Form

1. **Name and address of person seeking the declaration:**

   Aoife Carroll Minerva Villa, Dublin Road, Dundalk, Co Louth A91 EP3K.

Phone Number: [redacted]________ E-Mail: [redacted]

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

   P HERR & ASSOCIATES, BLOCK 4 LEVEL 3 QUAYSIDE BUSINESS PARK, MILL STREET, DUNDALK, CO. LOUTH

Phone Number: 042930019__________ E-Mail: info@pherr.ie_______________

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

   P HERR & ASSOCIATES, BLOCK 4 LEVEL 3 QUAYSIDE BUSINESS PARK, MILL STREET,

   DUNDALK, CO. LOUTH

   ____

4. **Interest in site of the person seeking declaration:**

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

5. **Location of development referred to in Question 6 (specify house no. and street name, where applicable) ****

   Minerva Villa, Dublin Road, Dundalk, Co Louth A91 EP3K.

6. **Question for determination under Section 5 (be as specific as possible) :**

   Proposed alterations to an existing dwelling house to include:

   - Alterations to external facades
   - Proposed canopy roof over the front door
   - New pitch roof above existing domestic garage
   - Change of use of the existing garage to a habitable use.

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

   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 aforem[redacted]

Signature of Applicant: [redacted] **Date** 26/06/2026

<u>**Please include one copy of the following documents with this application form:**</u>

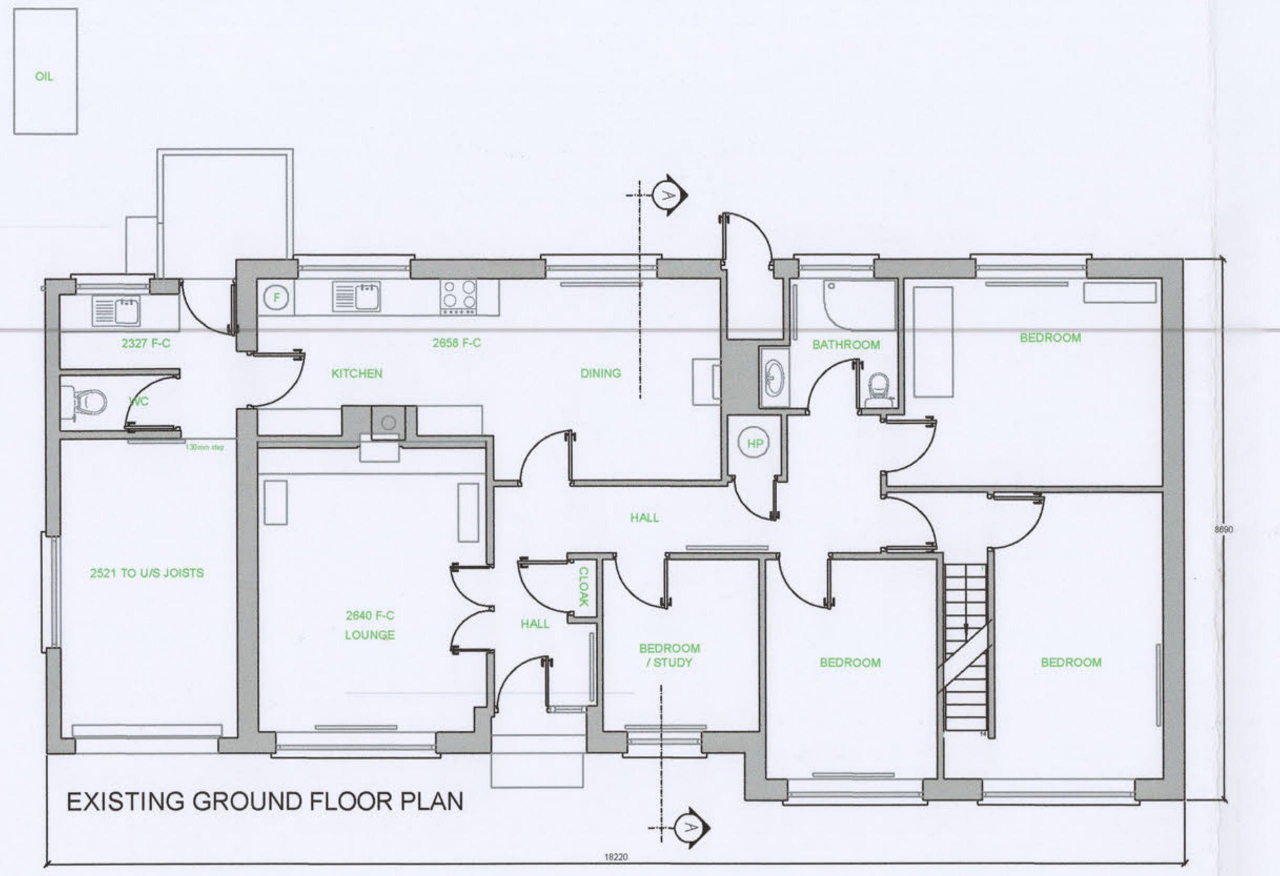
- **Site Location Map**: (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations**: (Scale 1:50, 1:100 or 1:200)
- **Application fee:** (€80)

