Threshold's Observations on the Planning and Development (Exempted Development (Act of 2000)) (No. 3) Regulations 2026

Executive Summary:

Threshold are happy to provide constructive observations on the Planning and Development (Exempted Development (Act of 2000)) (No. 3) Regulations 2026. Drawing on its frontline experience supporting approximately 20,000 households annually, Threshold is concerned that, while the proposals aim to increase housing supply, they risk creating a poorly regulated and insecure segment of the rental market if implemented without adequate safeguards.

License arrangements

It has been indicated in the Housing and Residential Tenancies (Miscellaneous Provisions) Bill that the occupants of these "garden homes" will not have the protection of the Residential Tenancies Acts. This will result in the expansion of license arrangements.

Licensees who fall outside the protections of the Residential Tenancies Acts are not afforded essential rights such as security of tenure, protections from high rent increases and access to the Residential Tenancies Board (RTB) for dispute resolution. By the same token, the owners of these "garden homes" will not be in a position to rely on the Residential Tenancies Acts or the RTB if issues arise.

Setting these rental arrangements outside of the scope of the Residential Tenancies Acts will lead to legal uncertainty and increase the risk of exploitation, especially vulnerable groups such as migrants, lower-income households, and older people.

Two-tier housing system

The proposal may also contribute to a two-tier housing system, where vulnerable groups are disproportionately housed in lower-quality, insecure accommodation. There are further risks for older homeowners, including potential coercion or exploitation in property development decisions.

Standards

The proposed regulations do not clearly define minimum requirements for space, habitability, or essential services. Without explicit alignment with the Housing

(Standards for Rented Houses) Regulations 2019, there is a risk that units may meet basic construction requirements but fail to provide safe and dignified living conditions.

Impact on local infrastructure

In addition, removing planning permission requirements may reduce local authority oversight and data availability, limiting the ability to monitor developments and assess cumulative impacts on infrastructure such as water, transport, and waste systems. This could lead to unplanned densification and strain on already pressured services.

Recommendations

Threshold recommends pausing the proposals to allow for engagement with housing experts and stakeholders. A revised approach should ensure tenant protections, enforceable standards, effective oversight by Local Authorities, and safeguards for vulnerable groups, while supporting sustainable increases in housing supply.

Introduction

1. Threshold, the national housing charity, has been supporting tenants in the private rental sector since 1978. Each year, it assists approximately 20,000 households facing challenges in their rental agreements.

2. As a result of this extensive experience, Threshold is well positioned to understand how the proposed legislation may affect renters. Its frontline advice staff regularly encounter individuals who fall outside the protections of Residential Tenancies Acts. These renters are generally classed as licensees, although there is a diverse array of license arrangements. Many licensees only become aware of their legal status when a crisis occurs, such as an eviction, the withholding of a deposit, or a sudden deterioration in their living conditions.

3. The Planning and Development (Exempted Development (Act of 2000)) (No. 3) Regulations 2026 present an important opportunity to address the lack of statutory rights and the limited access to dispute resolution mechanisms for licensees. However, Threshold believes that progressing with the proposed exemptions

without adequate safeguards for the occupants could create a range of complex issues that outweigh the intended benefits of the proposed exemptions.

4. While the aim of the proposed expansion is to increase housing supply, insufficient protections may lead to legal uncertainty, greater strain on local and public infrastructure, and increased risks for vulnerable groups, including older people. Threshold believes that moving ahead with the proposed exemptions, without appropriate safeguards, could generate a range of complex challenges that outweigh the intended benefit.

5. In this submission to the Planning and Development (Exempted Development (Act of 2000)) (No. 3) Regulations 2026, Threshold sets out key policy concerns, potential unintended consequences arising from the proposed changes, and recommendations to address these issues.

6. First, Threshold is concerned that the expansion of exempted developments will lead to an increase in license arrangements rather than regulated private rental tenancies. This raises significant issues regarding rental options and the lack of protections available to licensees, including uncertainty around jurisdiction within the RTB. There is also a risk that migrants and other minority groups may be disproportionately represented in these arrangements, further entrenching existing inequalities in access to secure housing.

7. Secondly, Threshold raises concerns about standards within such developments. In particular, there is a lack of clarity regarding minimum standards, including adequate space and overall living conditions. This is compounded by concerns around rent setting, where individuals may be charged relatively high rents for accommodation that does not provide adequate security, quality, or value.

8. Thirdly, Threshold highlights potential planning and infrastructure challenges, particularly the risk of increased strain on local infrastructure if these developments

proceed without sufficient oversight. Related to this, there are concerns regarding the ability of local authorities to effectively monitor and regulate such accommodation.

9. Fourthly, Threshold is concerned about the potential impact on vulnerable groups, particularly older people. The combination of limited regulatory oversight and reduced protections may increase the risk of exploitation, while existing regulatory frameworks may not be sufficient to safeguard their needs.

10. Finally, drawing on the experience of Threshold's clients, it is evident that many individuals in precarious housing situations already contend with limited rights and restricted access to dispute resolution. These individuals regularly raise with advisors' issues such as additional costs, for example shared electricity bills which they never see or externally controlled meters.

