



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:

noel mc quillan commons road Dromiskin A91A9W9

Phone N

E-Mail:

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

n/A

Phone Number: E-Mail:

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

commons road Dromiskin A91A9W9

4. Interest in site of the person seeking declaration:

neighbouring property

Owner mwac 8 Tudor Grove,

Mullaharlin Road, Dundalk Co. Louth Dundalk, Louth A91 YWR8

(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**
commons road Dromiskin 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>**

O 04770 99299

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 construction of a housing development elevation changes to height and gable end window location height and width along with placing of additional widows differing from those agreed in planning ref 211218 is it or is it not 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?

I certify that the aforementioned is correct.

Signature of Applicant:

Date 28-07-2026

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.**

PLACE Map



CENTRE COORDINATES:
ITM · 704720,799287

PUBLISHED:
29/07/2026

ORDER NO.:
50550527_1

MAP SERIES:
1:2,500

MAP SHEETS:
1832-C

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Tailte Éireann,
Phoenix Park,
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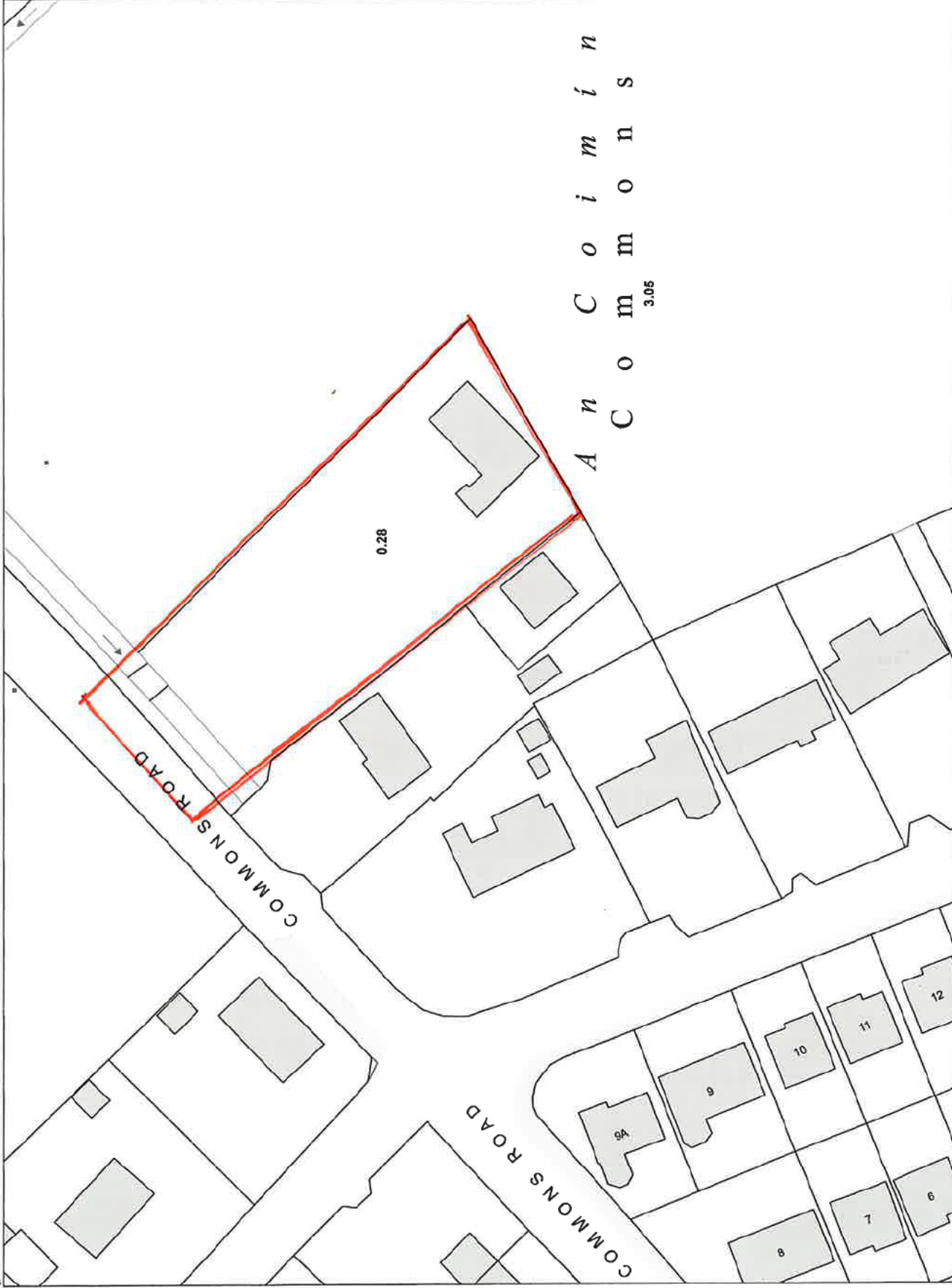
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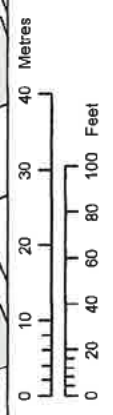
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OUTPUT SCALE: 1:1,000



