



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:

Rbd Jupiter Developments Limited, [REDACTED]

Phone Number: _____ E-Mail: _____

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

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2

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

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

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2

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

No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57

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

A92 YF57

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:

“Whether the use of a house, where care is not provided, to house homeless persons, is or is not 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?

n/a

I certify that the aforementioned is correct.

Signature of Applicant:  Date 09/02/2026

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)

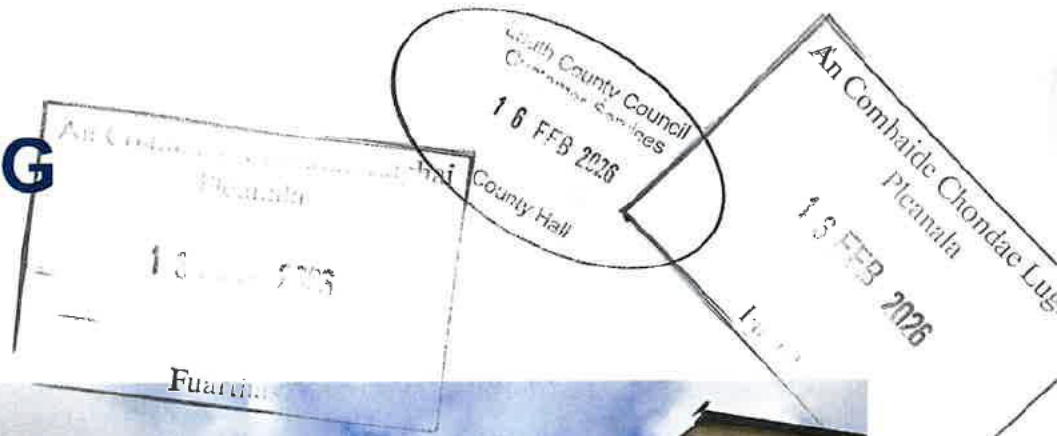
Completed Application Form & Fee of €80.00 may be sent to:

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.

PLANNING REPORT



SECTION 5 APPLICATION – DECLARATION OF EXEMPTED DEVELOPMENT

No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57

February 2026

SUBMITTED ON BEHALF OF:



85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpd.ie www.hpd.ie

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany an application for a Declaration of Exempted Development, on behalf of Rbd Jupiter Developments Limited, No. [REDACTED] concerning the use of a house located at No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57. The subject site comprises 2 storey over lower ground floor residential building which fronts the street and forms part of a terrace.

The property management and staff provision will solely be the responsibility of our client, the property owner. Staff will visit the site to carry out maintenance and cleaning works only. No element of care, be it social, physical or emotional, will be provided to residents at this property, nor will any non-governmental organisation or approved housing body be involved.

This Section 5 application pertains to the use of the building only, as any works carried out internally are considered exempted development as per Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Therefore, the question before the planning authority is:

“Whether the use of a house, where care is not provided, to house homeless persons, is or is not development?”

2.0 Site Description

The site is located in the town centre, within Drogheda’s historic core, and is part of the Fair Street ACA. The site is conveniently located within an 8-minute walk from the bus station and 20 minutes’ walk from the train station. The existing structure comprises two storeys over a basement that forms a single residence. A large 40-metre-long garden comprising 400sq.m. is located at the back of the property.