11. Concerns also arise in relation to inadequate facilities, including reliance on shared amenities in the main house, lack of independent access to essential services, and poor conditions such as damp and mould with associated health impacts.

12. None of these concerns are insurmountable. However, Threshold recommends that these proposals be paused to allow for meaningful engagement with housing experts and frontline organisations to put in place the necessary guardrails. This will ensure that the measures which aim to increase housing supply do not inadvertently undermine renters' rights, housing standards, or regulatory oversight.

Observations

Supply:

13. There have been claims that a "seomraí"-style policy can deliver meaningful additional housing in the places where need is most acute in a sustainable way. We are obliged to interrogate such claims to ensure the creation of well-designed policy that meets people's needs in an effective and sustainable way.

14. Proponents such as Progress Ireland have suggested that deregulation as proposed in the regulations can deliver large numbers of units; 350,000 garden homes is the figure they are proposed[1][2]. We must keep in mind that this number will be impacted by many factors such as individual homeowner decisions, access to finance, site constraints and local acceptance.

15. One listed benefit is a reduction in carbon emissions through the provision of these homes in areas of higher density. However, the 350,000-figure put forward by Progress Ireland is based on a sample of homes of which just under 50% are in areas of high density[3].

16. Unfettered construction of these units will not lead to a reduction in carbon emissions as envisioned. In contrast, it could lead to a widely distributed model of backyard or ancillary units which risk reinforcing a low-density urban form that is difficult to service and structurally tied to car dependency.

17. Research consistently shows that dispersed settlement patterns are associated residential energy demand, with significantly higher emissions in lower-density areas. Similarly, the infrastructure costs of scattered development are markedly higher, reflecting the inefficiencies of servicing spread-out populations.

18. It would be easy to imagine that such units would come to market at relatively lower rents. However, to reach that 350,000 figure, the rent on a 25sqm unit would need to range between €1,400 to €2,088 a month in Dublin and come in approximately €1,200 in the cities of Cork, Galway and Limerick. The rents in commuter towns

[1] Progress Ireland (2024), One pager: Ireland could build 350,000 small homes in gardens, https://progressireland.org/a-seomrai-policy-could-unlock-350000-homes/ (accessed 08/06/2025)
[2] Progress Ireland (2024), In plain sight: a tweak to planning rules could unlock up to 350,000 small homes, https://progressireland.org/in-plain-sight-a-tweak-to-planning-rules-could-unlock-up-to-350000-small-homes/ (accessed 08/06/2025)
[3] Lawton P., (2025), Seomraí: Sprawl-stopper or More Dispersed Settlement?, https://www.linkedin.com/pulse/seomra%C3%AD-sprawl-stopper-more-dispersed-settlement-phil-lawton-pvsge/ (accessed 08/06/2025)

such as Meath, Kildare and Wicklow are estimated at approximately €1,200/€1,300 also[4]. This is based on a pre-tax yield of 13% which Progress Ireland have deemed necessary to make it financially viable for 350,000 units to be built[5].

19. These considerations raise doubts about whether the policy could materially shift housing affordability or availability in cities, where shortages are most pronounced and where structural barriers such as land values and construction costs are strongest.

20. Rather than acting as a "sprawl stopper," the policy could entrench existing patterns of dispersion, delivering marginal gains in unit numbers at high rents while undermining broader goals of urban intensification, public transport viability, and climate-aligned development.

Licensees:

Changes to the proposal

21. The original purpose of the regulations was for these units to be used to relieve overcrowding in a principal private residence or to facilitate older homeowners in rightsizing. The proposal now is that these "garden homes" also be used as rental housing.

22. Thresholds primary concern is the consequences of the occupants of these properties not being afforded any rights or protections.

[4] Progress Ireland (2024), Interactive public Seomraí Model, https://docs.google.com/spreadsheets/d/1BPJGnwu3nqg3b2wMR5bbBB7-ANqtCm6LKZyGJ2839cA/edit?gid=1176772402#gid=1176772402 (accessed 08/06/2025)

[5] Progress Ireland (2024), In plain sight: a tweak to planning rules could unlock up to 350,000 small homes (2024), https://progressireland.org/in-plain-sight-a-tweak-to-planning-rules-could-unlock-up-to-350000-small-homes/#heading-3 (accessed 08/06/2025)

23. In addition, it has been reported recently that owners of these units will be permitted to avail of the rent-a-room tax relief.[6] This will permit owners to bring in rental income of up to €14,000 a year tax free. Tax free income with no obligations to the person paying the rent.

24. The original consultation which ran from 29 July 2025 to 29 August 2025 made no mention of the units being rented out or the rent-a-room tax relief. In light of this, Threshold recommend that the Government pause these proposals and engage with housing experts and frontline organisations to ensure that any new measures aimed at increasing housing supply do not undermine renters' rights or housing standards.