Planning Pack Map



CENTRE
COORDINATES:
ITM 704573,799326

PUBLISHED:
15/10/2018

MAP SERIES:
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ORDER I
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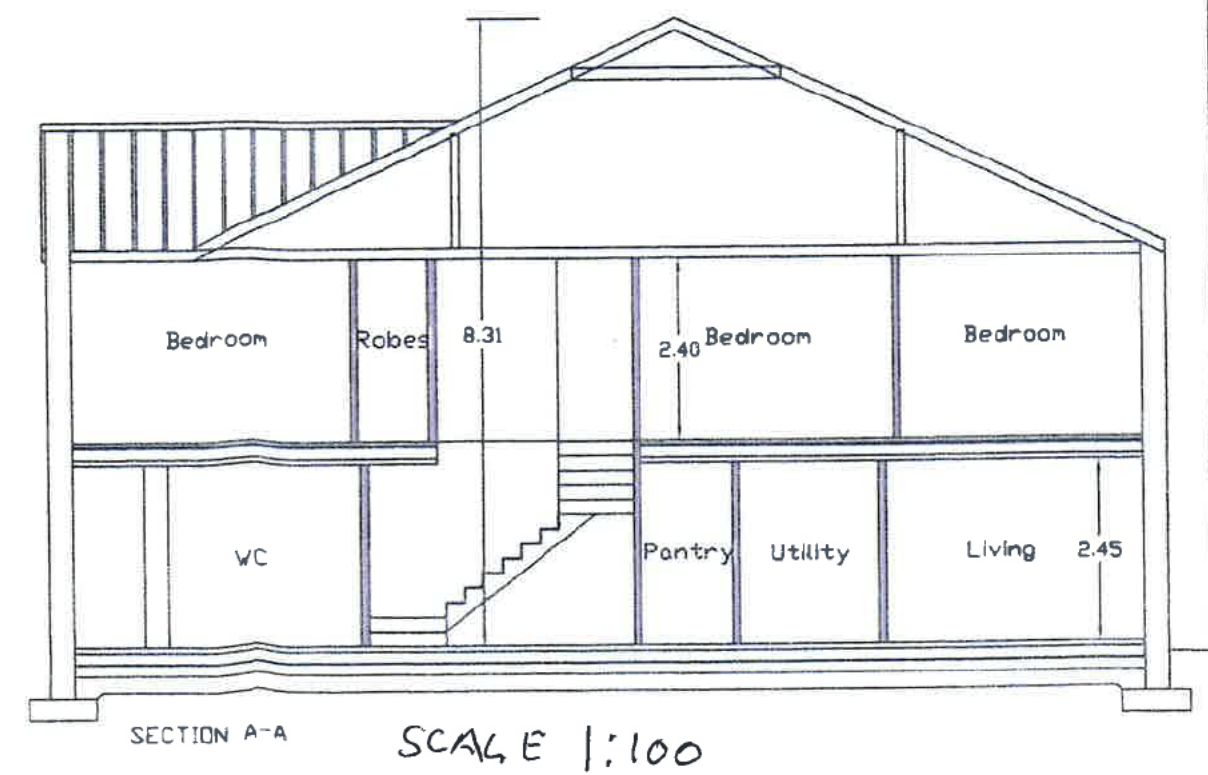
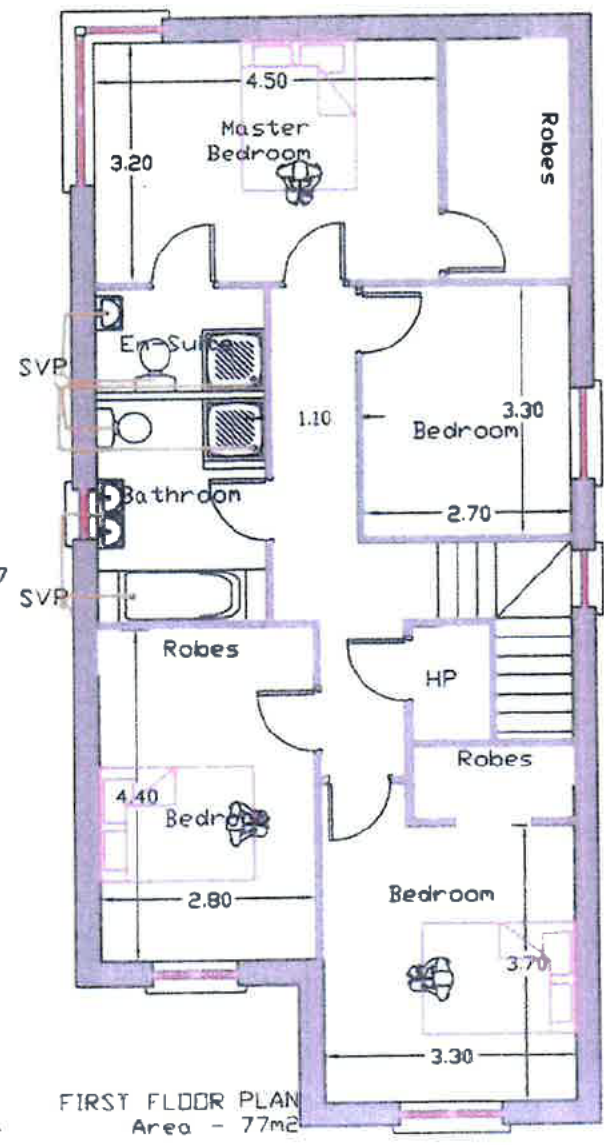
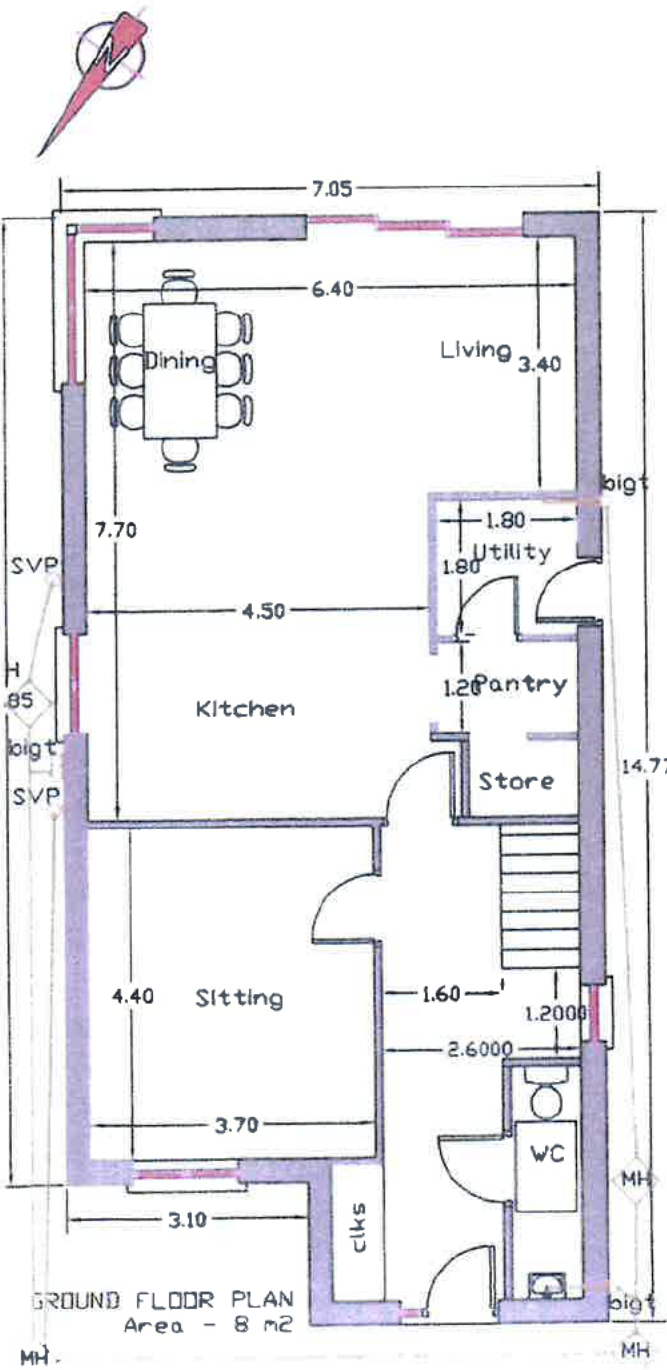
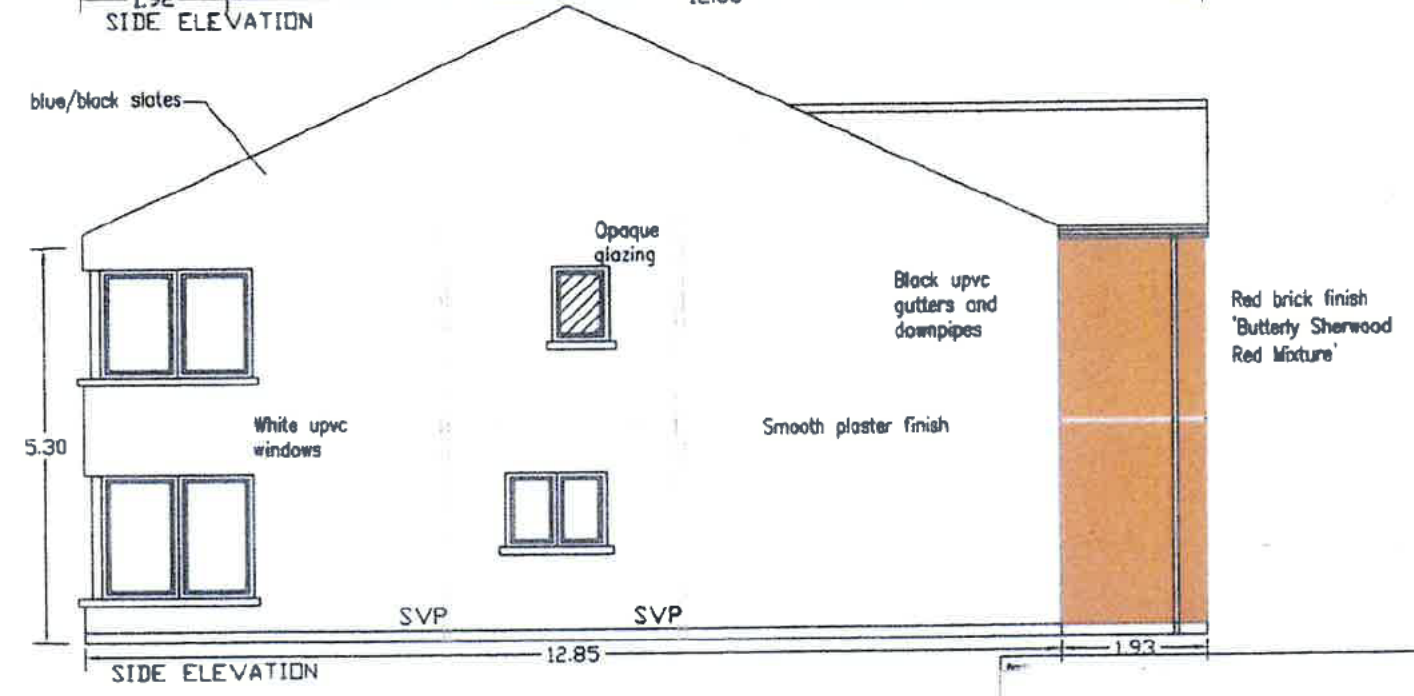
