Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Comhairle Contae Lú
Louth County Council

<u>Please read "Guidance Notes" before completing this form</u>

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:**
   Heather McParland.

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

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

   Glyn Owen - The Designworks Studio

   Phone Number: [redacted]__ E-Mail: info@thedesignworksstudio.com

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

4. **Interest in site of the person seeking declaration:**

   Freehold landowner

   (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**
   Sterlings and Trinity Cottage, Old Church Road, Carlingford

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

   A91 TF82

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 new timber frame storm porch and the temporary internal alterations to a dwelling to form two en suite bedrooms considered development and is it or is it not exempt 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 aforem[redacted]

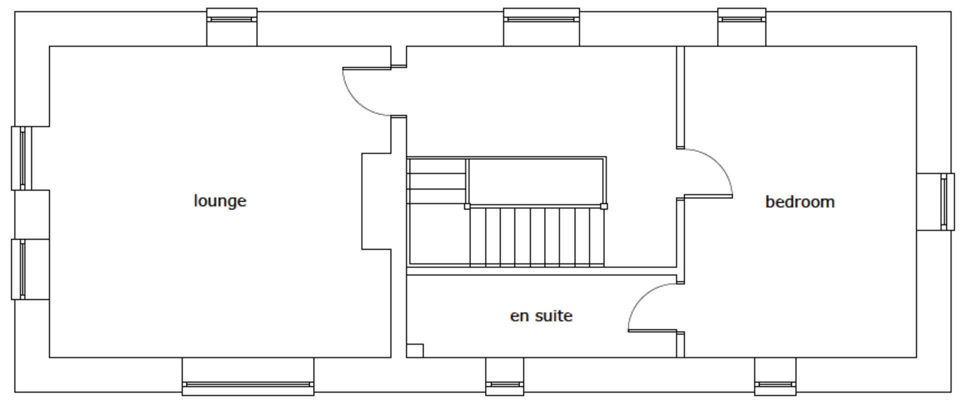
Signature of Applicant [redacted] **te** 29.07.26

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

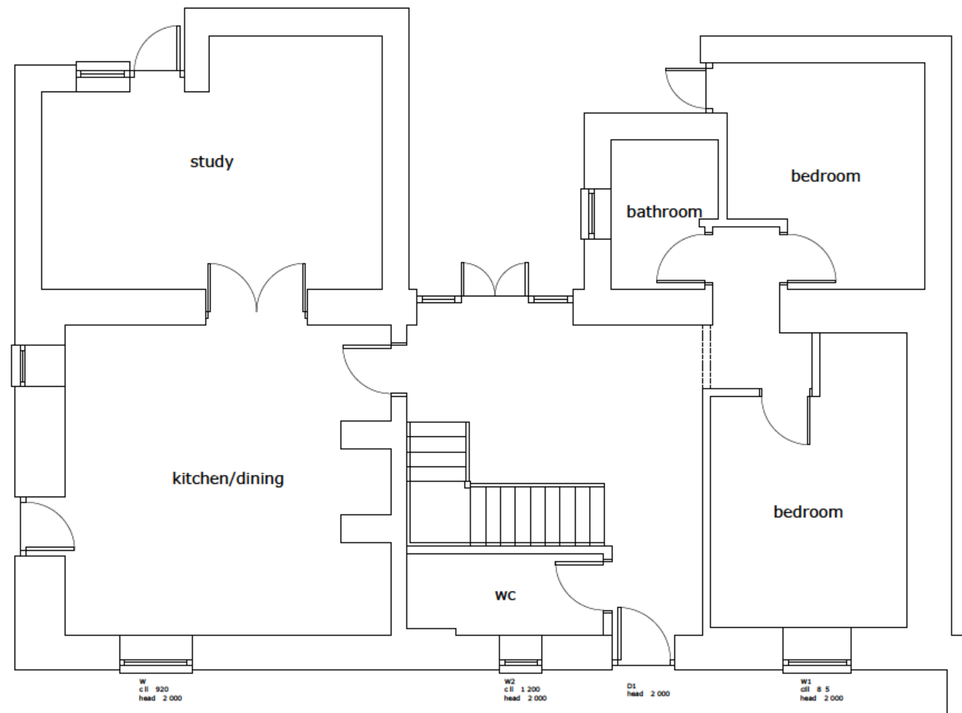
- **Site Location Map**: (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations**: (Scale 1:50, 1:100 or 1:200)
  Existing & Proposed, where applicable
- **Application fee:** (€80)

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

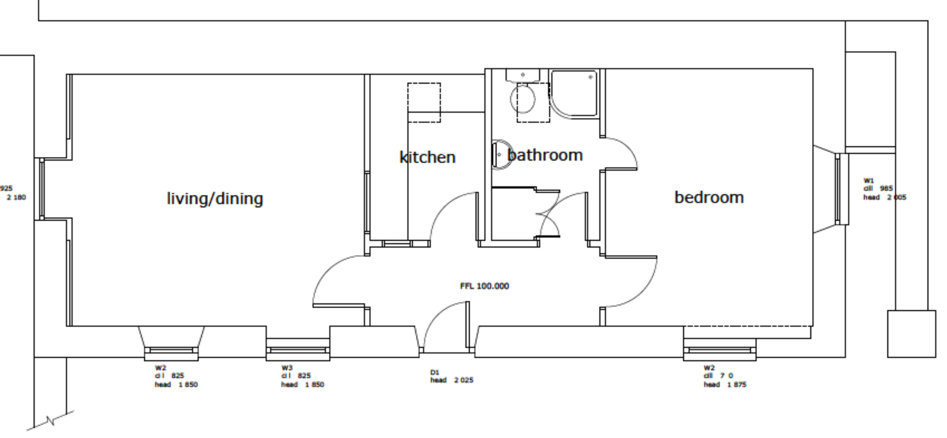
Planning Office, Louth County Council, Town Hall, Crowe Street, Dundalk, County Louth, A91W20C
OR
by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.