****NOTE: If the property outlined in Question 5 is a Protected Structure please submit <u>two</u> copies of all documentation listed above.**

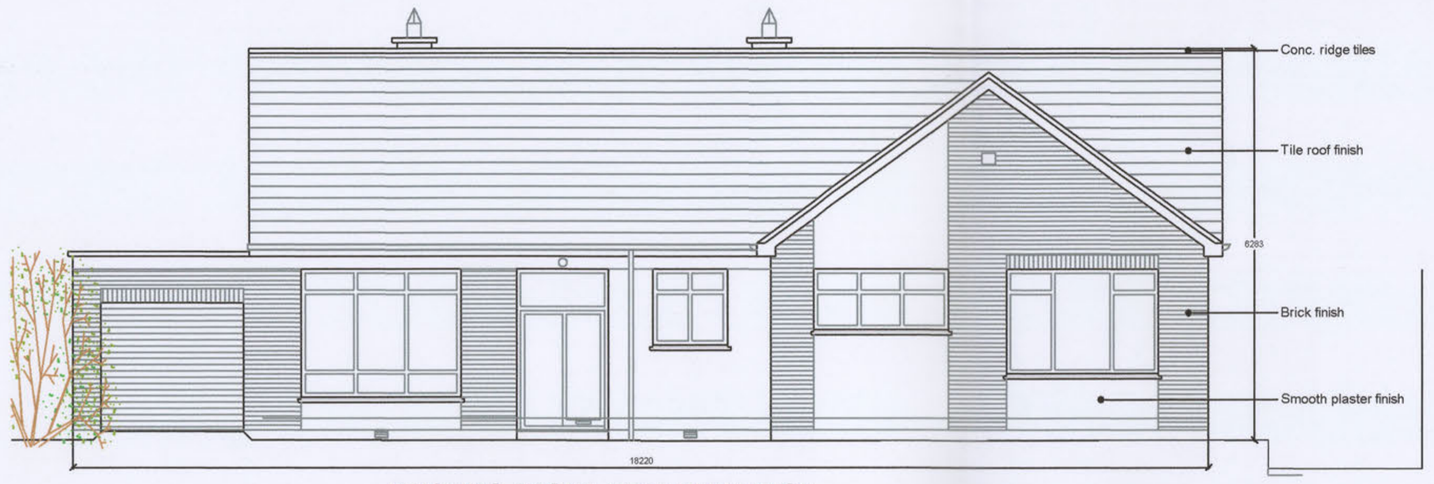
Completed Application Form & Fee of €80.00 must be submitted to:

