



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:

Bryan Bellew, Barmeath Castle, Dunleer, Co Louth

Phone Number: _____ E-Mail: _____

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

Robert Kenny, Architectural & Engineering Services, Townley Hall, Drogheda, Co Louth

Phone Number: _____ E-Mail: info@robertkenny.ie

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

Robert Kenny, Architectural & Engineering Services, Townley Hall, Drogheda, 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 and full address of development referred to in Question 7

Barmeath Castle, Dunleer, 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>

A92 P973

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:

Is the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation exempted development?

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?

No

I certify that the aforementioned is correct.

Signature of Applicant: _____ **Date** 1/7/2025

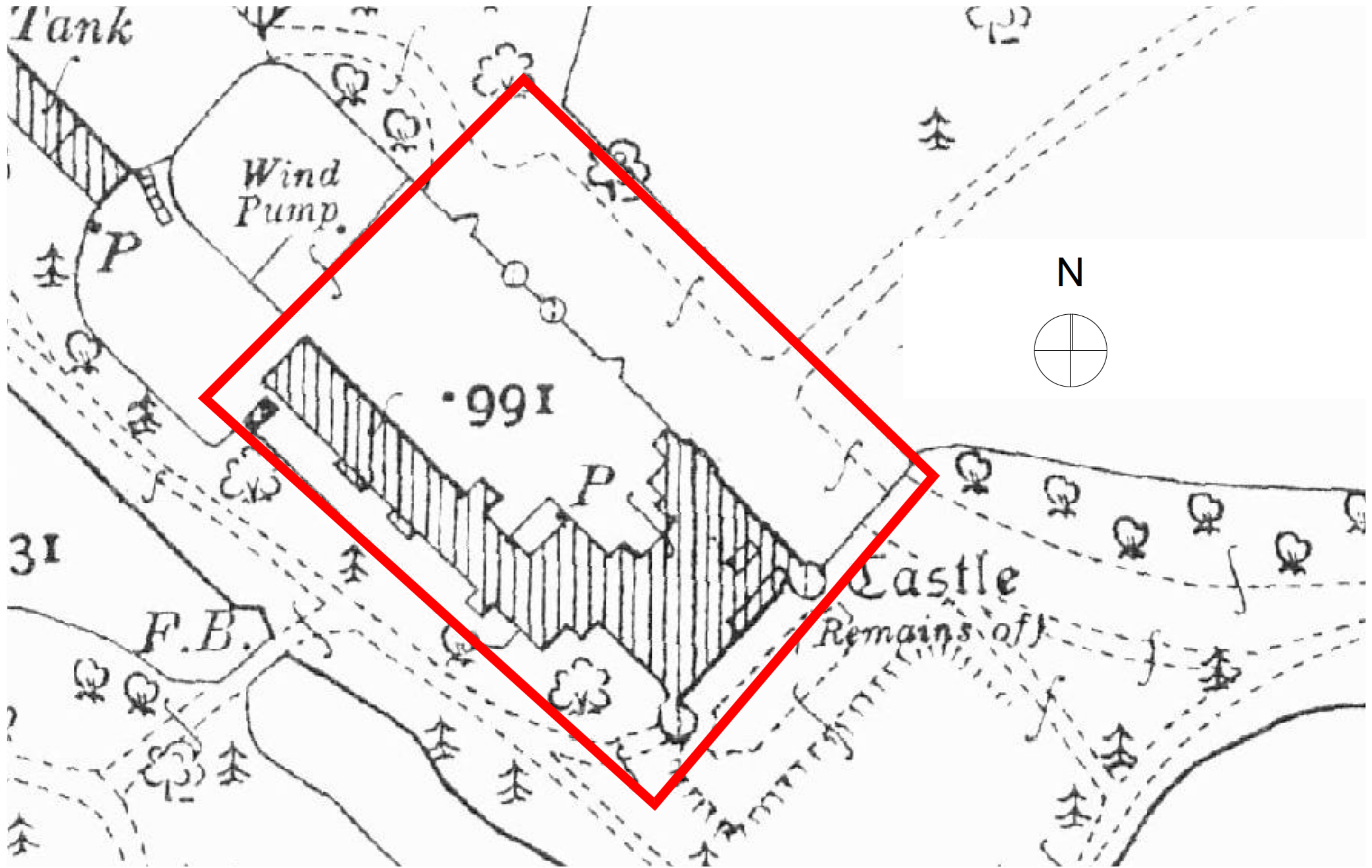
Please include one copy of the following documents with this application form:

- **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 planninggroup@louthcoco.ie with contact details to arrange payment of fee.