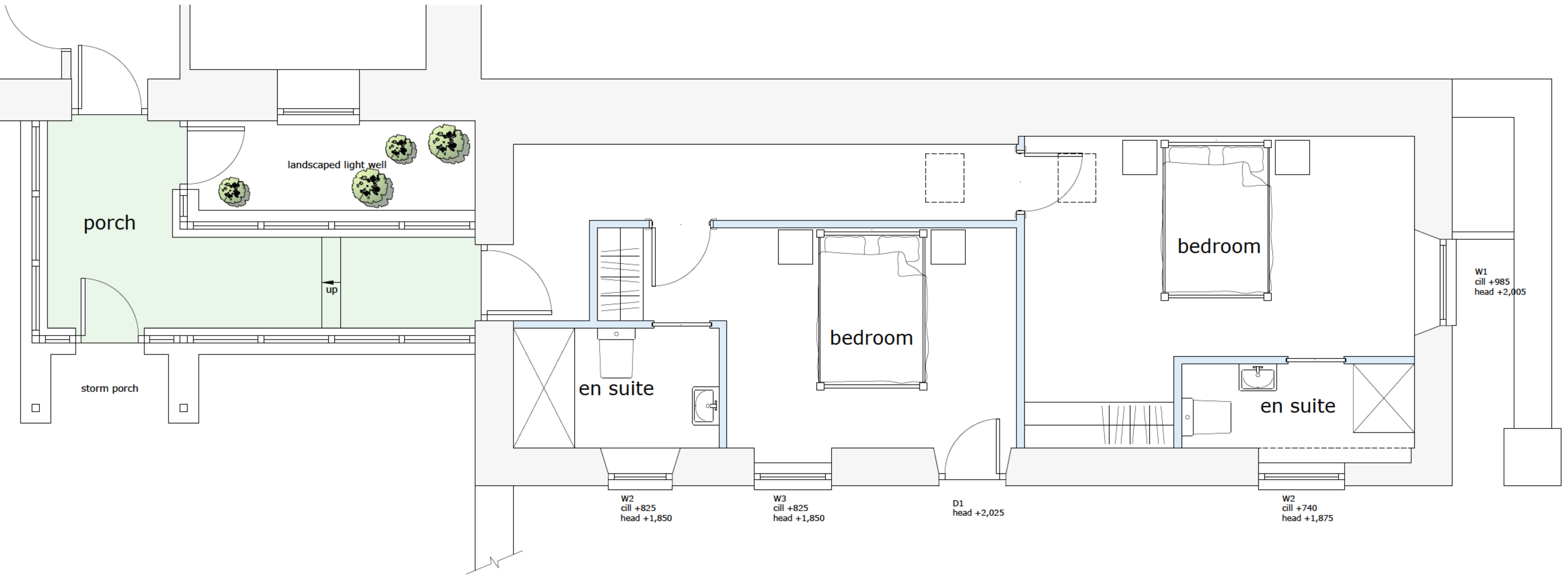


existing first floor plan



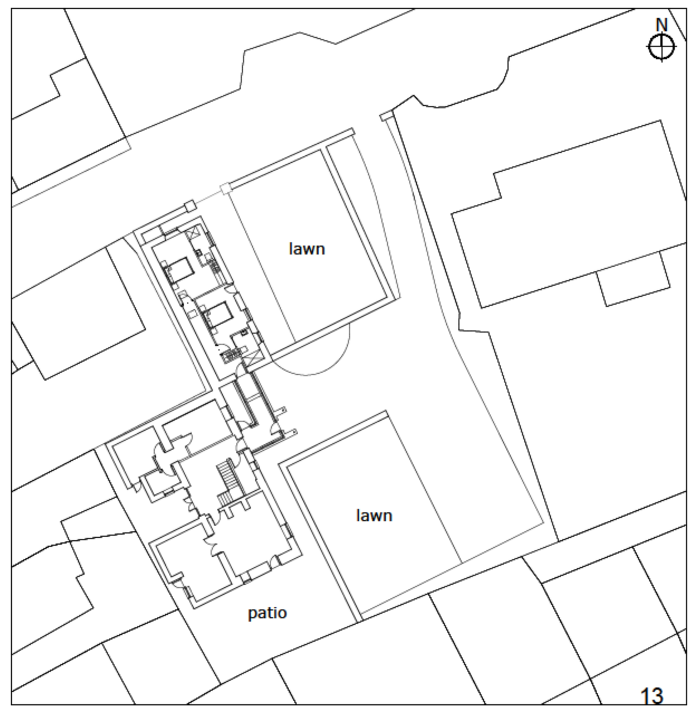
existing ground floor plan



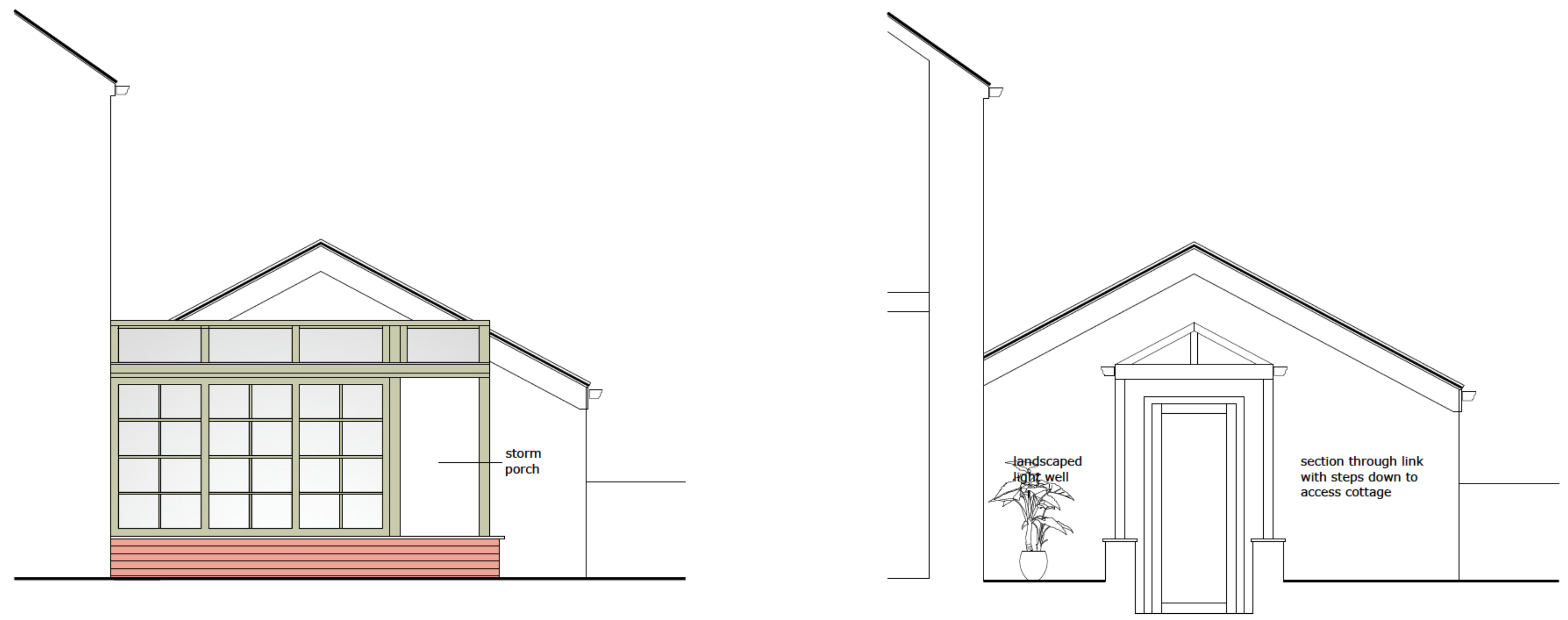


part ground floor plan 1:50

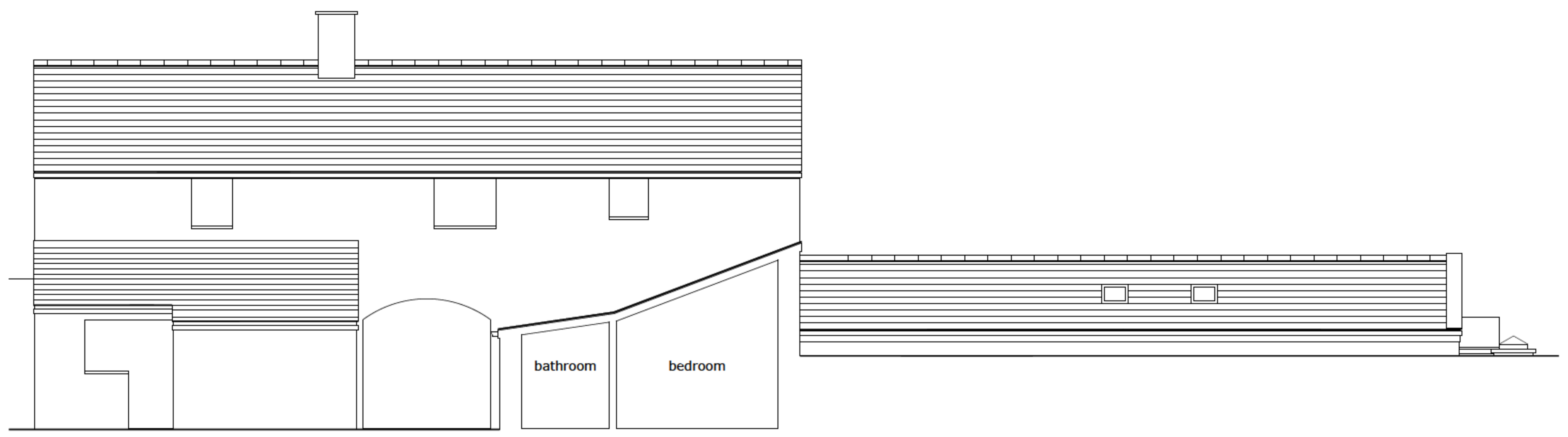
site layout 1:500



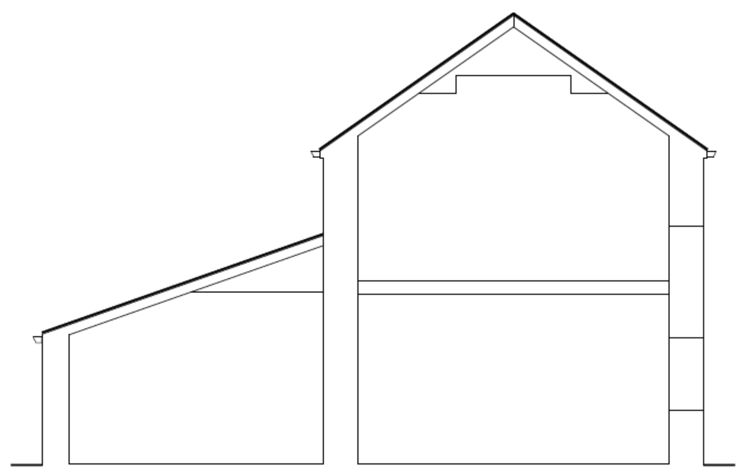
