



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:

SEAN MCENANEY

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

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

GEORGE RYAN, TULLOG, STAMULLEN, CO. MEATH
K32 DF89

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

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

GEORGE RYAN
TULLOG, STAMULLEN, CO. MEATH. K32 DF89

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. 6 KING STREET, DROGHEDA, CO. LOUTH.

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

A92 YVOD.

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:

1. HOUSE USED FOR RESIDENTIAL HOME LET. (TULSA)
2. DAMAGED PIER AND DOUBLE GATE TO BE REPAIRED ~~(A03)~~
AND REINSTATED. (A03).
3. PEDESTRIAN GATE RAISED BY 300MM TO PIER LEVEL.

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 31/07/26

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.

From: [REDACTED]
Sent: 27 May 2026 12:59
To: [REDACTED]
Subject: FW: 2 Saint Annes King Street

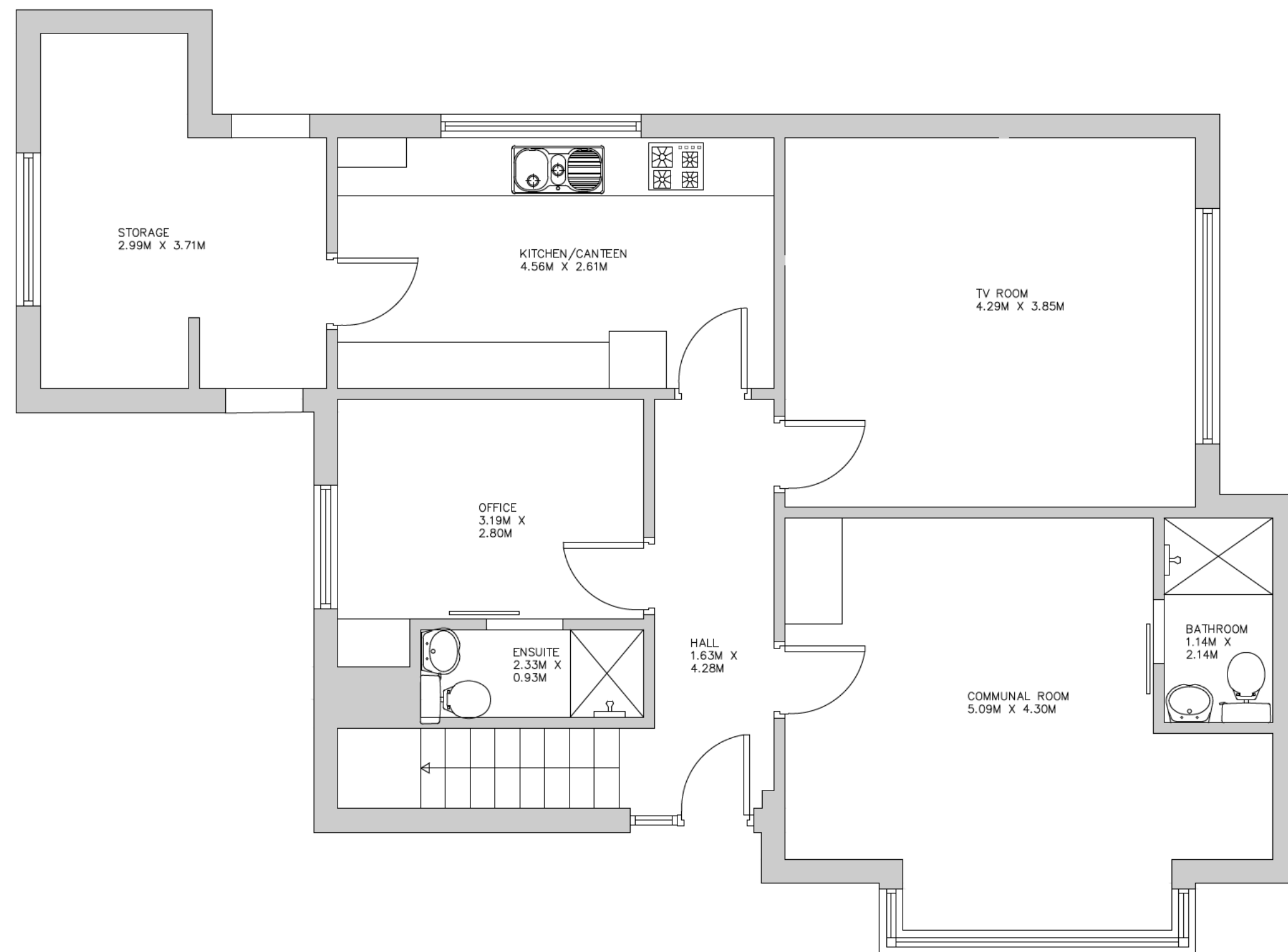
Subject: FW: 2 Saint Annes King Street

Hi Colm

In relation to King Street and question in terms of complaint stating the house is set in separate apartments / units