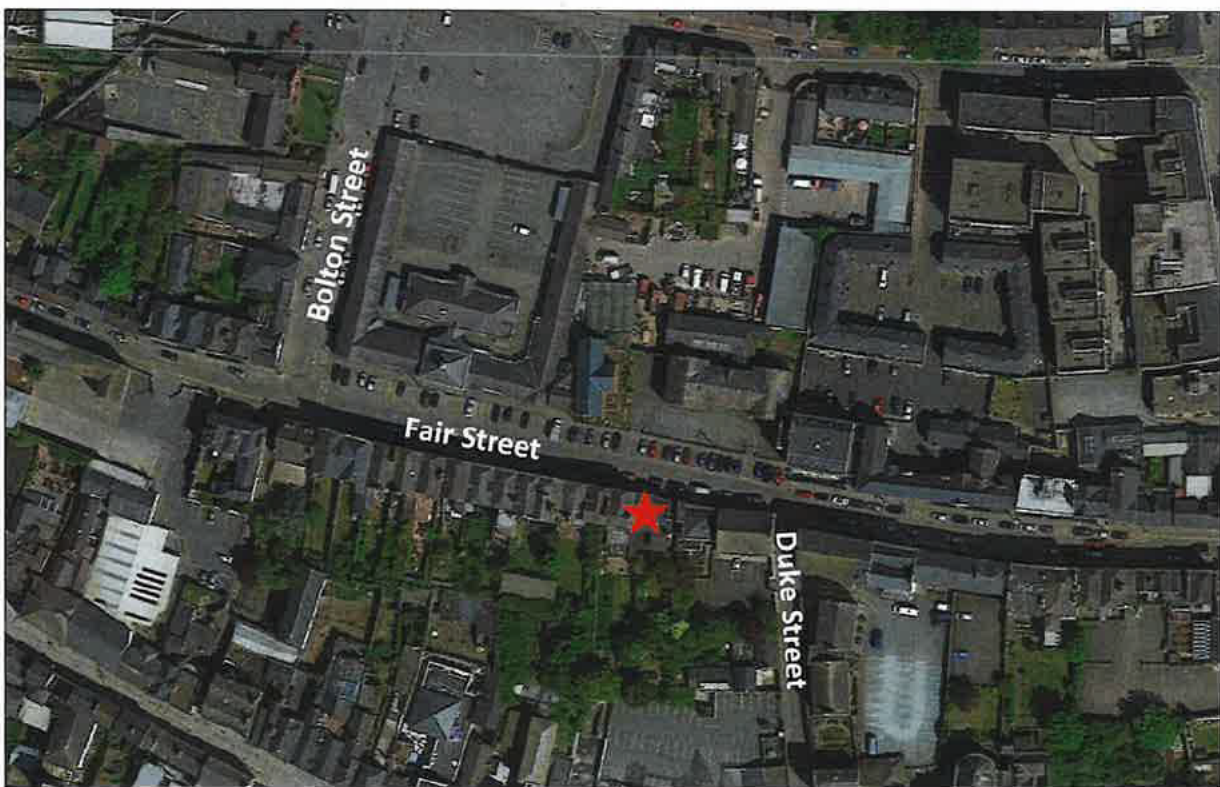


Figure 1.0 Aerial view showing the subject site (red star).



Figure 2.0 Aerial view showing the subject site (red marker) in the context of the wider area.



Figure 3.0 Image of the existing building on Fair Street.

An Comhairle
Pleanála
16 FEB 2026



Figure 4.0 Aerial image showing the site within the context of the bus station and the train station.

3.0 Planning History

The current structure was constructed in the early 1960s. A review of the Louth County Council planning register identified one previous planning application on file.

Reg. Ref. 22831 Planning permission was granted by Louth County Council on 17th January 2023 for the development of 9 no. apartments (4 no. 1 bed, 5 no. 2 bed units).