Lack of Protections

25. Threshold is concerned by the amendment to the Residential Tenancies Act to exempt these rental arrangements from the protection of the Residential Tenancies Acts leaving occupants without statutory rights, such as notice periods, protection from large rent increases or access to dispute resolution services via the RTB.

26. The proposed exemptions may unintentionally accelerate the growth of licence agreements in the private rental market. Licence agreements are revocable at will, meaning occupants can be evicted with little or no notice.

27. In addition, allowing the owners of these units to avail of the rent-a-room tax relief is unacceptable. The rent-a-room tax relief, which incentivises homeowners to rent out rooms in their own home, offers generous financial benefits to landlords without imposing any reciprocal obligations to maintain quality or provide legal protections to occupants.

[6] Dalton, E. (2026) 'Beds in the back yard: What will new rules mean for owners, buyers and prospective renters?', The Journal, 25th April. Available at: https://www.thejournal.ie/modular-sheds-7021553-Apr2026/. Accessed on 08/05/2026.

28. Threshold's 2025 commissioned report, 'Renting at the Frontier' authored by Dr Valesca Lima,[7] found that licensees can be subject to forced eviction, intimidation and harassment, whilst having no formal recourse.

29. Threshold believes that any policy facilitating the proliferation of rental modular units or detached accommodations, particularly when designated as falling outside the jurisdiction of the RTB, should be accompanied by robust safeguards. A summary of recommendations from 'Renting at the Frontier' is available on the Threshold website.

30. Without such measures, the Government risks expanding what is already a lightly regulated rental sub-sector that disproportionately affects vulnerable groups.

Jurisdiction of the RTB

31. As it currently stands, the RTB have been willing to recognise rental arrangements in "garden homes", or such non-traditional housing, as tenancies falling under their jurisdiction, regardless of how the arrangement is labelled contractually.

32. Traditionally, the dividing line between a *tenancy* (protected by the Act) and a *licence arrangement* (not protected by the Act) hinges on the degree of exclusive possession enjoyed by the occupant. A tenancy exists where the occupant has control over a fully self-contained unit, including its own entrance, utilities, and absence of landlord interference.

33. Certain determinations treating certain non-traditional living arrangements[8] as falling within the RTA reflect this functional approach.

---

[7] Lima, Valesca. *Renting at the Frontier: Protecting the Rights of Licensees in Ireland.* Threshold, 2025. Available at: https://threshold.ie/wp-content/uploads/2025/09/Renting-at-the-Frontier.pdf. Accessed on: 11/05/2026

[8] Residential Tenancies Board, *Tenancy Tribunal Report, Ref. TR1019-004029* (Dublin: Residential Tenancies Board, 2019), https://rtb.ie/wp-content/uploads/2025/05/TR1019-004029_Report.pdf.
Residential Tenancies Board, *Tenancy Tribunal Report, Ref. TR1119-004075* (Dublin: Residential Tenancies Board, 2020), https://rtb.ie/wp-content/uploads/2025/05/TR1119-004075_Report.pdf.

34. If the renter effectively lives independently and the landlord exercises little or no day-to-day control over the home, the legal protections of tenancy law are triggered. This has important consequences for security of tenure, rent regulation, and dispute resolution. It also demonstrates a broader judicial trend toward preventing the artificial classification of occupiers as licensees in order to evade statutory protections, as noted in 'Renting at the Frontier.[9]

35. However, the amendment to no longer recognise such arrangements as tenancies subject to the Residential Tenancies Acts, raises important questions about the people's existing rights. Will the occupants of such units who are already recognised as tenants lose their rights? Exempting these rental agreements from the protection of the Residential Tenancies Acts also risks reversing or undermining existing jurisprudence. In effect, arrangements that would otherwise meet the legal test for a tenancy could be rech
36. aracterised as licensees, not because of their factual nature, but due to policy reclassification.

37. This raises a number of legal concerns. First, there is the issue of legal certainty: tenants currently occupying such units may find their status destabilised if new rules shift the jurisdictional boundary. Second, there is a risk of regulatory arbitrage, where landlords may adapt arrangements to fit within the licensee framework, even where the reality resembles a self-contained tenancy. This could dilute the protections the Act is designed to provide and recreate the very vulnerabilities the recent case law seeks to address.

38. This reinforces the argument for clearer statutory regulation of licence arrangements. The growing prevalence of 'non-traditional housing' has exposed

Residential Tenancies Board, *Tenancy Tribunal Report No. 61* (Dublin: Residential Tenancies Board, 2018.), https://rtb.ie/wp-content/uploads/2025/05/Tribunal_Report_61.pdf.

[9] Lima, Valesca. *Renting at the Frontier: Protecting the Rights of Licensees in Ireland.* Threshold, 2025. Available at: https://threshold.ie/wp-content/uploads/2025/09/Renting-at-the-Frontier.pdf. Accessed on: 11/05/2026

gaps in the existing legal framework. The "all-or-nothing" distinction between tenancies and licences is increasingly ill-suited to contemporary housing conditions.

39. By providing clearer rights and obligations to licensees the legislature could reduce the incentive for misclassification and ensure more consistent protections across the housing sector.

