

Comhairle Chontae na Mí

Roim Pleanáil,
Teach Bivinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí, C15 Y291
Fón: 046 - 9097500/Fax: 046 - 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie



Meath County Council

Planning Department
Bivinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 - 9097500/Fax: 046 - 9097001
E-mail: planning@meathcoco.ie
Web: 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: Pavel Gaina

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

Tom Byrne, Tom Byrne Designs Ltd

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

3. Location of Development and/or Subject Site: 10 Churchfield Grove,
Ashbourne, Co Meath A84KV66

4. Description of Development: Single Storey Playroom and Shed
(Total floor area 23.46m²) to the rear of existing house at 10 Churchfield Grove,
Ashbourne, Co Meath A84KV66

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

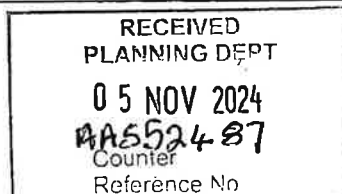
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 - 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. State overall height of structure if applicable: 3,890mm

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

23.46m²



9. List of plans / drawings etc. submitted:

Drawing 950-001-Proposed Plans, Elevations, Section, OS Map and Images

10. Please state applicants interest in this site

Owner

If applicant is not the owner of site, please provide name & address of owner:

N/A

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

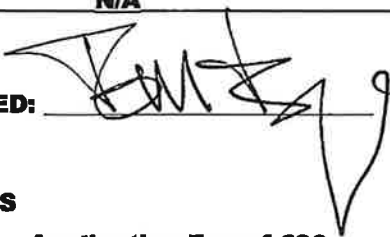
12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES NO

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

N/A

SIGNED:



DATE: 05/11/2024

NOTES

1. Application Fee of €80

2. Application shall be accompanied by:

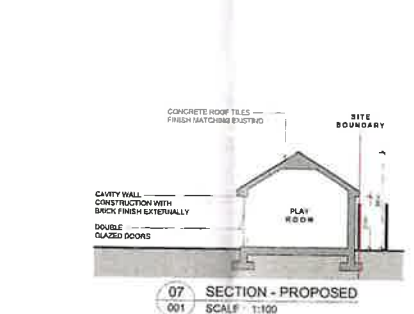
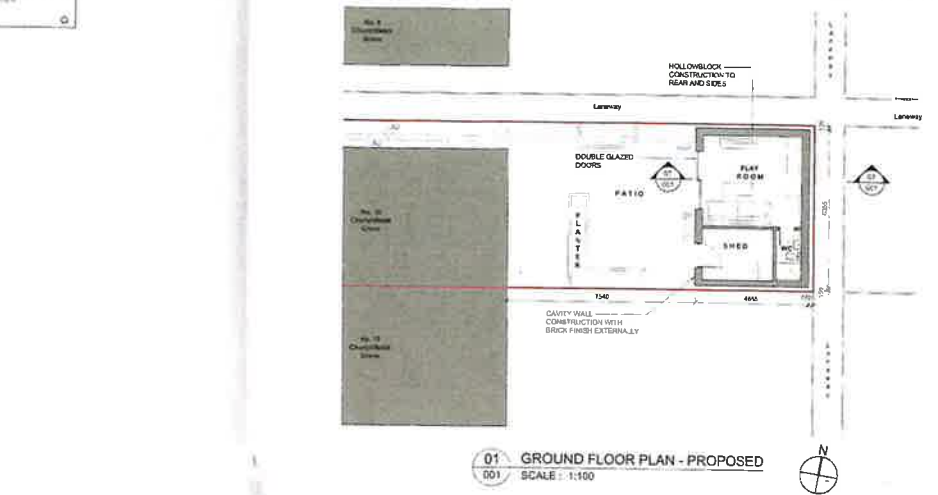
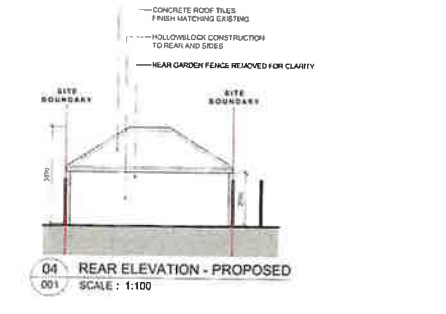
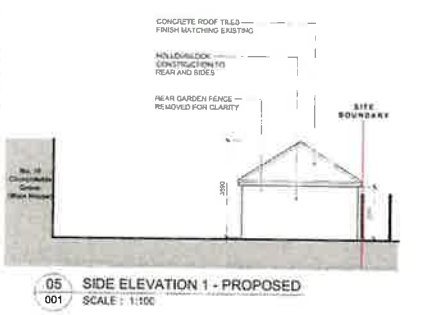
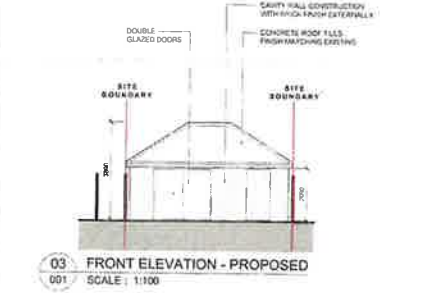
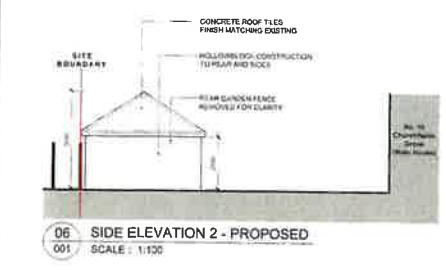
- **2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.**
- **2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.**
- **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