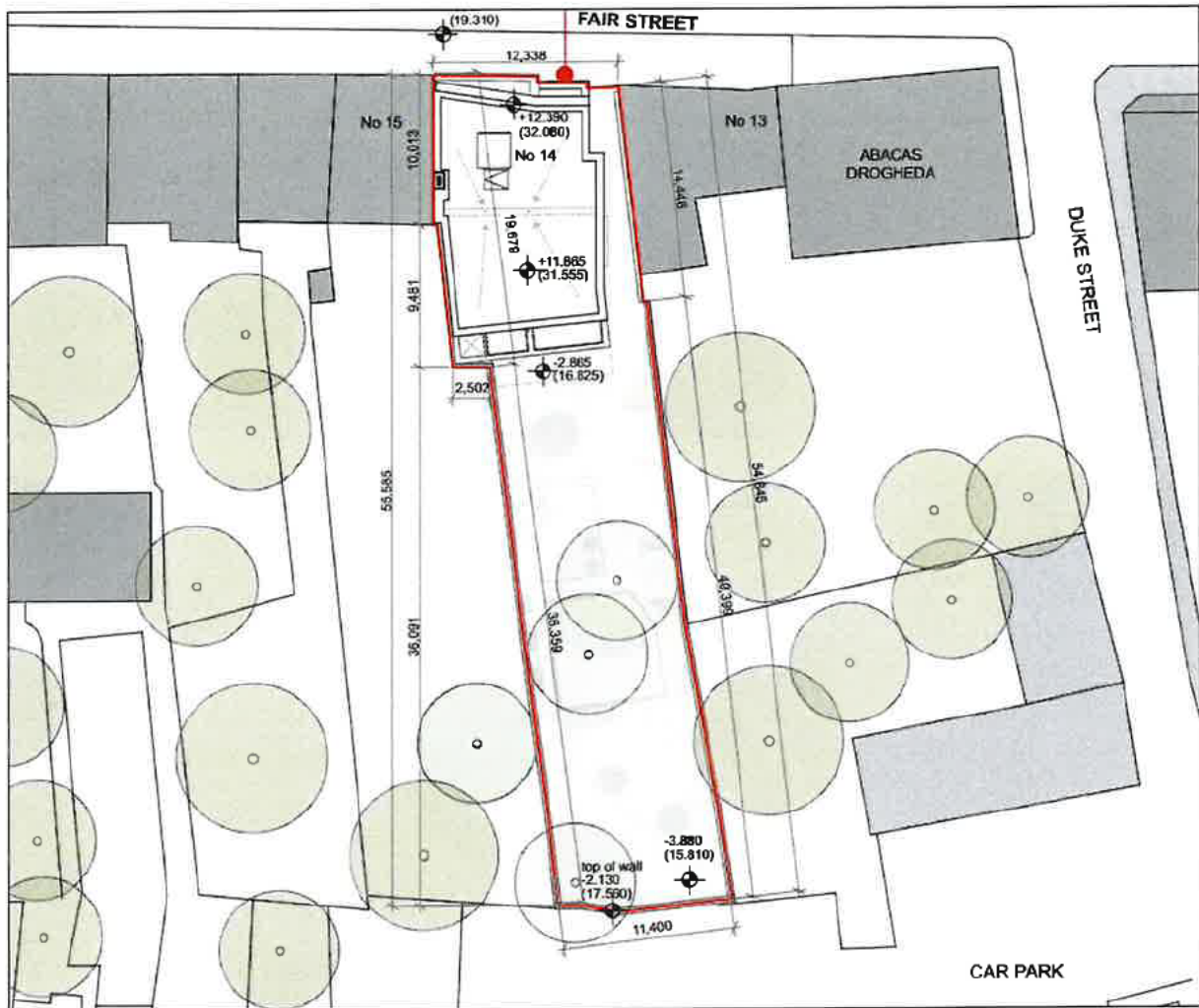
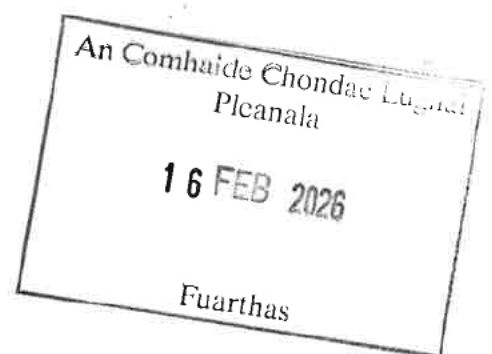