Barmeth Castle - Site Layout Plan 1:500

Louth County Council
Section 5 Declaration

Planning Ref: 2025/46

Applicant's Name: Ryan Bellew

Type of Application: Section 5 Declaration

Development: The use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation.

Site Location: Barmeath Castle, Dunleer, Co. Louth

Site Inspection 16th July 2025

Report Date 16th July 2025

Due Date: 27th July 2025.

1.0 SITE LOCATION AND DESCRIPTION

The site is located approximately 2km east of Dunleer in a rural locality which is included within Rural Policy Zone 2, as identified by the Louth County Development Plan 2021-2027 (as varied.)

The submitted site boundary encompasses Barmeath Castle, a detached multiple-bay three-storey crenellated county house, built c. 1770, on the site of a medieval castle. Barmeath Castle is a Protected Structure (RPS ID LHS018-020 – Barmeath Castle and Gate Lodge) and it is also on the NIAH Register (Reg. No. 13901817.) Furthermore, the building is a recorded National Monument (LH018-033.)

The castle building is set within a wider estate which contains several significant features of architectural heritage, including a Protected Structure (Farmyard Complex, RPS ID: LHS2018-020B,) stable yard building on the NIAH records (13901818,) Protected Gardens (NIAH ref.LH0005.)

The NIAH appraisal refers to Barmeath Castle as follows:

“Barmeath Castle is one of Louth's most outstanding buildings, home to the Bellew family since the twelfth century, Barmeath Castle has manifested the changing fortunes of the family. The exuberantly crenellated façade of the 1830's, to the designs of Thomas Smith, contributes to its appeal and the survival of some of the earlier fabric contributes to its archaeological and historical merit. The beautifully preserved interior is of artistic significance. The ornamental river designed by Thomas Wright, along with the outbuildings, and paired gate lodges add to the overall original site context, Barmeath Castle is hugely important to the architectural heritage of County Louth.”

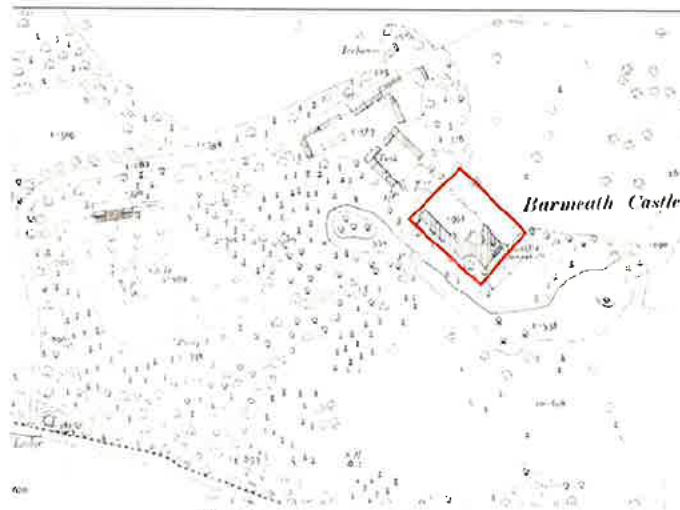


Figure 1: Site Location Plan



Existing Castle (taken 16/07/2025.)

2.0 PLANNING HISTORY

Live records:

File ref 25/60405: Retention of alterations and refurbishment of yard house at Barmeath Castle, Dunleer, Co Louth – New Application

File ref 25/60406: Retention of natural swimming pool and associated pool building at Barmeath Castle, Dunleer, Co Louth – New Application

File ref 25/60407: Retention of tennis court at Barmeath Castle, Dunleer, Co Louth – New Application

Enforcement ID- UD/24/243: Alleged unauthorised works consisting of the following:

1. Construction of a swimming pool
2. Renovation works to provide accommodation within the walled garden
3. Renovation works to facilitate the conversion of stable yard buildings to residential use
4. Refurbishment/reconstruction of Guest Wing to provide a self-contained guest house
5. Construction of a tennis court to the southern side of the lake.
- Under Review

Older records:

File ref 08/595: Permission for the refurbishment and re-roofing of the derelict north wing of the castle and the conversion of the same to a banqueting and conferencing facility including car parking and the installation of a waste water treatment unit and percolation area. Barmeath Castle is a Protected Structure – Permission Refused 19/08/2008

File ref 08/1315: Permission for the refurbishment and re-roofing of the derelict north wing of the castle and the conversion of the same to a banqueting and conference facility including car parking and installation of a waste water treatment unit and percolation area and alterations to the public road at the entrance. Barmeath Castle is a Protected Structure – Permission Refused 25/08/2009

3.0 DECLARATION SOUGHT

The applicant's submitted question for determination relates to whether:

"Is the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation exempted development?"

