



An
Coimisiún
Pleanála

Inspector's Report ACP-323467-25

Question	Whether the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation is or is not development and is or is not exempted development.
Location	Barmeath Castle, Dunleer, Co. Louth
Declaration	
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	S52025/46
Applicant for Declaration	Bryan Bellew
Planning Authority Decision	Is development and is not exempted development
Referral	
Referred by	Bryan Bellew
Owner/ Occupier	Owner
Observer(s)	None
Date of Site Inspection	12 th January 2026
Inspector	Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located in a rural area c. 4km east of Dunleer. It comprises Barmeath Castle and associated outbuildings / grounds. Barmeath Castle & Gate Lodge is a Protected Structure under the Louth County Development Plan 2021-2027 and is described as follows:

'Detached multiple-bay three-storey crenellated county house, built c. 1770, on site of medieval castle. Remodelled, enlarged and crenellated 1839, four-storey crenellated and machicolated round towers to north and west, courtyard containing ruins of servant's quarters, accessed via round-headed arched entrance gate with bartizans above loophole windows, containing round-headed carriage opening. Notable interior. Barmeath Gate Lodge: Pair of three-bay single-storey gate lodges, built c. 1830, now disused. Metal gates; wrought-iron gates and railings to driveway. Lodges set to either side of entrance gateway leading to Barmeath Castle to west. Of National Importance.'

- 1.2. The site is part of the wider Barmeath Estate, which includes a range of historic and modern buildings as well as gardens and tree groups. The 'Barmeath Castle Farmyard Complex' is also listed as a protected structure and is located to the northwest of the site.

2.0 The Question

- 2.1. The Declaration Request posed the following question to LCC:

'Is the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation exempted development'?

3.0 Planning Authority Declaration

3.1. Declaration

By Order dated 23rd of July 2025, LCC made a Declaration that the proposal *'is development and is not exempted development'*.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The LCC report can be summarised as follows:

- The proposal would constitute a material change of use of the residential structure and accordingly constitutes 'development' in accordance with the definition outlined in Section 2 of the Act.
- The report outlines the provisions of Article 6(5)(a) of the Planning and Development Regulations (as amended), which outlines that each of the following shall be exempted development:
 - (i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned.
 - (ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned.
- The report acknowledges that the Regulations outline conditions restricting (i) and (ii) above, as well as requirements relating to notification and recording of such development in accordance with (b) – (h) of Article 6(5). It acknowledges that further information could be sought in relation to the aggregate number of days during a year in which the house would be subject to short-term letting (Article 6(5)(a)(ii)(l) refers). It also outlines that the 'short term let' use has commenced but there are no records of any 'Form 15' notification of commencement for the property (Article 6(5)(f) refers).
- The report outlines that Article 9(1) places restrictions on exemptions outlined in Article 6. Under Article 9(1)(a)(viii), development to which article 6 relates shall not be exempted development if it would '*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*'.
- There is a live enforcement case pertaining to the site relating to 'Refurbishment/reconstruction of Guest Wing to provide a self-contained guest

house'. As the proposal relates to the use of an unauthorised structure, it is considered to contravene Article 9(1)(a)(viii), which means that the development shall not be exempted development for the purposes of the Act.

- The report concludes that the proposal constitutes development within the meaning of Section 2 (*sic*) of the Act, and that it is not exempted development having regard to the restrictions in Article 9 of the Regulations. This forms the basis of the LCC declaration.

3.2.2. Other Technical Reports

None.

4.0 Planning History

Subject Site

P.A. Reg. Ref. 08595: On the 19th September 2008, permission was REFUSED for the refurbishment and re-roofing of the derelict north wing of the castle and the conversion of the same to a banqueting and conferencing facility including car parking and the installation of a waste water treatment unit and percolation area.

P.A. Reg. Ref. 081315: On the 25th August 2009, permission was REFUSED for the refurbishment and re-roofing of the derelict north wing of the castle and the conversion of the same to a banqueting and conference facility including car parking and installation of a waste water treatment unit and percolation area and alterations to the public road at the entrance.

Enforcement ID – UD/24/243 – The LCC report outlined that this was an ongoing case relating to alleged unauthorised works consisting of:

1. Construction of a swimming pool.
2. Renovation works to provide accommodation within the walled garden.
3. Renovation works to facilitate the conversion of stable yard buildings to residential use.
4. Refurbishment/reconstruction of Guest Wing to provide a self-contained guest house.
5. Construction of a tennis court to the southern side of the lake.