40. In this sense, the solution may lie not in continually redrawing jurisdictional boundaries, but in broadening the protective scope of the law itself, ensuring that individuals in precarious, quasi-independent arrangements are not left outside the regulatory framework altogether.

41. The Law Reform Commission, as far back as 2003, has recommended[10] that there should be statutory guidelines for the courts and by extension the RTB, to apply when identifying if an arrangement is a tenancy. The Act currently does not include statutory guidelines for determining a tenancy.

42. This is just one of several reasons why we are urging the Government to pause these proposals and instead engage with housing experts and frontline organisations, so that these measures, that are aimed to increase housing supply, do not end up compromising renters' rights or housing standards.

Migrants and other marginalised groups

43. While planning exemptions are intended to improve housing efficiency and accelerate housing supply, they may unintentionally contribute to the emergence of a segmented housing system, in which middle-and higher-income groups continue to access secure and high-quality housing, while lower-income households are

[10] Law Reform Commission. *Consultation Paper on the General Law of Landlord and Tenant.* Dublin: Law Reform Commission, 2003. Available at: https://www.lawreform.ie/_fileupload/consultation%20papers/cpLandT.pdf. Accessed on: 12/05/2026

increasingly accommodated in detached or modular units with weaker long-term security and fewer legal protections.

44. In this context, migrants, lower-income households and other marginalised groups may be disproportionately accommodated in lower-quality or less secure forms of housing, thereby reinforcing existing social inequalities. As it stands, 56% of migrants in Ireland reside within the private rented sector, making them particularly vulnerable to rising rents, insecure tenure, and arbitrary eviction practices.[11]

45. Evidence shows that non-Irish nationals are more vulnerable to homelessness[12] and often concentrate in specific areas for work or study, which can lead them to accept low-quality accommodation with fewer protections. Similarly, Roma and Traveller minority groups are disproportionately affected by homelessness and housing exclusion.[13]

46. The Irish experience, particularly the use of modular and rapidly delivered accommodation for international protection applicants under the Comprehensive Accommodation Strategy (CAS) and the International Protection Accommodation Service (IPAS), illustrates how planning flexibility, while addressing urgent humanitarian need, can also generate a parallel and less secure housing pathway for migrants, raising concerns regarding spatial and social segregation[14]

[11] Economic and Social Research Institute (ESRI). "Migrants Face Greater Challenges in the Irish Housing Market Than Irish-Born." Accessed May 13, 2026. https://www.esri.ie/news/migrants-face-greater-challenges-in-the-irish-housing-market-than-irish-born.

[12] Mercy Law Resource Centre, *Minority Groups and Housing Services Report* (Dublin: Mercy Law Resource Centre, 2020), https://mercylaw.ie/wp-content/uploads/2024/11/ML_2020_Minority-Groups-and-Housing-Services_Report_D6-1.pdf.

[13] Pavee Point Traveller and Roma Centre, "Access to Accommodation that is Affordable, Habitable, Accessible and Culturally Adequate is a Basic Human Right," accessed May 26, 2026, https://www.paveepoint.ie/access-to-accommodation-that-is-affordable-habitable-accessible-and-culturally-adequate-is-a-basic-human-right/

[14] Department of Children, Disability and Equality, "Government Agrees New Comprehensive Accommodation Strategy for International Protection Applicants," Government of Ireland, March 27, 2024, https://www.gov.ie/en/department-of-children-disability-and-equality/press-releases/government-agrees-new-comprehensive-accommodation-strategy-for-international-protection-applicants/.

47. The Jesuit Centre for Faith and Justice have highlighted that these rapidly developed forms of accommodation may contribute to a progressive deterioration in accommodation standards within Ireland's reception system, noting that "with each iteration, a lower and ever more inadequate level of accommodation becomes normalised.[15]

48. Similar patterns are evident internationally, in England, the expansion of permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 has been associated with the creation of lower-quality residential units, often occupied by lower-income tenants and migrants, thereby contributing to uneven housing standards within urban.

49. Research in England indicates that residents living in permitted development housing often experience poorer living conditions, including overcrowding, inadequate space, overheating, and limited access to light and amenities. These conditions have been associated with lower mental wellbeing, higher stress levels, and broader health inequalities compared to residents in conventionally planned housing.[16]

50. These risks are compounded by the vulnerabilities experienced by many migrants and marginalised groups, including limited housing choice due to income constraints or discrimination; greater reliance on state-supported, temporary, or emergency accommodation pathways; and reduced access to housing advocacy, legal protections, or planning knowledge.

[15] Jesuit Centre for Faith and Justice, "Well-Founded Fear of Reception in Ireland: No Accommodation, No Minimum Standards, No Red Lines," October 4, 2024, https://www.jcfj.ie/article/well-founded-fear-of-reception-in-ireland-no-accommodation-no-minimum-standards-no-red-lines/.

