

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Patrick Lawless  
C/O David Duignan  
Architectural & Planning Consultants  
Chartered Building Surveyors  
Dunmoe  
Navan  
Co Meath**

**PLANNING REFERENCE NUMBER: TA/S52480**

**APPLICATION RECEIPT DATE: 16/10/2024**

**FURTHER INFORMATION DATE:**

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 13/11/2024 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **Proposed conversion of vacant shop unit to dwelling at Rathmolyon td, Rathmolyon Co Meath** is development and is **EXEMPTED DEVELOPMENT**.

Date: 13/11/2024

Triona Keating  
**On Behalf of Meath County Council**

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2022 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

**For more information on Appeals you can contact An Bord Pleanala at:**

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: [bord@pleanala.ie](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)

**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1592/24

**Reference Number:** TA/S52480

**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2022

**Name of Applicant:** Patrick Lawless

**Address:** C/O David Duignan,  
Architectural & Planning Consultants  
Chartered Building Surveyors  
Dunmoe  
Navan  
Co Meath

**Nature of Application:** Proposed conversion of vacant shop unit to dwelling at Rathmolyon td., Rathmolyon, Co Meath

**Location of Development:** Rathmolyon, Co Meath

**DECLARATION:** This development is **EXEMPT** from Planning Permission.

**ORDER:**

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

**SIGNED:**   
**On Behalf of Meath County Council**

**DATE:** 13/11/2024

## Meath County Council



### Planning Report

<b>To:</b>	Deirdre Fallon, Senior Executive Planner
<b>From:</b>	Donal Farrelly, Executive Planner
<b>Report Date:</b>	12/11/24
<b>File Number:</b>	<b>TAS52480</b>
<b>Applicant Name(s):</b>	Patrick Lawless
<b>Development Address:</b>	Rathmoylan, Co. Meath
<b>Inspection Date:</b>	N/a
<b>Application Type:</b>	Section 5 of the Planning & Development Act 2000 (as amended): Declaration on Development/Exempted Development
<b>Development Description:</b>	Proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath
<b>Decision Due Date:</b>	<b>13/11/24</b>

#### 1.0 Site Location & Description

- 1.1 The application site is located at Rathmoylan, Co. Meath. The site is zoned 'B1 Commercial Town or Village' in the Meath County Development Plan 2021-2027. The surrounding area is characterised by predominantly residential and commercial properties.
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## 2.0 Proposed Declaration

2.1 The development description is described as “Proposed conversion of vacant shop unit to dwelling’ at Rathmoylan td., Rathmoylan, Co. Meath”. The Planning Authority is considering this question as:

***Whether the proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath, is or is not development and is or is not exempted development.***

*(date received 12/11/24) Df*

2.2 The submitted plans indicate that the building will change from a commercial use to a residential dwelling.

## 3.0 Planning History

3.1 History on site: None

## 4.0 Internal/Referrals

4.1 N/a

## 5.0 Relevant Legislation

In order to assess whether or not the structure described in para. 2.2 is or is not development or is or is not exempted development regard must be had to the following legislation:

### 5.1 Section 2 of the Planning & Development Act (PDA) 2000 (as amended)

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“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;

“structure” means inter alia any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised works” means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; and

“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.

## **5.2 Section 3 of the Planning & Development Act (PDA) 2000 (as amended)**

Section 3(1) PDA 2000 defines “development” as follows:

“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land”.

## **5.3 Section 4 of the Planning & Development Act (PDA) 2000 (as amended)**

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

#### **5.4 Section 5 of the Planning & Development Act (PDA) 2000 (as amended)**

Section 5 PDA 2000 provides *inter alia*:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.  
(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.  
(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

#### **5.5 Section 32 of the Planning & Development Act (PDA) 2000 (as amended)**

Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development which is unauthorised, for the retention of that unauthorised development.

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

Article 6 PDR 2001 provides (subject to the restrictions in article 9 of the PDR 2001) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

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

Article 9 PDR imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

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## 6.0 Assessment

The question has arisen as to whether *the proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath, is or is not development and is or is not exempted development* is or is not development and is or is not exempted development. In this regard it is necessary to consider the question of “development” and “exempted development” as provided for in statute and summarised above.

### 6.1 “Development”

I consider that the retention of the extension outlined in para. 2.2 falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

### 6.2 “Exempted Development”

Article 10 of the Planning & Development Regulations 2001-2024

This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.

Whereas the relevant period means ‘means the period from the making of these Regulations until 31 December 2025’. The relevant period is applicable.

I consider that the change of use is exempted development under Article 10 PDR for the purposes of the PDA and is not restricted by virtue of article 9.

## 7.0 Appropriate Assessment

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

- River Boyne And River Blackwater SAC (SiteCode: IE002299)

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura site(s).