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

EXISTING FRONT ELEVATION

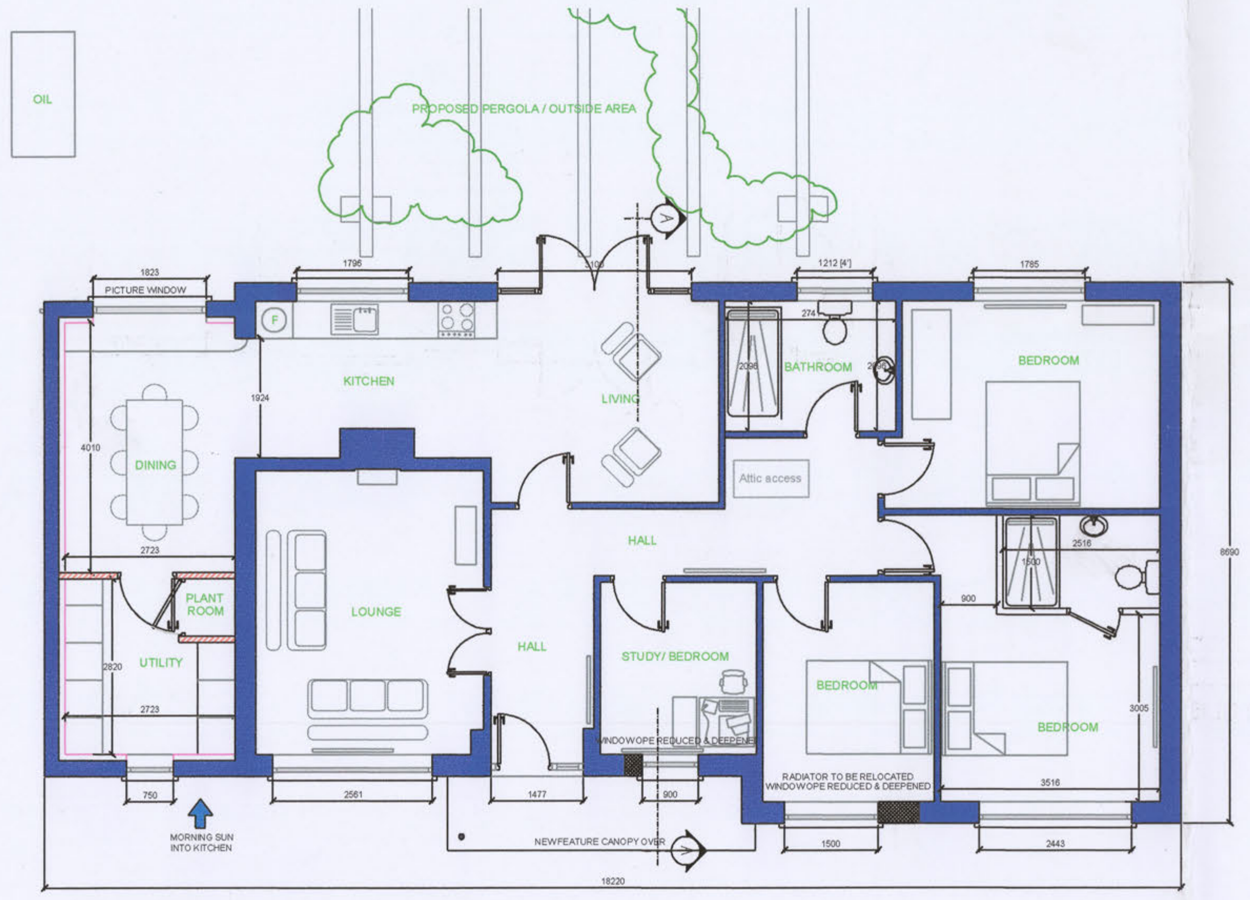


EXISTING GROUND FLOOR PLAN



EXISTING FRONT (East) ELEVATION

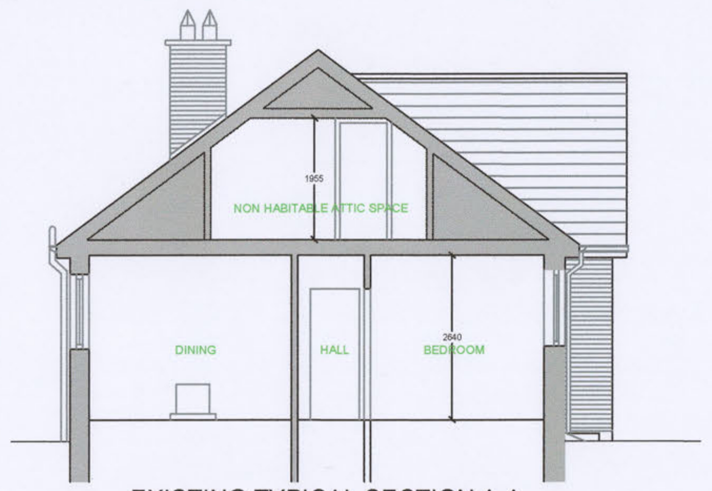
EXISTING REAR (West) ELEVATION



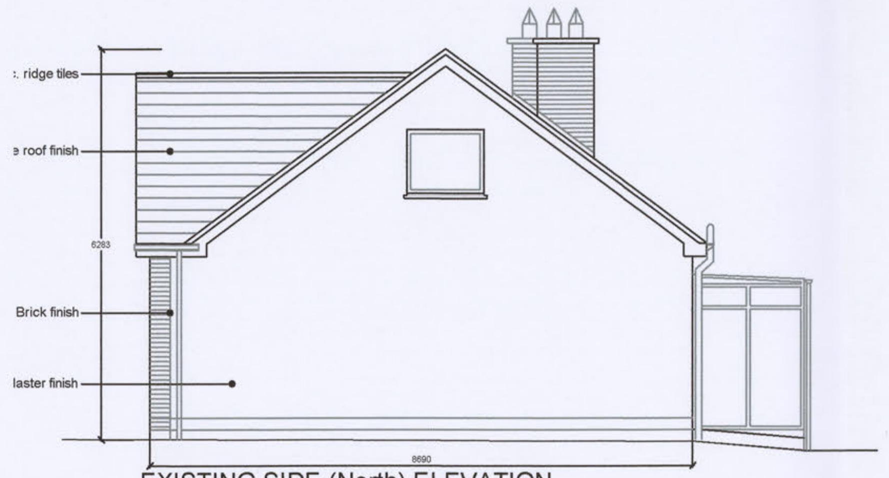
PROPOSED GROUND FLOOR PLAN

PROPOSED FRONT (East) ELEVATION

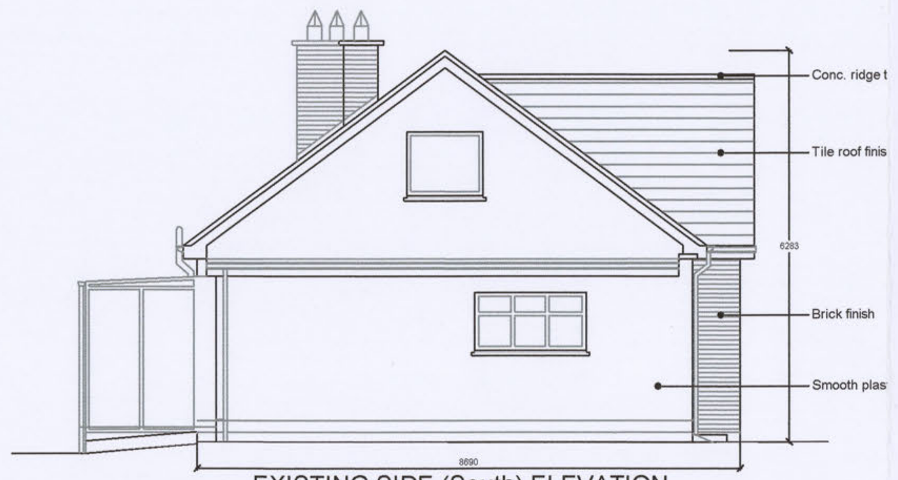
PROPOSED REAR (West) ELEVATION



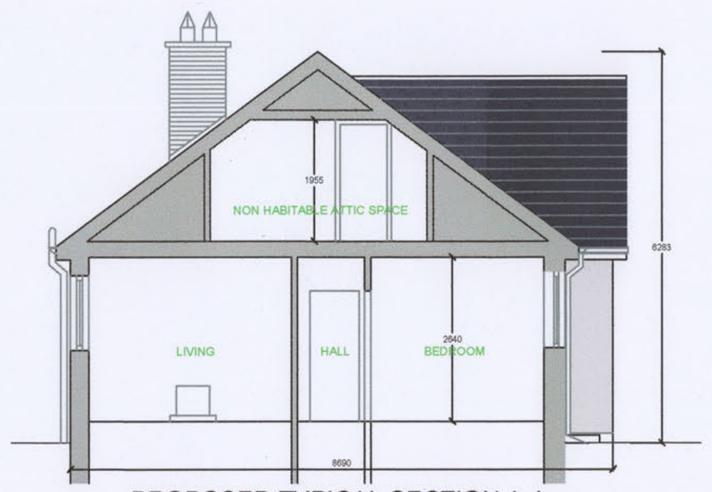