NOTE: The drawings are the property of TomBymeDesigns and shall not be used, reproduced or published for any purpose without prior written permission from TomBymeDesigns. If you have any queries, please contact TomBymeDesigns at 0845 303 1000. The drawings are for your information only and shall not be used for any other purpose.



NOTE:
 * ALL EXISTING DRAINAGE MUST BE LOCATED & SURVEYED PRIOR TO THE COMMENCEMENT OF THE WORKS. ALL NEW DRAINAGE WORKS TO CONNECT TO THE MAIN DRAINAGE SYSTEM.
 * ALL DRAWINGS TO BE IN FULL ACCORDANCE WITH THE BUILDING REGULATIONS, THE LOCAL AUTHORITY'S REQUIREMENTS AND ALL OTHER RELEVANT STATUTORY REQUIREMENTS.

LEGEND:
 SURFACE WATER DRAIN
 POUL WATER DRAIN
 LOCATION OF SITE HORSE
 SITE BOUNDARY OF SUBJECT SITE

Description: Digital Landscape Model (DLM)
 Publisher / Source: Ordnance Survey Ireland (OS)
 Data Source / Reference: PROSELY
 File Format: Autodesk AutoCAD (DWG, R2013)
 File Name: v_20410462_1.dwg
 Grid System: Irish Grid (IGD2006)
 UTM Zone: 29Q UTM Zone 29Q
 UTM Easting: 705214.8888 75 1888.3005
 UTM Northing: 70483.0000 75 2888.3005
 UTM Scale: 1:25000
 Projection / Spatial Reference: Projected: RENN110, Irish Transverse Mercator
 Central Point Coordinates: X: 701100.1886 75 1872.3005
 Reference Index: Irish Grid Map Sheets 12,200 (1:25,000)
 Date Extracted: 12-11-2024
 Source Data Release: OS Data Release V1.76.116
 Product Version: Viewport 1.4
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 The representation on this map of a road, track or boundary is not evidence of the existence of a right of way.
 Ordnance Survey map made under Crown Copyright. Ordnance Survey is the prime source of physical features.

AR02 24 87 TomBymeDesigns

Client: Pavel Galina	Job No. 850
Project: 10 Churchfield Grove, Ashbourne, Co. Meath A84 KV66	Drawing No. 001
Drawn: Proposed Plans, Elevations, Section, OS Map and Images	Status: PLANNING
Date: Nov 24	Scale: As Shown
Sheet: A1	Drawn: T. Byrne
Rev: -	

2nd Floor: 12-15 Kingsland St, Ashbourne, Co. Meath
 Tel: +353 (0) 1 850 2030
 Email: info@tombymedesigns.ie
 www.tombymedesigns.ie



MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1716/24
Reference Number: AAS52487
Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022
Name of Applicant: Pavel Gaina
Address: c/o Tom Byrne, Tom Byrne Designs Ltd, 2nd Floor, 12-15 Killeglan Street, Ashbourne, Co Meath

Nature of Application: Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house

Location of Development: 10 Churchfield Grove, Ashbourne, 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: 02-12-24

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

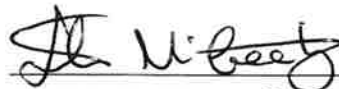
DECLARATION

**To: Pavel Gaina
c/o Tom Byrne
Tom Byrne Designs Ltd
2nd Floor
12-15 Killelland Street
Ashbourne
Co Meath**

**PLANNING REFERENCE
NUMBER: AAS52487
APPLICATION RECEIPT DATE: 05/11/2024
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 02.12.24 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house at **10 Churchfield Grove, Ashbourne, Co. Meath**