Figure 5.0 Proposed Site Layout Plan



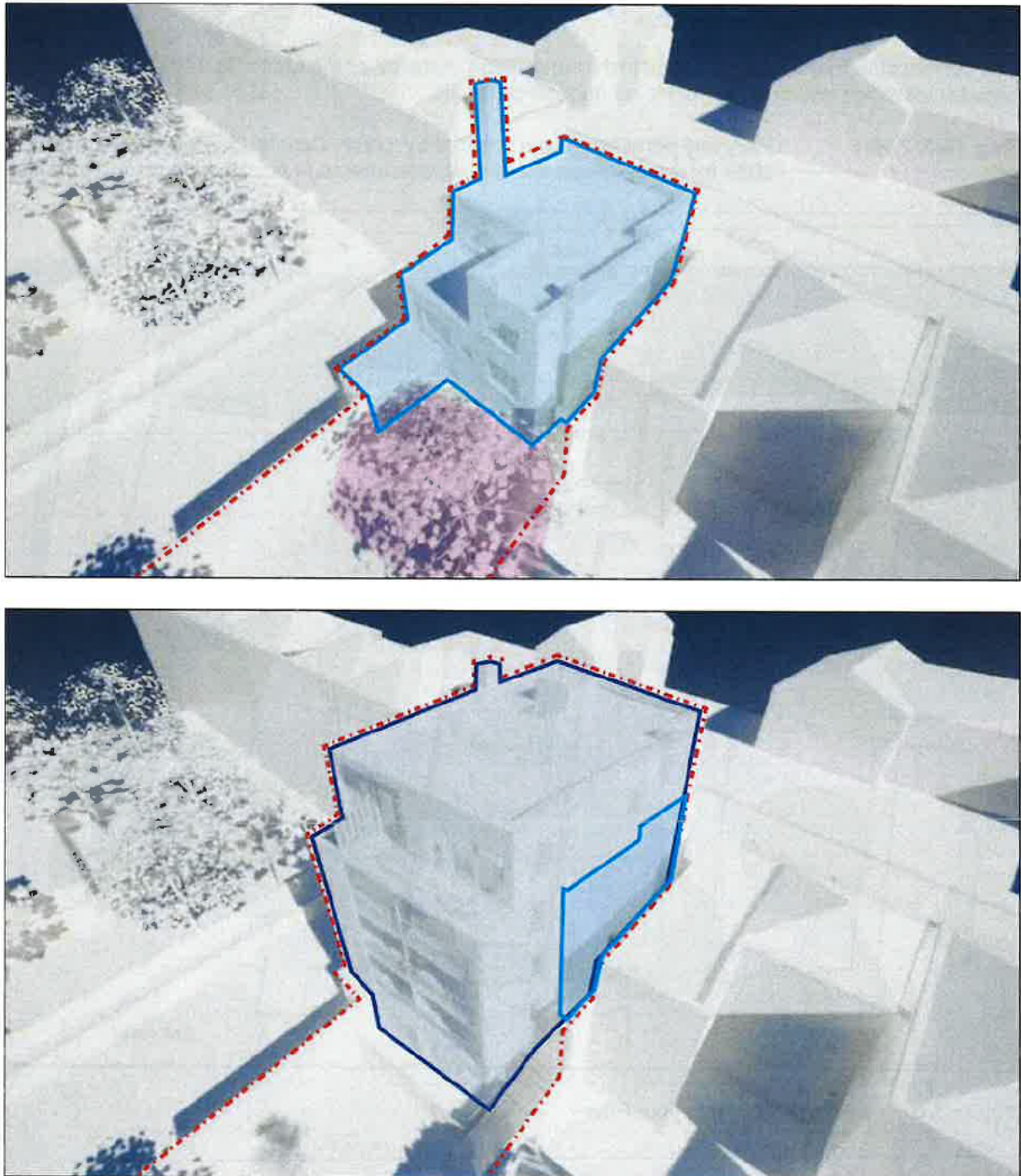
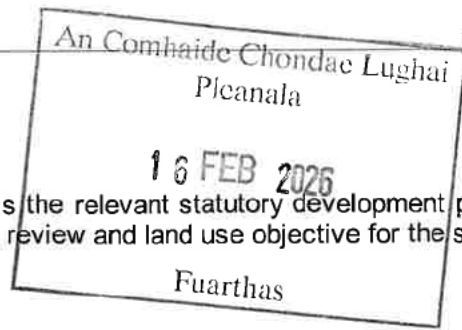


Figure 6.0 Existing rear view (top) and proposed rear view (bottom).



4.0 Planning Context

The Louth County Development Plan 2021-2027 is the relevant statutory development plan for the subject site. The following section is a brief zoning review and land use objective for the site.

4.1 Land Use Zoning

The site is located in “B1 Town Centre” zoning under the Louth County Development Plan 2021-2027. The site lies within an area zoned “B1”. The zoning objective is:

Objective B1 *‘To support the development, improvement, and expansion of town or village centre activities.’*