The following applications are within the Barmeath estate but not within the referral site boundaries.

P.A. Reg. Ref. 2560405: Application for retention of alterations and refurbishment of yard house (Withdrawn on 12th February 2026).

P.A. Reg. Ref. 2560406: Permission granted (8th March 2026) for retention of natural swimming pool and associated pool building.

P.A. Reg. Ref. 2560407: Permission granted (8th March 2026) for retention of tennis court.

Other relevant cases

ABP Ref. 318746-23: On the 19th of February 2025, the Board made a decision on a referral case including the question of intensified change of use from residential to commercial short term let (at Bunbeg, Co. Donegal). The Board concluded that the property was used by the owner as a holiday home and while it is made available on occasion for short-term letting, the property is not located within a rent pressure zone and in accordance with Section 3A of the Act, no material change of use has occurred. Therefore, it was not considered 'development'.

ABP Ref. 314076-22: On the 12th of December 2023, the Board made a decision on the question of the change of use of a dwelling, as a principal place of residence (outside a rent pressure zone) to a dwelling in use for short-term letting purposes (at Fahan, Co. Donegal). The Board considered that the change of use was material and was therefore 'development', and that legislation did not recognise it as 'exempted development'. Therefore, it was deemed to be 'development' and not 'exempted development'.

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan 2021-2027 is the operative Plan pertaining to the subject site. Relevant provisions include the following (as summarised):

TOU 26 – To direct tourism-based development including Hotels, Guesthouses and B&B's to Level 1, 2 and 3 Settlements where there is adequate infrastructure to

service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

Section 6.5.5 'Short Term Lettings' outlines the prevailing (at that time) legislative reforms aimed at addressing the impact on the private rental market in areas designated as 'Rent Pressure Zones'.

BHC 20 – To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

BHC 21 – The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

BHC 22 – To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure.

Section 13.19.2 outlines that any works which would materially affect the character of a Protected Structure requires planning permission.

Section 13.19.3 recognises that a change of use of a Protected Structure can assist in supporting long-term conservation but should be carefully considered to ensure the works do not detract from the historic fabric or value of the structure.

5.2. **National Policy / Guidelines**

The Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht) outline guidelines in relation to protected structures and architectural conservation areas in accordance with legislative requirements.

Guidance Note for Local Authorities for Regulating Short Term Letting (July 2019) (Department of Housing, Planning and Local Government).

Circular on Short-Term Letting and the Planning System (SPI 01/2026) issued by Department of Housing, Local Government and Heritage (January 2026).

5.3. Natural Heritage Designations

The closest designated site is the North-West Irish Sea SPA, distanced c. 5km to the east of the site.

6.0 The Referral

6.1. Referrer's Case

The case has been referred by Bryan Bellew, the stated owner of the structure. The main points outlined in the referrer's case can be summarised as follows:

- Barmeath Castle has been extended and altered over the years, most notably in the 19th century when extensive works were carried out. The guest wing was built at this time but may incorporate an earlier structure. It was in poor condition by the 20th century, resulting in roof collapse.
- In 2008, a planning application was made for a large commercial development to include refurbishment of the guest wing. As permission was not granted, the roof was reinstated and the original use of the building was retained. The wing has been used for guest accommodation since.
- Under Section 10(4) of the Planning and Development Regulations 2001, development consisting of the use of not more than four bedrooms in a house, where each bedroom is used for the accommodation of not more than four persons as overnight guest accommodation, shall be exempted development for the purposes of the Act.
- Under Section 57(1) of the Planning and Development Act 2000, the carrying out of works to a protected structure shall be exempted development if those works do (*sic*) affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- Therefore, it is submitted that the use of the four rooms in the castle for guest accommodation is not development and is exempted development.

6.2. Planning Authority Response

The response refers to the original LCC report and decision and requests that the Commission upholds the decision of the planning authority.

7.0 Statutory Provisions

7.1. Residential Tenancies (Miscellaneous Provisions) Act 2026

This Act primarily relates to residential tenancy arrangements, including the effective treatment of all of Ireland as a Rent Pressure Zone (RPZ). It also amends the Planning and Development Act, 2000, as incorporated below.

