

**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 301/25  
**Reference Number:** RS525005  
**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2023  
**Name of Applicant:** Marjan Wieringa  
**Address:** 6 Swainstown, Kilmessan, C15 HW82  
**Nature of Application:** Replacement kitchen & additional 2nd bathroom & utility room  
**Location of Development:** 6 Swainstown, Kilmessan, C15 HW82

**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:** 11/02/2025

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Marjan Wieringa  
6 Swainstown  
Kilmessan  
Co Meath  
C15 HW82**

**PLANNING REFERENCE NUMBER:** RS525005

**APPLICATION RECEIPT DATE:** 16/01/2025

**FURTHER INFORMATION DATE:**

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 11/02/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Replacement kitchen & additional 2nd bathroom & utility room at **6 Swainstown, Kilmessan, C15 HW82**

Date: 11/02/2025

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 2000-2023 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



## Planning Report

<b>To:</b>	Peadar McQuaid, A/Senior Executive Planner
<b>From:</b>	Matthew Tully, Executive Planner
<b>Date:</b>	06 February 2025
<b>MCC File Number:</b>	R/S525005
<b>Applicant:</b>	Marjan Wieringa
<b>Development Address:</b>	6 Swainstown, Kilmessan, County Meath.
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023: Declaration on Development/Exempted Development.
<b>Development Description:</b>	Extension to existing dwelling.
<b>Date Decision Due:</b>	13 February 2025.

### 1.0 Site Location & Description

The application site is located in the townland of Kilmessan, approximately 1Km east of Kilmessan village. The site currently comprises a semi-detached bungalow dwelling and associated lands and is bounded generally by neighbouring dwellings to the east and west, agricultural lands to the north, the L-2206 to the south and further agricultural lands beyond that. There are no National Monuments within or adjoining the application site. The site is not within Flood Zone A or B. The Applicant owns the subject lands as verified by the land registry. The site is located in an area with an 'RA – Rural Area' land use zoning objective which states the following:

*'To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.'*

'Residential' is listed as a permitted use in the Meath County Development Plan, 2021-2027. The use of the lands as residential has already been established and, *ipso facto*, remains acceptable.



Figure 1: Extract from Google Imagery showing subject lands with approximate application site outlined in red.

## 2.0 Proposed Declaration

The applicant describes the development in the completed application form as '*Replacement kitchen, additional 2<sup>nd</sup> bathroom and a utility room*'. The Planning Authority is considering this question as:

***Whether the extension of an existing dwelling comprising a kitchen, bathroom and utility room is or is not development and is or is not exempted development.***

The completed application form and submitted documents indicate that the extent of works proposed shall comprise 36.98sq.m.

## 3.0 Planning History

A review of Meath County Council's historical planning data and mapping systems indicates no planning history with the subject site.

## 4.0 Internal, External and Prescribed Body referrals

No referred.

## 5.0 Relevant National Legislation

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development regard must be had to the following national legislation set out below.

### 5.1 Section 2 of the Planning & Development Acts 2000-2023

Section 2 of the Planning & Development Acts 2000-2023 provides the following interpretations which are relevant:

“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;

“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; 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 Acts 2000-2023**

Section 3(1) of the Planning & Development Acts 2000-2023 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 Acts 2000-2023**

Section 4(1) of the Planning & Development Acts 2000-2023 provides a list of statutory exempted development including:

*“(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;”*

Section 4(2) of the Planning and Development Acts 2000-2023 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2023 give effect to section 4(2).

Section 4 (2) (a) (i)

*‘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..’*

Section 4 (4)

*‘Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.’*

#### **5.4 Section 5 of the Planning & Development Acts 2000-2023**

Section 5 of the Planning & Development Acts 2000-2023 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 Acts 2000-2023**

Section 32 of the Planning & Development Acts 2000-2023 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 2001-2024**

Article 6 of the Planning & Development Regulations 2001-2024 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2023) 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 8 of the Planning and Development Regulations 2001-2024**

Article 8 of the Planning & Development Regulations 2001-2024 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2023) for the classes of exempted development as specified under Article 8, '*Works specified in a drainage scheme*'.