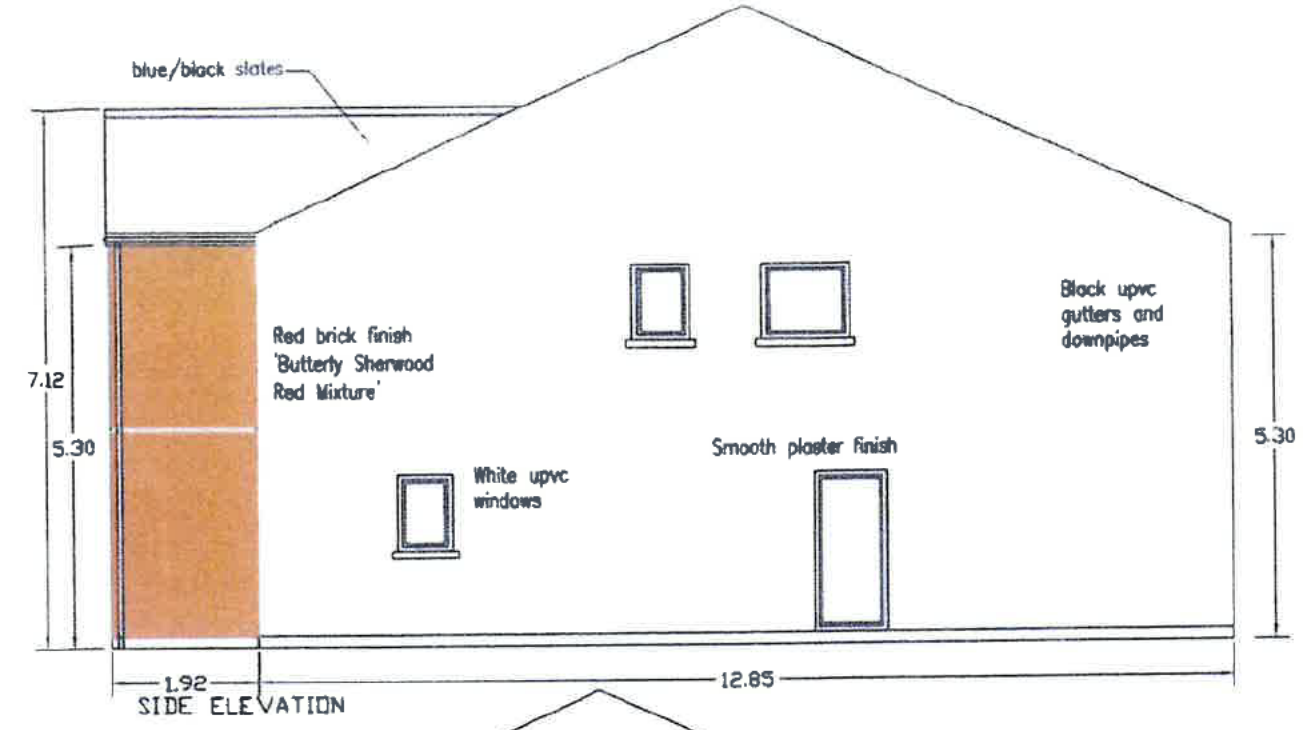
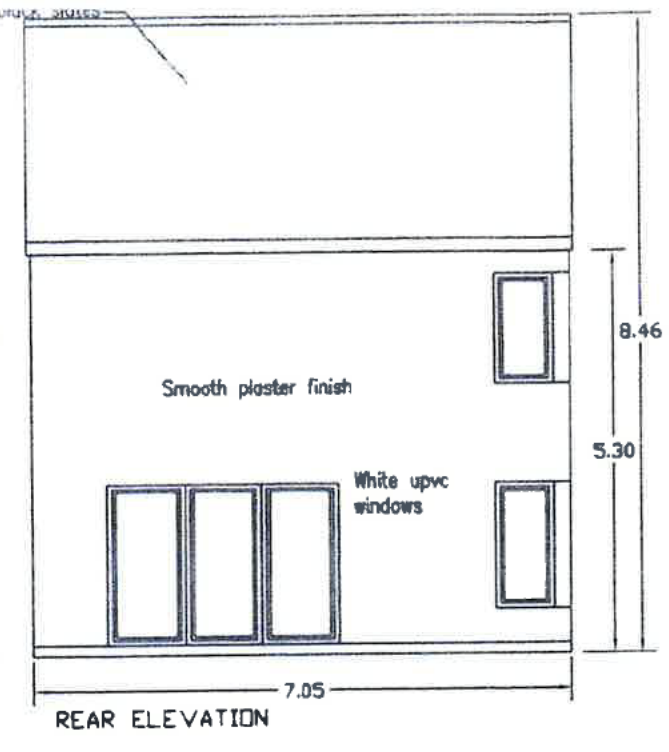
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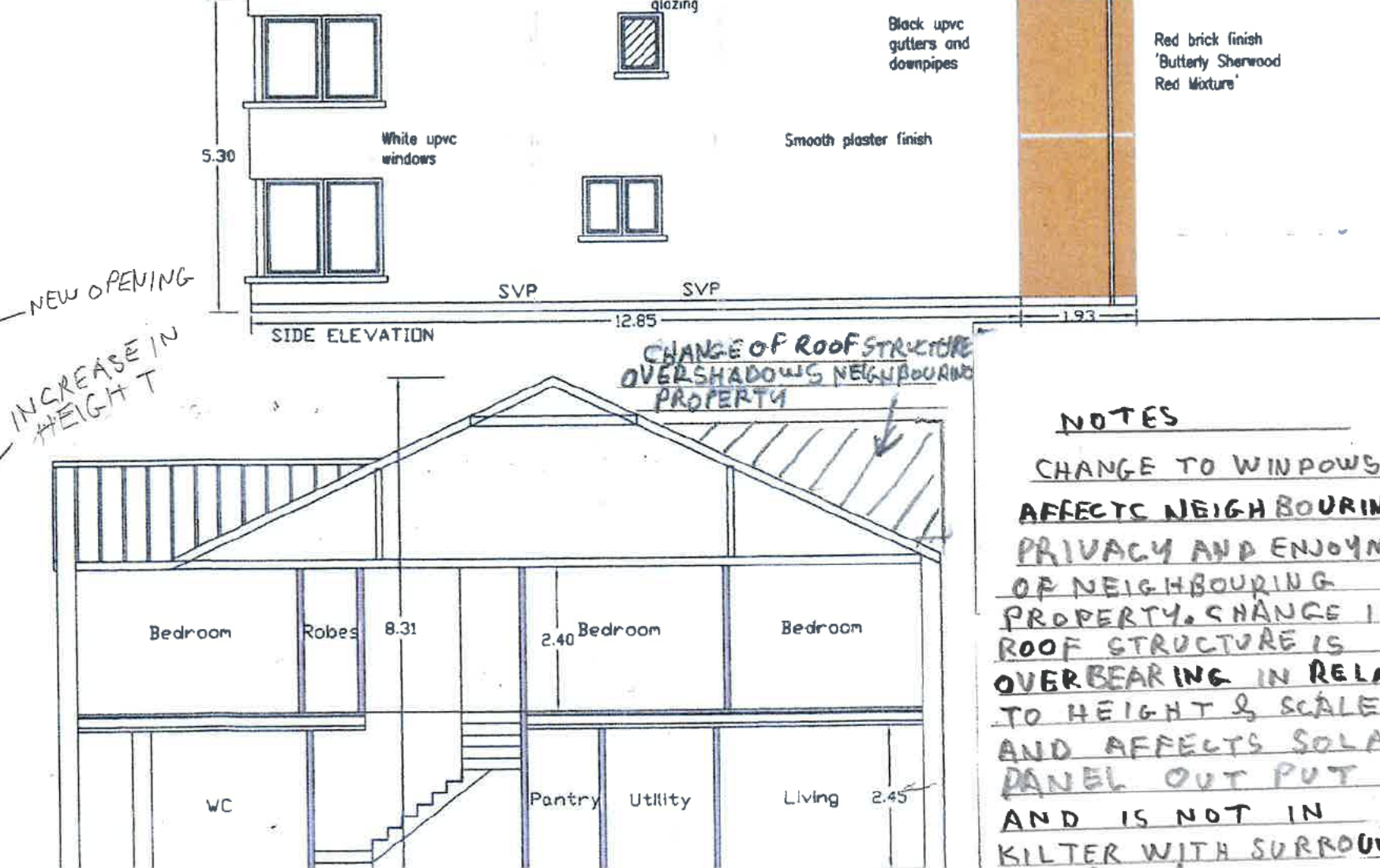
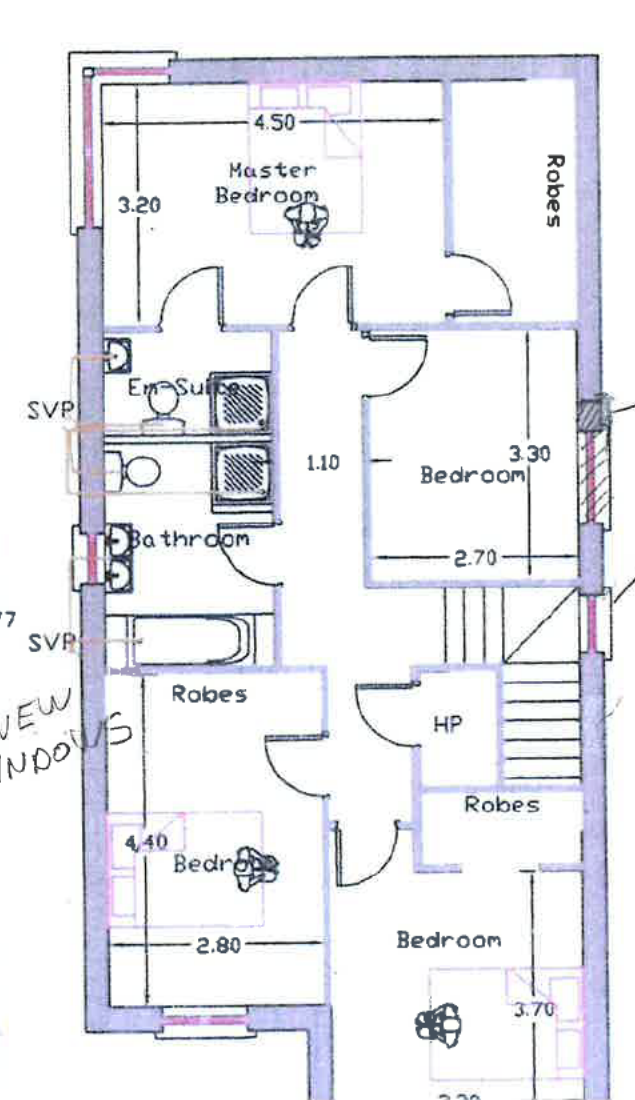