part elevations and section



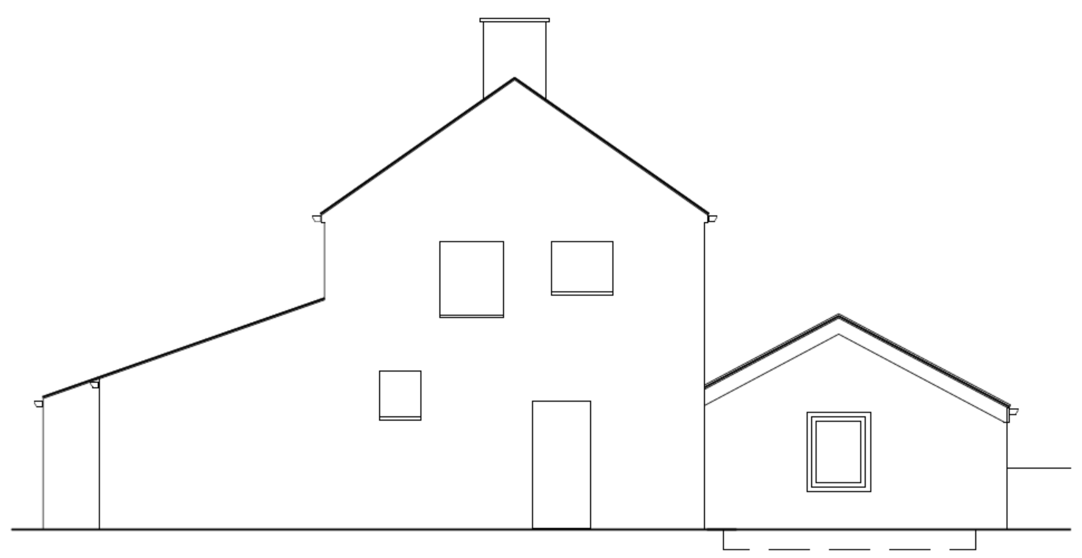
existing elevation to north east



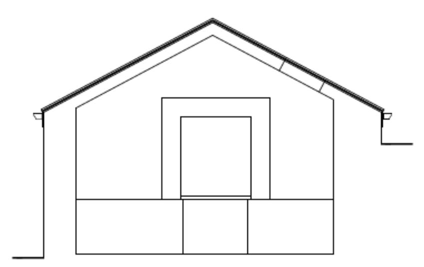
existing elevation to south west



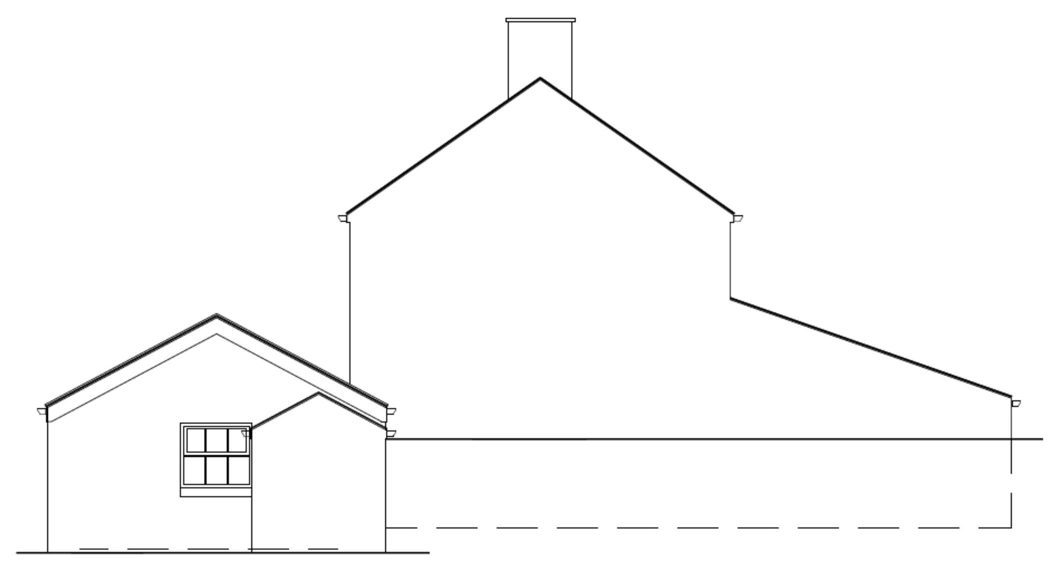
house section



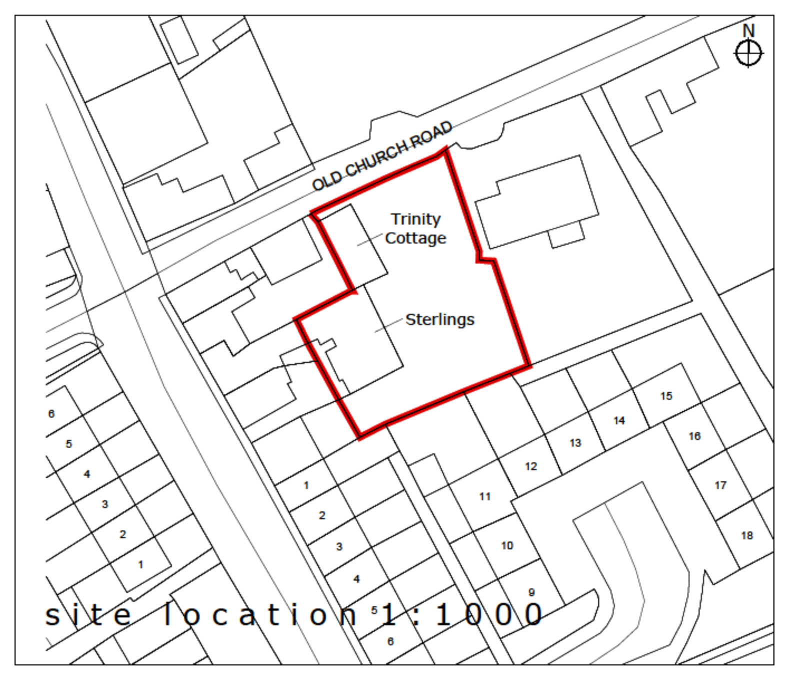
existing elevation to south east



cottage section