[16] University College London Bartlett School of Planning, "Pilot Study Investigates the Link Between Permitted Development Housing and Health," *UCL Bartlett News*, May 19, 2023, https://www.ucl.ac.uk/bartlett/news/2023/may/pilot-study-investigates-link-between-permitted-development-housing-and-health.

Standards:

51. If these structures are not brought within the scope of the Residential Tenancies Acts, and consequently the Housing (Standards for Rented Houses) Regulations 2019, Threshold is concerned that this could lead to a decline in housing quality and overall standards.

Unclear Standards and Certification

Standards

52. Threshold is concerned that the proposed changes to allow for detached exterior dwellings do not adequately set out the minimum standards to which these units would be subject[i].

53. It is assumed that these units will need to comply with the Building Control Acts 1990–2014, which give effect to the Building Regulations, these provisions are primarily concerned with technical and construction-related requirements.

54. This includes structural safety (such as the integrity of foundations, walls, and roofs), fire safety (including appropriate fire-resistant materials and escape measures), insulation (meeting minimum thermal performance standards), ventilation (adequate airflow systems), and electrical safety (certified installations carried out by a registered electrician).

55. However, these requirements are focused on ensuring that a structure is safe and fit for construction and occupation at a basic level. They do not sufficiently address the broader criteria that define a unit as suitable for long-term habitation, regardless of the occupant's relationship to the homeowner.

56. Should such units enter the private rental market, it is necessary that they fall clearly within the remit of the Housing (Standards for Rented Houses) Regulations 2019. It may be necessary to amend these regulations to make remove any potential ambiguity about their application to the 'garden homes'. These regulations set out more comprehensive and occupant-focused statutory requirements.

57. The 2019 Regulations contain a number of critical requirements that appear to be absent or unclear in the regulations for exempted developments. These include requirements for natural light in living and sleeping spaces; provision of fixed, permanent heating systems, safety measures such as carbon monoxide alarms, refuse storage arrangements and ongoing maintenance obligations for landlords.

58. In addition, the 2019 Regulations set out specific requirements in relation to kitchen and sanitary facilities, which are closely linked to the provision of essential services. These include access to a safe and reliable water supply (hot and cold), appropriate wastewater disposal, and adequate cooking and washing facilities.

59. In practice, this would require such units to be connected to mains water and an existing sewage system, or alternatively, to have an appropriate on-site wastewater treatment system installed.

60. As noted in the Building Regulations, specifically Part G[17], A properties must have basic sanitary facilities, including a bathroom with a bath or shower and washbasin, a kitchen with a sink and draining board, and a supply of hot and cold water.

61. It also must contain adequate toilets, and hand-washing facilities must also be provided, located separately from food preparation areas, with hot and cold water available at washbasins. All sanitary fittings should be water-efficient, hygienic, and easy to clean.

62. While the Building Regulations are explicit, there is a risk that these units could meet technical construction requirements while still falling short of the conditions necessary for safe, dignified, and sustainable long-term living.

[17] Government of Ireland. *Building Regulations (Part G Amendment) Regulations 2008*. S.I. No. 335/2008. Dublin: Irish Statute Book, 2008. Accessed July 13, 2026. https://www.irishstatutebook.ie/eli/2008/si/335/made/en/print.

63. Furthermore, it remains unclear how these standards would be monitored or enforced in the case of exempted developments, particularly where there is no formal planning oversight. Currently the Local Authorities, which are responsible for inspecting rental units and enforcing the associated minimum standards, utilise the RTB data to identify rental homes in their administrative area. The absence of planning or any form of Local Authority oversight will mean Local Authority staff may not know the location of the 'garden homes' to inspect them.

64. Demonstratable certificate of compliance, known as Agrément certificates, are available for units that are built using Modern Methods of Construction. Such certificates will provide a level of assurance that the structure is safe, durable, and well-insulated. There is a question, however, over the certification of units that will be built through traditional construction.

65. Units built using Modern Methods of Construction will be able to get a Agrément certificates, and they are designed specifically for new building materials. It will help prove that the structure is safe, durable, and well-insulated.

66. Auxiliary dwellings constructed using traditional building methods are certified through compliance with the Building Regulations, supported by professional design certification, inspection, and sign-off by qualified architects, engineers, or building surveyors, governed by the planning process

67. Whether exempt or not, these structures will still legally be required to comply in full with the Building Regulations.

68. This raises an important concern regarding regulatory oversight and the Local Authorities' ability to enforce the building regulations. Without a planning permission application and a paper trail, oversight and enforcement will be undermined and made extremely difficult.

69. The issue is the loss of critical data. As it stands, Local Authorities, already face difficulties in enforcing planning requirements for short-term tourist lets due to lack of knowledge about their location.

70. Without this planning oversight, enforcement would need to be triggered by something like neighbour complaints, safety reports from utility providers, or random spot checks. This seemingly reduces the chances of spotting a defective unit down to sheer luck.

71. The requirement to issue a commencement notice before building begins has the potential to address such obstacles. This would put the project on the local authority's radar for random structural and fire safety inspections, ensuring oversight remains active.