1. This is totally incorrect the house is a residential home which has been let to a Foster Home , who are associated with Tulsa I have a copy lease which may be provided if required
2. The House is HIQA Approved
3. The no of residents is 3 with carers
4. It has been a constant battle with complaints which we believe are vexatious from 2 individuals We have today instructed our solicitor to write formally to these people
5. We will also be requesting under the freedom of information the names of these individuals and the complaints received by Louth Co Council .
6. I totally understand from a fire safety point of view why it would be important for you to enquire to the status of the building, but as stated it is a residential home not set in units which you stated but does have a high fire safety standard ,
7. We provided this report to the foster care company in case there was anything else required and it met all the standards
8. We are going for redevelopment of the site to the rear and have appointed an Architect in this regard who will be liaising with Louth Co Council ,
9. If you need access at any stage to confirm any of the above feel free to contact me on 0877992838 as I am the client's agent
10. The Foster care facility have stated that they want confidentiality considering the age of the children and would not be happy with constant demands for access where children are involved. This is a big concern for my client
11. Since the property was brought back to life and had a considerable amount spent on it there has been nothing but bad press and constant complaints to Louth Co Council, when do LCC decide it is just vexatious and ill founded .
12. Going forward I would be happy to answer any queries you might have , I did make 2 calls to Mr Pages office with no return call on Friday . Thank you Noel for returning my call and engaging with me and let me know your thoughts

Kind regards
mary



This floor plan shows a 4-bedroom apartment with a central hall and two living areas. The layout includes:

- Bedrooms:** Four bedrooms with dimensions: 4.29m x 3.85m, 3.37m x 2.66m, 3.35m x 2.25m, and 1.96m x 0.85m.
- Bathrooms:** Two bathrooms, one of which is an en-suite (2.24m x 1.12m) attached to a bedroom.
- Hallway:** A central hall (1.89m x 3.28m) providing access to all rooms.
- Living Areas:** Two living areas, one of which is a walk-in living area (W.I.W.) (3.35m x 2.25m).
- Staircase:** A staircase located in the lower left area of the plan.

The floor plan shows a rectangular layout with a central hallway. On the left side, there is a large bedroom (4.15M x 6.63M) and a smaller en suite (2.24M x 1.28M) containing a toilet, sink, and bathtub. On the right side, there is a large bedroom (4.36M x 7.92M) and a smaller en suite (1.17M x 2.78M) containing a toilet, sink, and bathtub. A staircase is located at the bottom center of the plan.

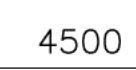
PROJECT:		6 KING STREET, DROGHEDA	
CLIENT:		SEAN MCNANEY	
DRAWING TITLE:		EXISTING FLOOR PLANS	
Date 17/07/26	Drawn DG		
Scale at A1 1:50	Drawing Number A01	Status S5	Rev. -



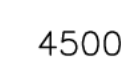
PROPOSED ITEMS

-	ISSUED FOR SECTION 5	DG	17.07.26		
Rev.	Description	By	Date		

PROJECT:			
6 KING STREET, DROGHEDA			
CLIENT:			
SEAN MCENANEY			
DRAWING TITLE:			
EXISTING & PROPOSED FRONT PEDESTRIAN GATE ENTRANCE			
Date	Drawn		
17/07/26	DG		
Scale at A1	Drawing Number	Status	Rev.
1:20	A02	S5	-