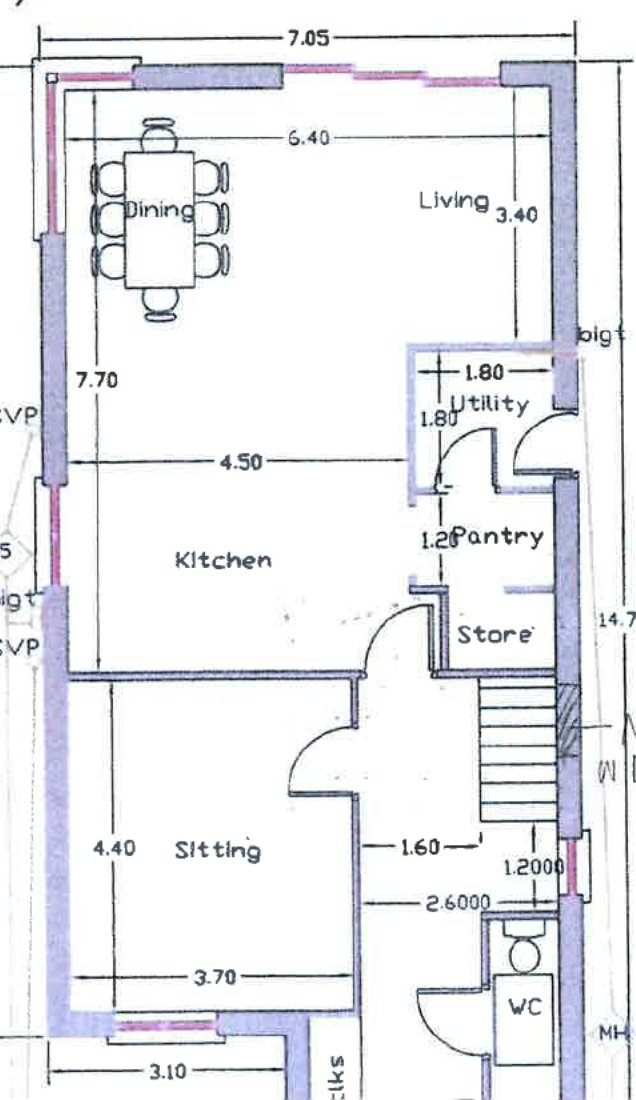
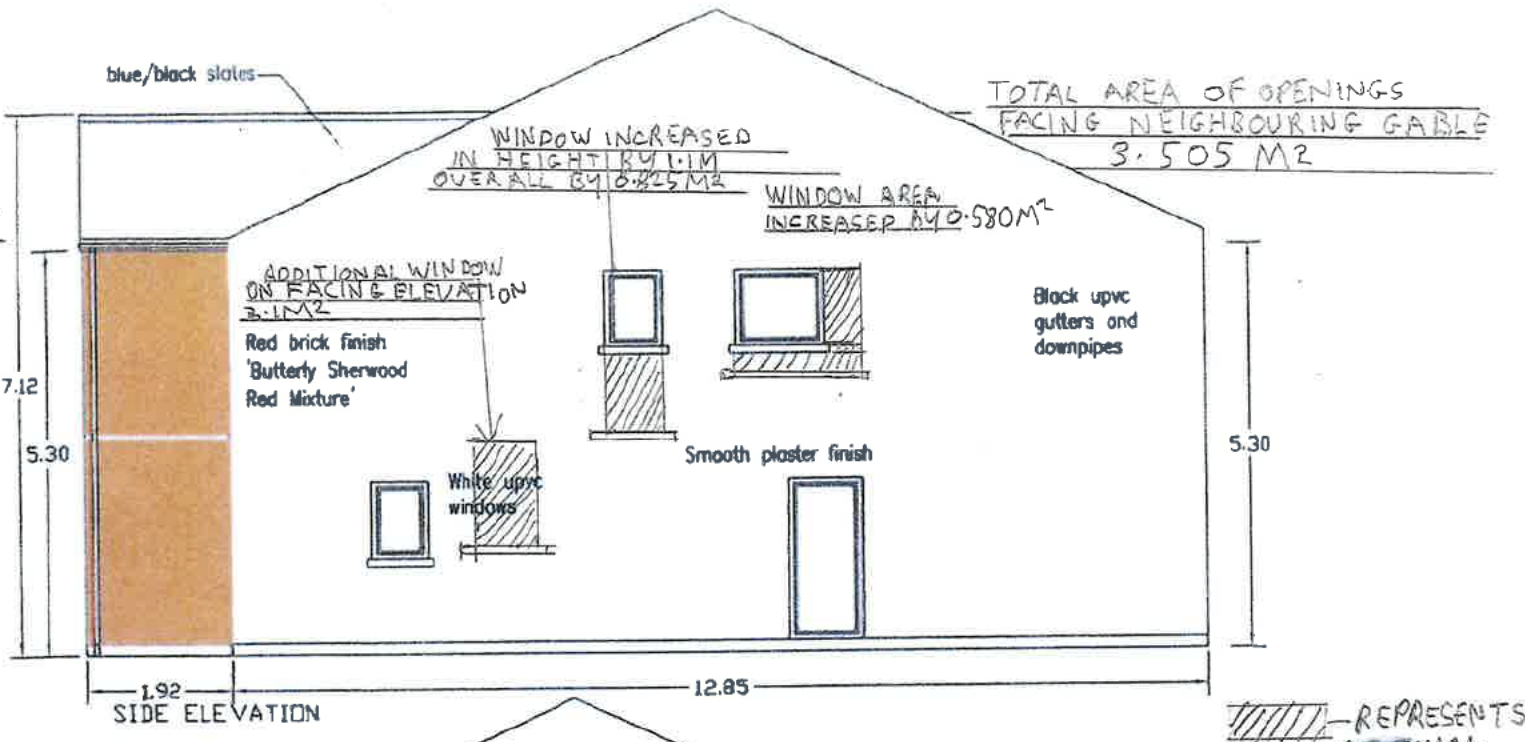
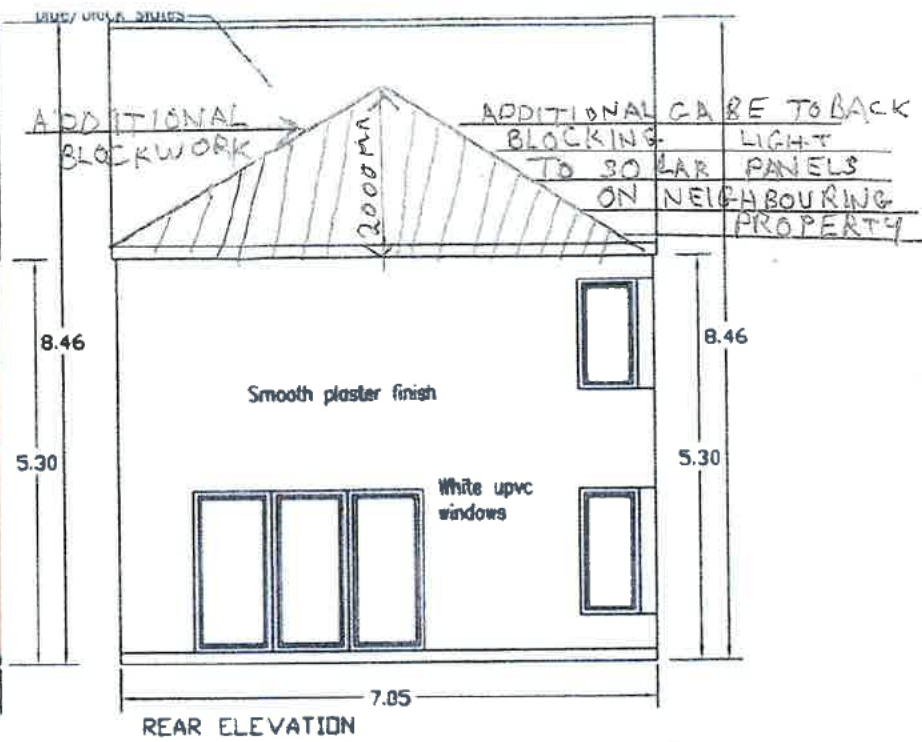
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NOTES