Date: 02-12-24



On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, subsection 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 Web: www.pleanala.ie

Meath County Council

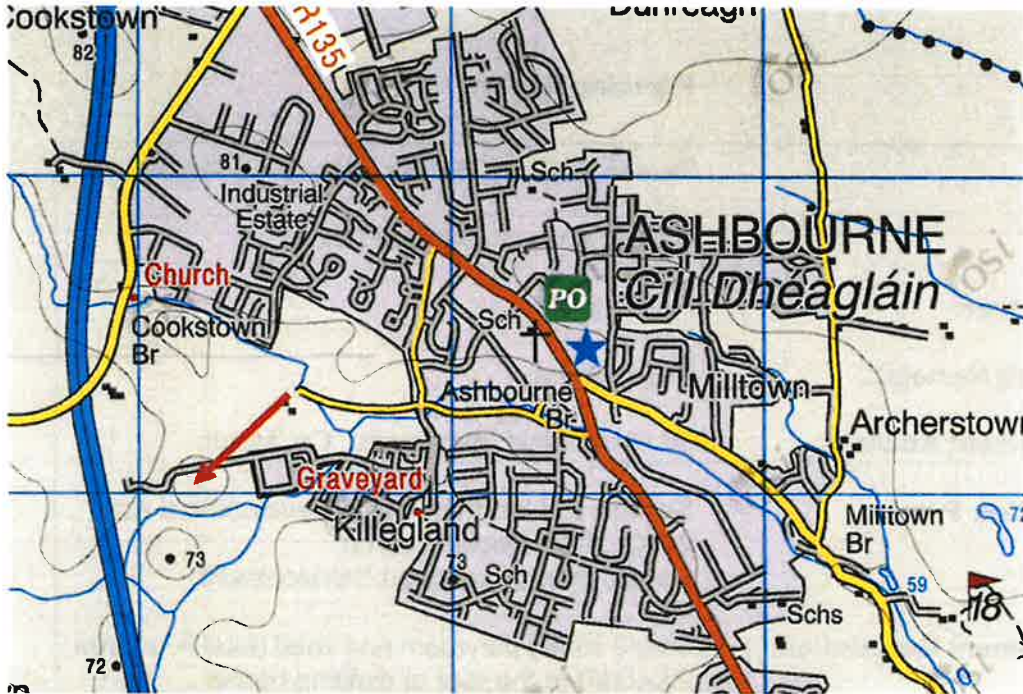


Planning Report

To:	Teresa O' Reilly, Senior Executive Planner
From:	Shoaib Khan, Assistant Planner
File Number:	AA S5/2487
Applicant Name(s):	Pavel Gaina
Development Address:	10 Churchfield, Ashbourne, Co. Meath <i>Grange</i>
Application Type:	Section 5 of the Planning & Development Act 2000- 2022, Declaration on Development/Exempted Development
Development Description:	Single storey playroom and shed (total floor area 23.46m ²) to the rear of existing house
Report Date:	29/11/2024
Decision Due Date:	03/12/2024

1.0 SITE LOCATION & DESCRIPTION

The subject site is located in a recently constructed Multi Residential scheme in Ashbourne. The site is a semi-detached two storey modern house with moderate rear garden space. The site is zoned as A1 Existing Residential per Meath County Development Plan 2021-2027. The site is located in the corner of the scheme accessed by internal access roads. The area nearby is developed with similar housing.



1.2 Planning Policy

- Meath County Development Plan 2021-2027

11.14.6 Land Use Zoning Categories

A1 - Existing Residential - Objective: To protect and enhance the amenity and character of existing residential communities

Lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.

2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether a "*single storey playroom and shed (total floor area 23.46m²) to the rear of existing house*" is or is not development and is or is not exempted development.

The submitted drawings depict the subject unit located in the rear garden area, adjacent to the rear garden boundary. The floor plan includes a playroom, a shed, and a water closet equipped with a shower. The structure features a pitched roof with an approximate height of 3.9 meters, an external length of 6.3 meters, and a depth of 4.6 meters.

Externally, the unit is finished with dark roof slates/ tiles and an overall brick façade. The front elevation includes a single entrance door and a double-glazed patio door. Access to the unit was unavailable during a site visit I carried out on 16th August 2024 under AAS5/2446. For the current application, the applicant has submitted photographs that verify the internal use of the structure, along with an affidavit affirming that it is not used for habitable purposes.

3.0 PLANNING HISTORY

2024 AAS5/2446 Pavel Gaina Refused

Section 5 application for a "detached garden room and shed".

2024 AAS5/2425 Pavel Gaina Refused

Section 5 application for "a detached granny house".