FRONT ELEVATION
EXISTING DOUBLE GATE ENTRANCE
SCALE 1: 20



FRONT ELEVATION
PROPOSED DOUBLE GATE ENTRANCE
SCALE 1: 20

LEGEND

--- SITE BOUNDARY

PROPOSED ITEMS

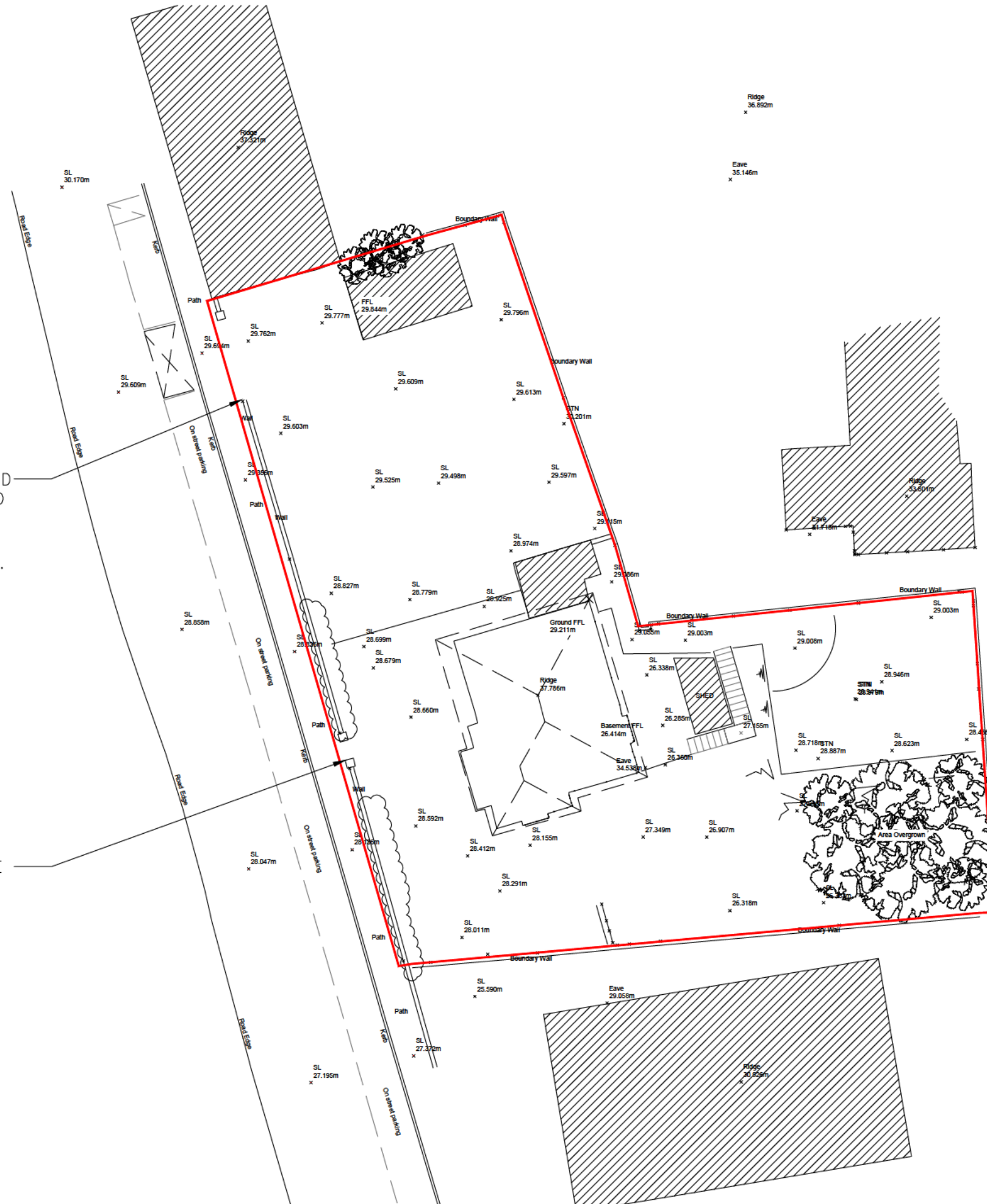
-	ISSUED FOR SECTION 5	DG	17.07.26
Rev.	Description	By	Date

PROJECT:			
6 KING STREET, DROGHEDA			
CLIENT:			
SEAN MCENANEY			
DRAWING TITLE:			
EXISTING & PROPOSED FRONT DOUBLE GATE ENTRANCE			
Date 17/07/26		Drawn DG	
Scale at A1 1:20	Drawing Number A03	Status S5	Rev. -



EXISTING DOUBLE GATE AND
PIER TO BE REPAIRED AND
REINSTATED (A03).
(TEMPORARY SECURITY
FENCING TO BE REMOVED).