Article 8C of the Planning & Development Regulations 2001-2023 states that land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

**5.8 Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024**

Class 1 *The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.*

Conditions and Limitations attached thereto:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.  
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.  
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.  
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.  
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.  
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.  
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.  
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

## **5.9 Article 9 of the Planning & Development Regulations 2001-2024**

Article 9 of the Planning & Development Regulations 2001-2024 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.

## **6.0 Assessment**

In essence, the question has arisen as to whether the extension of an existing dwelling by 36.98sq.m. 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"**

It is considered that the subject proposal, as outlined above, falls within the statutory interpretation of "works" within the section 3(1) Planning & Development Acts 2000-2023 definition of development. Whether the works are development and exempted development or development and not exempted development requires an assessment of each of the component elements against the provisions of Class 6 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024 respectively.

### **6.2 "Exempted Development"**

The Applicant proposes to extend an existing dwelling by 36.98sq.m.

Class 1 of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024, which provides for 'the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house' shall be exempted development subject to compliance with the conditions attached thereto. It is noted that the Applicant confirms the development has been carried out and completed some 7 years ago and essentially seeks retention. From the materials submitted it is noted that the subject dwelling had not been extended previously, the extension floor area is less than the 40sq.m. maximum and is single-storey only and significant private open space remains usable. I consider the development to be compliant with the conditions attached to Class 1 of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024.

Based on the foregoing, I believe that the extension of a dwelling by 36.98sq.m. at 6 Swainstown, Kilmessan, is development and is exempted development pursuant Class 1 of Article 6, Part 1 of Schedule 2 Planning and Development Regulations 2001-2024.

## **7.0 Appropriate Assessment**

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 application site is not within any designated Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:

- River Boyne and River Blackwater SPA (Site Code: 004232) ~ 4.5Km,
- River Boyne and River Blackwater SAC (Site Code: 002299) ~ 4.5Km.

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. The Planning Authority 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 and Recommendation

Having regard to the development proposed, I conclude that the extension of a dwelling by 36.98sq.m. at 6 Swainstown, Kilmessan, County Meath proposed by Marjan Wieringa is development and is exempted development.

**I recommend** that the application for an exempted development certificate is **GRANTED** for the following reason:

**WHEREAS** the question has arisen as to whether '*the extension of an existing dwelling by 36.98sq.m.*' at 6 Swainstown, Kilmessan, County 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, Marjan Wieringa

**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 2000-2023 and articles 8 and 9 of the Planning & Development Regulations 2001-2024.
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2023 and
- (c) The provisions under Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024

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

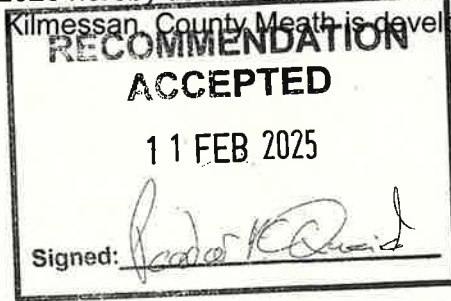
- (a) '*The extension of an existing dwelling by 36.98sq.m.*' at Swainstown, Kilmessan, County Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and
- (b) '*The extension of an existing dwelling by 36.98sq.m.*' at Swainstown, Kilmessan, County Meath is exempted development under the provisions of Class 1 of Article 6, Part 1 of Schedule 2 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 2000-2023 hereby decides that *'the extension of an existing dwelling by 36.98sq.m.'* at Swainstown, Kilmessan, County Meath is development and is exempted development.



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Matthew Tully  
Executive Planner



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Peadar McQuaid  
A/Senior Executive Planner  
10/02/2025

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.

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Bivinda, 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  
Bivinda House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
Tel: 046 - 9097500/Fax: 046 - 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)

See letter enclosed -

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

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

1. Name: Marjan Wieringa

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

N/A

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

3. Location of Development and/or Subject Site: 6 SWAINS TOWN, KILMURRAN, CO. MEATH, C15 H982

4. Description of Development: REPLACE/RENT KITCHEN + additional 2<sup>nd</sup> bathroom + a utility room.

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  N/A

7. State overall height of structure if applicable: Approx 4m20cm

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

36.98m<sup>2</sup>  
(Inclusive of the area vacated by the old kitchen)

RECEIVED  
PLANNING DEPT.  
16 JAN 2025  
POST R 5525005  
REFERENCE NO.

9. List of plans / drawings etc. submitted:

as attached.