7.2. Planning and Development Act, 2000

Section 2(1) of the Act states the following:

- ‘development’ has the meaning assigned to it by Section 3;
- ‘exempted development’ has the meaning specified in section 4;
- *“habitable house” means a house which—*
 - (a) is used as a dwelling,*
 - (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or*
 - (c) was provided for use as a dwelling but has not been occupied;*
- *“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;*
- *‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the*

application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1)(a) of the Act states that:

- *'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures situated on land'.*

Section 3(3) of the Act states:

For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

Section 3A of the Act states that:

(1) The use of a house, part of a house or unit for short term letting purposes is a material change in the use of the house, part thereof or unit, as the case may be.

(2) For the purposes of this section, the Minister may make regulations requiring such persons as are specified in the regulations to provide a planning authority with such information as may be so specified and at such intervals as may be so specified in relation to short term lettings in the administrative area of the planning authority.

(5) In this section –

'landlord', in relation to a short term letting—

(a) in relation to a lease or tenancy, has the meaning given to it by section 5 of the Residential Tenancies Act 2004, or

(b) in relation to a licence, means the licensor who grants a licence permitting a person to reside in the house, part of the house or unit concerned; 'letting', in relation to a house, part of a house or unit means either of the following:

(a) a lease or tenancy within the meaning of section 5 of the Residential Tenancies Act 2004;

(b) a licence that permits the licensee to enter and reside in the house, part thereof or unit;

‘short term letting’ means the letting of a house, part of a house or unit, on a professional or non-professional basis—

(a) for a period not exceeding 21 consecutive nights, and

(b) in consideration of the making by any person (whether or not, as the case may be, the tenant or licensee) of a payment or payments to the landlord;

‘unit’ has the same meaning as it has in Article 3(1) of Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024¹ on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724.”

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including:

- Section 4(1)(h) providing 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) of the Act provides that *‘the Minister may, by regulations, provide for any class of development to be exempted development’*. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 4(4) outlines that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required, unless otherwise outlined in regulations under section 4A.

Section 57 outlines that:

(1) Notwithstanding section 4(1)(a), (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a

proposed protected structure, shall be exempted development only if those works would not materially affect the character of —

(a) the structure, or

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

7.3. Planning and Development Regulations, 2001

Article 6 (1) states:

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.

Article 6(5) states:

(a) Each of the following shall be exempted development:

(i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that —

(I) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons, and

(II) the development —

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission;

(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that —

(I) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and

(II) (II) the development —

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission.

Subsections (b) to (h) of Article 6(5) outline requirements in relation to the notification and recording of development to which paragraph (a) applies.

Article 9 outlines a range of ‘*Restrictions on exemption*’ for development to which article 6 relates.

Article 10(1) states:

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.

Article 10(4) states:

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.

7.4 Case Law

In PL29/8/279 *McMahon v Dublin Corporation* 1997 1 ILRM 227, the Board’s declaration was upheld. Barron J held that “*in the absence of explicit reference in the*

planning permission to a permitted use, regard must be had to the use for which the structure is designed, i.e, the use which was objectively intended for the structure having regard to the relevant planning documentation. The purpose for which the plaintiff's homes had been designed was private residential, whereas the use to which they were currently being put was commercial."

The question of whether a change of use is a material one was addressed by Keane J in the case of *Monaghan County Council v Brogan* [1987] I. R. 333. He stated that the issues of relevant to the question are:

"the matters which the planning authority would take into account in the event of a planning application being made for its use, if these matters are materially different (from the original use), then the nature of the use must equally have been materially different".

8.0 Assessment

8.1. The Question

- 8.1.1. The question referred to the Commission relates to *'the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation'*. However, having inspected the site and other relevant information, I am not satisfied that this accurately describes the matter.
- 8.1.2. As is not surprising given the nature and scale of the property, it has an unconventional form and layout. In brief, the property is arranged in an L-shaped layout along a southeast-northwest axis, which is divided into three sections.
- 8.1.3. The foot of the L-shape (i.e. the southeast end of the property) comprises the most striking and ornate part of the property, including a number of towers. It is my understanding that this is occupied as the principal private residence of the referrer.
- 8.1.4. At the opposite northwest end of the property, there is another principal private residence which stretches over ten bays with a pitched roof. It is my understanding that this is occupied by another generation of the referrer's family.