EXISTING TYPICAL SECTION A-A



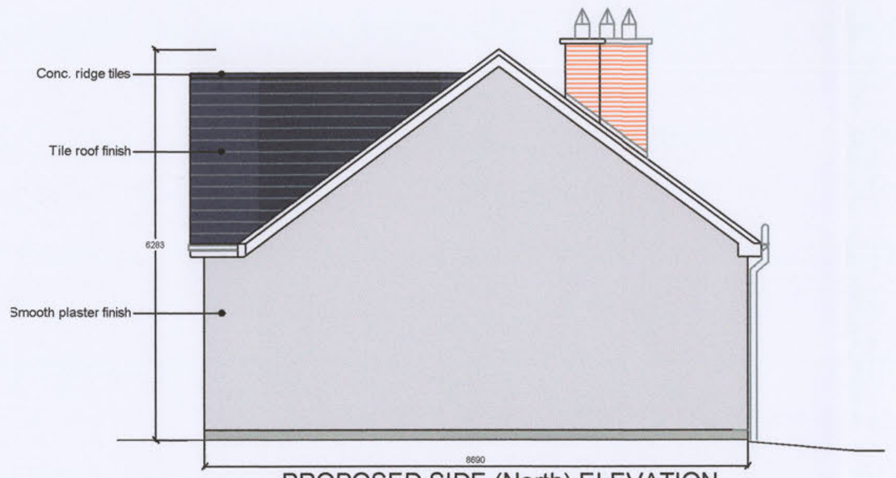
EXISTING SIDE (North) ELEVATION



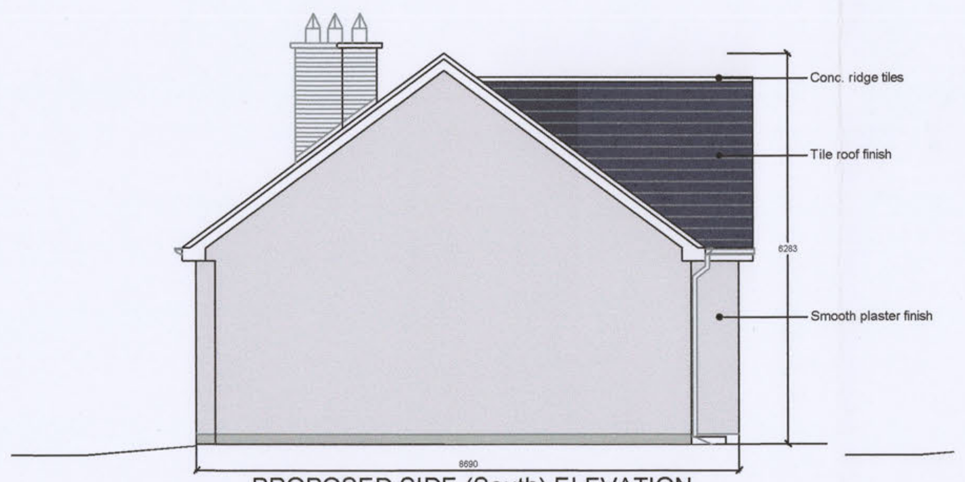
EXISTING SIDE (South) ELEVATION



PROPOSED TYPICAL SECTION A-A



PROPOSED SIDE (North) ELEVATION



PROPOSED SIDE (South) ELEVATION

Client
AOIFE CARROLL

Project
SECTION 5 APPLICATION

Job Description
PROPOSED MODIFICATIONS TO AN EXISTING DWELLING HOUSE AND ASSOCIATED SITE DEVELOPMENT WORKS AT MINERVA VILLA, DUBLIN ROAD, DUNDALK, CO. LOUTH A91 EP3K