EXISTING PEDESTRAIN GATE
RAISED 300mm TO MATCH
PIER LEVEL (A02).



NOTES:

1. ALL DIMENSIONS & LEVELS TO BE CHECKED ON SITE BEFORE WORK PROCEEDS.
2. ALL LEVELS ARE IN METRES.
3. ALL DIMENSIONS ARE IN mm.
4. ALL ITEMS ON THE D.C.C DRAINAGE REQUIREMENTS FOR PLANNING APPLICATIONS TO BE ADDRESSED.
5. REFER TO DRAWING No. A01 – A03 FOR EXISTING PLANS, ELEVATIONS & SECTIONS.
6. © THIS DOCUMENT IS COPYRIGHT OF GEORGE RYAN PLANNING SERVICES.

LEGEND:

- PLANNING BOUNDARY
- EXISTING BUILDING
- LAWN
- EXISTING HEDGE
- CONCRETE
- EXISTING TREES

COMPLIANCE WITH BUILDING REGULATIONS

ALL DIMENSIONS, HEIGHTS, AREAS AND LEVELS TO BE CHECKED AND VERIFIED BY THE BUILDING CONTRACTOR, SUBCONTRACTOR OR DIRECT LABOUR CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORKS OR AGREEMENTS. THE DEVELOPER MUST ENSURE THAT ALL METHODS OF CONSTRUCTION WORKMANSHIP AND MATERIALS USED ARE STRICTLY IN ACCORDANCE WITH THE CONDITIONS LAID DOWN BY THE LOCAL AUTHORITY AND THE CURRENT BUILDING REGULATIONS.

THIS DRAWING IS ISSUED FOR
PLANNING PERMISSION ONLY

REV	ISSUED FOR PLANNING	GR	JULY 2026
	REVISION DESCRIPTION	DRAWN	DATE

GEORGE RYAN
TULLOG
STAMULLEN
Co. MEATH
K32 DF89.
Tel: +353 868044754
e-mail: georgeryan676@gmail.com

PROJECT:
**WORKS AT,
No. 6 KING STREET
DROGHEDA
Co. LOUTH
G08 F9N1
FOR SEAN McENANEY.**

DRAWING TITLE:
SITE LAYOUT PLAN

DATE	DRAWING NO.	DRAWING SCALE	DRAWN BY
JUNE 2026	A04	1:250	GR
O.S. SHEET 2319			REV 0



XY 709148, 775392
Scale 1 : 1000
Townland Moneymore
Barony Drogheda
County Louth

Property Details

> Back

Folio Number	LH45594F
Title Level	Freehold
Plan Number	EEP9C
Property Number	1
Area of selected plans	Not available.
Number of Plans on this folio:	1
Address	Saint Anne's, 6 King Street, Drogheda, Co. Louth, A92 YV0D

Add to Basket

Create Alert

*Taille Éireann Registration Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