7.2 The Planning Authority’s Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. There is no obvious hydrological/S-P-R linkage between the

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development site and the Natura Network and the site is located within a fully serviced urban environment. The Planning Authority therefore concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

## **8.0 Conclusion & Recommendation**

8.1 **I conclude** that the proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath is development and is exempted development.

8.2 **I recommended** that the applicant is advised that the proposal relates to development which is exempted development for the following reasons:

**WHEREAS** the question has arisen as to whether the proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath is or is not development and is or is not exempted development.

**AND WHEREAS** the said question was referred to Meath County Council by the applicant, Patrick Lawless.

**AND WHEREAS** Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000 (as amended) and articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000 (as amended); and
- (c) The provisions under Article 10 of the Planning & Development Regulations 2001 (as amended).

**AND WHEREAS** Meath County Council has concluded that:

- (a) Proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000 (as amended); and
- (b) Proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath is exempted development under the provisions of Article 10 of the Planning & Development Regulations 2001 (as amended).

**NOW THEREFORE** Meath County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that proposed conversion of vacant shop unit to dwelling at Rathmoylan td., Rathmoylan, Co. Meath is development and is exempted development.

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Donal Farrelly

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Donal Farrelly  
Executive Planner  
Date: 12/11/23



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Deirdre Fallon  
Senior Executive Planner  
13<sup>th</sup> November 2024

**Comhairle Chontae na Mí**

Roimh Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)



**Meath County Council**

Planning Department  
Buvinda House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
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Web: [www.meath.ie](http://www.meath.ie)

**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT**

**Part 1 Section 5 of Planning and Development Act 2000-2021, as amended**

1. Name: Patrick Lawless

Contact details: to be supplied at the end of this form (Question 13)

2. Name of person/ agent acting on behalf of the applicant, if applicable

David Duignan, Architectural & Planning Consultants

Contact details: to be supplied at the end of this form (Question 14)

3. Location of Development and/or Subject Site: Rathmolyon, Co. Meath

4. Description of Development: Proposed conversion of vacant shop unit to dwelling & extension to rear of two story end terrace building at Rathmolyon td., Rathmolyon, Co. Meath.

5. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES  NO

6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES  NO

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES  NO Not applicable

7. State overall height of structure if applicable: 6.298 meters

8. State in square metres the floor area of the proposed development:

Existing building 72.8 m2 & proposed two storey extension to rear 39.95 m2



9. List of plans / drawings etc. submitted: 2no. copies of location map, proposed site layout map, & plans elevations sections of existing & proposed\_

10. Please state applicants interest in this site \_owner\_\_\_\_\_

If applicant is not the owner of site, please provide name & address of owner: \_\_\_Not applicable\_\_\_\_\_

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES \_\_\_ NO

11 (b), If "YES" please supply details:

\_\_\_\_\_ N/A \_\_\_\_\_

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES \_\_\_ NO

12 (b), If "YES" please supply details:

\_\_\_\_\_ N/A \_\_\_\_\_

SIGNED: 

DATE: 14<sup>th</sup> Oct. 2024.

### NOTES

1. Application Fee of €80

2. Application shall be accompanied by:

- 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
- 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
- Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.

Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)

TAS 52480



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property  
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worldwide

**David Duignan, Architectural & Planning Consultants,  
Chartered Building Surveyors.  
Dunmoe, Navan, Co. Meath.**

E mail : duignandavidc@yahoo.co.uk,  
Phone No : 086 8581179.

Planning Department,  
Meath County Council,  
Buvinda House,  
Navan, Co. Meath.  
F.A.O : Planning officer

11<sup>th</sup> November 2024

UNSOLICITED FURTHER INFORMATION

**RE: Proposed application for Declaration on Development & exempted development, Part 1, Section 5 of Planning and Development Act 2000-2021 & in accordance with Article 2(e)(i) of the Planning & Development (Amendments) (No.2) Regulations 2018 of the development : change of use of shop unit, to dwelling house, of Part 4 to schedule 1 (of the Planning and Development Regulations 2001 (as amended) for conversion of vacant shop unit to dwelling to two storey end terrace at Rathmolyon Td., Rathmolyon, Co. Meath.**

**Owner: Patrick Lawless**

Dear Sir/Madam,

Having assessed the proposed development with the provisions of the Planning and Development (Amendments)(No.2) Regulations 2018, I am satisfied that the proposed change of use of shop unit, at Rathmolyon, Co. Meath, to a house is consistent with all of the requirements set out in the said Regulations, and does not breach any of the conditions or limitations set out in sub article 6(d).

Please find enclosed the following :

Attached please find 2no. copies of revised drawing of existing & proposed plans, elevations of existing shop unit as stated above, & site layout plans.

If you have any further queries in relation to this application, please do not hesitate to contact the undersigned. Please acknowledge the submission.