Title
EXISTING & PROPOSED PLAN, ELEVATIONS & SECTION

Drawn By	Checked By	Date	Scale
S. Mc COY	P. HERR	15-06-26	1:100

P. HERR & ASSOCIATES
CIVIL ENGINEERS & BUILDING SURVEYORS
TEL 042 9330019
FAX 042 9331832
E-MAIL - info@pherr.ie
WEB - www.pherr.ie
BLOCK 4, LEVEL 3,
QUAYSIDE BUSINESS PARK
MILL STREET,
DUNDALK,
CO. LOUTH

FILE REF	DRAWING No	REVISION
Cadran2/Carroll Aoife/ Section 5 App/ Plan,elevations	AC-SEC5-003	

ORDNANCE SURVEY IRELAND LICENCE NO: CYAL50518985
COPYRIGHT - ORDNANCE SURVEY IRELAND GOVERNMENT OF IRELAND
LOUTH O.S. MAP 1771
SITE OUTLINED IN RED

Notes
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELAVANT DRAWINGS AND DOCUMENTATIONS.
5. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 1997 BUILDING REGULATIONS AND LOCAL AUTHORITY'S REQUIREMENTS.
6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 2001 BUILDING REGULATIONS FOR THE DIS-ABLED.

Rev.	Modifications	By	Date

Client
AOIFE CARROLL

Project
SECTION 5 APPLICATION

Job Description
PROPOSED MODIFICATIONS TO AN EXISTING DWELLING HOUSE AND ASSOCIATED SITE DEVELOPMENT WORKS AT MINERVA VILLA, DUBLIN ROAD, DUNDALK, CO. LOUTH A91 EP3K

Title
SITE LAYOUT MAP

Drawn By	Checked By	Date	Scale
S. Mc COY	P. HERR	15-06-26	1:250

P. HERR & ASSOCIATES
CIVIL ENGINEERS & BUILDING SURVEYORS
TEL 042 9330019
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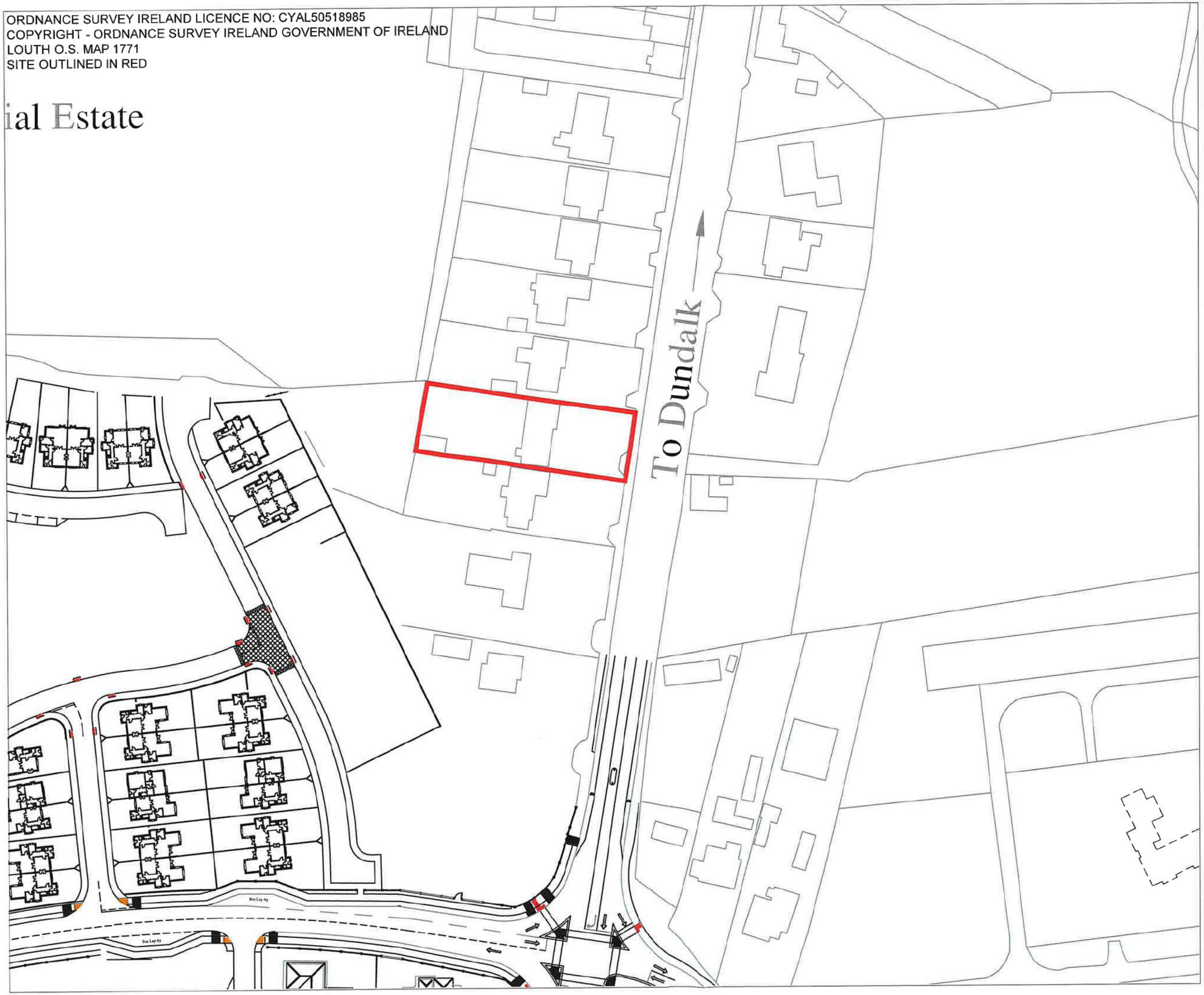
WEB - www.pherr.ie
BLOCK 4 LEVEL 3,
QUAYSIDE BUSINESS PARK,
MILL STREET,
DUNDALK,
CO. LOUTH

