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:**
   Duntrans Property Ltd., Loughview, Greenore Road, Carlingford, Co. Louth,
   A91 HH64.
   Phone Number: [redacted]

2. **Name and address of agent (if any):**
   Derek O' Donoghue, ODM Building Surveyors & Engineers Ltd.
   Wesley House, Jocelyn Street, Dundalk, Co. Louth, A91 V9RN.
   Phone Number: 042-9386553 E-Mail: [redacted]

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

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**
   6 Castletown Road, Dundalk, Co. Louth, A91 CX70

6. **Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at https://irish.gridreferencefinder.com**
   ITM 704641, 808027

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 change-of-use of the existing disused retail unit (41.26m²) to a Studio Apartment exempt development or not?

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: [redacted] **Date** 2/10/26

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.

Land Registry Compliant Map



Tailte Éireann

CENTRE COORDINATES:
ITM 704654,808065

PUBLISHED:	ORDER NO.:
01/09/2023	50354862_1

MAP SERIES:	MAP SHEETS:
1:1,000	1632-16
1:1,000	1632-17

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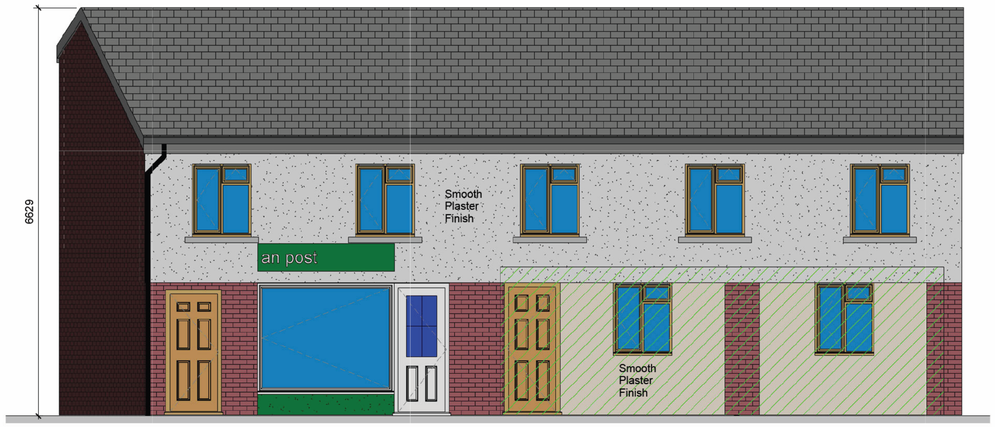
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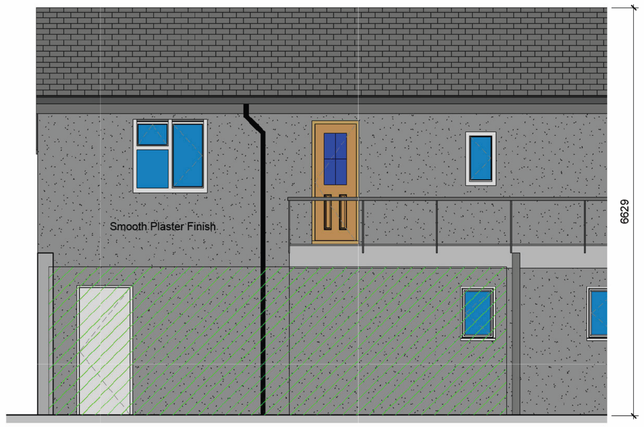
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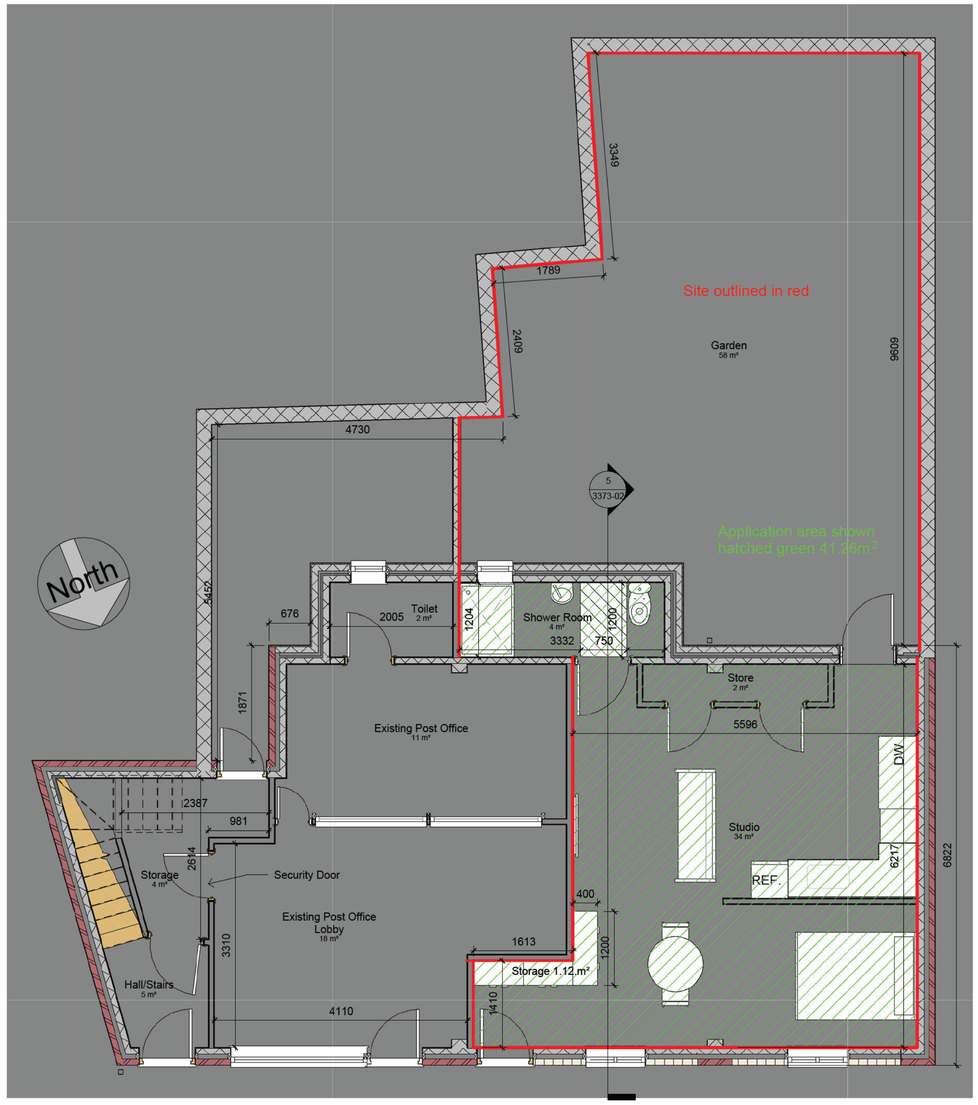
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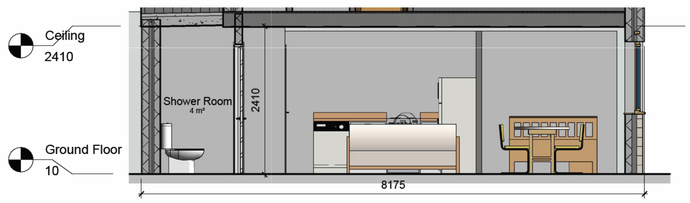
4 North Elevation
1 : 50



3 South Elevation
1 : 50



2 Ground Floor
1 : 50



5 Section B-B
1 : 50

Rev.	Date	Description

Status: Article 10 Exemption Application

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ODM BUILDING SURVEYORS & ENGINEERS LTD

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Jocelyn Street
Dundalk
Co. Louth

Tel: 042-9386553
Tel: 042-9386231
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Email: info@odm.ie

Client:
Duntrans Property Ltd

Project Title:
Proposed change-of-use of existing disused retail unit to studio apartment at 4/6 Castletown Road, Dundalk, Co. Louth.