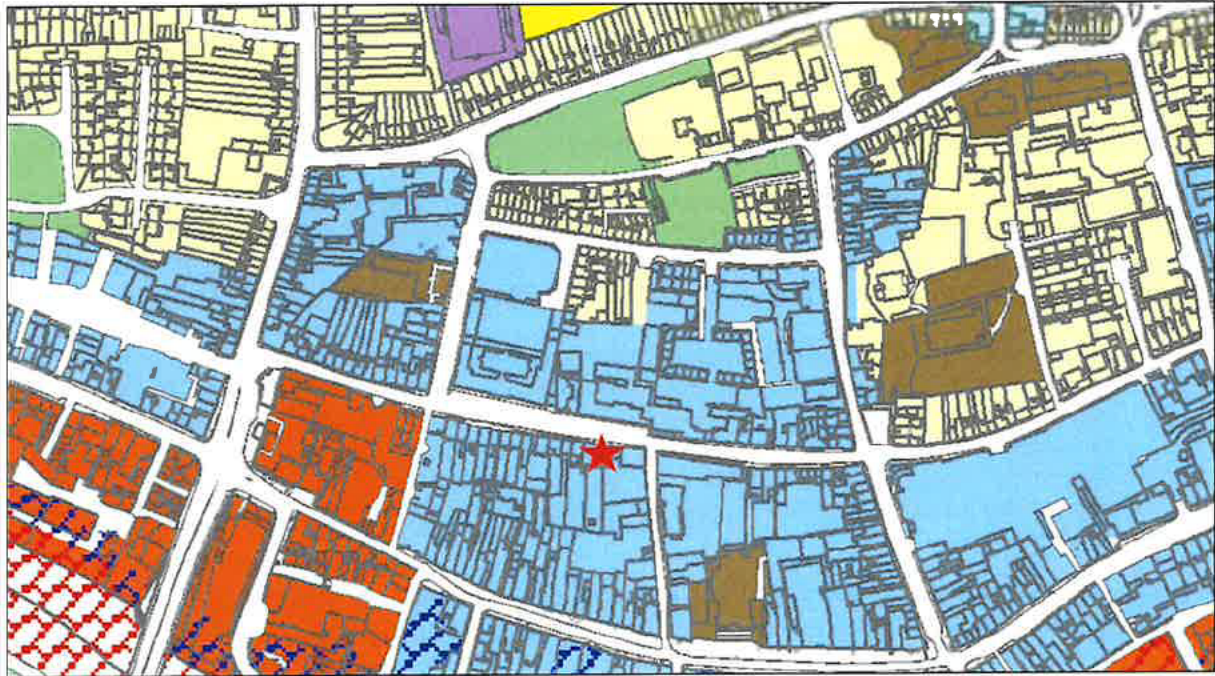


Figure 7.0 Louth County Development Plan Zoning Map showing the subject site (red star) within the B1 zoning.

Furthermore, the site is located within ACA no. 4, Fair Street, which runs the length of Fair Street. The proposal will seek to not only protect but also improve the existing town centre, particularly by increasing density in the town and footfall on the streets through new residences.

According to the permitted uses of objective B1, the proposed use is acceptable in principle. Permitted in principle uses are generally acceptable subject to the normal planning process and compliance with the relevant policies and objectives, standards and requirements set out in the plan. These permitted in-principle uses include the following:

Permitted in Principle

*‘Advertisements and Advertising Structures, Bank/Financial Institution, B&B/ Guest House, Bring Banks, Business Enterprise Centre, Coffee Shop/Tea Room, Car Park , Casual Trading, Childcare Facility, Children Play/ Adventure Centre, Cinema, Conference/Event Centre, Craft Centre/Shop, Crematorium, Cultural Facility, Digital Innovation Hub/Co-working Space, Education Facility (Primary or Second Level), Education Facility (Third Level or Training Centre), E- Charging Facility, Funeral Home/Mortuary, Health Care Centre, Healthcare Practitioner, Hotel/Hostel/Aparthotel, Nightclub, Offices, Place of Worship, Public House, Public Services, Public Transport Infrastructure (Rail/Bus), Recreational/Amenity Open Space, **Residential**, Restaurant, Sheltered Accommodation, Shop, Taxi Office, Telecommunications Structures, Utilities.’*

5.0 Development

Under Section 2(1) of the Planning and Development Act 2000 (as amended), 'development' is assigned the meaning set out under Section 3 (1) as follows: -

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

This declaration seeks clarification on the use of No. 14 Fair Street, Drogheda, Co. Louth, A92 YF75 as a dwelling house that provides accommodation to homeless persons but does not provide care. From the outset, it is contended that this does not constitute development as no change of use has occurred.

It is noted that legislation does not define the phrase 'material change of use' as used in Section 2(1) of the Act. To determine the materiality of the change, the practical impacts and effects of the proposed change of use and whether it would have led to materially different planning considerations by the Planning Authority are considered in this determination.

It is submitted that there will be no discernible change to the use of the building other than the socio-economic class associated with the inhabitants occupying the building, which should not be taken into consideration when having regard to whether a material change of use has occurred, as evidenced by the Supreme Court *Dublin Corporation v Moore* [1984] ILRM 339, in which the judge stated:

"I can well understand the objection voiced by Mr Heneghan in his affidavit, to which I have referred - the residents of a quiet suburb naturally resent the presence of what may well be out of keeping with what they conceive to be the standards appropriate to the neighbourhood. There cannot, however, be one law for Cabra and another for Clondalkin - yet others for Finglas and Foxrock. Considerations of this kind are not appropriate to planning law - if they were, they might well offend against rights of equality."

