



Declaration

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

Louth County Council:

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

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

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

Applicant Name:	Hadleywood Holdings Ltd		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	13 th June 2024	Date of Inspection:	
Date of Issue of Declaration:	15 th August 2024	Previous Declarations:	None on record

Address:		Location:	
Name of Building:	Former Ferdia Arms	National Grid co-ordinates:	E N
Address 1:	Castle Street	O.S. Map Type:	
Address 2:	Ardee	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A92 APK4		

Protection Status:	<u>Y</u> / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y x	N	LHS017-044
Architectural Conservation Area:	Y x	N	Ardee ACA (No. 27)
Under the Planning and development Act 2000 (as amended)			
Record of Monuments and Places:	Y	N x	
Zone of Archaeological potential:	Y x	N	Ardee
Preservation Order or Temporary P.O.:	Y	N x	

NIAH Registration No. (if applicable):

N/A

Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of works to a protected structure at the former Ferdia Arms, Castle Street, Ardee, Co. Louth (shown below).

Photographs taken by Ann McCormick (Executive Planner) on 15/03/2024.



View from Castle Street



View from the Kells Road (N52)



View from the Kells Road (N52)



Interior works already commenced



Interior works already commenced

Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures (RPS) is set out in the Louth County Development Plan 2021-2027 as varied.

The Ferdia Arms, Castle Street, Ardee (RPS: LHS017-044) (NIAH: 138253038) is described as: *Georgian house with fanlight Corner-sited attached five-bay, two-storey former house, built c. 1800, now in use as public house and restaurant. L-plan, six-bay return to Barrett's Lane with integral carriage arch to west end.*

Planning History:

S5/2024/29 (Section 5) – Hadleywood Holdings Ltd – a) Whether the use of a former hotel/guesthouse and public houses to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and b) whether the use and works is or is not exempted development – REFUSED (July 2024).

24/60072: Hadleywood Holdings Limited

The development will consist of:

1. Retention permission comprises of external alterations to the facades and internal works to the protected structure which includes for internal partitions and general building refurbishment and adaption works.
2. Permission for
 - a) Change of use of the Ferdia Arms (protected structure reference 138253038) to provide for use of the building to a facility that will provide accommodation for Beneficiaries of Temporary Accommodation.
 - b) Associated works will include the provision of guest accommodation bedrooms, provision of a reception area, a lounge area, a communal room, dining area, toilet and sanitary facilities, plant room, laundry facilities and associated internal works to include for storage rooms.
 - c) Works to be carried out to the building consist of new window and door openings within the courtyard along with replastering works where required to external facades.



- d) Provision of replacement windows on the external façade of the Ferdia Arms aligning Barrett's Lane.
The proposed works related to the protected structures within the site: Ferdia Arms Protected Structure
Reference: 13823038.

Recommended Grant of Permission by LCC on 04/04/2024. **Currently at Appeal with decision due 29th August 2024.**

Other planning history on the subject site:

File No.	Status	Decision	Received Date	Name	Development Address	Description
80625	APPLICATION FINALISED	C	01/01/1980 Tuesday	DERMOT, OBRIEN	BROPHY'S BAR, CASTLE STREET, ARDEE.	CHANGE OF USE TO LOUNGE BAR.
95255	APPLICATION FINALISED	C	13/04/1995 Thursday	TONY MORRIS	THE FERDIA ARMS CASTLE STREET ARDEE	ALTERATIONS TO FRONT ENTRANCE & SIGNAGE
02470	APPLICATION FINALISED	R	02/05/2002 Thursday	Frank Lynch	Barrett's Lane Ardee Co Louth	6 no. apartments
0378	INCOMPLETED APPLICATION		30/01/2003 Thursday	Frank Lynch	Barrett's Lane Ardee Co Louth	Demolish stone building, replace with 4no. retail units & 6no. apartments
03997	APPLICATION FINALISED	C	25/07/2003 Friday	Frank Lynch	Barrett's Lane Ardee Co Louth	(p) demolish store building, replace with 4no. retail units & 6no. apartments
03113	DECISION MADE	R	06/02/2003 Thursday	Frank Lynch	Barretts Lane Ardee Co Louth	Demolish stone building replace with 4no. retail units & 6no. apartments

Enforcement:

UD/23/140: Alleged works to the exterior and interior of a protected structure LHS017-044 (On-going).