The application submission comprises the completed application form, Site Location Plan and Site Layout Plan.

4.0 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 environment are subject to a comprehensive assessment of their environmental effects prior to development consent being granted. 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, I am satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 APPROPRIATE ASSESSMENT

No screening report has been provided with this application. 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.

6.0 LEGISLATIVE CONTEXT

S.I. No. 662/2024 - The Planning and Development Act, 2024 (Commencement) Order 2024

The Planning and Development Act 2024 (Commencement) Order 2024 states:

“The 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) shall come into operation:

- (a) Sections 1 to 5;*
- (b) Part 26*

The Planning and Development Act, 2024

Section 2 states:

“development” means—

- (a) the carrying out of works—*
 - (i) on, in, over or under land, or*
 - (ii) on, in, over or under the maritime area,**or*
- (b) the making of a material change in the use of—*
 - (i) land or any structure on land, or*
 - (ii) the sea, seabed or any structure, in the maritime area,**and includes the reclamation of land in the nearshore 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) 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;*

“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.

The Planning and Development Act, 2000 (as amended)

Section 4:

Section 4(1) provides a list of statutory exempted development. Section 4(2) further provides for the making of regulations by the Minister relating to exempted development. The Planning & Development Regulations, 2001 (as amended) give effect to Section 4(2).

Section 5 states:

(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, within 4 weeks of the receipt of the request.*

(b) *A planning authority may require any person who made a request under subsection (1) to submit further information 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 within 3 weeks 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 8: Short-term lettings states:

"rent pressure zone" means

(a) *any area standing prescribed for the time being under section 24A of the Residential Tenancies Act 2004, or*

(b) an administrative area deemed to be a rent pressure zone under section 24B of that Act;

"short-term letting" means the letting of a house or part of a house for any period not exceeding 14 days and includes a licence that permits the licensee to enter and reside in the house or part thereof for any such period in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor.

Section 32:

Section 32 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.

The Planning and Development Regulations, 2001 (as amended)

Article 6:

Article 6 (1) 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.

Article 6 (5) refers to exempted development in relation to the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor, with detailed conditions. These are considered in the assessment section 7.0 below.

Article 9:

Article 9(1) provides restrictions on exemptions. These are considered in the assessment section 7.0 below.

Article 10 states:

Changes of use.

10. (4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

7.0 ASSESSMENT

Does the proposal constitute development?

The “use of of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation” would constitute a material change of use of the residential structure and accordingly, constitutes 'development' in accordance with the definition of development within Section 2 of the Planning and Development Act, 2024, as outlined in Section 6.0 of this report.

Does the proposal constitute exempt development?

The Planning and Development Regulations, 2001 (as amended)

Article 6:

(5)(a) Each of the following shall be exempted development:

(i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that –

Whilst details have not been provided to confirm that the subject house is the principal private residence of the landlord or licensor concerned, I am satisfied having inspected the site on 16/07/2025, that this is the case.

(l) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons,

and

(ll) the development –

*(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, **the development would not contravene a condition attached to the existing building (no known permissions.)** and*

(B) is consistent with any use specified in any such permission;

*(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that – **Whilst details have not been provided to confirm that the subject house is the principal private residence of the landlord or licensor concerned, I am satisfied having inspected the site on 16/07/2025, that this is the case.***

(l) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and

Limited details have been submitted to confirm the aggregate number of days during a year in which the house would be subject to short term letting as prescribed. Additional details could be sought in this regard, though as the

development contravenes the conditions outlined under Article 9 further below, these will not be requested.