It is considered that if this were a planning application for a dwelling, the planning authority would not include conditions prohibiting accommodation to people of particular socioeconomic backgrounds.

The subject site is a residential house which has 9 no. bedrooms and living, dining and kitchen facilities. Residents of the building have a shared kitchen, living room, and dining room. An outdoor amenity area is provided at the rear of the property for use by residents. Residents are free to enter and exit the house throughout the day like any tenant renting from a private landlord. Staff employed by our client will be present in the property, with their duties comprising the cleaning and maintenance of the property. This building will provide long-term accommodation with residents living there for a minimum of 12 months, with most living there for 18 months or more. It is submitted that the use of the property to provide residential accommodation is not development as no material change of use has occurred.

This application is supported by a recent decision by Dublin City Council regarding a similar declaration issued under **Reg. Ref. 0298/25**. In that case, the Planning Authority declared that the continued use of a residential building to provide accommodation to homeless persons, where care was not provided, did not constitute a material change of use and, therefore, did not constitute development for the purpose of the Act.

In considering the above, it is submitted that the use of No. 14 Fair Street, Drogheda, as a long-term residential building to house persons who are registered as homeless, which does not provide care, does not constitute a change of use and therefore, does not constitute development in accordance with the Planning and Development Act 2000 (as amended).

6.0 Conclusion

It is proposed to use the subject site at No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57, as a dwelling house to provide accommodation to homeless persons. This facility will not provide care to residents. The building has been in use as a residential building since its construction, and the continued use of the building to provide residential accommodation does not constitute development as no change of use has occurred, nor have any works been carried out to the property.

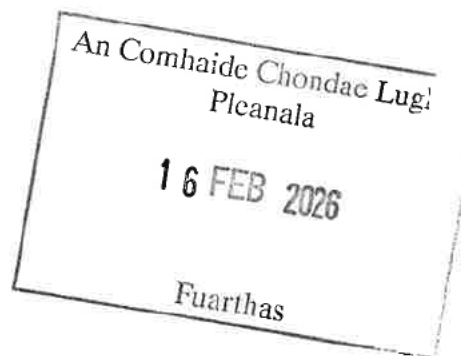
Therefore, the question before the planning authority is:

“Whether the use of a house, where care is not provided, to house homeless persons, is or is not development?”

Accordingly, we request a declaration to this effect from Louth County Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI
Director for HPDC



Louth County Council
Section 5 Declaration

Planning Ref: 2026/08

Applicant's Name: RBD Jupiter Developments LTD.

Type of Application: Section 5 Declaration

Question: Whether the use of a house, where care is not provided to house homeless persons, is or is not development.

Site Location: 14 Fair Street, Drogheda, CO. Louth.

Report Date 10th March 2026

Due Date: 15th March 2026

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located at 14 Fair Street, within the town centre of Drogheda on lands zoned as 'B1 – Town or Village Centre' which has an objective to 'To support the development, improvement and expansion of town or village centre activities.'. The site comprises of a 2 storey over lower ground floor residential building which fronts onto the street and forms part of a terrace.



Image 1: location of subject site (14 Fair Street, Drogheda):

2.0 PLANNING HISTORY

22/831- Permission granted for development of 9no. apartments (4no. 1 bed and 5no. 2 bed units. Not commenced.

3.0 DECLARATION SOUGHT

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

"Whether the use of a house, where care is not provided to house homeless persons, is or is not development".

The applicant has submitted the following supporting details:

- An application form
- Planning Report, prepared by Hughes Planning Consultants.
- A site location map.
- Plans of the internal layout and facilities therein.

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, the planning officer is 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 (PDR) 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 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.

Section 57:

Section 57(1) states notwithstanding section 4 (1)(a),(h),(i), (ia), (j), (k), or (l) and any regulations made under section 4(2), 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.

The Planning and Development Regulations, 2001 (as amended)

Part 2 – Exempted Development

Article 5(1) 'interpretation for this part'.

"care" means personal care, including help with physical, intellectual or social needs.

Article 6:

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.

Article 9:

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

Article 10;

Changes of use.

10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

Part 4, schedule 2 Exempted Development – Classes of Use (Art 10 (1) refers)

Class 9

Use-

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

7.0 ASSESSMENT

Does the proposal constitute development?