existing elevation to north west



site location 1:1000

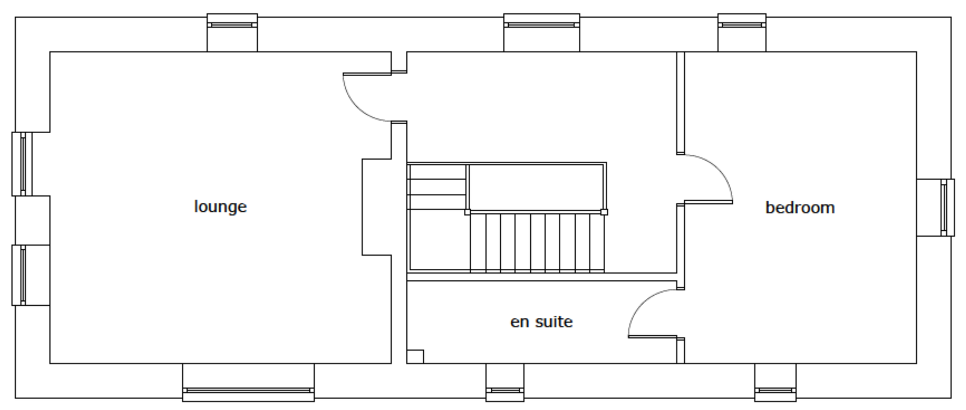
m. 07801 151 202
info@thedesignworksstudio.com
www.thedesignworksstudio.com

19 Annagora Road
Portadown
Co.Armagh
BT62 4JE

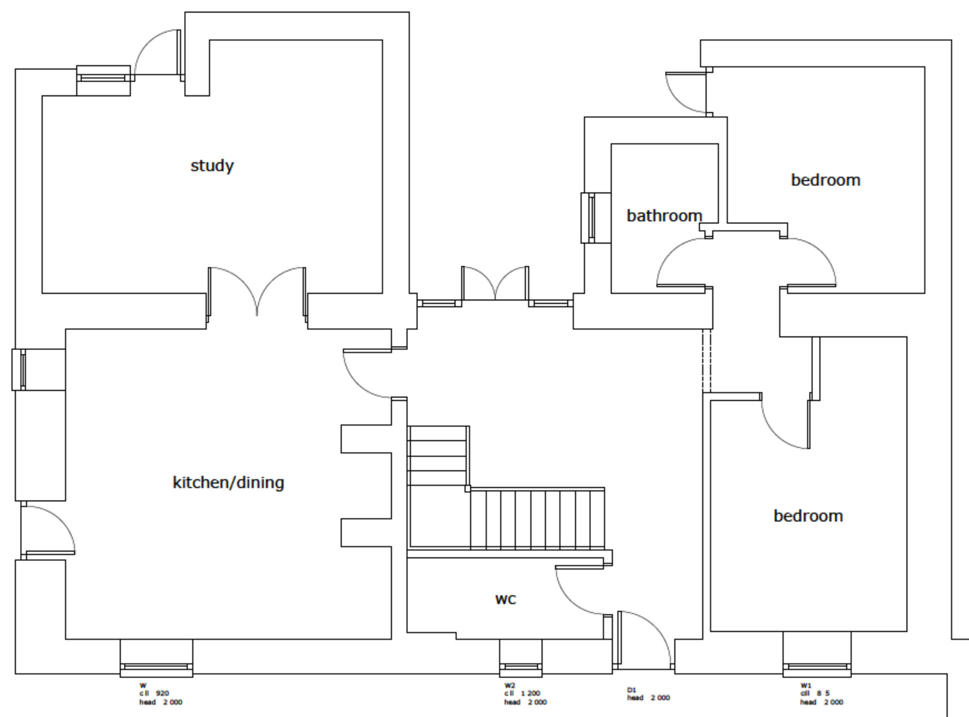
project: Sterlings and Trinity Cottage
Old Church Road
Carlingsford