View Basket

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Help

Planning Pack Map



CENTRE COORDINATES:
ITM 709040,775509

ORDER NO.:
50546342_1

MAP SERIES:
1:5,000
1:1,000

MAP SHEETS:
2319
2319-12

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

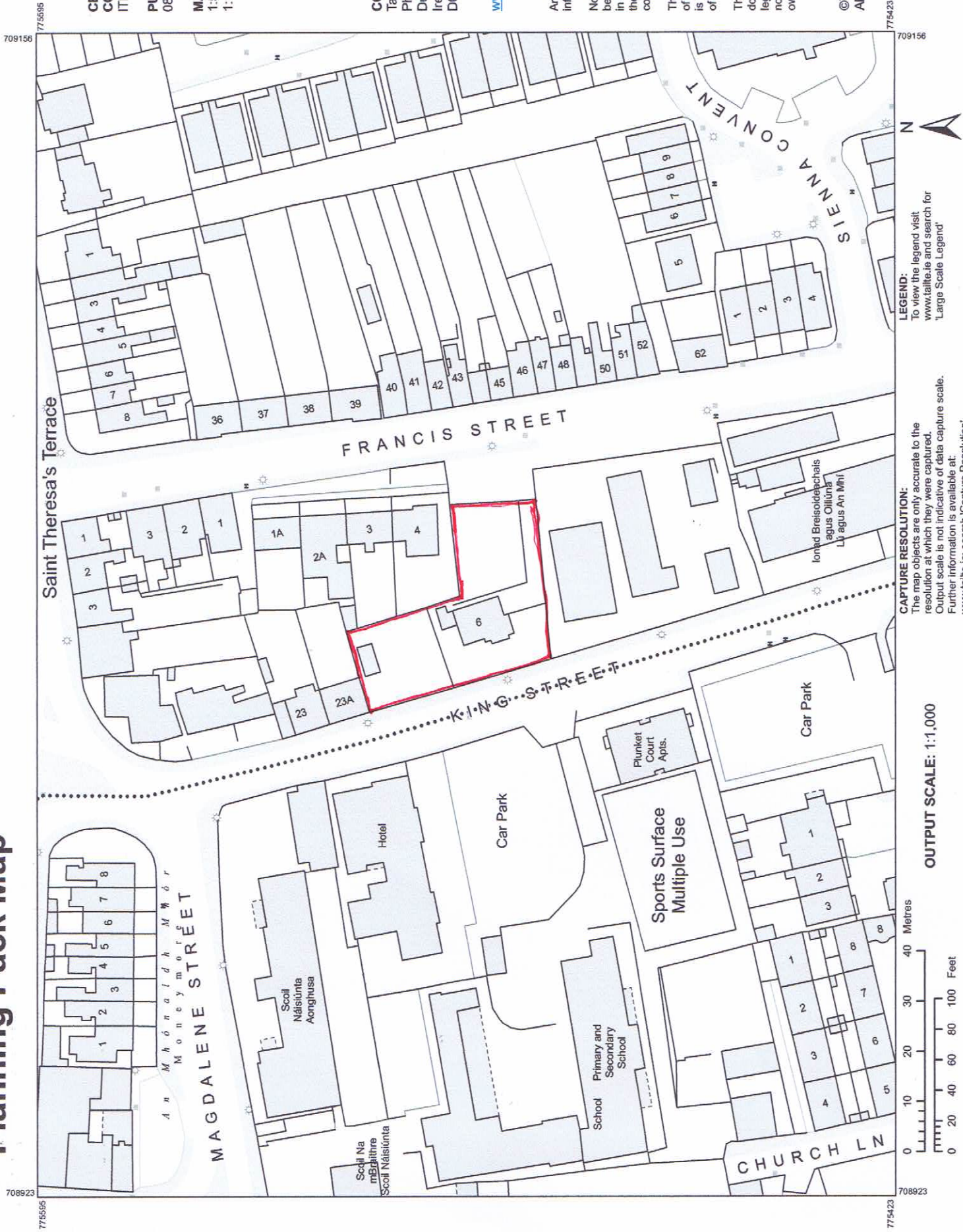
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Louth County Council
Section 5 Declaration