FILE REF	DRAWING No	REVISION
Cadrawn/Carroll Aoife/ Section 5 App/ Site maps	AC-SEC5-002	



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6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 2001 BUILDING REGULATIONS FOR THE DIS-ABLED.

N W E S

Rev.	Modifications	By	Date

Client
AOIFE CARROLL

Project
SECTION 5 APPLICATION

Job Description
PROPOSED MODIFICATIONS TO AN EXISTING DWELLING HOUSE AND ASSOCIATED SITE DEVELOPMENT WORKS AT MINERVA VILLA, DUBLIN ROAD, DUNDALK, CO. LOUTH A91 EP3K

Title
SITE LOCATION MAP

Drawn By	Checked By	Date	Scale
S. Mc COY	P. HERR	15-06-26	1:1000

P. HERR & ASSOCIATES
CIVIL ENGINEERS & BUILDING SURVEYORS
TEL 042 9330019
FAX 042 9331832
E-MAIL - info@pherr.ie
WEB - www.pherr.ie
BLOCK 4 LEVEL 3,
QUAYSIDE BUSINESS PARK,
MILL STREET,
DUNDALK,
CO. LOUTH

FILE REF	DRAWING No	REVISION
Cadfrau2/Carroll Aoife/ Section 5 App/ Site Maps	AC-SEC5-001	

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/48
Applicant's Name:	Aoife Carroll
Type of Application:	**Section 5 Declaration**
Question:	**Whether the following is or is not development and whether it is or is not exempted development:** **Alterations to external facades** **Proposed canopy roof over front door** **New pitched roof above domestic garage** **Change of use of the existing garage to habitable use**
Site Location:	Minerva Villa, Dublin Road, Dundalk, Co. Louth
Due Date:	23rd July 2026

1. Site Location and Description

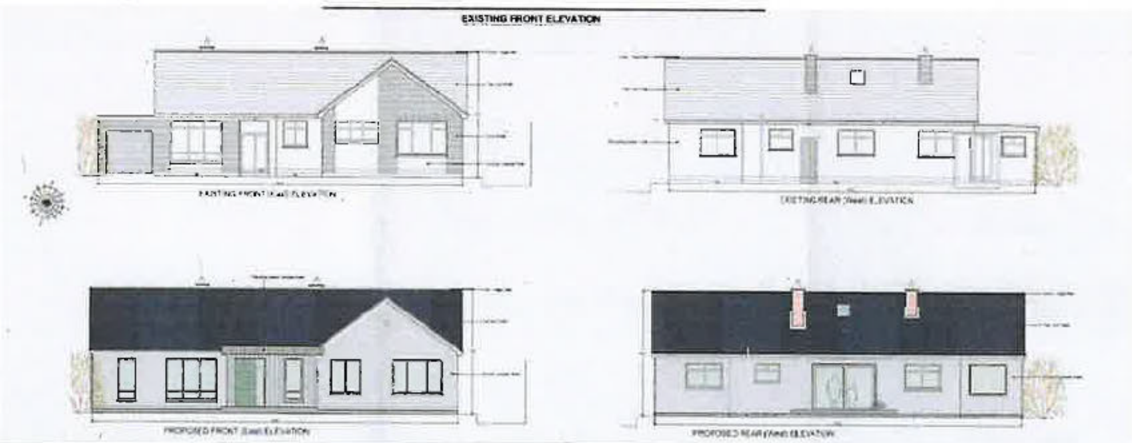
The existing dwelling located on the Old Dublin Rd in Dundalk is a detached single storey property, within private gardens to the front and rear.