- 8.1.5. The subject referral concerns the middle section of the property between the two residences described above. This section comprises 4 no. bedrooms as well as large living, kitchen, and dining spaces. It is accessed independently via the internal courtyard. It is noted that potential access remains to both adjoining dwellings to the northwest and southeast via internal doors, although these are locked when guests are staying at the property.
- 8.1.6. It is also noted that the subject property is currently advertised for short-term rental on an online platform, namely 'Booking.com' (website accessed on 8th April 2026). It is advertised as a 'whole house', '*a spacious holiday home with five bedrooms*' (the fifth bedroom is described as a '*sofa bed*'), and that '*The entire place is yours*'. It has a stated size of 430m², and other listed facilities include 4 bathrooms, kitchen, living area, and dining area. The property appears to be available for bookings throughout the year.
- 8.1.7. Having regard to the foregoing, I consider that the question should be reformulated to reflect use as a holiday home.
- 8.1.8. In addition to the question of use, it is noted that the planning authority has raised the issue of 'works', more particularly a '*live enforcement case*' relating to the alleged unauthorised '*Refurbishment/reconstruction of Guest Wing to provide a self-contained guest house*'.
- 8.1.9. The referral in this case confirms that after permission was not granted in 2008, the roof was reinstated to facilitate the guest accommodation use which has since continued. I consider that these works are inextricably linked to the subject question of use and that, therefore, the question should be reformulated to include the works.
- 8.1.10. Having regard to the foregoing, I recommend that the Commission should reformulate the question as follows:
- 'Whether the use of a holiday home including four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation, together with the associated works to provide same, is or is not development and is or is not exempted development'*.

8.2. Is or is not development

- 8.2.1. As previously outlined, the definition of 'development' as per Section 3(1)(a) of the Act includes *'the carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures situated on land*. Therefore, the question of both 'works' and 'material change in use' must be considered.
- 8.2.2. In firstly considering 'works', I have outlined that this is defined in Section 2(1) of the Act to include *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure'*.
- 8.2.3. The referrer has confirmed that the provision of the subject accommodation has involved (at least) the reinstatement of the roof after the unsuccessful planning applications in 2008. I have reviewed the survey drawings and other documentation submitted with the planning applications in 2008 (as per the LCC online portal, accessed 9th April 2026). It is clear that the subject section of the building was in a very poor state at that time, including the absence of a roof, missing windows, unstable walls, and seriously damaged interiors. The referrer's agent described the north wing of the property as 'ruins'.
- 8.2.4. Having compared the above information with the current state of the property, it is clear that significant 'works' have been carried out in association with the provision of the subject accommodation. Accordingly, I am satisfied that those 'works' constitute 'development'.
- 8.2.5. On the second matter of 'material change in use', I would refer to Section 3A(1) of the Act. It confirms that *'The use of a house, part of a house or unit for short term letting purposes is a material change in the use of the house, part thereof or unit, as the case may be'*.
- 8.2.6. As previously outlined, it is clear that the subject accommodation comes within the confines of *'a house, part of a house or unit'* that is being used for *'short term letting purposes'*. Therefore, the use in this case represents a *'material change in use'* and

'development' in accordance with Sections 3A(1) and 3(1)(a) of the Act of 2000 respectively.

- 8.2.7. In conclusion, I consider that the question involves 'works' and a 'material change in use', which both constitute 'development' in accordance with Section 3(1)(a) of the Act of 2000, as amended.

8.3. Is or is not exempted development

- 8.3.1. The question of whether or not the development is exempted development is now considered separately in the context of both 'works' and 'use'.

Works

- 8.3.2. I have previously outlined the provisions for exempted development under Sections 4(1)(h) and 57(1) of the Act of 2000.
- 8.3.3. I note that Section 4(1)(h) relates to '*works for the maintenance, improvement or other alteration of any structure*'. However, having regard to the nature and extent of the subject works, involving an almost complete reconstruction and refurbishment of the structure, I consider that the scope and nature of the works significantly exceed that which could reasonably be considered '*maintenance, improvement or other alteration*'. Furthermore, the works do not only affect the interior of the structure, and I consider that the works are of such a nature and scope that materially affects the external appearance of the structure so as to render the appearance inconsistent with the character of the structure. Accordingly, I do not consider that the works would constitute exempted development under Section 4(1)(h) of the Act of 2000.
- 8.3.4. Similarly, given that the works materially affect the character of the structure, they would not constitute exempted development under Section 57(1) of the Act of 2000.
- 8.3.5. I note that Article 6(1) of the Regulations of 2001 provides that development of a class specified in column 1 of Part 1 of Schedule 2 of the Regulations shall be exempted development subject to conditions and limitations. I have reviewed column 1 of Part 1 of Schedule 2, including '*Development within the curtilage of a house*'. However, I do not consider that any provisions apply to the works involved in this case.