Drawing Title:
Proposed Studio Apartment Plan, Elevations & Section B-B

Scale:	Drawn By:	Chkd By:	Date:
1 : 50	BG	DOD	02/10/2026 16:23:44

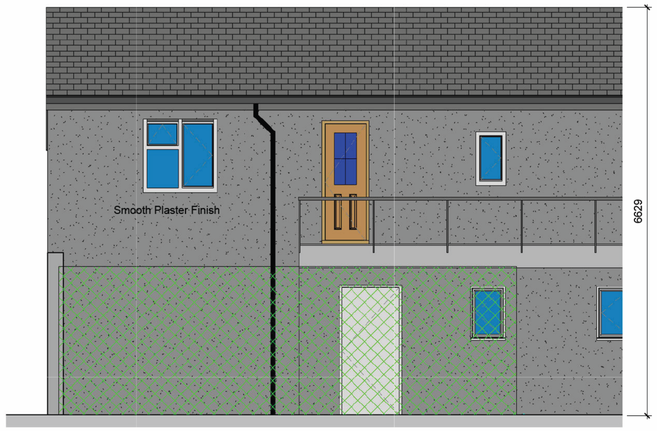
Project No:	Drawing No:	Rev.
3373	3373-02	

S:\Clients\M\Murphy Aidan 22 Cuchulainn Terrace\2, 4 & 6 Castletown Road\Article 10 Exemption\Application\Proposed Studio

