

## Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

### Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

<b>Applicant Name:</b>	Des, Margot & Mark Meehan t/a Bellingham Estate		
<b>Status (i.e. Owner or Occupier):</b>	Owners		
<b>Date of Request for Declaration:</b>	18 <sup>th</sup> October 2022	<b>Date of Inspection:</b>	N/A
<b>Date of Issue of Declaration:</b>		<b>Previous Declarations:</b>	None on record

<b>Address:</b>		<b>Location:</b>	E	N
<b>Name of Building:</b>	The Coach Stables			
<b>Address 1:</b>	Castlebellingham	<b>O.S. Map Type:</b>		
<b>Address 2:</b>	Co. Louth	<b>Map Sheet:</b>		
<b>Address 3:</b>		<b>Site Number:</b>		
<b>Eircode:</b>	A91 HT96			

<b>Protection Status:</b>	<b>Y / N</b>		<b>Details:</b>
<small>Under the Planning and development Act 2000 (as amended)</small>			
<b>Record of Protected Structures:</b>	Y ✓	N	Lhs015-004
<b>Architectural Conservation Area:</b>	Y	N ✓	
<small>Under the Planning and development Act 2000 (as amended)</small>			
<b>Record of Monuments and Places:</b>	Y	N ✓	
<b>Zone of Archaeological potential:</b>	Y	N ✓	
<b>Preservation Order or Temporary P.O.:</b>	Y	N ✓	

**Introduction:**

The referrer has sought a section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of works within the grounds of a protected structure, namely the Castle Stables, Castlebellingham.

**Protection Status:**

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027 as varied. This property is included in the RPS and is described as being a detached five-bay two-storey former stable yard, built c. 1730, now used as outbuildings to hotel. Originally Uplan, the courtyard is infilled with single-storey lean-to buildings, single-bay central pedimented breakfront.

This stable block, though no longer connected to the house, is important structure within the historical context of the estate village. The basic form and some details such as sash windows and colonnetted windows on the east elevation are of particular interest

**Planning History:**

P.A Ref 10/350 – Permission was granted for:

- a) conversion of an existing lean-to out building, involving raising the eaves, & the construction of a new brick stone & glazed elevations;
- b) The removal of existing windows & the reinstatement of 4 no. original stable door opes incorporating full height windows on the south east elevation;
- c) installation of 5 no. dormer style windows at roof level. All of which involves work directly to or in the curtilage of a protected structure

Condition 2 stipulated

**2. The proposed extension shall be used as an integral part of the existing house as indicated on the plans and drawings submitted to the Planning Authority on 1<sup>st</sup> November 2010 and shall not give rise to any subdivision of the house for use as an independent residential unit or any other use.**

**Reason: To protect the integrity of the house as a single dwelling unit only and in the interest of preserving the residential amenities of the area.**

The applicant has stated that the property is - Owner occupied house, holiday lets and wedding accommodation and comprises of commercial and residential uses.

It is not clear if planning permission was sought or obtained for the stated current uses. As such this matter will be referred to Planning Compliance.

Previous to the above, under P.A. Ref 08/1245 permission had been granted for:

- (1) demolition of existing lean-to extensions
- (2) change of use, restoration and extension of existing two-storey coach stables from office and stores (with some previous residential use) to dwelling house
- (3) all associated site works to a Protected Structure (ID: Lhs 015-004 in the Louth County Council Development Plan)