72. It behoves us to consider these potential issues and, with this foresight, put in place safeguards now before we risk renters paying their hard-earned case to live in potentially defective and unsafe homes.

Lack of Space

73. The Department's report into co-living[18] highlighted the Planning Division's concerns and presented policy options, including the removal of national policy support and planning guidance for co-living as a distinct development type. These recommendations followed widespread criticism of co-living schemes, particularly in relation to their limited space, lack of privacy, and poor overall liveability.

74. In this context, the experience of co-living in Ireland serves as a relevant and cautionary precedent when considering the introduction of detached exterior dwellings. Co-living was introduced in 2018 as an alternative housing model for

[18] Department of Housing, Local Government and Heritage; Planning Division (2020). 'Co-Living/Shared Accommodation – Report to Minister Darragh O'Brien.' Dublin: Stationary Office. Available at: https://assets.gov.ie/static/documents/co-living-shared-accommodation-report.pdf/. Accessed on 21/05/2026

urban areas, permitting private units as small as 15 sqm with shared kitchen and living facilities. However, within just two years, these developments were prohibited by Government due to significant concerns regarding housing standards and quality of life.

75. This regulatory change is particularly concerning in light of the Government's parallel reduction of minimum standards and sizes for newly developed apartment complexes[19], including lowered square footage requirements for studio and one-bedroom units. While there is an acknowledged intention to increase housing supply by utilising all available policy levers, these shifts risk normalising the delivery of small, potentially unsustainable homes across a range of tenures and housing types.

76. Allowing detached exterior dwellings of a minimum size of 32 sqm to be rented privately and potentially used as long-term housing, raises the possibility of replicating similar policy missteps. This risk is compounded by the potential absence of robust planning oversight mechanisms.

77. To avoid the emergence of a two-tier housing system, where lower-income or vulnerable households may be disproportionately confined to substandard or less secure accommodation, it is essential that clear protections and enforceable standards are put in place.

78. More broadly, housing policy in this area should be grounded in a rights-based approach to quality, ensuring that considerations of accessibility, habitability, and the physical and mental wellbeing of residents remain central to decision-making.

Planning, infrastructure and oversight:

Strain on Local Infrastructure

79. Increased occupancy densities resulting from self-contained living units could place significant strain on local infrastructure systems that were not designed to

[19] Government of Ireland (2025) Planning Design Standards for Apartments – Guidelines for Planning Authorities, 2025. Dublin: Stationary Office. Available at: https://assets.gov.ie/static/documents/Planning_Design_Standards_for_Apartments_080725_FINAL.pdf Accessed on 21/05/2026

accommodate such housing density. Water management, recreational infrastructure, and biodiversity are all vulnerable to overuse when additional residents are introduced without corresponding upgrades to services.[20]

80. Research in this area highlights the benefits of densification but also finds that densification, including through informal or subdivided housing or garden homes, can negatively affect infrastructure systems. Planning practices often fail to account for the impact that these types of homes can have on infrastructure and biodiversity, which are particularly vulnerable.[21]

81. In areas where infrastructure is already under pressure, for example with Dublin water services,[22] increased development could lead to service disruptions, environmental degradation or public health concerns. Increased densification, at a very high level, could overwhelm existing infrastructure, especially if planning authorities do not have the oversight necessary to account for environmental and social thresholds.

Difficulty with Monitoring and Regulation

82. The proposed exemption of these developments from planning permission raises ongoing concerns regarding oversight and data availability. In the absence of standard planning processes, there will be limited information on the scale, location, and characteristics of these units, including their number, size, occupancy, and infrastructure demands.

---

[20] Berghauser Pont, M., Haupt, P., Berg, P., Alstäde, V. and Heyman, A. (2021) 'Systematic review and comparison of densification effects and planning motivations', Buildings and Cities, 2(1), p. 378–401. Available at: https://doi.org/10.5334/bc.125

[21] Mrani, R., Radoine, H., Chenal, J. and Kamana, A., 2025. Trends, Methods, Drivers, and Impacts of Housing Informalities (HI): A Systematic Literature Review. Urban Science, 9(4), 101.
Berghauser Pont, M., Haupt, P., Berg, P., Alstäde, V. and Heyman, A. (2021) 'Systematic review and comparison of densification effects and planning motivations', Buildings and Cities, 2(1), p. 378–401. Available at: https://doi.org/10.5334/bc.125

[22] Joint Committee on Infrastructure and National Development Plan Delivery, Uisce Éireann: Future Work Programme, 28th May 2025, Available at: https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_infrastructure_and_national_development_plan_delivery/2025-05-28/10/. Accessed on: (12/05/2026)

83. While some mechanisms, such as Section 5 applications, which are not currently mandatory, could provide limited insight. Yet, they do not generate sufficiently robust or consistent data.

84. Another approach, that allows for data retention could be for the Minister for Housing, Local Government and Heritage to issue a Statutory Instrument to allow local authorities to fast-track or provide conditional approvals where the unit is for family use, addresses overcrowding in the family home or supports ageing in place (right-sizing).