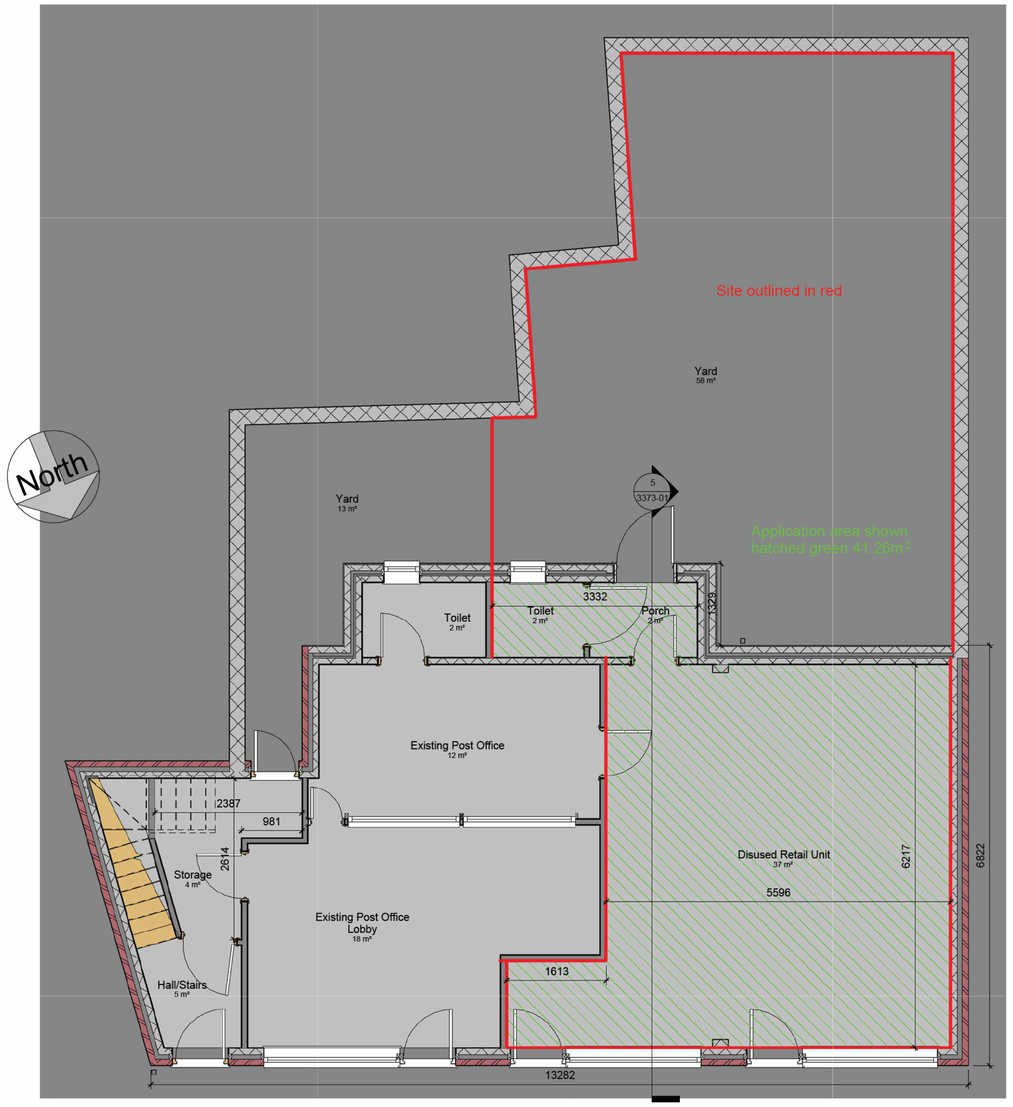
02/10/2026 16:23:44



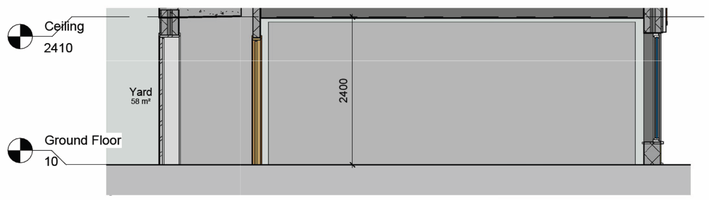
4 North Elevation
1 : 50



3 South Elevation
1 : 50



2 Ground Floor
1 : 50



5 Section A-A
1 : 50

Rev.	Date	Description

Status: Article 10 Exemption Application

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ODM BUILDING SURVEYORS & ENGINEERS LTD

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Fax: 042-9351246
Email: info@odm.ie

Client: Duntrans Property Ltd

Project Title: Proposed change-of-use of existing disused retail unit to studio apartment at 4/6 Castletown Road, Dundalk, Co. Louth.

Drawing Title: Existing Retail Unit Plan, Elevations & Section A-A

Scale:	Drawn By:	Chkd By:	Date:
1 : 50	BG	DOD	08/07/2026 15:56:29

Project No:	Drawing No:	Rev.
3373	3373-01	

08/07/2026 15:56:29

S:\Clients\M\Murphy Aidan 22 Cuchulainn Terrace\2, 4 & 6 Castletown Road\Article 10 Exemption\Existing Retail Unit 06.07.26.rvt

Louth County Council
Section 5 Declaration

Planning Ref:	S5 2026/69
Applicant's Name:	Duntrans Property Ltd
Type of Application:	**Section 5 Declaration**
Question:	*Whether the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development*
Site Location:	6 Castletown Road, Dundalk, Co. Louth
Due Date:	1st November 2026

1. Site Location and Description

A declaration has been sought in relation to the change of use and alterations to a building located at No. 6 Castletown Road, Dundalk. The site lies within land zoned B1 Town or Village Centre as per the Louth County Development Plan 2021-2027 (as varied).



Above: subject building as of 22nd September 2026.