**Referral Question:**

**Would works materially affect the character of the protected structure and as a result, require planning permission?**

Install tennis court with 1m fence in area currently proposed lawn/field

**Legislative Provision:**

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

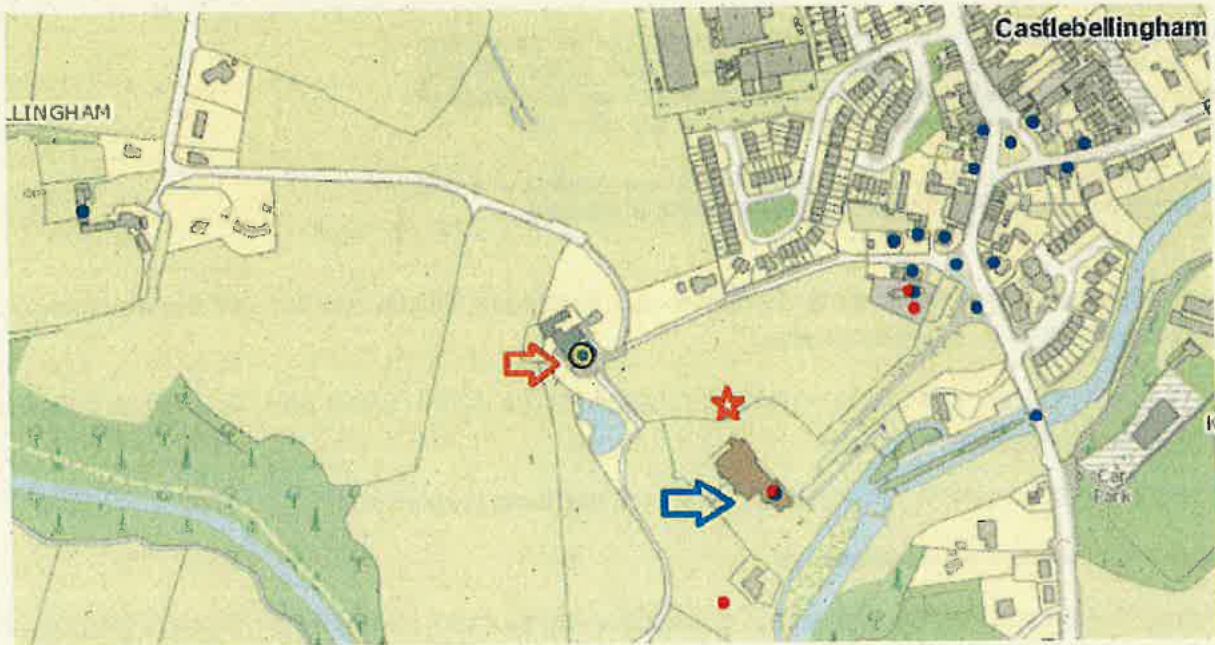
- a) the structure; or
- b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

**Assessment:**

Under Question 10 of the Request form, works that are proposed are described as follows:

Install tennis court with 1m fence in area currently proposed lawn/field

**Figure 1:** Extract from NIAH map viewer illustrating the location of proposed tennis court relative to protected structures



**Key**

Red Star -Location of proposed tennis court; Red Arrow – Coach Stables and Blue Arrow – Castle Bellingham NIAH Reg. 13826003

**Figure 2:** Extract from Google maps illustrating the location of proposed tennis court within the curtilage of protected structures



The location of the proposed development as is the property referred to as the Coach Stable is within the curtilage of the Castle Bellingham. Both the Coach Stables and the Castle are protected structures. The proposed tennis court described as being in proposed lawn/ field would materially affect the character and setting of these protected structures. As such planning permission would be required.

Any further documentation attached (maps, photographs, sketches, notes etc.)? Y

A site location plan

**Conclusion:**

I conclude, that WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration –to install tennis court with 1m fence, would or would not materially affect the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at Coach Stables, Castlebellingham, Co. Louth

**AND WHEREAS** Des, Margot & Mark Meehan requested a declaration on the question from Louth County Council on the 17<sup>th</sup> October 2022

**AND WHEREAS** Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

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

- (i) the stated works within the curtilage of the protected structures (Castle Stables and Castle Bellingham) comprise of works and are, therefore, development, and
- (ii) the stated works would consist of the carrying out of works within the curtilage which would materially affect the setting of the Castle Stables and Castle Bellingham,

**NOW THEREFORE** Louth County Council, in exercise of the powers conferred on it by section 57 of the 2000 Act as amended, hereby decides that the proposed works within the curtilage of Coach Stables and Bellingham Castle, Castlebellingham, Co. Louth as detailed by the Request for Section 57 Declaration, constitutes development that is **NOT** exempted development.