(II) the development –

(A) *does not contravene a condition attached to a permission granted in respect of the house under the Act,*

the development would not contravene a condition attached to the existing building (no known permissions.)

and

(B) *is consistent with any use specified in any such permission.*

(b) *Where a person proposes to undertake development to which paragraph (a) applies, he or she shall, not later than 2 weeks before the commencement of the development, notify the planning authority in whose functional area the proposed development will occur of the proposed development, or cause that planning authority to be so notified, in writing.*

(c) *A notification under paragraph (b), shall include the following –*

(i) *the name of the person giving the notification, or on whose behalf the notification is being given, and documentary confirmation that the proposed development relates to the person's principal private residence;*

(ii) *if the person giving the notification or on whose behalf the notification is being given is not the owner of the house concerned, the consent in writing of the owner to the proposed development;*

(iii) *the address and eircode of the house concerned;*

(iv) *contact information in relation to –*

(I) *the person giving the notification or on whose behalf the notification is being given, and*

(II) *the owner of the house concerned;*

(v) *in the case of proposed development to which subparagraph (i) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies;*

(vi) *in the case of proposed development to which subparagraph (ii) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies; and*

(vii) *such other information as the planning authority concerned may reasonably require.*

(d) *A notification under paragraph (b), shall be accompanied by –*

(i) *such documentation as the planning authority concerned may reasonably require, and*

(ii) *in case the notification relates to development to which subparagraph (i) of paragraph (a) applies, a statutory declaration made by the person giving the notification, or on whose behalf the notification is being given, declaring that –*

(I) *the house in respect of which the proposed development is to be carried out is that person's principal private residence,*

(II) not more than 4 bedrooms in that house will be subject to the short term letting concerned, and

(III) it will be a condition of the short term letting concerned that each such bedroom shall not be occupied by more than 4 persons.

(e) A planning authority shall maintain a record in writing of all information contained in a notification under paragraph (b).

(f) A person who proposes to carry out development to which subparagraph (ii) of paragraph (a) applies shall not later than 4 weeks after the commencement of each year in which he or she intends to carry out the proposed development and before the commencement of any such development in that year –

(i) complete Form No. 15 specified in Schedule 3 and give it to the planning authority in whose functional area the development will occur, and

(ii) provide that planning authority with a statutory declaration made by that person declaring that the house in respect of which the proposed development is to be carried out is that person's principal private residence.

(g) A person who carries out development to which subparagraph (ii) of paragraph (a) applies in any year shall –

(i) upon the expiration of 2 weeks after the day that is the 90th day on which such development occurs in that year, complete Form No. 16 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred, and

(ii) not later than 4 weeks after the end of that year, complete Form No. 17 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred, and each such form shall be accompanied by a statutory declaration made by that person declaring that –

(I) the aggregate number of days during the year concerned in which the house was the subject of short term lettings did not exceed 90 days, and

(II) the house that was the subject of those short term lettings was, during the period of those lettings, the person's principal private residence.

(h) A planning authority shall enter all such information as is contained in the forms referred to in paragraphs (f) and (g) in the record maintained in accordance with paragraph (e).

(i) In this subarticle –

'principal private residence' means, in relation to a house that is the subject of a short term letting, a house in which the landlord or licensor concerned ordinarily resides; 'rent pressure zone' and 'short term letting' have the meanings assigned to them by section 3A (inserted by section 38 of the Residential Tenancies (Amendment) Act 2019) of the Planning and Development Act 2000 (No. 30 of 2000).

A site inspection has been undertaken on 16/07/202 whereby it was indicated that the use of the building as a short term let has commenced. In checking internal records, Planning Compliance has advised me that there are no records of any Form 15 (re commencement) for this property.

Article 9:

Article 9(1) provides detailing on restrictions on exemption 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,

the development would not contravene a condition attached to the existing building (no known permissions.)

(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,
The development does not include any alterations or works and refers only to the proposed change of use.

(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,

The proposed use relates to 16 maximum guests staying at the subject building as a short-term let within 4 bedrooms. Limited details have been submitted to confirm the number of residents at the existing site to fully assess the degree of intensification of the existing site and its access to the public road (if any.)

Whilst additional details could be sought in this regard, as the development contravenes condition viii (as outlined under the assessment of Article 9 below,) these details will not be requested.

*(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, **Not applicable to the referenced change of use.***

*(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, **Not applicable to the referenced change of use.***

(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, **Not applicable to the referenced change of use.**

(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 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, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
Not applicable to the referenced change of use.

(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,
It is noted that there is a live enforcement case pertaining to the site, this includes: "Refurbishment/reconstruction of Guest Wing to provide a self-contained guest house."