85. In effect, allowing these units to be rented without addressing these concerns about data retention, risks creating a parallel housing sector that operates on the fringes of the planning system.

Older People:

86. One of the original intentions behind exempting detached habitable units and the subdivision of dwellings from planning permission is to support “ageing in place”, enabling older people to remain within their communities and close to family support.

87. This reflects a broader policy objective of promoting independence and reducing reliance on institutional care, particularly in the context of an ageing population and limited availability of age-appropriate housing options.

88. While adapted or smaller units can offer a practical option for some older adults who wish to “right-size”, they are not a comprehensive solution. Such arrangements may not provide the same level of independence, accessibility, or long-term suitability as purpose-built, one-bedroom units within well-serviced communities.

89. The concept of "right-sizing" itself can be positive, allowing older people to move into homes that better reflect their needs. However, this must be a voluntary and well-supported decision, made with full information and without external pressure.

90. In this context, the proposed planning exemptions raise important concerns, particularly where financial incentives and reduced oversight may increase the risk of undue influence or coercion.

91. Without appropriate safeguards, there is a risk that some older homeowners could be encouraged or pressured into development decisions that are not in their best interests, highlighting the potential for financial or property-related elder abuse.

Potential risks to older people

92. The proposed exemptions and combined financial incentive in the shape of the rent-a-room tax relief may expose older homeowners to undue influence or coercion from family members or third parties seeking to benefit from their property.

93. The reality is that the most common perpetrators of elder abuse are relatives and spouses.[23] For example, older individuals living alone may be persuaded or pressured into subdividing their homes or constructing garden units under the pretext of financial or caregiving support.

94. Without robust oversight, such developments could result in older adults losing control over their living arrangements, experiencing reduced privacy or being left with insufficient garden space. Notably, the regulation recommends a minimum of 25m^2 of garden space for residential amenity.

95. There does not appear to be any clarity in the regulations regarding what measures will be in place to guarantee this. Moreover, there is a no reference to explicit

[23] Naughton, C., Drennan, J., Treacy, M.P., Lafferty, A., Lyons, I., Phelan, A., Quin, S., O'loughlin, A. and Delaney, L., 2010. Abuse and neglect of older people in Ireland. Report on The National Study of Elder Abuse and Neglect. Report Summary. Ireland: National Centre for the Protection of Older People.

safeguards to ensure that decisions are made with the informed and voluntary consent of the homeowner, particularly those who may be vulnerable due to cognitive decline or social isolation.

96. The push to allow for flexible use of garden space could lead to exploitative arrangements if older homeowners are not adequately protected. Such risks highlight the urgent need for; clear regulatory frameworks, transparent consent procedures for those who are not subject to the Assisted Decision Making (Capacity) Acts and access to independent advice before developments proceed.

97. Broader safeguarding frameworks, such as the HSE's National Safeguarding Policy (2014)[24] and the Adult Safeguarding Bill (2017)[25], acknowledge financial and coercive abuse risks but do not explicitly cover property development decisions.

Other Regulatory Limitations

98. The Housing (Adaptation Grants for Older People and Disabled People) Regulations 2024 do not cover external areas, such as outbuildings, yards, gardens or attached land.[26] This means that necessary adaptations for safe and accessible living environments may be overlooked in these settings. Amending these regulations is essential to support comprehensive rightsizing initiatives.

Experience of Threshold's clients:

99. Threshold has supported many households who are renting garden cabins or similar units, usually located in the back garden of their landlord's home. These are examples of some of the issues that arise in these arrangements.

Breakdown of family relationship

[24] Health Service Executive (2014). 'Safeguarding Vulnerable Persons at Risk of Abuse- National Policy & Procedures; Incorporating Services for Elder Abuse and for Persons with a Disability' Available at: https://www2.healthservice.hse.ie/files/188/ (Accessed 15/05/2026)
[25] Houses of the Oireachtas (2017) 'Adults Safeguarding Bill 2017' Dublin; Seanad Éireann. Available at: https://www.oireachtas.ie/en/bills/bill/2017/44/ (Accessed 15/05/2026)
[26] Irish Statute Book (2024). 'Housing (Adaptation Grants for Older People and Disabled People) Regulations 2024'. Available at: https://www.irishstatutebook.ie/eli/2024/si/612/made/en/print (Accessed on: 13/05/2026)

100. Threshold is concerned that, while family-based housing arrangements may support provision, situations where relatives occupy accommodation within the same yard on an informal or contractual basis can create significant challenges.

101. One case illustrates this clearly. Karen[ii] lived with her partner and their two daughters in a cabin on his parents' farm. Following the relationship breakdown, she received a six-week eviction notice and was required to leave. Her children remained with their grandparents against her wishes.

102. This case highlights how housing instability can profoundly affect family life. A lack of secure tenure can leave women economically and socially dependent on partners and their families and may pressure them to remain in relationships due to fears of homelessness. When such relationships break down, housing insecurity can arise abruptly, especially where arrangements fall outside the protections of the Residential Tenancies Act.