title: Scheme proposals

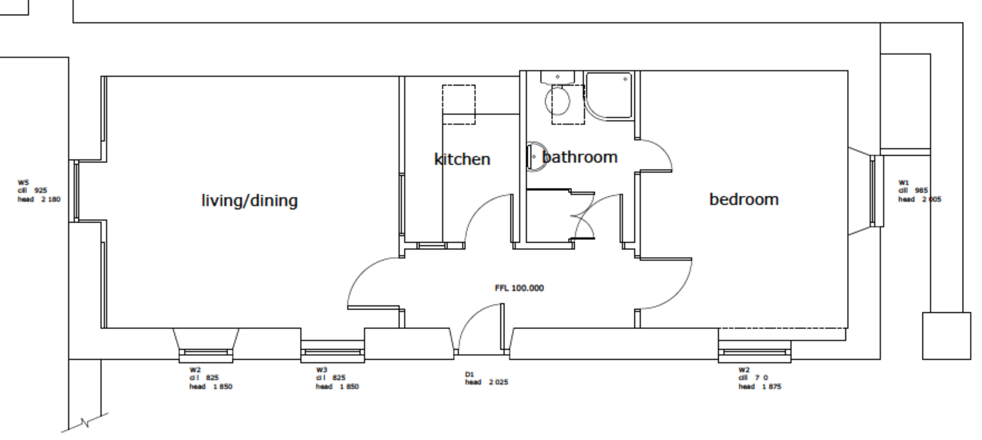
drawing no: 1545 - 01 date: Jul 2026
page/scale: A1 @ as noted drawn by: GO