CHANGE TO WINDOWS AFFECTS NEIGHBOURING PRIVACY AND ENJOYMENT OF NEIGHBOURING PROPERTY. CHANGE IN ROOF STRUCTURE IS OVERBEARING IN RELATION TO HEIGHT & SCALE AND AFFECTS SOLAR PANEL OUTPUT AND IS NOT IN Kilter WITH SURROUNDING

Louth County Council
Section 5 Declaration

Planning Ref:	S5 2026/57
Applicant's Name:	Noel McQuillan
Type of Application:	Section 5 Declaration
Development:	Is the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) development and is it or is it not exempted development.
Site Location:	Commons Road, Dromiskin, Co. Louth
Site Inspection	14 th August 2026
Report Date	19 th August 2026
Due Date:	1 st September 2026

1.0 SITE LOCATION AND DESCRIPTION

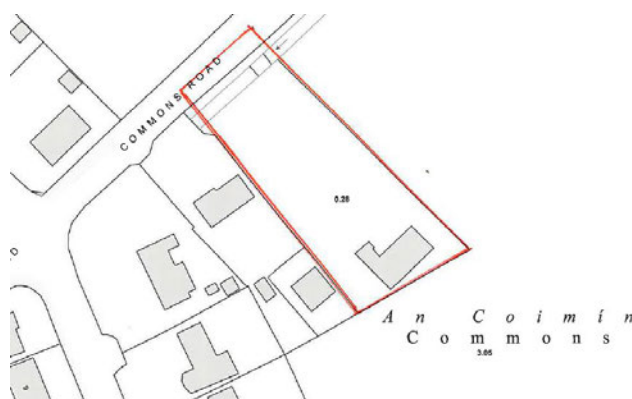


Fig. 1: Site Location (Google Maps)

The site is located at the edge of the village of Dromiskin and contains to partly constructed detached 2-storey houses with scaffolding, a detached shed at the rear, shipping containers and associated building material and plant. A detached chalet bungalow is located adjacent to the site to the southwest and another smaller structure immediately southwest of the shed on site. An agricultural field abuts the site to the

northeast and south. The dwellings under construction are in block with a red brick on the road facing front projection.