Planning Ref: S5 2026/54

Applicant's Name: Sean McEnaney

Type of Application: Section 5 Declaration

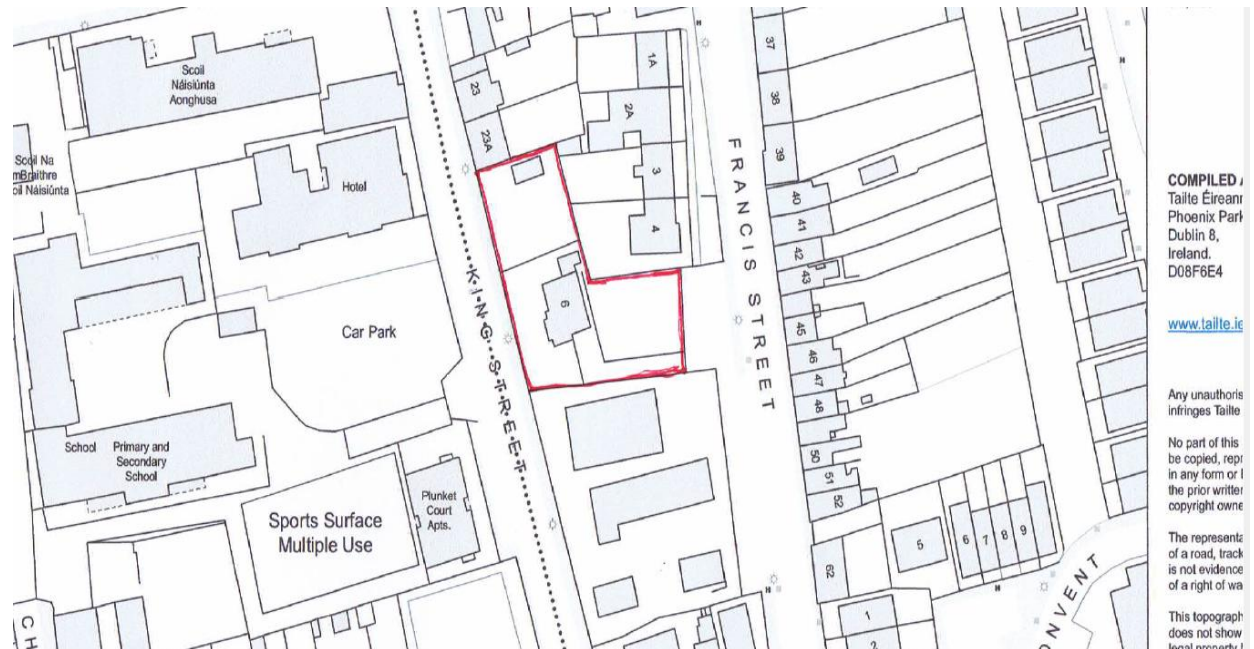
Development: Use of dwelling house as a residential care home. Reinstatement of damaged piers and double gates. Alterations to existing pedestrian gate.

Site Location: No. 6 King Street, Drogheda, Co. Louth

Due Date: 31st August 2026

1.0 SITE LOCATION & DESCRIPTION:

The existing two storey over basement dwelling is located at no. 6 King St in Drogheda.



Front elevation from King St.

2.0 Planning History

Unauthorised development file ref no: 25/38. Enforcement Notice served (15th April 2026) on Mr Sean McEaney relating to the unauthorized sub-division of a basement area of the dwelling into 2 no self-contained residential units and unauthorized fencing and pedestrian gate.

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 it or is it not exempted development to use an existing dwelling as a residential care home and alterations to the front boundary treatment with the reinstatement of gates and piers.

The applicant has submitted an application form, a site location map, floor plans, sections and elevations of the dwelling.

4.0 (a)EIAR

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 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.

(b)Appropriate Assessment

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites.

The nearest designated European Site is the Boyne River SAC which lies 0.2km south of the site. On the basis that the existing dwelling is within a urban environment and given the nature and scale of the proposed development, I am satisfied that it will not have an impact on any European site by reason of noise, emissions, lighting and human activity/disturbance.

Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate, to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the site's conservation objectives and a stage 2 AA is not therefore required.

4.0 LEGISLATIVE CONTEXT:

Class 14(f) of Part 1, Schedule 2 of the Planning & Development Regulations (PDR) 2001 (as amended) provides an exemption for:

Changes of Use

“From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons”. This exemption is subject to certain conditions and limitations.

Conditions and Limitations

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 6 of the Planning & Development Regulations (PDR) 2001 (as amended) states:

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 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) provides detailing on restrictions on exemption as follows:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—*
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
 - (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
 - (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
 - (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
 - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
 - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant*

to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),

(viii) **consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,**

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(x) obstruct any public right of way,

(xi) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Section 2 of the Planning and Development Act 2024, states that:

“care” means personal care, including help with physical, intellectual or social needs;

“development” has the meaning assigned to it by Section 2, and “develop” shall be construed accordingly.

“exempted development” has the meaning specified in Section 2.

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) 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 building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof,

- (a) 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.

“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.

“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,

Section 2 of the Planning and Development Act 2024, states that:

“Development” means –

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

Section 5 of the Planning and Development Act 2000, as amended, states that:

- (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 of the Planning and Development Act 2000, as amended, states that:

Section 32 PDA 2000 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.

Planning and Development Regulations 2001 (as amended).

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

Planning and Development (Exempted Development (Act of 2000) (No. 2) Regulations 2026.

Amendment of Part 1 of Schedule 2 of the Principal Regulations

3. Part 1 of Schedule 2 of the Principal Regulations is amended by the insertion after Class 1 of:

Class 1A

The subdivision of a house and the restoration of a house to its original form if subdivided under this Class.