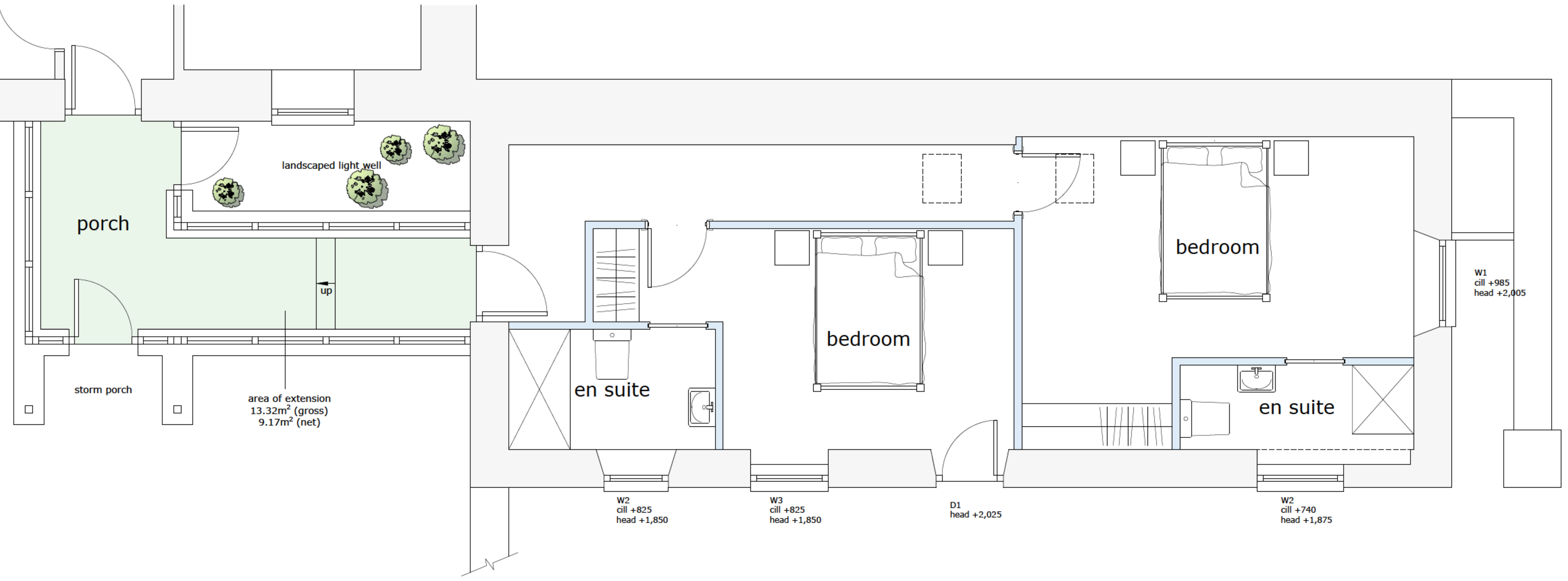
existing first floor plan



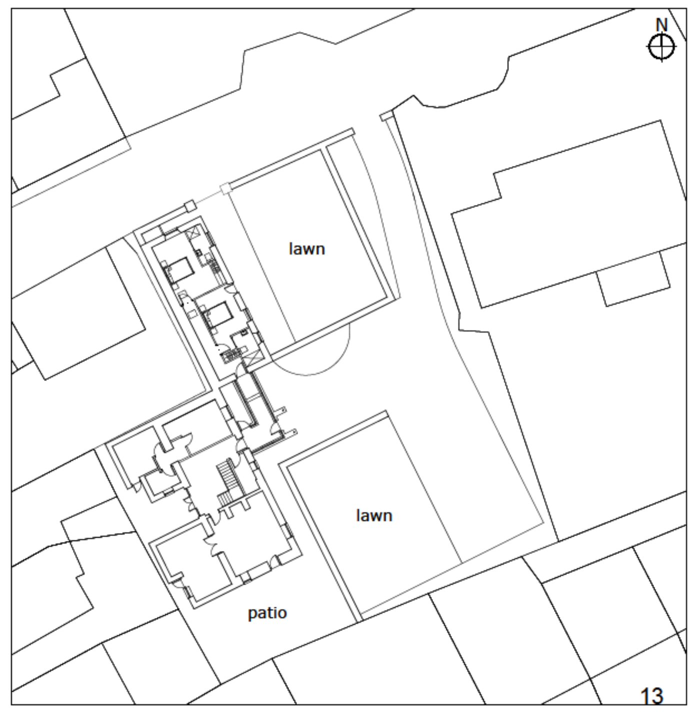
existing ground floor plan



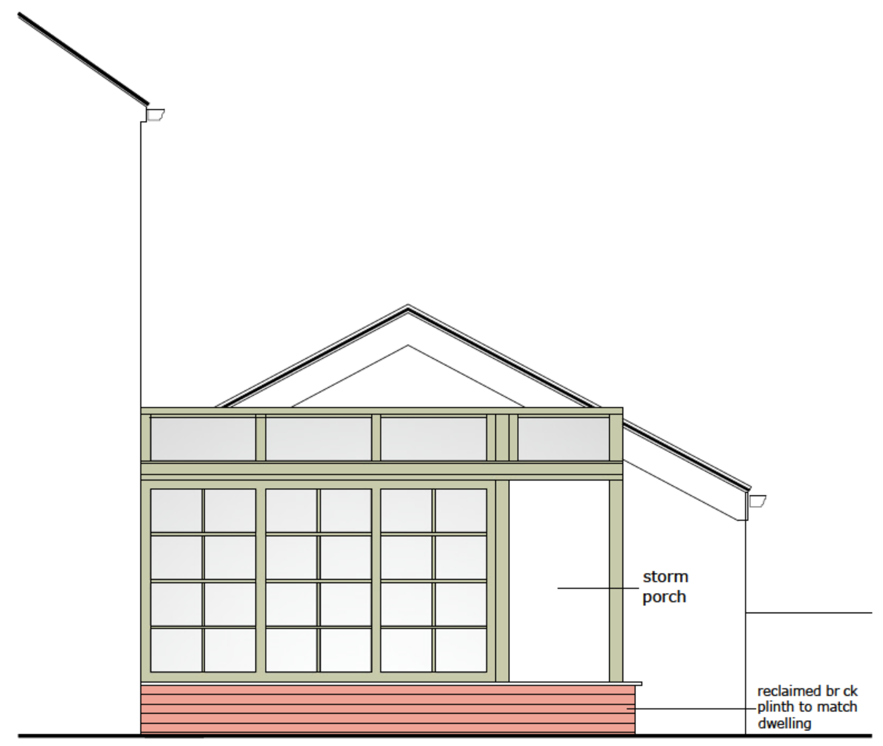
part ground floor plan 1:50

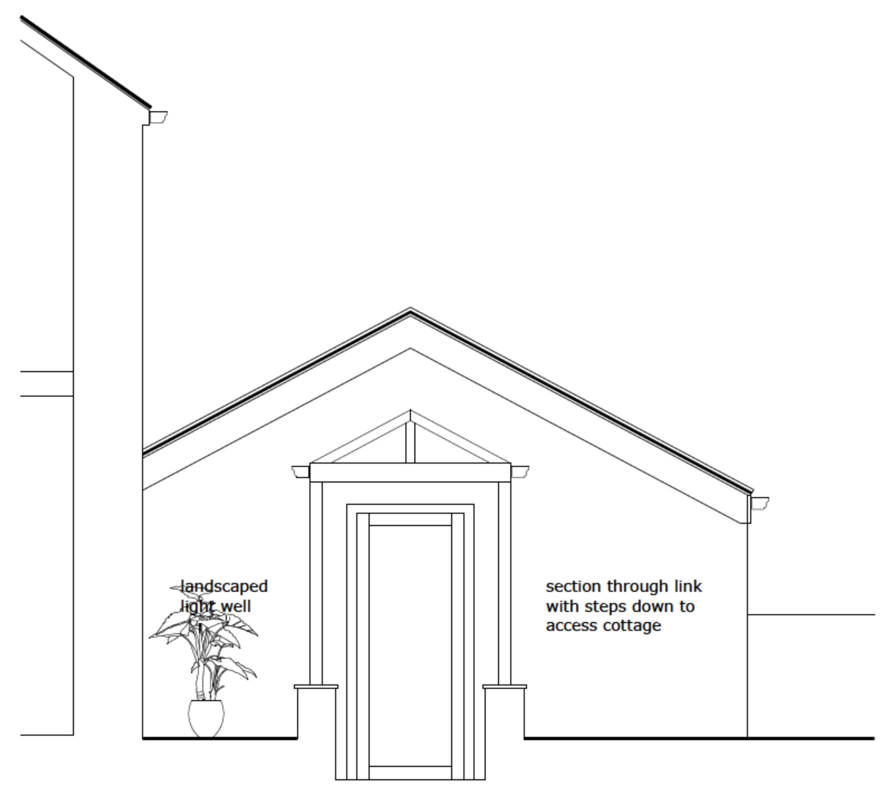


site layout 1:500

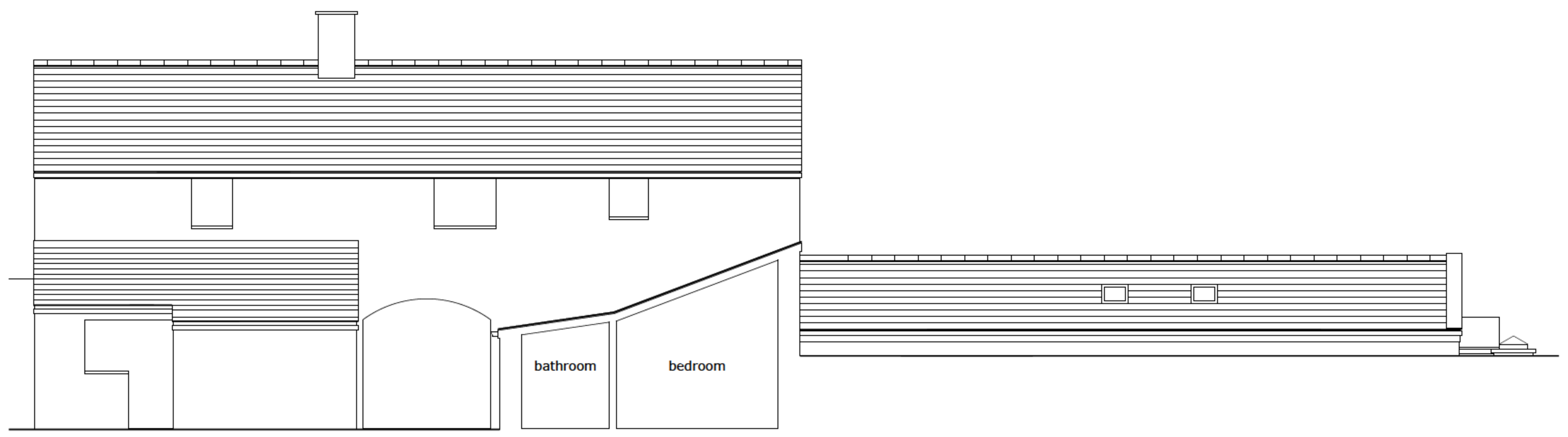


part elevations and section





existing elevation to north east



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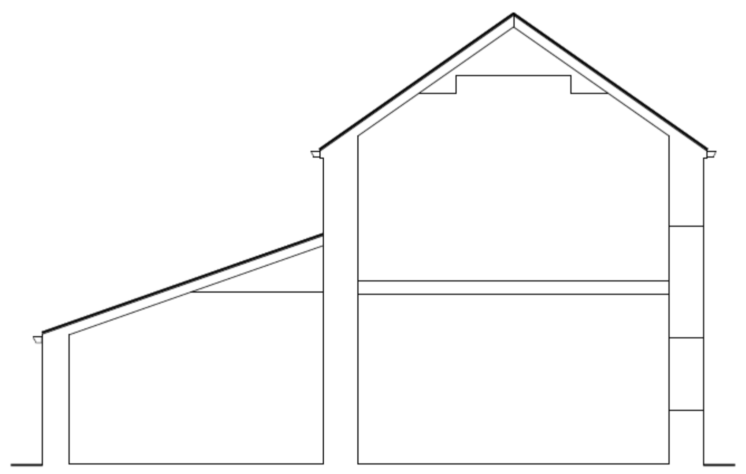