Above: subject building as of October 2022 (Google Streetview)



Above: subject building as of July 2023 (Google Streetview)

Google Streetview images of Oct 2022 and July 2023 show that the building was vacant. At the time of the site inspection, works have been carried out and include the removal the shop frontage and the insertiono of a single door and 2 windows on the ground floor along with internal works. Works are ongoing. The building lies between an existing An Post office and dwelling house.

2. Planning History

File No.	Decision	Decision Due Date	Name	Address	Description
55522564	Conditional	27/02/1978 Monday	JOHN TUOMEY	2,4 & 6 CASTLETOWN ROAD DUNDALK	RECONSTRUCTION AND DEVELOPMENT TO A NO. Of Houses

Section 5 Application 2026/62 - *Whether the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development*

Decision: – DEVELOPMENT THAT WAS NOT EXEMPTED DEVELOPMENT (was contrary to the conditions and limitations of ***Article 10(6) (d) (vi)*** *(minimum storage space requirements)* of the Planning and Development Regulations, 2001 (as amended) and as such is **not** exempted development).

3. Declaration Sought

The applicant has stated at question 7 of the submitted application is the change of use of the existing disused retail unit (41.26 sq.m) to a studio apartment exempt development or not.

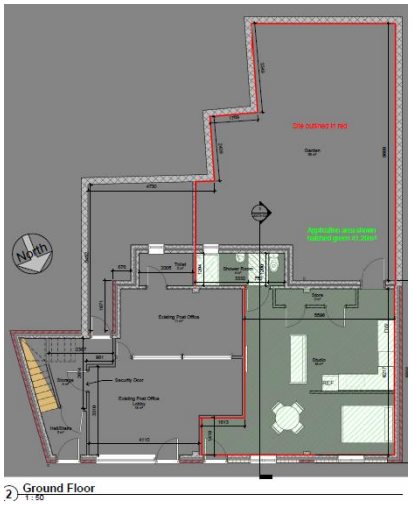
The applicant has submitted the following particulars for consideration: -

- Section 5 Declaration Application Form
- Site location map
- Existing elevation and floor plans
- Proposed elevations and floor plans showing removal of shop fronts, signage and replacement with 2 smaller windows and a door at the front façade onto the Castletown Road and the relocation of the door on the ground floor on the rear elevation.

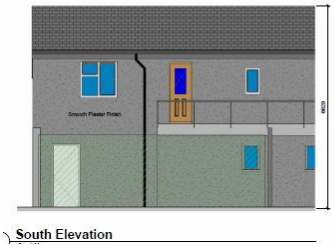
The application relates to the ground floor of the unit.

Having regard to the description, proposed details submitted and what has so far been carried out on site, the Planning Authority will therefore assess the following rephrased question: -

"Is the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development".







4. 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. Appropriate Assessment

No screening report has been provided with this application. Having regard to 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 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. Legislative Context

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

Planning and Development Act, 2024

Sections 1-5 of the Planning Act of 2024 commenced in December 2024.

Section 2 states that**:**

In accordance with Section 2 of the Planning & Development Act, 2024 "*Development"* means the carrying out of any works on, in, over or under land or on ,in ,over or under the maritime area, or the making of any material change in the use of any structures or other land, or the sea, seabed or any structure in the maritime 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;

"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, 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 structure" means *a structure 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;

"unauthorised use" means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than-
(a) exempted
development,
or

(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—
, or
(ii) a licence under section 254 of the Act of 2000;

"*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.

Planning and Development Act 2000 (As amended)

Section 4 states that**:**

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(1)(h) provides for *"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 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

Section 5 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 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.

Section 177U(9) states that

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations (2001) (as amended)

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

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.

4. (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.1. No. 497 of 1997) shall, the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1st June 1992, be exempted development.

(b) Paragraph (a) shall not apply to in the case of development consisting of the construction of a building designed for use of 2 or more separate dwellings.

Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions 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 or local area 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 local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the

development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000.

(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,

(x) 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,

(xi) obstruct any public right of way,

(xii) 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.