8.3.6. I am not aware of any other exempted development provision under which the works associated with the subject development could be argued to constitute exempted development.

Use

8.3.7. Again, I note that Article 6(1) of the Regulations of 2001 provides that development of a class specified in column 1 of Part 1 of Schedule 2 of the Regulations shall be exempted development subject to conditions and limitations. I have reviewed column 1 of Part 1 of Schedule 2, including Class 14 '*Change of Use*'. However, I do not consider that any provisions apply to the uses involved in this case.

8.3.8. Article 6(5)(a) of the Regulations of 2001 outlines that, subject to conditions, each of the following shall be considered exempted development –

- (i) short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned, and
- (ii) short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned.

8.3.9. Consideration of the above provisions requires an acknowledgement of the unconventional nature of the subject accommodation. In that regard, I would highlight that it effectively constitutes a self-contained 'holiday home' comprising a substantial area including 4 bedrooms, 4 bathrooms, a living/dining area and a kitchen. On the other hand, it is located between two adjoining principal private residences and internal access remains to both.

8.3.10. With regard to Article 6(5)(a)(i), I acknowledge that the accommodation includes a maximum of 4 bedrooms. The Article is silent on whether or not the restriction '*not more than*' relates solely to bedrooms, or whether that restriction applies to other rooms such as living rooms, kitchens etc. In that case, the development would involve '*more than 4 bedrooms*', and it is my opinion that the provision is not designed to facilitate self-contained holiday homes as exempted development. Furthermore, notwithstanding the availability of internal access to the adjoining principal private residences, which I consider to be a somewhat tenuous link, I consider that the subject development is clearly distinct and separate from both and

could not be considered to be *'bedrooms in a house that is the principal private residence of the landlord or licensor'*.

- 8.3.11. The Act of 2000 defines a 'house' as *'a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building'*. Given that the referrer has confirmed that the subject development has always been provided for and used as guest accommodation, I do not consider that it is or has been occupied as a dwelling, nor was provided or designed for use as a dwelling. Therefore, I do not consider that it comes within the meaning of a 'house'.
- 8.3.12. Furthermore, the Regulations of 2001 define 'principal private residence' as *'a house in which the landlord or licensor concerned ordinarily resides'*. I do not consider that this applies to the subject development as neither a landlord nor licensor ordinarily resides there.
- 8.3.13. Accordingly, I do not consider that the subject development is within either a 'house' or a 'principal private residence' or that Article 6(5)(a)(i) applies.
- 8.3.14. Article 6(5)(a)(ii) relates to a house that is the principal private residence of the landlord or licensor concerned. Again, I consider that the subject development is not a 'house', and that the two principal private residences are located either side of the subject development and are distinct from same. Accordingly, I do not consider that Article 6(5)(a)(ii) applies.
- 8.3.15. I note that Article 10(1) of the Regulations states that, subject to conditions, *'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...'*. I have reviewed Part 4 of Schedule 2, and I do not consider that the specified classes of use are applicable to the subject development.
- 8.3.16. Finally, I note that Article 10(4) of the Regulations is similar to Article 6(5)(a)(i). Subject to conditions, it outlines that 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 reasons previously outlined, I do not consider that the subject development is within a 'house'. Accordingly, Article 10(4) does not apply.

8.3.17. I am not aware of any other exempted development provision under which the use associated with the subject development could be argued to constitute exempted development.

8.3.18. In addition to the above legislation, I note that the Department of Housing, Local Government and Heritage Circular on Short-Term Letting and the Planning System (SPI 01/2026) aims to clarify cases where planning permission is and is not required. It outlines that permission is not required where:

- a house or apartment that is a person's principal private residence (i.e. main home), is used for short-term letting for a cumulative period of up to 90 days per annum, where the host is not present; or
- a house or apartment that is a person's principal private residence, is used for short-term letting where the host also continues to reside, for any period; or
- a residential property already has planning permission for short-term letting use, which may include a hotel, aparthotel, tourist village or student accommodation, as well as any houses or apartments for which planning permission for short-term letting use has been granted.