The external finishes of the dwelling consist of red brick and plaster.

***Figure 1**: Front elevation facing the Dublin Rd.*

The following documents were submitted along with the application:

- Existing and proposed elevations and plans
- Site location and site layout plans.



2. Planning History
67/86- permission for dwelling.

3. Declaration Sought

Whether the following is or is not development and whether it is or is not exempted development:

- Alterations to external facades

-Proposed canopy roof over front door

-New pitched roof above domestic garage

-Change of use of the existing garage to habitable use

4. Legislative Context

Planning and Development Act, 2024

Sections 1-5 of the Planning Act of 2024 commenced in December 2024.

Section 2 states that:

In accordance with Section 2 of the Planning & Development Act, 2024 "*Development*" means the carrying out of any works on, in, over or under land or on ,in ,over or under the maritime area, or the making of any material change in the use of any structures or other land, or the sea, seabed or any structure in the maritime area.

"*Exempted development*" means (a) development of a class prescribed under *section 9*, or

(b) development that is exempted development by virtue of *section 152*;

"*structure*" means a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or(b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated

"*Unauthorised development*" means, in relation to land or a maritime site—
(a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or
(b) an unauthorised use;

"*Unauthorised works*" means

"*Unauthorised use*" means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than—
(a) exempted development, or
(b) development carried out in accordance with—
(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
(iv) a permission granted under *Part 4*,
(c) *Chapter 6* State authority development within the meaning of *Part 4*,
(d) development required by—
(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or
(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;

"*unauthorised works*" means any works on, in, over or under land or a maritime site,
other than—
(a) exempted development,
(b) development carried out in accordance with—
(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,

(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
(iv) a permission granted under *Part 4*,
(c) *Chapter 6* State authority development within the meaning of *Part 4*,
(d) development required by—
(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or
(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;

"Works" includes an act or operation—
(a) of construction, excavation, demolition, extension, alteration, repair or renewal
(including in relation to a protected structure, a proposed protected structure or a
structure situated in an architectural conservation area), on, in, over or under land
or a maritime site,
(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to
the surface of a protected structure or proposed protected structure or the removal
of plaster, paint, wallpaper, tiles or other material from such surface, and
(c) consisting of the application of plaster, paint, wallpaper, tiles or other material to
the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

5.Planning and Development Act 2000 (As amended)

Section 4 states that:

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(1)(h) provides for *"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".*

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

Section 5 states that:

(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(2) *(a)* Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, <u>within 4 weeks</u> of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit <u>further information</u> with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration <u>within 3 weeks</u> of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

Section 32 states that:
Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

Section 177U(9) states that

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

<u>Planning and Development Regulations (2001) (as amended)</u>

Article 6 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 6 of the Planning & Development Regulations, 2001 (as amended) provides (subject to the restrictions in article 9 PDR 2001) for the classes of *exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.*

4. (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.1. No. 497 of 1997) shall, the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1st June 1992, be exempted development.

(b) Paragraph (a) shall not apply to in the case of development consisting of the construction of a building designed for use of 2 or more separate dwellings.

Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions as follows:

9. (1) 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—
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

6. Assessment

Does the proposal constitute development?

Regard has been given to the definition of development in the Planning and Development Act 2024 as being "*the carrying out <u>of works</u> on, in, over or under lands or the making of any* material change in the use *of any structures or other land.*"

Works *"includes an act or operation—*
(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site."

The proposals are deemed to comprise of construction and alterations, therefore constituting **development**.

Does the proposal constitute exempted development?

Article 4(1)(h) (Exempted Development) of the Planning and Development Act 2000(as amended states "*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.***"

Schedule 2 Part 1 Exempted Development Class 1 states: the extension of a house, by the construction of an extension to the rear of the house or by the ***conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to shed of the house.***

Proposed works as specified on the application form:

-The proposed works provide for alterations to external facades which includes a new external finish, additional window opes to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.

-Proposed canopy roof structure over the front door and adjoining window.

-New pitched roof over the existing single storey garage.

-The change of use of the existing garage to a habitable use.

I also note the provision of a proposed pergola to the rear elevation on the site layout plan however no plans of same have been submitted and it is not listed in the schedule of proposed works in section 6 of the application form.

While I note Class 1 above and that elements of the proposal may come under exempted development , I consider that when all of these works are taken in combination they will significantly and materially affect the external appearance of the dwelling and as such, I consider that the proposals would not therefore fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as it cannot be categorized as being development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works 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.

EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environmental are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is **not** required.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is **not** required.

7. 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.

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opes to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.
- Proposed canopy roof structure over the front door and adjoining window.
- New pitched roof over the existing single storey garage.
- The change of use of the existing garage to a habitable use.