Fig.2-3: structures under construction and dwelling no. 2 southwestern gable elevation as of 14th August 2026.

2.0 PLANNING HISTORY

Planning records:

- **File ref. 21/1218** - Retention and Permission: Full permission is sought for 2 new detached dwelling houses and detached garage to dwelling no. 2. Retention permission and material change of use is sought for existing workshop to be used as a domestic garage for dwelling no. 1. Full permission to include alterations to existing site entrance and all associated site development works. *Significant Further Information received on 13/12/2021 which includes temporary retention of 2no. shipping containers for duration of construction* - MWAC Property Ltd - **Granted permission following a 3rd party appeal (ABP-312591-22) for the 2 dwellings subject to conditions and Refuse permission for the shed.**

ABP Decision: -

GRANT permission for two new detached dwellinghouses and detached garage to dwelling number 2, alterations to existing site entrance and all associated site development works and retention of two shipping containers for duration of construction, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention and material change of use for existing workshop to be used as a domestic garage for dwelling number 1 based on the reasons and considerations marked (2) under.

- **File ref. 2660195** - Retention permission for, and use of existing shed for the storage of materials and plant for the duration of completion of development granted under planning permission reference 21/1218 – MWAC Ireland Ltd – Louth County Council recommended a Grant subject to conditions, however application is **currently pending a 3rd Party Appeal**.
- **Section 5 declaration** to Louth County Council ref no. **S52024/79** by Noel McQuillan in relation to site at Commons Road, Dromiskin. The question for determination related to: –

“Whether a shed is or is not development and is or is not exempted development, whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development”

and

“Whether the storage of goods and plant in the shed for planning permission 21/1218, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development”

Louth County Council in a letter dated 10th January 2025 stated that the shed, placing of a concrete floor and the rebuilding of the exterior wall of the said shed, the storage of goods and plant in the shed for planning permission 21/1218, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore constitutes development that is not exempted development. ABP-321775-25 – **section 5 declaration S52024/79** decided by Louth County Council on 10th January 2025 was **referred to An Coimisiún Pleanála who determined on the 13th January 2026** the following: -

AND WHEREAS An Coimisiún Pleanála, in considering this referral, having regard to the declaration issued by the planning authority on the 10th day of January 2025, which stated that that the subject matter was development and was not exempted development, and having regard to the fact that the referrers did not question that determination, but rather sought clarification regarding the unauthorised nature of the development and options regarding enforcement action, the Commission considered that, in these particular circumstances, the referral should not be further considered by it having regard to the nature of the questions raised in the referral which are outside the scope of section 5(3)(a) of the Planning and Development Act, 2000 (as amended).

- Planning Enforcement UD/25/003 – unauthorised shed, rebuilding of shed walls, concrete floor, unauthorised storage of goods and plant in shed for planning permission 21/1218, unauthorised placement of hardstanding to the west – CURRENT STATUS - under review.
- Commencement Notice – **CN0120133LH** – It is noted that planning reference no. 21/1218 (ABP-31312591-22) commenced works on 25th September 2024.

3.0 DECLARATION SOUGHT

The applicant's submitted question for determination within Section 7 of the application form states:

"Is the construction of a housing development elevation changes to height and gable end window location height and width along with placing of additional widows differing from those agreed in Planning reference 211218 is it or is it not exempted development."

There are some words missing, a typo in the question for determination and reference to planning permission omits An Bord Pleanála (now An Coimisiún Pleanála) determination, so the Planning Authority will therefore assess the following rephrased question, having regard also to the detail (drawing) submitted by the referrer:

"Is the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) development, and is it or is it not exempted development."

The applicant has submitted the following particulars for consideration:

- Section 5 Declaration Application Form.
- Site location map
- Site layout plan
- House type (dwelling no.1)
- Hand drawn changes made to house (house type 1)



- 3 x photographs





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 subject 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 planning history and Appropriate Assessment undertaken for application 211218 and appeal ABP-312591-22, the nature and scale of the described works and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the existing 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;

“alteration” includes, in relation to a structure—

- (a) plastering or painting,
 - (b) the removal of plaster or stucco, and
 - (c) the replacement of a door, window or roof,
- that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) a house (other than a house that is, or forms part of, a derelict site within the meaning of the Derelict Sites Act 1990) that is not in use but was most recently used (disregarding any unauthorised use) as a dwelling, or
- (c) a house that was provided for use as a dwelling but has not been occupied as a dwelling;

“house” means a building or part of a building that –

- (a) is, or was most recently occupied as a dwelling,
- (b) was most recently provided for use as a dwelling but has not been occupied as a dwelling, or

(c) in the case of a building or part of a building containing more than one apartment, flat or other dwelling, each such apartment, flat or dwelling;

“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;*

“Unauthorised development” means, in relation to land or a maritime site—

- (a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or*
- (b) an unauthorised use;*

“Unauthorised works” means any works on, in, over or under land or a maritime site, other than—

- (a) exempted development,*
- (b) development carried out in accordance with—*
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,*
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,*
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 , or*
 - (iv) a permission granted under Part 4 ,*
- (c) Chapter 6 State authority development within the meaning of Part 4 ,*
- (d) development required by—*
 - (i) a notice under section 339 ,*
 - (ii) an order under section 341 ,*
 - (iii) an enforcement notice under section 350 , or*
 - (iv) a planning injunction under section 351 ,*

or

- (e) development carried out in accordance with—*
 - (i) a licence under section 13 , or*
 - (ii) a licence under section 254 of the Act of 2000;*

“Works” includes an act or operation—

- (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a*

structure situated in an architectural conservation area), on, in, over or under land or a maritime site,

(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and

(c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

The Planning and Development Act, 2000 (as amended)

Section 4(1): Provides a list of statutory exempted development, including:

Section 4(1)(h) which states: *“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.*

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.

The Planning and Development Regulations 2001, (as amended)

Part 2, Article 6 (1) states:

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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.

Part 2, Article 9 (1): Restrictions on Exempted Development:

Article 9(1) sets out the restrictions on exemption and the instances whereby development to which article 6 relates shall not be exempted development for the purposes of the Act.