The applicant states that the residential house contains 9 no bedrooms, living room, dining room and kitchen facilities. An outdoor amenity area is provided at the rear. It states that residents will be free to enter and exit the house throughout the day.

The applicant states that there will be no discernible change to the use of the building. It is further stated that no element of care will be provided, whether social, physical or emotional, to the residents at the property. In addition, residents will be free to enter and exit the property throughout the day like any tenant renting from a private landlord.

The submitted planning statement sets out that staff employed by the owner will be present in the property, with their duties comprising cleaning and maintenance of the property only. The Planning Officer acknowledges that the presence of staff for cleaning and maintenance purposes does not constitute “care” as defined under Part 2, Article 5 (1) of the Planning and Development Regulations 2001 (as amended). The submission states that the building will provide long-term accommodation to residents, with occupation for a minimum period of 12 months or more.

The question raised by the applicant relates to the “use” of the property. Having regard to the statutory definition of development under section 2 of the Planning and Development Act 2024, the Planning Authority must assess whether the use of the property would constitute development by reason of a material change of use.

Where residential accommodation is occupied and no care is being provided, the use does not fall within Class 9 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended). The main issue for consideration is whether the

proposed use of the property would give rise to a material change in the character of the use.

It is noted that the Planning and Development Act 2000 (as amended) does not provide a statutory definition of what constitutes a "material change" of use. Accordingly, the question of materiality must be assessed having regard to the nature of the use itself, together with the likely planning impacts arising from that use, and whether such use would give rise to materially different planning considerations.

In this particular case, the initial matter for consideration is the nature of the existing use of the property. The planning report submitted indicates that the subject dwelling comprises a contains 9 no bedrooms, living room, dining room and kitchen facilities. The applicant has submitted proposed floor plans of the building which indicate the provision of 40 bed spaces to be provided in the 9 no bedrooms along with a kitchen and dining room at ground floor level.

The submitted Planning Statement refers to a decision by Dublin City Council (ref. ref. 0298/25) as an example case, whereby the Planning Authority declared that the continued use of a residential building to provide accommodation to homeless persons and where care was not provided did not constitute a material change of use and as such, did not constitute development. In this case, notably the subject building appears to have been subdivided prior to the Local Government (Planning and Development) Act coming into effect, which is not directly comparable to this case as the subject property as stated has not been sub-divided and is a single dwelling.

On the basis of the internal floor plans with the provision of some 40 bed spaces and their socio-economic status (homeless persons) the level and nature of the proposed occupancy, it is considered that this would represent an intensification of the established residential use.

Whilst the socio-economic circumstances of the tenants is not a material consideration in assessing whether there would be a material change of use of the property, the accommodation of up to 40 individuals within the existing building would give rise to planning considerations pertaining to residential amenity, potential substandard living conditions for occupants, servicing and utilities issues, overdevelopment and impacts upon the amenities of surrounding residents.

It is therefore considered that the scale and intensity of the intended use would constitute a material change from the established and historical use of the building as a single residential property and as such, **would constitute development.**

Does the proposal constitute exempted development?

As indicated, the proposed accommodation would not be used in a manner comparable to the established residential use of the property (akin to that of a house in multiple occupation,) and as such, would constitute a material change in the established use. The proposed use is akin to that of a house in multiple occupancy and as such, does not fall within the exemptions under Articles 6 or 10 of Part 4, Schedule 2 of the Planning and Development Regulations, 2001, as amended, nor does it fall within the exemptions within Class 14(h) and 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

In assessing whether the current use constitutes a material change of use, the Planning Officer notes the legal judgment of Barron J. in *The County of Galway v Lackagh Rock Ltd* [1984 21 MCA]. In this case, Barron, J considered that 'in determining whether or not a present use was materially different from a use being made on the appointed day one must look at matters which the planning authority would take into consideration if a planning application were made on both dates and if these matters were materially different than the present use must be equally materially different.

The level of occupancy now proposed is considered to represent an intensification of use having regard to the overall size and layout of the building. The accommodation of up to 40 people would give rise to planning considerations relating to residential amenity, potential substandard living conditions for intended occupants, servicing and utilities issues, overdevelopment, and the impact on surrounding amenities.

It is considered that the scale and intensity of the proposed residential use would alter the character of the building. Having regard to the test set out by Barron J., the planning considerations arising from a dwelling containing 9 no. bedrooms accommodating up to 40 no. people are materially different from those likely to have arisen from the historic use.