Article 10 of the Planning & Development Regulations (PDR) 2001 (as amended) – Changes of Use:

Article 10 states:

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

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—

(i) as an amusement arcade,

(ii) as a motor service station,

(iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,

(iv) for a taxi or hackney business or for the hire of motor vehicles,

(v) as a scrap yard, or a yard for the breaking of motor vehicles,

(vi) for the storage or distribution of minerals,

(vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,

(vii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or

(viii) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.

(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act."

7. Assessment

Does the proposal constitute development?

Regard has been given to the definition of development in 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."*

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 change of use of the subject building to 1 no. residential unit, together with alterations to the front and rear facade to include a new entrance, 2 new

windows and the removal of the former shop fronts and signage are considered to constitute a form of development.

Does the proposal constitute exempted development?

The reinstatement of the vacant/derelict first floor to residential use

The change of use of a disused ground floor retail unit into residential use will be assessed under Article 10(6) of Planning & Development Regulations (PDR) 2001 (as amended), which states that a change of use within any one of the use classes specified in Part 4 of Schedule 2 is exempted development, if it is not in contravention of a condition or a use within a permission granted under the Act and where the existing use is not unauthorised. In this instance Article 10 can be applied as there is no identified contravention of a condition or use previously granted permission under the Act. The change of use proposed could be considered exempted development subject to the subsections and criterion of Article 10.

The building at the subject site was in place prior to the making of both the Planning and Development (Amendment) (No. 2) Regulations 2018 and the Planning and Development Act (Exempted Development) Regulations 2022.

The last known use of the building having regard to Google Streetview was as a shop selling cash registers and shop equipment. From review of the Planning History available, an application was made in 1977 to reconstruct and development a number of houses namely no. 2, 4 and 6 Castletown Road (Planning Ref. no. 55522564).

The Planning Authority is satisfied having regard to available Google Streetview imagery that the premises has been vacant for a period of 2 years or more immediately prior to the development taking place. On this basis, the proposed development for residential use of this vacant building is exempted development for the purposes of the Act, **subject to the conditions and limitations** set out in paragraph (d)(i)-(xii) of Article 10 which are addressed in more detail below.

(i) *The development is commenced and completed during the relevant period.*

Response: The applicant has not confirmed that the development will be completed during the relevant period however considering the works that have occurred it is

considered that the development has been commenced and can be completed within the relevant period – being from 8th February 2018 until 31st December 2028.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall (I)affect only the interior of the structure (II) retain 50% or more of the existing external fabric of the buildings and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop front shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Response: The works undertaken involve the removal of the shop fronts/windows and signage and their replacement with built-up walls, 2 new windows and a door onto the Castletown Road façade (ground floor). The rear façade alteration involves the relocation of a door only. It is considered that the works do not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures and the development does retain 50% or more of the existing external fabric of the building. The new door and windows are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure.

Having regard to the submitted drawings and works carried out that these limitations are met.

(*iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*

Response: it is considered that there is no conflict with any objective of the relevant local authority development plan. This limitation is met.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

Response: 1 no. residential unit is proposed. This limitation is met.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

Response: The submitted plans indicate 1 no. studio apartment with a total floorspace of 41.26 sqm. The Studio apartment exceeds the minimum floor area (32 sq.m), exceeds the minimum width for bedroom/main living/dining room, and provides storage space of 3.12 sq.m which meets the minimum requirement of 3 sq.m as per the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities 2025. The proposal provides a rear garden area of 58 sq.m which exceeds the minimum private amenity space required within Appendix 1 of the Guidelines (minimum being 4 sq.m).

Unlike section 5 application 2026/62, the development as presented in this application now meets limitation (vi).

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Response: The submitted plans and works carried out include 2 new ground floor windows to provide light into the studio apartment along with a relocated door at the rear. An existing window is to remain to serve the proposed shower room. It is considered that the new windows and doors meet this limitation.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1) (b) of the Act, of the structure.