As the proposal relates to the use of an unauthorised structure, it is considered to contravene condition 9 (1)(a)(viii) of Article 9, which means that the development shall not be exempted development for the purposes of the Act.

(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,
Not applicable to the referenced change of use.

(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,
Not applicable to the referenced change of use.

(xi) obstruct any public right of way,
Not applicable to the referenced change of use.

(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.

Not applicable to the referenced change of use.

6.0 CONCLUSION

Having regard to the foregoing, it is considered that the *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* at Barmeath Castle, Dunleer, County Louth, **constitutes development** within the meaning of Section 2 of the Planning and Development Act, 2024.

However, in having regard to Article 9 of the Planning and Development Regulations, 2001 (as amended,) it is considered that the said development **is not exempted development.**

7.0 RECOMMENDATION

Accordingly, I recommend an Order along the following lines:

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 whether the *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* at Barmeath Castle, Dunleer, County Louth, is or is not development and is or is not exempt development.

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 & Development Act 2024 (as amended);
- (b) Articles 6, 9 and 10 of the Planning & Development Regulations 2001, (as amended);
- (c) The plans and particulars submitted to the Planning Authority and;
- (d) The planning history pertaining to the site.

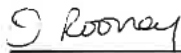
AND WHEREAS *Louth County Council has concluded: -*

- (a) *The “use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons*

as overnight guest accommodation” constitutes development under Section 2 of the Planning & Development Act, 2024 and;

- (b) The development would 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 and as such, contravenes Article 9 (1) (a) (viii) 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 *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* at Barmeath Castle, Dunleer, County Louth, **is development and is not exempted development**.



Orla Rooney
Assistant Planner
Date:16/07/2025



Turlough King
A/Senior Planner
Date: 21/07/2025



Colette Moss
A/Director of Services
Date:23/07/2025

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	556/2025
Reference No:	S5 2025/46
Date Application Received:	01/07/2025
Description of Development:	Whether the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation is or is not development and is or is not exempt development.
Name of Applicant:	Ryan Bellew
Location of Development	Barmeath Castle, Dunleer, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 whether the *"use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation"* at Barmeath Castle, Dunleer, County Louth, is or is not development and is or is not exempt development.

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 & Development Act 2024 (as amended);
- (b) Articles 6, 9 and 10 of the Planning & Development Regulations 2001, (as amended);
- (c) The plans and particulars submitted to the Planning Authority and;
- (d) The planning history pertaining to the site.

AND WHEREAS *Louth County Council has concluded: -*

- (a) The “*use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation*” constitutes development under Section 2 of the Planning & Development Act, 2024 and;
- (b) The development would 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 and as such, contravenes Article 9 (1) (a) (viii) 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 “*use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation*” at Barmeath Castle, Dunleer, County Louth, **is development** and **is not exempted development**.



SIGNED: _____
PP Orla Rooney
Assistant Planner

Dated: 22/07/2025

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: 
Colette Moss
A/Director of Services

Dated: 23rd July 2025

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. 338/25 dated 15th day of July 2025.



Comhairle Contae **Lú**
Louth County Council

Bryan Bellew
c/o Robert Kenny
Architectural & Engineering Services
Townley Hall
Drogheda
Co. Louth

By email only: info@robertkenny.ie

23rd July 2025

Re: **Ref. S5 2025/46**

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation at Barmeath Castle, Dunleer, Co. Louth’ is or is not development and is or is not exempt development within the meaning of the Planning and Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 14th April 2025 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 whether the *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* at Barmeath Castle, Dunleer, County Louth, is or is not development and is or is not exempt development.

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 & Development Act 2024 (as amended);
- (b) Articles 6, 9 and 10 of the Planning & Development Regulations 2001, (as amended);

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Halla an Bhaile
Sráid Crowe
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Contae Lú
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Cuirfear fáilte roimh chomhfhreagras Gaeilge - 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

- (c) The plans and particulars submitted to the Planning Authority and;
- (d) The planning history pertaining to the site.

AND WHEREAS *Louth County Council has concluded: -*

- (a) The *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* constitutes development under Section 2 of the Planning & Development Act, 2024 and;
- (b) The development would 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 and as such, contravenes Article 9 (1) (a) (viii) of the Planning and Development Regulations, 2001 (as amended.)

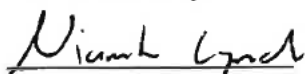
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the *“use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation”* at Barmeath Castle, Dunleer, County Louth, **is development** and **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 01st July 2025.

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