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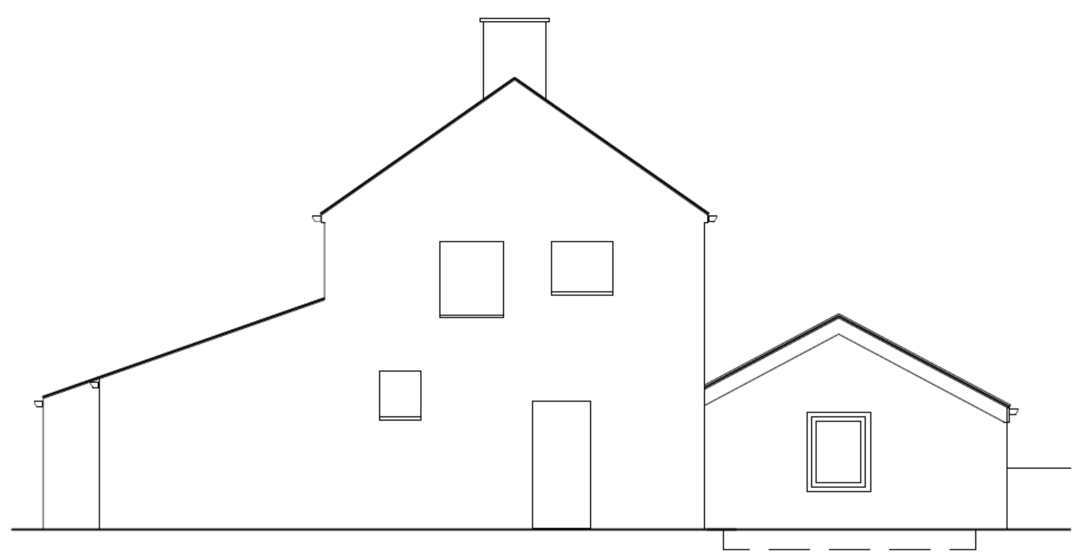

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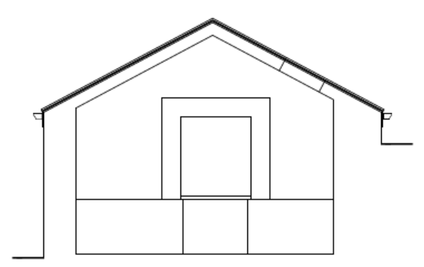

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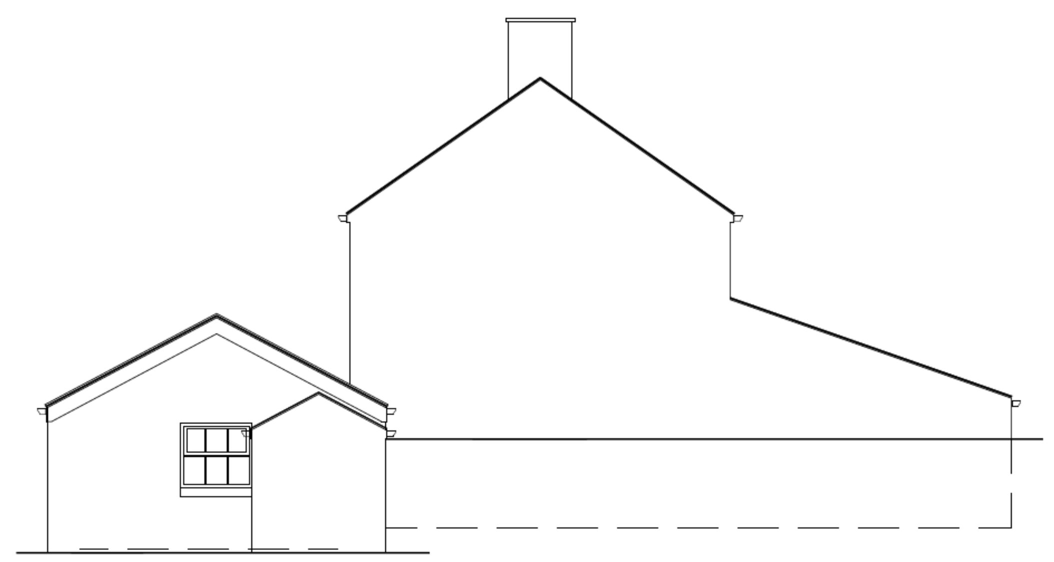

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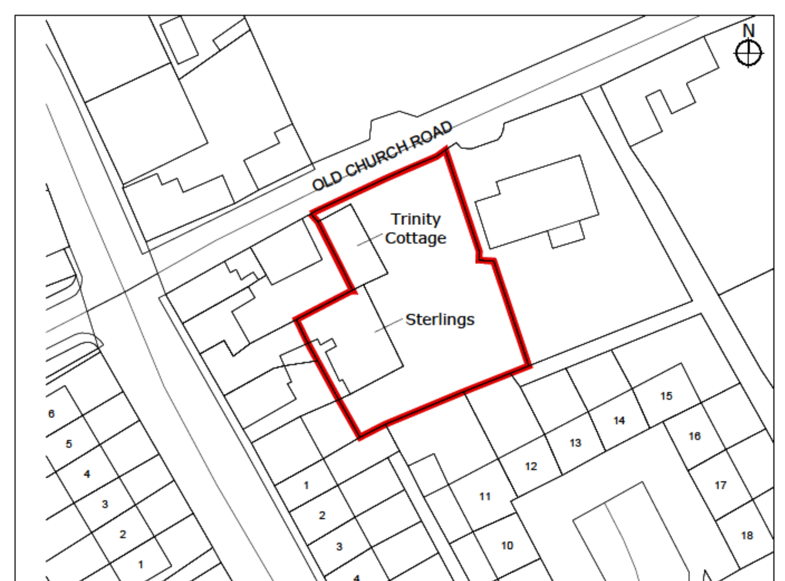

site location 1:1000

the designworks studio

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project: Sterlings and Trinity Cottage
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title: Scheme proposals

drawing no: 1545 - 01
page/scale: A1 @ as noted
date: Jul 2026
drawn by: GO

Louth County Council

Section 5 Declaration

Planning Ref:	2026/56
Applicant's Name:	Heather McParland
Type of Application:	Section 5 Declaration
Question for Determination:	*Whether the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two en suite bathrooms is development, and whether this would be exempted development.*
Site Location:	Sterlings, Old Church, Carlingford.
Due Date:	19/08/2026
Report Date:	13/08/2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located within the centre of Carlingford and is accessed off the R173 from south. The site comprises of a single storey cottage and an adjoining two storey dwelling with amenity space to the front. The site falls within an Area of Outstanding Natural Beauty and is immediately adjacent to the Carlingford Architectural Conservation Areas. The site is also within a zone of Archaeological Potential.