Response: The structure in question is not a protected structure.

(ix) No development shall contravene a condition attached to permission under the Act or be inconsistent with any use specified or included in such permission.

Response: No contravention of any condition apparent.

(x) No development shall relate to any structure in any of the following areas:
(I) an area to which a special amenity area order relates;
(II) an area of special planning control;
(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Response: The proposal is not located in any of the areas referred to in this limitation.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Response: The proposal does not conflict with this limitation.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Response: The site is serviced by public infrastructure**.**

8. Recommendation

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

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *the change of use of a disused*

ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development

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
(b) Specifically, **Section 4** of the Planning & Development Act 2000 (as amended);
(c) Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)
(d) Planning and Development Act (Exempted Development) Regulations 2022 (S.I. No. 75 of 2022)
(e) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(f) Louth County Development Plan 2021-2027 (As varied)
(g) Sustainable Urban Housing: Design Standards for New Apartments (2025);
(h) Streetview history of the site;
(i) Planning history associated with the site;

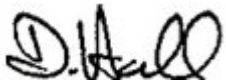
AND WHEREAS *Louth County Council has concluded*: -

(a) The *change of use of the ground floor disused retail unit to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door at the rear* to be development that is compliant with conditions and limitations of Article 10(6) of the Planning and Development Regulations, 2001 (as amended) and as such is 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 *"the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear* of 6 Castletown Road, Dundalk, Co Louth is **development** and is **exempted development.**



Lisa Grant
Assistant Planner
Date: 07/10/2026



David Hall
A/Senior Executive Planner
Date: 13/10/2026



Turlough King
A/Senior Planner
Date: 13/10/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	785b/2026
Reference No:	S5 2026/69
Date Application Received:	02/10/2026
Description of Development:	Whether the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development
Name of Applicant:	Duntrans Property Ltd
Location of Development	6 Castletown Road, Dundalk, Co Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development*

AND WHEREAS the said question was referred to Louth County Council by Duntrans Property Ltd.

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
(b) Specifically, **Section 4** of the Planning & Development Act 2000 (as amended);
(c) Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)

LCP Order No. 785b/2026 **Reference No: S5 2026/69**

AND WHEREAS *Louth County Council has concluded*: -

(a) The *change of use of the ground floor disused retail unit to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door at the rear* to be development that is compliant with conditions and limitations of Article 10(6) of the Planning and Development Regulations, 2001 (as amended) and as such is exempted development.

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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 GRANTED** for the development as described above.

Signed: _____ **Date: 13/10/2026**

Turlough King
Acting 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.

Duntrans Property Ltd
c/o Derek O'Donoghue
ODM Building Surveyors & Engineers
Wesley House
Jocelyn Street
Dundalk
Co Louth
A91 V9RN

Date : 13/10/2026

Re: Ref. S5 2026/69

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 2nd October 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear development and is it or is it not exempted development*

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(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
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(d) Planning and Development Act (Exempted Development) Regulations 2022 (S.I. No. 75 of 2022)
(e) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(f) Louth County Development Plan 2021-2027 (As varied)
(g) Sustainable Urban Housing: Design Standards for New Apartments (2025);
(h) Streetview history of the site;
(i) Planning history associated with the site;

AND WHEREAS *Louth County Council has concluded*: -

(a) The *change of use of the ground floor disused retail unit to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door at the rear* to be development that is compliant with conditions and limitations of Article 10(6) of the Planning and Development Regulations, 2001 (as amended) and as such is 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 *"the change of use of a disused ground floor retail unit (41.26 sq.m) to a studio apartment with alterations to the front façade including the removal of the shop fronts and signage, the installation of 2 new windows, a door, built-up walls and the relocation of a ground floor door to the rear* of 6 Castletown Road, Dundalk, Co Louth is **development** and is **exempted development.**

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 2nd October 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