Description of the Structure:

The **NIAH** description of this regionally important property (NIAH Ref: 13823038 – Public House) is as follows:

Corner-sited attached five-bay two-storey former house, built c. 1800, now in use as public house and restaurant. L-plan, six-bay return to Barrett's Lane with integral carriage arch to west end. Pitched slate roofs, clay ridge tiles, painted smooth rendered chimneystacks with moulded cornices to main building and corbelled caps to return, cast-iron gutters on eaves corbel course. Painted smooth rendered ruled-and-lined walling, V-jointed quoins, projecting plinth. Square-headed window openings, moulded architraves to east elevation, plain surrounds to south elevation, painted stone sills, painted timber six-over-six sliding sash windows to first floor, eight-over-eight to north of east elevation to ground floor, wrought-iron sill guards. Segmental-headed opening to carriage arch, V-jointed quoins and voussoirs, raised keystone, painted timber vertically-sheeted gates with pass door, carved stone gate stop.



Pub-front returning to Barrett's Lane with painted smooth rendered pilasters on dados, painted timber window incorporating panelled stallriser and double doors, inscribed fascia with gilded lettering, dentilled cornice. Elliptical-headed restaurant entrance doorway, painted timber panelled door, flanking pilasters, moulded transom, radial fanlight, all flanked by paired pilasters set on dado with flat entablature over with gilded sign panel in frieze. Street fronted, higher buildings to north, lower buildings to west.

The **NIAH** appraisal of this properties includes –

This well-detailed public house and restaurant occupies an important corner site at the heart of the town. The painted render detailing of the pub-front and restaurant entrance display artistic flair and competent craftsmanship in their execution. Elsewhere subtle differentiation of window surrounds, a good carriage arch and the survival of sash windows all add interest and authenticity to the building.

Referral Question:

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

This request, as detailed in Section 10 of the S57 request form, pertains to:

“Internal works to facilitate a Section 5 Declaration for the temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants”.

Legislative Provision:

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

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

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Assessment:

I have reviewed the RPS and NIAH in respect of this property. It is noted that the applicant has not provided any detailed drawings showing the design, materials, etc of the 6 no. new windows proposed, which are required to make a comprehensive assessment of the proposal in terms of its potential impact on the Protected Structure and the ACA, so the S57 should be refused for that reason.

I also note that the request, as detailed in Section 10 of the S57 request form, pertains to *“Internal works to facilitate a Section 5 Declaration for the temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants”*. However that Section 5 Declaration (LCC Ref: S52024/29) was **refused** in July 2024 on the basis that the *“use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applicants and associated works”* is **development** and is **not exempted development**. ☐

I conclude that it has not been demonstrated that the work proposed would not materially affect the character and the integrity of the **protected structure (LHS017-044)** and would facilitate a use which is not an exempted use, and as a result would require planning permission.

I also note that planning permission was previously granted by LCC under Ref: 24/60072 for the retention of these development works and the temporary use of the Ferdia Arms to provide temporary accommodation for international protection applicants. However, that application is currently on appeal to An Bord Pleanála with a decision due on 29th August 2024.

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

- Declaration form.
- Drawings/ map submitted.
- Site photos taken by Planning Authority Inspector on 15th March 2024.

Conclusion:

I conclude, that WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration:

“Internal works to facilitate a Section 5 Declaration for the temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants”, would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at the former Ferdia Arms, Castle Street, Ardee, Co. Louth.

AND WHEREAS, Hadleywood Holdings Ltd requested a declaration on the question from Louth County Council on the 13th June 2024,

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

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (e) Section 77(1) of the Planning and Development Act 2000, as amended,
- (f) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (g) the nature and extent of works set out in the referral question in respect of this structure,
- (h) the planning history of the site and documentation submitted with this section 57 declaration application.

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

- (i) All of the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) The stated works would materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and
- (iii) Having regard to the information submitted, the proposed *“internal works to facilitate a Section 5 Declaration for the temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants”*, cannot be considered works that would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000, as amended, as the proposed development would materially affect the character of the protected structure and would therefore require planning permission.
- (iv) Having regard to the information submitted, the proposed *“internal works to facilitate a Section 5 Declaration for the temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants”*, cannot be considered works that would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000, as amended, as the proposed development would facilitate a use which is not an exempted use (i.e. temporary emergency accommodation for international protection applicants), and would therefore require planning permission.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, at the former Ferdia Arms, Castle Street, Ardee, Co. Louth, as detailed by the Request for a Section 57 Declaration **constitutes development** that is **not exempted development**.

Signed by Inspector

Terence Loane, Executive Planner

Signed by Planning Authority Officer

Joanna Kelly, Senior Planner

Date

13/08/24

Date

14th August 2024