Kind Regards,

David Duignan, BSc. Chartered Building Surveyor, MRICS, MSCSI

RECEIVED  
PLANNING DEPT

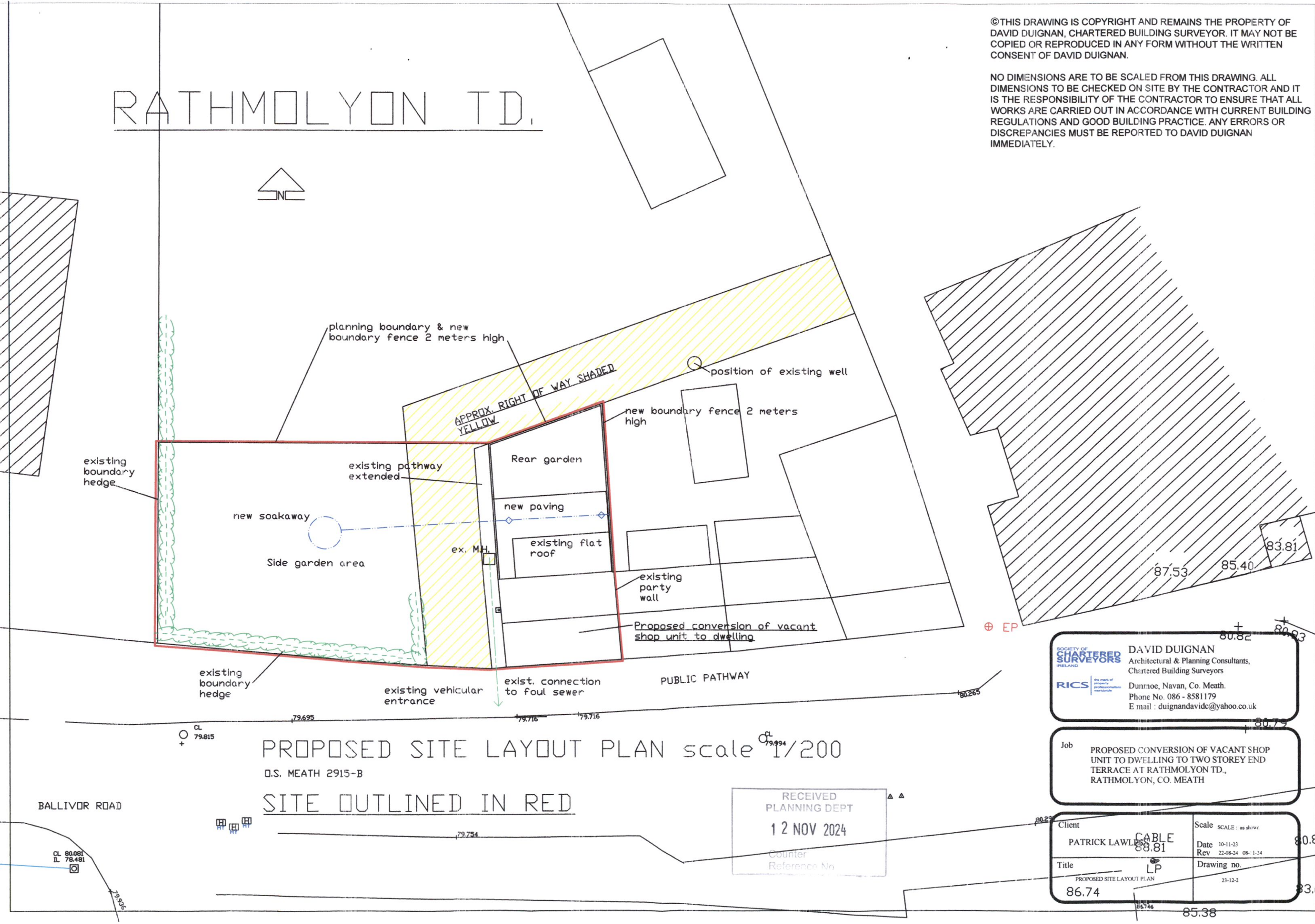
12 NOV 2024

Counter  
Reference No

# RATHMOLYON TD.

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PROPOSED SITE LAYOUT PLAN scale 1/200

D.S. MEATH 2915-B

SITE OUTLINED IN RED

RECEIVED  
PLANNING DEPT  
12 NOV 2024  
Counter Reference No

**DAVID DUIGNAN**  
Architectural & Planning Consultants,  
Chartered Building Surveyors  
**RICS** the mark of  
professional excellence  
Dunraoe, Navan, Co. Meath.  
Phone No. 086 - 8581179  
E mail : duignandavid@yahoo.co.uk

Job  
PROPOSED CONVERSION OF VACANT SHOP UNIT TO DWELLING TO TWO STOREY END TERRACE AT RATHMOLYON TD., RATHMOLYON, CO. MEATH

Client PATRICK LAWLESS 88.81	Scale SCALE: as shown
Title LP PROPOSED SITE LAYOUT PLAN	Date 10-11-23
86.74	Rev 22-08-24 08-1-24
	Drawing no. 23-12-2

BALLIVOR ROAD