4.0 LEGISLATIVE CONTEXT

Planning and Development Act 2000- 2022

In this Act, except where the context otherwise requires –

Section 2(1)

"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.

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly;

Section 3(1)

"Development" in this Act 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.

Section 4(2)(a)

"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (i) "the development is authorised, or is required to be authorised, by or under any enactment...."*

Section 4(2)(b)

"Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations."

Section 4(2)(c)

"Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act".

Section 177U(9)

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

Planning and Development Regulations 2001-2024

Article 6(3)

"Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1".

Article 9(1)

"Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would" conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001-2024 (as amended) relate to:

"The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure"

Conditions and Limitations (Column 2)

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

5.0 ASSESSMENT

(i) Does the proposal constitute development:

Having regard to the definition(s) of 'development' within the Planning and Development Act 2000-2022 "the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land"; and

It is considered the works detailed would constitute development for planning purposes.

Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

1. Garden Room & Shed (23.46 sqm) Class 3

Based on the drawings submitted the proposed 'Garden room and shed and would be assessed against the conditions and limitations of Schedule 2, Part 1, Class 3 of the Planning & Development Regulations 2001-2024 as outlined below:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The structure is located in the rear garden.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The area of the proposed structure would have a stated floor area of 23.46 sqm and **would not exceed 25 sqm.**

3 The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

Private open space details are not provided but review of the site layout plan depicts adequate open space in the rear garden above 25 sqm.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

Finished with black roof slates and brick similar to the main house.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The stated height for the pitched slated roof is 3.9m.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The structure in question was initially described as a detached granny flat (in previous Section 5 Declaration Applications), and its external appearance supports this characterisation. However, the applicant has affirmed and submitted internal photographs that indicate the structure is not utilised for human habitation. Additionally, the applicant's cover letter asserts that an affidavit dated 23/10/2024 confirming its non-habitable status was submitted; however, this document could not be found in the available file records.

Having regard to the above information provided it is considered the proposal would come within the conditions and limitations of Schedule 2, Part 1, Class 3 of the Planning & Development Regulations 2001-2024.

(ii) Restrictions on Exemptions:

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

(iv) Appropriate Assessment:

Article 9(1)(a)(viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption.

The site is not located within a Natura 2000 site. I am not aware of any source/pathway/receptor routes between the site and these sites and so I consider that the current proposal would not have a significant effect upon any Natura sites.

Therefore, it is concluded that having regard to the nature and scale of the proposed development and the nature of the receiving environment (fully serviced urban area) no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

(v) Environmental Impact Assessment:

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood

of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

(v) Conclusion

On the basis of the information provided, it is considered the Planning Authority is satisfied that the proposed development would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000 -2022; and would be exempted development under Schedule 2, Part 1, Class 3 (Exempted Development) of the Planning and Development Regulations, 2001-2024 and Section 4(1) of the Planning and Development Act, 2000-2022.

6.0 RECOMMENDATION

It is therefore recommended that a **Declaration of Exemption be GRANTED** for the development set out hereunder.

WHEREAS the question has arisen as to whether "*Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house*" at 10 Churchfields Grove, Ashbourne, 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, Mr. Pavel Gaina

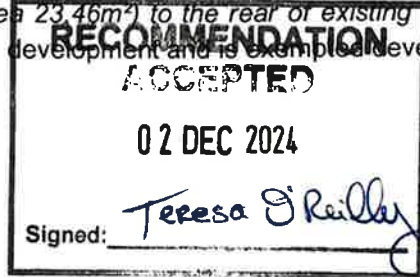
AND WHEREAS Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2(1), 3(1), 4, & 32 of the Planning and Development Act 2000 – 2022,
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2022
- (c) Article 6 & 9 of the Planning and Development Regulations, 2001-2024
- (d) Schedule 2, Part 1, Class 3 (Exempted Development) of the Planning and Development Regulations, 2001-2024
- (e) Information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) "*Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house*" at 10 Churchfields Grove, Ashbourne, Co. Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2022 and
- (b) "*Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house*" at 10 Churchfields Grove, Ashbourne, Co. Meath is exempted development under the provisions of Class 3 of the Planning & Development Regulations 2001-2024

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2022, hereby decides that "Single storey playroom and shed (total floor area 23.46m²) to the rear of existing house" at 10 Churchfields Grove, Ashbourne, Co. Meath is a development and is exempted development.



Shoaib Khan
Assistant Planner
Date: 29/11/2024

Teresa O'Reilly
Senior Executive Planner
~~Date: 29/11/2024~~

Note: Declaration is made strictly on the information submitted with this application and the Case Officer's interpretation of the thresholds for exempted development as set out in the Planning & Development Regulations 2001-2024.