8.3.19. The first two points above relate to a house or apartment that is a person's principal private residence. For the reasons previously outlined, I do not consider that this applies to the subject accommodation. The last point relates to a property that already has planning permission for short-term letting use, which does not apply in this case.

8.3.20. The Circular outlines that permission is required where:

- a house or apartment that is a person's principal private residence (i.e. main home), is used for short-term letting for a cumulative period of more than 90 days per annum where the host is not present; or,
- house or apartment that is not a person's principal private residence (i.e. is a second or subsequent property), is used for short-term letting for any period, and
- the house or apartment that is being used for short-term letting, does not have planning permission for that use.

8.3.21. I consider that the subject case is consistent with the second and third points (above) in that it is not a person's principal private residence (i.e. is a second or subsequent property) and does not have planning permission for that use.

8.4. Restrictions on exempted development

8.4.1. As I have concluded that the works carried out constitute development that is not exempted development, the question of any possible restriction on exempted development does not arise.

8.5. Environmental Impact Assessment Screening

8.5.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

8.6. Appropriate Assessment Screening

8.6.1. I have considered this case in light of the requirements of S177U the Planning and Development Act 2000 (as amended). The subject development is located within an existing structure and comprises the use of the structure as a holiday home together with the associated works. The closest European Site, part of the Natura 2000 Network, is the North-West Irish Sea SPA, distanced c. 5km to the east of the site.

8.6.2. Having considered the nature, scale and location of the subject development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.6.3. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development.
- The location of the development within an existing structure which is part of a larger complex of buildings.

- The distance from European Sites, the nature of intervening habitats, and the absence of ecological pathways to any European Site.

8.6.4. I conclude, on the basis of objective information, that the subject development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the use of four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation, is or is not development or is or is not exempted development:

AND WHEREAS Bryan Bellew requested a declaration on this question from Louth County Council and the Council issued a declaration on the 23rd day of July, 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Bryan Bellew referred this declaration for review to An Coimisiún Pleanála on the 19th day of August, 2025:

AND WHEREAS the Commission reformulated the question as follows –

Whether the use of a holiday home including four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest

accommodation, together with the associated works to provide same, is or is not development and is or is not exempted development:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 3A of the Planning and Development Act, 2000, as amended,
- (d) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (e) Section 57(1) of the Planning and Development Act, 2000, as amended,
- (f) Article 6(5) of the Planning and Development Regulations, 2001, as amended,
- (g) Article 10(4) of the Planning and Development Regulations, 2001, as amended,
- (h) The provisions of the Louth County Development Plan 2021-2027,
- (i) the planning history of the site,
- (j) the pattern of development in the area, and
- (k) the report and recommendation of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The works associated with the provision of the subject accommodation are inextricably linked to the questions which are the subject matter of the referral, and such works come within the scope of section 2(1) of the Planning and Development Act, 2000, as amended.

- (b) The said works constitute development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended.
- (c) The use for short term letting purposes is a material change in use that comes within the scope of section 3A(1) of the Planning and Development Act, 2000, as amended.
- (d) The said material change in use constitutes development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended.
- (e) The nature and significant scale of the subject works are such that do not come within the scope of exempted development in accordance with section 4(1)(h) or section 57(1) of the Planning and Development Act, 2000, as amended.
- (f) The development does not come within the meaning of a 'house' as per section 2(1) of the Planning and Development Act, 2000, as amended, and does not come within the meaning of a 'principle private residence' as per Article 6 of the Planning and Development Regulations, 2001, as amended. Accordingly, the development does not come within the scope of exempted development in accordance with Article 6(5) or Article 10(4) of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the use of a holiday home including four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation, together with the associated works to provide same, is development and is not exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

20th of April 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323467-25
Proposed Development Summary	The use of a holiday home including four bedrooms in the guest wing of Barmeath Castle, where each bedroom is used for overnight accommodation of not more than four persons as overnight guest accommodation, together with the associated works.
Development Address	Barmeath Castle, Dunleer, Co. Louth
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____