1. For the purposes of this exemption, the relevant period begins on the date that this Regulation is signed and ends on 31 December 2030.

2. This exemption shall apply only to development that is commenced and completed during the relevant period.

3. For the avoidance of doubt, the relevant building control legislation shall apply, such as Building Regulations (including Fire Safety) and Building Control Regulations.

4. Subdivision of a house shall not create more than two units in total.

5. Each unit shall be no less than 32 square metres in floorspace.

6. Each unit shall be self-contained and not reliant on the use of shared internal space, other than for access.

7. This exemption shall not be used in cases where there has been a construction, erection or placing of a detached house in the rear garden of a principal house.

8. Subject to paragraph 9, a notification shall be submitted to the relevant planning authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use.

5.0 ASSESSMENT

(a) Does the proposal constitute development?

The applicant has stated that the dwelling is used by Tulsa as a residential care home with 3 residents and carers. However, other information submitted states that the property is in use as a foster home associated with Tulsa. No further information relating to either use has been submitted.

The use of the property as a foster home differs significantly from the use specified in Class 14(f) of Part 1, Schedule 2 of the Planning & Development Regulations (PDR) 2001 (as amended) provides an exemption for:

Changes of Use

“From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons”. This exemption is subject to certain conditions and limitations.

Conditions and Limitations

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Furthermore, having reviewed the UD ref no:25/38, it is clear from the LCC reports and photographic evidence that the dwelling has been subdivided into self-contained residential units, each with kitchen and bathroom facilities. Information on file documents this development with each unit being advertised for rent and described as “self-contained”. It is also noted that the units in the basement each have their own separate access way. Having reviewed all available information it would appear that the dwelling has been renovated and designed for use as self-contained residential units and not for use for persons with an intellectual or physical disability or a mental illness or a foster home.

The Enforcement Notice served (15th April 2026) on Mr Sean McEnaney (applicant) relating to the unauthorized sub-division of property into self-contained residential units and unauthorized fencing and pedestrian gate. I

concur with this assessment of the works carried out at the property.

Article 9(1) provides detailing on restrictions on exemption as follows:

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Accordingly, the unauthorized nature and layout of the dwelling restricts its use from availing of Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended),

Furthermore, having regard to Planning and Development (Exempted Development (Act of 2000) (No. 2) Regulations 2026 (Subdivision of a house), it is clear that the development does not comply with the conditions and limitations as set out above as the property has been sub-divided into several units and the works were carried out prior to the implementation of the Regulations.

The proposed reinstatement of the gates and piers exceeds the 1.2 maximum height limitation as set out under Class 5 Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended) and thus are not exempt.

(b) Does the proposal constitute exempt development:

Having regard to Part 4 of Schedule 2 to the Planning and Development Regulations 2001 as amended and the unauthorized nature of the property, I consider the use of the dwelling as residential care home or foster home as not being exempted development and planning permission would be required.

6.0 CONCLUSION:

The works carried out to the dwelling and its subdivision into self-contained residential units is unauthorized as per the Enforcement Notice served on the applicant under UD/25/38. Accordingly, the applicant cannot avail of the

relevant exempted specified above.

It can be concluded, given the foregoing, and having regard to the relevant provisions of the Planning and Development Act, 2000, (as amended), Sections 1-5 inclusive of the Planning and Development Act 2024, and the Planning and Development Regulations, 2001 (as amended), that the proposed development is development that is not exempted development.

WHEREAS a question to whether *“the use of an existing dwelling as a residential care home and alterations to the front boundary treatment with the reinstatement of gates and piers. Is it or is it not exempted development”*

AND WHEREAS the said question was referred to Louth County Council by Sean McEnaney

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

- a) The definition of “*development*”, in Section 3(1) of the Planning and Development Act 2000 (as amended) and Section 2 of the Planning and Development Act 2024,
- b) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Class 5 Part 1 Schedule 2 Planning and Development Regulations 2001 (as amended).
- e) The planning history of the site.