Accordingly, the Planning Authority concludes that the proposal is **development that is not exempted development**, within the meaning of Section 2 of the Planning and Development Act, 2024.

8.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.

Whether the use of a house, where care is not provided to house homeless persons, is or is not development”

AND WHEREAS the said question was referred to Louth County Council by RBD Jupiter Developments Limited on 16th February 2026

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

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2024.
- (b) The plans and particulars submitted to the Planning Authority on 16th February 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended).
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (e) An Coimisiun Pleanala ~~ABP~~ ^{ACP Amck} -322400-25.
- (f) An Coimisiun Pleanala ACP- 323790-25.
- (g) Louth County Council Section 5 Declaration 2025/92.

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

- (i) The existing building has an established use as a private residential property.
- (ii) This Section 5 declaration relates to the intended residential use of the subject property (to accommodate 40 no. homeless persons).
- (iii) The proposed use of the building as a residence for 40 no. homeless persons would not be used in a manner comparable to the established use of the building as a dwelling and would constitute a material change in the established use of the building.

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 the dwelling where care is not provided, to accommodate homeless persons’* at No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57, **is development and is not exempted development.**



Brian Brooks
Executive Planner
Date: 10/03/2026



Turlough King
A/Director of Services
Date: 13/03/2026



Conor Campfield
Senior Executive Planner
Date: 11/03/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	190/2026
Reference No:	S5 2026/08
Date Application Received:	16/02/2026
Description of Development:	Whether the use of a house, where care is not provided to house homeless persons, is or is not development and is or is not exempted development
Name of Applicant:	Rbd Jupiter Developments Ltd
Location of Development	14 Fair Street, Drogheda, Co. Louth

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.

"Whether the use of a house, where care is not provided to house homeless persons, is or is not development"

AND WHEREAS the said question was referred to Louth County Council by RBD Jupiter Developments Limited on 16th February 2026

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

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024.
- (b) The plans and particulars submitted to the Planning Authority on 16th February 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended).
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (e) An Coimisiún Pleanála ACP -322400-25.
- (f) An Coimisiún Pleanála ACP- 323790-25.
- (g) Louth County Council Section 5 Declaration 2025/92.

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

- (i) The existing building has an established use as a private residential property.
- (ii) This Section 5 declaration relates to the intended residential use of the subject property (to accommodate 40 no. homeless persons).
- (iii) The proposed use of the building as a residence for 40 no. homeless persons would not be used in a manner comparable to the established use of the building as a dwelling and would constitute a material change in the established use of the building.

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 the dwelling where care is not provided, to accommodate homeless persons'* at No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57, **is development and is not exempted development.**

SIGNED: 

Brian Brooks
Executive Planner

Date: 11th March 2026

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: 

Turlough King
A/Director of Service

Date: 13th March 2026

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. 100/26 dated the 6th day of March 2026.



Comhairle Contae Lú
Louth County Council

REGISTERED POST

Rbd Jupiter Developments Ltd
c/o Hughes Planning & Development Consultants
85 Merrion Square
Dublin 2

13th March 2026

Re: Ref. S5 2026/08

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the use of a house, where care is not provided to house homeless persons at 14 Fair Street, Drogheda, Co. Louth is or is not development and is or is not exempted development.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 16th February 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.

“Whether the use of a house, where care is not provided to house homeless persons, is or is not development”

AND WHEREAS the said question was referred to Louth County Council by RBD Jupiter Developments Limited on 16th February 2026

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

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2024.
- (b) The plans and particulars submitted to the Planning Authority on 16th February 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended).
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.

Comhairle Contae Lú
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Sráid Crowe
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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

- (e) An Coimisiún Pleanála ACP -322400-25.
- (f) An Coimisiún Pleanála ACP- 323790-25.
- (g) Louth County Council Section 5 Declaration 2025/92.

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

- (i) The existing building has an established use as a private residential property.
- (ii) This Section 5 declaration relates to the intended residential use of the subject property (to accommodate 40 no. homeless persons).
- (iii) The proposed use of the building as a residence for 40 no. homeless persons would not be used in a manner comparable to the established use of the building as a dwelling and would constitute a material change in the established use of the building.

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 the dwelling where care is not provided, to accommodate homeless persons'* at No. 14 Fair Street, Drogheda, Co. Louth, A92 YF57, **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 16th February 2026.

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

Yours faithfully,



Niamh Lynch
Planning Section