7.0 ASSESSMENT

Does the subject works constitute development?

In having regard to the definition of 'works' and 'development' within Section 2 of the Planning and Development Act 2024, the construction works undertaken including the raising of the rear wall beyond the eaves, the installation of a new window on the west facing gable of house no.2 and the increasing in size of other openings along this gable from those details permitted under ABP-312591-22 (Planning Authority (PA) reference no. 21/1218) constitute '**works**' that is a form of '**development**,' as defined in Section 2 of the Planning and Development Act, 2024.

Do the works constitute exempt development?

The structures on site are not complete and still under construction. They therefore do not fall under the definition of a "habitable house" as per the Planning and Development Act 2024, as amended which is: -

"habitable house" means a house which—

(a) is used as a dwelling,

(b) a house (other than a house that is, or forms part of, a derelict site within the meaning of the Derelict Sites Act 1990) that is not in use but was most recently used (disregarding any unauthorised use) as a dwelling, or

(c) a house that was provided for use as a dwelling but has not been occupied as a dwelling;

Nor the definition of a “house” as per the same act: -

“house” means a building or part of a building that –

(a) is, or was most recently occupied as a dwelling,

(b) was most recently provided for use as a dwelling but has not been occupied as a dwelling, or

(c) in the case of a building or part of a building containing more than one apartment, flat or other dwelling, each such apartment, flat or dwelling;

Therefore, given that the structures do not yet meet the definition of a “house” or “habitable house” they therefore cannot avail of any exempted development as set out in the Planning and Development Regulations 2001, as amended.

Having regard to the details granted permission and those works undertaken, including the modifications so far completed to the southwest facing gable elevation of dwelling no.2 including modifications to and the additional window created along with the raising of the walls on the southeast facing/rear elevations beyond the eaves and the change to both the roofs this will create, it is considered, that the works undertaken to the structures would *materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure* and therefore would not be exempted development having regard to section 4(1) (h) of the Planning and Development Act 2000, as amended. The development therefore undertaken, which does not have the benefit of planning permission is therefore considered to be unauthorised development.

8.0 CONCLUSION

In having regard to the foregoing, and the question for determination which entails: -

“Is the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) development and is it or is it not exempted development”

It is considered that the works undertaken is development that is not exempted development and does not fall within section 4(1)(h) of the Planning and Development Act 2000, as amended.

9.0 RECOMMENDATION:

Accordingly, I recommend that an Order along the following lines is issued:

WHEREAS a question (as rephrased) has arisen pursuant to Section 5 of the Planning and Development Act 2000, as amended, whether *the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) is development and is it or is it not exempted development*

AND WHEREAS the said question was referred to Louth County Council by Noel McQuillan

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) The definition of ‘works’ in Section 2 of the Planning and Development Act 2023 (as amended)
- (c) The definition of “*house*” and “*habitable house*” in section 2 of the Planning and Development Act, 2024 (as amended)
- (d) Section 4 (1) (h) of the Planning and Development Act, 2000 (as amended)
- (e) The plans and particulars submitted to the Planning Authority with the section 5 application,
- (f) The Planning records pertaining to the site.
- (g) The existing development as observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not fall within section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth constitutes development under Section 2 of the Planning & Development Act, 2024,

- (c) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not have the benefit of planning permission and constitutes unauthorised development,

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 construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth **is development** and **is not exempted development.**



Lisa Grant
Assistant Planner
Date: 19/08/2026



David Hall
A/Senior Executive Planner
Date: 20/08/2026



Turlough King
A/Senior Planner
Date: 20/08/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	624D/2026
Reference No:	S5 2026/57
Date Application Received:	05/08/2026
Description of Development:	Is the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) development and is it or is it not exempted development.
Name of Applicant:	Noel McQuillan
Location of Development	Commons Road, Dromiskin, Co. Louth

WHEREAS a question (as rephrased) has arisen pursuant to Section 5 of the Planning and Development Act 2000, as amended, whether *the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) is development and is it or is it not exempted development*

AND WHEREAS the said question was referred to Louth County Council by Noel McQuillan

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) The definition of ‘works’ in Section 2 of the Planning and Development Act 2023 (as amended)
- (c) The definition of “*house*” and “*habitable house*” in section 2 of the Planning and Development Act, 2024 (as amended)
- (d) Section 4 (1) (h) of the Planning and Development Act, 2000 (as amended)

- (e) The plans and particulars submitted to the Planning Authority with the section 5 application,
- (f) The Planning records pertaining to the site.
- (g) The existing development as observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not fall within section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth constitutes development under Section 2 of the Planning & Development Act, 2024,
- (c) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not have the benefit of planning permission and constitutes unauthorised development,

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 construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth **is development** and **is not exempted development**.

Signed: _____


Turlough King
A/Senior Planner

Date: 20/08/2026

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 380/26 dated 31st day of July 2026.



Comhairle Contae Lú
Louth County Council

Noel McQuillan
Commons Road,
Dromiskin,
Co Louth

20th August 2026

Re: Ref. S5 2026/57

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Is the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) development and is it or is it not exempted development.'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 5th August 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 (as rephrased) has arisen pursuant to Section 5 of the Planning and Development Act 2000, as amended, whether *the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) is development and is it or is it not exempted development*

AND WHEREAS the said question was referred to Louth County Council by Noel McQuillan

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) The definition of 'works' in Section 2 of the Planning and Development Act 2023 (as amended)

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

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

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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 definition of "house" and "habitable house" in section 2 of the Planning and Development Act, 2024 (as amended)
- (d) Section 4 (1) (h) of the Planning and Development Act, 2000 (as amended)
- (e) The plans and particulars submitted to the Planning Authority with the section 5 application,
- (f) The Planning records pertaining to the site.
- (g) The existing development as observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not fall within section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth constitutes development under Section 2 of the Planning & Development Act, 2024,
- (c) the construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. Louth does not have the benefit of planning permission and constitutes unauthorised development,

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 construction of elevation changes including height, and gable end window location, height and width along with the placing of additional windows that are differing from those agreed by An Bord Pleanála permission reference no ABP-312591-22 (Planning Authority reference no. 21/1218) at Commons Road, Dromiskin, Co. 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 5th August 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,

Maedbh O'Connor

Maedbh O'Connor
Planning Section