103. Karen's experience demonstrates how the loss of both a relationship and accommodation can increase vulnerability to homelessness and lead to family separation. Informal housing status and limited legal clarity create a distinct form of precarity. While family-based accommodation may provide temporary relief, it can expose individuals to significant risk when circumstances change, underscoring the need for more secure and sustainable housing solutions.

Utilities

104. An important issue arising in informal garden cabin arrangements relates to energy provision and utility access, particularly where electricity supplies are shared with the main dwelling. One case handled by Threshold illustrates the risks involved.

105. Lawrence[iii] rented a cabin located to the rear of a landlord's principal residence, paying an €800 security deposit. There was no written agreement governing the

tenancy, including provisions for notice, utility payments, or the return of the deposit. The cabin shared an electricity meter with the main house, leaving Lawrence without independent control or visibility over his energy usage.

106. In March 2026, Lawrence vacated the property due to a sudden need to relocate, despite having already paid the full month's rent. Upon leaving, the landlord presented him with an electricity bill of €382, even though he had only occupied the property for 14 days that month. The landlord withheld his €800 deposit and indicated it would not be returned. With no formal agreement or access to dispute resolution through the RTB, Lawrence paid the bill in an effort to recover his deposit; however, the landlord still retained it.

107. This case demonstrates how the absence of separate metering and clear contractual terms can leave renters vulnerable to disproportionate charges and financial loss. It also highlights the power imbalance inherent in informal arrangements, where tenants lack both transparency and effective recourse, underscoring the need for clearer protections and independent utility systems.

Hygiene, Sanitation and Autonomy

108. Another issue identified in garden cabin arrangements concerns access to basic hygiene and sanitation facilities. One client supported by Threshold illustrates these challenges clearly.

109. Michael[iv] rented a garden cabin for two years. While electricity and water were supplied from the main house, essential facilities such as the shower, washing machine, and dryer were located in the landlord's residence. Although he had access to a toilet outside the cabin, his use of the shower and laundry facilities depended entirely on the landlord's household. He could only access them once others had finished, leaving him with no control over when he could meet basic hygiene needs.

110. This arrangement often placed Michael at a disadvantage, particularly as he had to align his routine with the availability and convenience of others. Despite paying rent, he effectively relied on permission to access facilities necessary for daily living.

111. Michael's experience highlights how occupants in such dwellings may lack autonomy, privacy, and dignity. Limited or conditional access to essential services can undermine independent living and create practical difficulties, particularly for those in employment or with structured schedules.

112. This case underscores the risks associated with accommodation that depends on shared amenities, and the need for minimum standards to ensure adequate access to basic facilities.

Deposit Retention

113. Another significant issue affecting occupants of cabin accommodation is the retention of security deposits, particularly in informal arrangements lacking written agreements. One case handled by Threshold highlights these risks.

114. Ruth[v], an international student attending University College Cork, struggled to secure accommodation in a highly competitive rental market. She eventually found a garden cabin in Cobh through an online platform and paid €1,500 in cash for a deposit and first month's rent at the landlord's insistence. Despite its distance from her university, she accepted the arrangement.

115. Problems arose immediately. The cabin lacked heating, and Ruth experienced repeated disturbances, including arguments within the landlord's household. The landlord frequently entered the cabin without notice and made unreasonable requests, including asking Ruth to contribute to unrelated repair costs. She was also criticised for the amount of time she spent in the accommodation.

116. With support from the platform, Ruth eventually relocated, leaving the property at night to avoid confrontation. However, she has not recovered her deposit, as the cash payment left no verifiable record.

117. Ruth's experience demonstrates how renters in informal cabin arrangements may be exposed to financial loss and limited protections, particularly where there is no documentation or access to formal dispute resolution mechanisms.

Conclusion:

118. Threshold are calling for the Government to pause the process so that the wider regulatory framework in respect of rental protections and standards are addressed. While the intention to increase housing supply is understandable, the current proposals risk creating more problems than they solve if not accompanied by robust safeguards and regulatory clarity.

119. Failure to implement proper oversight in expanding housing supply risks legal ambiguity, strained infrastructure, and heightened vulnerability, especially for older adults, leading to unclear tenancy rights, potential abuse, and substandard living conditions.

120. Threshold believes that any policy aimed at expanding housing options must be grounded in a framework that protects tenants, ensures quality, and supports sustainable public infrastructure.

121. In light of these concerns, Threshold recommends that policy makers pause these proposals and engage with housing experts and frontline organisations, so that these measures that are aimed at increasing housing supply do not inadvertently compromise renters' rights or housing standards.

The Scheme to Support National Organisations is funded by the Government of Ireland through the Department of Rural and Community Development.

[i] Point 7 mentions total area of structure to not be less than 32m2 and shall not exceed 45m2. Point 11 mentions independent pedestrian and/or wheelchair access to the detached house shall be provided within the curtilage of the principal house. Point 10 mentions no new access onto a road shall be constructed.

[ii] Name has been anonymised.

[iii] Name has been anonymised.

[iv] Name has been anonymised.

[v] Name has been anonymised.