Signed by Inspector

Patricia Hughes, Senior Executive Planner

Date

Signed by Planning Authority Officer

*J. Kelly*  
Joanna Kelly, Senior Planner

Date 12/12/2022

**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

**PLANNING & DEVELOPMENT ACT 2000 (as amended)**

**Section 57 Declaration – Works to a Protected Structure**

**Chief Executive's Order No:** 1016/2022

**Reference No:** S57 LHS22-06

**Date Application Received:** 18 October 2022

**Description:** Installation of tennis court with 1m fence

**Name of Applicant:** Des, Margot & Mark Meehan t/a Bellingham Estate

**Location of Development** The Coach Stables, Castlebellingham, Dundalk, Co. Louth

**WHEREAS** a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration - to install tennis court with 1m fence, would or would not materially affect the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at Coach Stables, Castlebellingham, Co. Louth

**AND WHEREAS** Des, Margot & Mark Meehan requested a declaration on the question from Louth County Council on the 18th October, 2022

**AND WHEREAS** Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,

(e) the Architectural Heritage Protection Guidelines for Planning Authorities,  
(f) the nature and extent of works set out in the referral question in respect of this structure,

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

the stated works within the curtilage of the protected structures (Castle Stables and Castle Bellingham) comprise of works and are, therefore, development, and the stated works would consist of the carrying out of works within the curtilage which do materially affect the setting of the Castle Stables and Castle Bellingham,

**NOW THEREFORE** Louth County Council, in exercise of the powers conferred on it by Section 57 of the Planning and Development Act, 2000 (as amended), hereby decides that the proposed works within the curtilage of Coach Stables and Bellingham Castle, Castlebellingham, Co. Louth as detailed by the request for Section 57 Declaration, **constitutes development that is NOT exempted development.**

SIGNED:


  
Joanna Kelly  
Senior Planner

Dated: 16<sup>th</sup> December, 2022

**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 **Section 57 Declaration of Exemption be refused** for the works, as described above.

SIGNED:

  
Thomas McEvoy  
Director of Services

Dated: 16th December 2022

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.335/22 dated the 01st day of September, 2022.



## PLANNING AND DEVELOPMENT ACT 2000 (as amended) REQUEST FOR SECTION 57 DECLARATION

The above Act provides that notwithstanding section 4(1)(a), (h), (i), (j), (k), or (l) and any regulations made under section 4(2) of the Act, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

As an owner or occupier of a protected structure you are entitled under the above Act to make a written request to the Planning Authority to issue a Declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element (as set out in Section 57(3) of the Planning and Development Act 2000 as amended) of that structure.

In order to allow for consideration of this request, please supply the following information:

<b>1. Name of Applicant:</b>	Des, Margot & Mark Meehan t/a Bellingham Estate		
<b>2. Address of Protected Structure: Yes</b>	Eircode: A91 HT96		
	The Coach Stables, Castlebellingham, Co. Louth		
<b>3. Correspondence of Protected Structure: (if different from 2 above)</b>			
<b>4. NIAH Ref. No.</b>	13826004	<b>Louth RPS Ref. No.</b>	Lhs015-004
<b>5. Is the structure owner occupied or rented?</b>	Owner occupied house, holiday lets and wedding accommodation		
<b>6. If rented, state name and address of owner:</b>			
<b>7. Use of structure (residential, commercial etc.) –</b>	commercial & residential		
<b>8. Has a Declaration been sought previously?</b>	no		
<b>9. Are you aware of any (1) previous planning application/s or (2) enforcement proceedings pertaining to this site? (If so, please give details):</b>			
	10/350		
	08/1245		
	67519		



**PLANNING AND DEVELOPMENT ACT 2000 (as amended)  
REQUEST FOR SECTION 57 DECLARATION**

**10.** Please provide a brief description of the nature and scale of the development proposed (both internal and external) in particular the works that you are seeking a declaration for

Install tennis court with 1m fence, area currently proposed lawn/field

No internal changes

Empty form fields for additional details.


Please note that the accuracy and relevance of the Declaration made by the Planning Authority is informed by the information furnished by the applicant. Any deviation from the information provided may require the re-consideration of the declaration.

**11.** Please provide a Site Location Map to the scale of 1:1000 clearly identifying the structure and boundaries to which this application refers. The subject structure should be outlined in **red** and overall landholding to be outlined in **blue**

I wish to apply for a declaration from Louth County Council as to the type of works as outlined above, which may or may not require permission in the above named structure.

Signed: 

Date: 17/10/2022

Daytime contact telephone number: 

It should be noted that the Council is normally obliged to issue this declaration within three months (12 weeks) of a request being made.

You will be contacted within this period to arrange an appointment for a suitably qualified person to carry out a detailed survey of the internal and external features of the structure.

**Please Return Completed Form To:**

Conservation, Planning Dept., Louth County Council,  
Town Hall, Crowe Street, Dundalk, A91 W20C

Email: [conservation@louthcoco.ie](mailto:conservation@louthcoco.ie)