2.0 Planning History

File.ref:01/637: Permission GRANTED for subdivision of existing house into two dwellings.

File.ref: 94/720: Planning permission GRANTED for C.O.U from grainstore to residential use.

File.ref:92/644: Permission GRANTED for extension to dwelling house.

3.0 QUESTION FOR DETERMINATION:

The applicant has confirmed within Question 7 of the application form that the question for determination relates to the following;

"Is the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms considered development and is it exempt"

The applicant has submitted an application form and drawings showing the existing and proposed elevations.

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 environmental are subject to a comprehensive assessment of their environmental effects prior to development consent being given. 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 minor nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

5.0 Appropriate Assessment

Having regard to nature and scale of the proposal, it is not considered that the 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:

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

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

<u>The Planning and Development Act 2024</u>

Section 2 states:

<u>"development"</u> 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;

<u>"exempted development"</u> 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;

"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 states:

(1) The following shall be exempted developments for the purposes of this Act -

(h) 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: 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

Do the works constitute *"development"?*

In having regard to the definition of 'development' within Section 2 of the Planning and Development Act 2024 as being "*the carrying out* of works *on, in, over or under lands or the making of any* material change in the use *of any structures or other land,"* and whereby '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,"

The proposed construction of a new timber frame storm porch and internal alterations constitutes works and therefore constitutes development.

Do the works constitute exempted development?
Schedule 2, part 1, Class 7 of the Planning and Development Regulations 2001 (as amended) refers the construction or erection of a porch outside any external door of a house.

<u>Assessment under Column 2 of Class 7 (Conditions and Limitations)</u>

- **Any such structure shall be situated not less than 2 metres from any road** – Although not indicated on the submitted drawings, it was observed during the site inspection that the proposed porch will be located in excess of 2 metres from the public road.

- **The floor area of any such structure shall not exceed 2 square metres –** The submitted drawings indicate that the proposed porch has a floor area of 13.3sqm and is therefore over the threshold of 2sqm.

- **The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.** – The submitted drawings indicate that the porch will have a maximum ridge height of 2.7m

With regard to the formation of the two en-suite bathrooms, works affecting only the interior of a structure are generally exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended). Notwithstanding this, the submitted drawings indicate that alterations to the existing single storey cottage would also include the removal of the existing kitchen/living area and its replacement with an additional bedroom, and the insertion of two en-suite bathrooms. In addition, the cottage would be internally linked to the adjoining two storey dwelling via the proposed porch. As a result, the cottage would no longer function as a self-contained residential unit and would instead form part of the adjoining dwelling. It is considered that these works would result in the amalgamation of two separate residential units into a single dwelling and would constitute development involving a material change of use for the purposes of the Planning and Development Act 2000 (as amended). Accordingly, the proposal would not constitute exempted development

8.0 Conclusion and Recommendation

Having regard to the foregoing, it is considered that the proposed development contravenes the conditions and limitations of Class 7, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), specifically Condition 2 as the total floor area of the proposed extensions (13.3sqm) exceeds the 2sqm threshold. Accordingly, the proposed development constitutes development and is not exempted development.

Furthermore, it is considered that the proposed removal of the kitchen/living facilities from the cottage together with the creation of an internal link to the adjoining dwelling would result in the amalgamation of the two independent residential units into a single dwellinghouse. Accordingly, the proposal constitutes development involving a material change of use and would not fall within the scope of the exemption provided for internal works under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Accordingly, it is recommended that an Order along the following lines is issued:

WHEREAS a question as to whether *the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms considered development and is it exempt*

AND WHEREAS the said question was referred to Louth County Council by Haether McParland.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

(a) The definition of *"development"* in Section 2 of the Planning & Development Act 2024 (as amended).

(b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)

(c) Class 7, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (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.

(f) The Planning history pertaining to the site.

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

(a) *the construction of a new timber frame storm porch*

(b) *the temporary internal alterations to a dwelling to form two ensuite bedrooms*

Constitutes **"works"** which **constitutes** "**development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2 of Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted 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 a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms is **development** that is **not exempted development.**

Helen Conlon

Executive Planner

Date: 14/08/2026

David Hall

A/Senior Executive Planner

Date: 14/08/2026

Turlough King

A/Senior Planner

Date: 19/08/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	624C/2026
Reference No:	S5 2026/56
Date Application Received:	29/07/2026
Description of Development:	Whether the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two en suite bathrooms is development, and whether this would be exempted development
Name of Applicant:	Heather McParland
Location of Development	Sterlings, Old Church, Carlingford

WHEREAS a question as to whether *the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms considered development and is it exempt*

AND WHEREAS the said question was referred to Louth County Council by Haether McParland.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

(a) The definition of *"development"* in Section 2 of the Planning & Development Act 2024 (as amended).
(b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
(c) Class 7, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (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.
(f) The Planning history pertaining to the site.

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

(a) *the construction of a new timber frame storm porch*
(b) *the temporary internal alterations to a dwelling to form two ensuite bedrooms*

LCP Order No. 624C/2026 **Reference No: S5 2026/56**

Constitutes **"works"** which **constitutes** "**development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2 of Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted 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 a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms is **development** that is **not exempted development.**

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Declaration of Exemption be REFUSED** for the development as described above.

Signed: ____________________ **Date: 19/08/2026**

Turlough King
A/Senior Planner

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.

Heather McParland
C/O Glyn Owen,
The Deisgnworks Studio,
19 Annagora Road,
Portadown,
Co. Armagh,
BT62 4JE

19th August 2026

Re: Ref. S5 2026/56

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two en suite bathrooms is development, and whether this would be exempted development'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 29th July 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 to whether *the construction of a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms considered development and is it exempt*

AND WHEREAS the said question was referred to Louth County Council by Haether McParland.

AND WHEREAS Louth County Council in considering this application, had regard reference particularly to:

(a) The definition of *"development"* in Section 2 of the Planning & Development Act 2024 (as amended).
(b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
(c) Class 7, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (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.
(f) The Planning history pertaining to the site.

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

(a) *the construction of a new timber frame storm porch*
(b) *the temporary internal alterations to a dwelling to form two ensuite bedrooms*

Constitutes **"works"** which **constitutes** "**development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2 of Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted 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 a new timber frame storm porch and the temporary internal alterations to a dwelling to form two ensuite bedrooms is **development** that 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 29th July 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