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

(a) The definition of *"development"* in **Section 3(1)** of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;
(b) Specifically, **Section 4 1(h)** of the Planning & Development Act 2000 (as amended);
(c) **Article 6** and **9** of the Planning & Development Regulations 2001 (as amended);
(d) **Class 1** Schedule 2 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS *Louth County Council has concluded that: -*

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opes to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.
- Proposed canopy roof structure over the front door and adjoining window

- New pitched roof over the existing single storey garage.

- The change of use of the existing garage to a habitable use.

is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024 and does not come within the scope of **Section 4 (1)(h)** of the Planning and Development Act, 2000 (as amended) of the Planning & Development Regulations (PDR) 2001 (as amended). The works are therefore considered to be **development which is not exempted from the requirement to obtain planning permission.**

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 proposed works provide for alterations to external facades which includes a new external finish, additional window opes to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.

- Proposed canopy roof structure over the front door and adjoining window

- New pitched roof over the existing single storey garage.

- The change of use of the existing garage to a habitable use.

is **development** that is not **Exempted Development.**

Brian Brooks	**David Hall**	**Thomas McEvoy**
Exe Planner	**A/Senior Exe Planner**	**Director of Services**
Date: 14/07/2026	**Date: 15/07/2026**	**Date:** 17/07/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	550/2026
Reference No:	S5 2026/48
Date Application Received:	03/06/2026
Description of Development:	Whether alterations to external facades, proposed canopy roof over front door, new pitched roof above domestic garage & change of use of the existing garage to habitable use, is it, or is it not, exempted development?
Name of Applicant:	Aoife Carroll
Location of Development	Minerva Villa, Dublin Road, Dundalk, Co Louth, A91 EP3K

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.

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.
- Proposed canopy roof structure over the front door and adjoining window.
- New pitched roof over the existing single storey garage.
- The change of use of the existing garage to a habitable use.

AND WHEREAS the said question was referred to Louth County Council by Aoife Carroll,

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

(a) The definition of *"development"* in **Section 3(1)** of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;

(b) Specifically, **Section 4 1(h)** of the Planning & Development Act 2000 (as amended);

(c) **Article 6** and **9** of the Planning & Development Regulations 2001 (as amended);

(d) **Class 1** Schedule 2 of the Planning and Development Regulations 2001 (as amended)

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

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.

- Proposed canopy roof structure over the front door and adjoining window

- New pitched roof over the existing single storey garage.

- The change of use of the existing garage to a habitable use.

is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024 and does not come within the scope of **Section 4 (1)(h)** of the Planning and Development Act, 2000 (as amended) of the Planning & Development Regulations (PDR) 2001 (as amended). The works are therefore considered to be **development which is not exempted from the requirement to obtain planning permission.**

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 proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.
- Proposed canopy roof structure over the front door and adjoining window
- New pitched roof over the existing single storey garage.
- The change of use of the existing garage to a habitable use.

is **development** that is **not Exempted Development.**

LCP Order No. 550/2026 **Reference No: S5 2026/48**

SIGNED: ______________________ **Date:** 15/7/26.
Brian Brooks
Executive Planner

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and hereby direct that a **Declaration of Exemption be REFUSED** for development as described above.

Signed: ______________________ **Date: 17/07/2026**
Thomas McEvoy
Director of Service

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated the 14th day of May 2025.

Aoife Carroll
c/o P Herr & Associates
Block 4 Level 3
Quayside Business Park
Mill Street
Dundalk
Co. Louth

17th July 2026

Re: Ref. S5 2026/48

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether alterations to external facades, proposed canopy roof over front door, new pitched roof above domestic garage & change of use of the existing garage to habitable use, is it, or is it not, exempted development?'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 26th June 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.

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.
- Proposed canopy roof structure over the front door and adjoining window.
- New pitched roof over the existing single storey garage.
- The change of use of the existing garage to a habitable use.

AND WHEREAS the said question was referred to Louth County Council by Aoife Carroll,

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

(a) The definition of *"development"* in **Section 3(1)** of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;
(b) Specifically, **Section 4 1(h)** of the Planning & Development Act 2000 (as amended);
(c) **Article 6** and **9** of the Planning & Development Regulations 2001 (as amended);
(d) **Class 1** Schedule 2 of the Planning and Development Regulations 2001 (as amended)

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

- The proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.

- Proposed canopy roof structure over the front door and adjoining window

- New pitched roof over the existing single storey garage.

- The change of use of the existing garage to a habitable use.

is considered to **constitute development** under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024 and does not come within the scope of **Section 4 (1)(h)** of the Planning and Development Act, 2000 (as amended) of the Planning & Development Regulations (PDR) 2001 (as amended). The works are therefore considered to be **development which is not exempted from the requirement to obtain planning permission.**

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 proposed works provide for alterations to external facades which includes a new external finish, additional window opens to the rear, alterations to windows on the front elevation, the blocking up of windows on both side elevations.

- Proposed canopy roof structure over the front door and adjoining window
- New pitched roof over the existing single storey garage.
- The change of use of the existing garage to a habitable use.

is **development** that is **not Exempted Development.**

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 26th June 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,

Brian Duffy

Brian Duffy
Planning Section