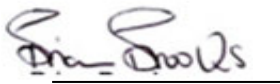
AND WHEREAS Louth County Council has concluded on the basis of the information submitted that:

- (i) The use of an existing dwelling as a residential care home or foster home and alterations to the front boundary treatment with the reinstatement of gates and piers are considered to constitute works which constitutes development under **Section 2** of the Planning & Development Act, 2024;
- (ii) The unauthorized nature of the dwelling restricts its use as a residential care home or foster home from availing of Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which relates to a change of use *“of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The number of*

persons in care shall not exceed 6 and the resident carers shall not exceed 2.”

- (iii) It appears that the dwelling has been renovated and the internal layout design for use as self-contained residential units and not for use for persons with an intellectual or physical disability or a mental illness or as foster home.

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 an existing dwelling as a residential care home/foster home and alterations to the front boundary treatment with the reinstatement of gates and piers”, at no 6, King Street, Drogheda, Co. Louth, constitutes development that is not exempted development.



Brian Brooks
Exe Planner
Date: 27th August 2026



Turlough King
A/Senior Planner
Date: 27th August 2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	652J/2026
Reference No:	S5 2026/54
Date Application Received:	22/07/2026
Description of Development:	Whether the use of dwelling house as a residential care home, reinstatement of damaged piers and double gates and alterations to existing pedestrian gate is development and is it or is it not exempted development
Name of Applicant:	Sean McEnaney
Location of Development	6 King Street, Drogheda, Co. Louth

WHEREAS a question to whether “the use of an existing dwelling as a residential care home and alterations to the front boundary treatment with the reinstatement of gates and piers. Is it or is it not exempted development”

AND WHEREAS the said question was referred to Louth County Council by Sean McEnaney

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

- a) The definition of “*development*”, in Section 3(1) of the Planning and Development Act 2000 (as amended) and Section 2 of the Planning and Development Act 2024,
- b) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Class 5 Part 1 Schedule 2 Planning and Development Regulations 2001 (as amended).
- e) The planning history of the site.

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

- (i) The use of an existing dwelling as a residential care home or foster home and alterations to the front boundary treatment with the reinstatement of gates and piers are considered to constitute works which constitutes development under **Section 2** of the Planning & Development Act, 2024;
- (ii) The unauthorized nature of the dwelling restricts its use as a residential care home or foster home from availing of Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which relates to a change of use *“of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The number of persons in care shall not exceed 6 and the resident carers shall not exceed 2.”*
- (iii) It appears that the dwelling has been renovated and the internal layout design for use as self-contained residential units and not for use for persons with an intellectual or physical disability or a mental illness or as foster home.

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 an existing dwelling as a residential care home/foster home and alterations to the front boundary treatment with the reinstatement of gates and piers”, at no 6, King Street, Drogheda, Co. Louth, constitutes **development** that is **not exempted development**.

Signed: _____


Turlough King
A/Senior Planner

Date: 27/08/2026

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

Sean McEnaney
c/o George Ryan

27th August 2026

Re: Ref. S5 2026/54

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the use of dwelling house as a residential care home, reinstatement of damaged piers and double gates and alterations to existing pedestrian gate is development and is it or is it not exempted development.'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 22nd 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 to whether "the use of an existing dwelling as a residential care home and alterations to the front boundary treatment with the reinstatement of gates and piers. Is it or is it not exempted development"

AND WHEREAS the said question was referred to Louth County Council by Sean McEnaney

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

- a) The definition of "*development*", in Section 3(1) of the Planning and Development Act 2000 (as amended) and Section 2 of the Planning and Development Act 2024,

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Louth County Council

- b) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Class 5 Part 1 Schedule 2 Planning and Development Regulations 2001 (as amended).
- e) The planning history of the site.

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

- (i) The use of an existing dwelling as a residential care home or foster home and alterations to the front boundary treatment with the reinstatement of gates and piers are considered to constitute works which constitutes development under **Section 2** of the Planning & Development Act, 2024;
- (ii) The unauthorized nature of the dwelling restricts its use as a residential care home or foster home from availing of Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which relates to a change of use *"of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The number of persons in care shall not exceed 6 and the resident carers shall not exceed 2."*
- (iii) It appears that the dwelling has been renovated and the internal layout design for use as self-contained residential units and not for use for persons with an intellectual or physical disability or a mental illness or as foster home.

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 an existing dwelling as a residential care home/foster home and alterations to the front boundary treatment with the reinstatement of gates and piers", at no. 6, King Street,

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Drogheda, Co. Louth, constitutes 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 22nd 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,

Brian Duffy

Brian Duffy
Planning Section