10. Please state applicants interest in this site

OWNER/OCCUPIER

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

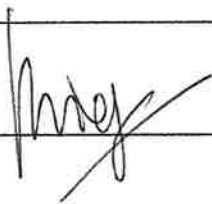
12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES  NO

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

N/A

SIGNED:



DATE:

January 2025

### NOTES

1. Application Fee of €80

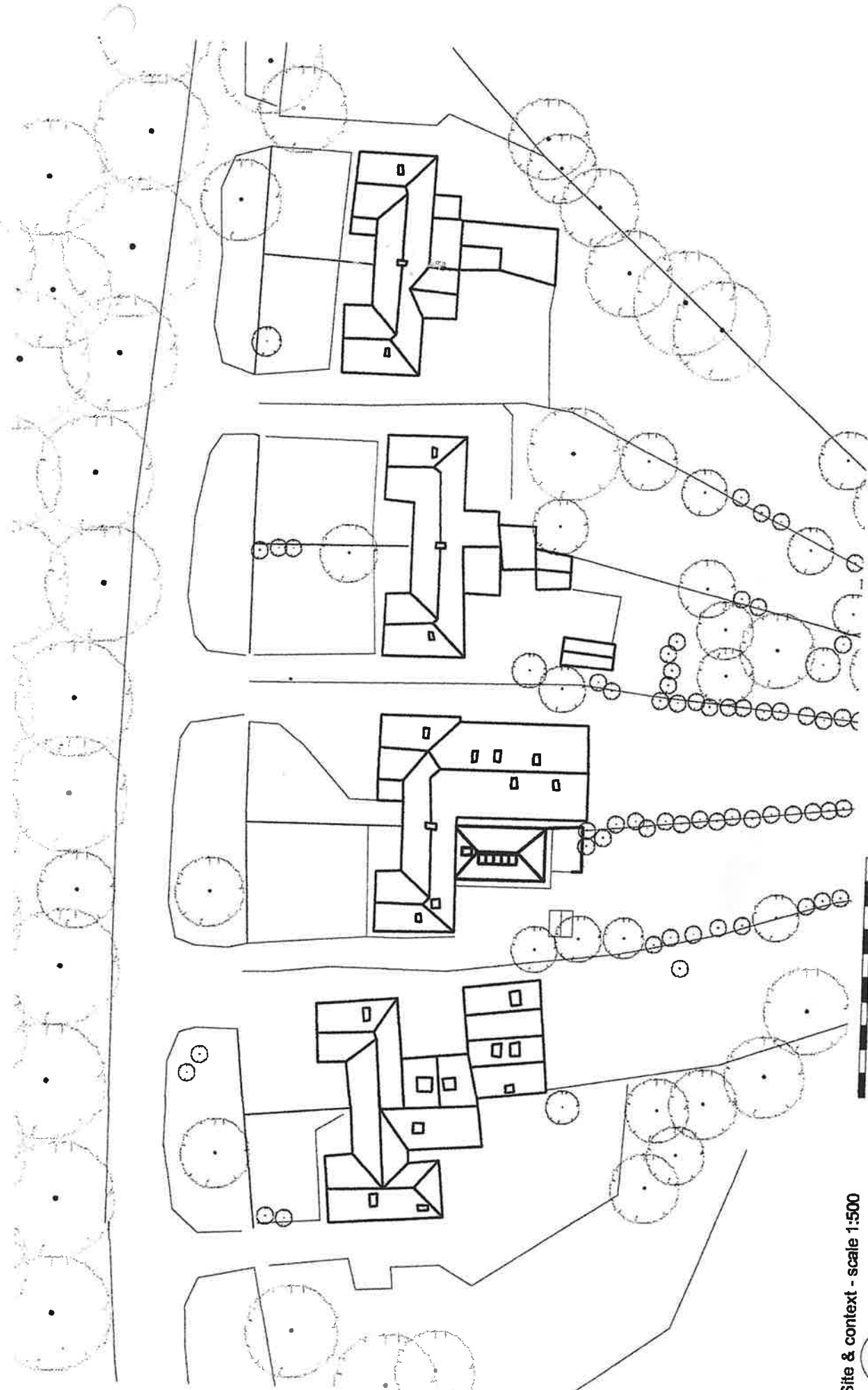
2. Application shall be accompanied by:

- 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)



Site & context - scale 1:500

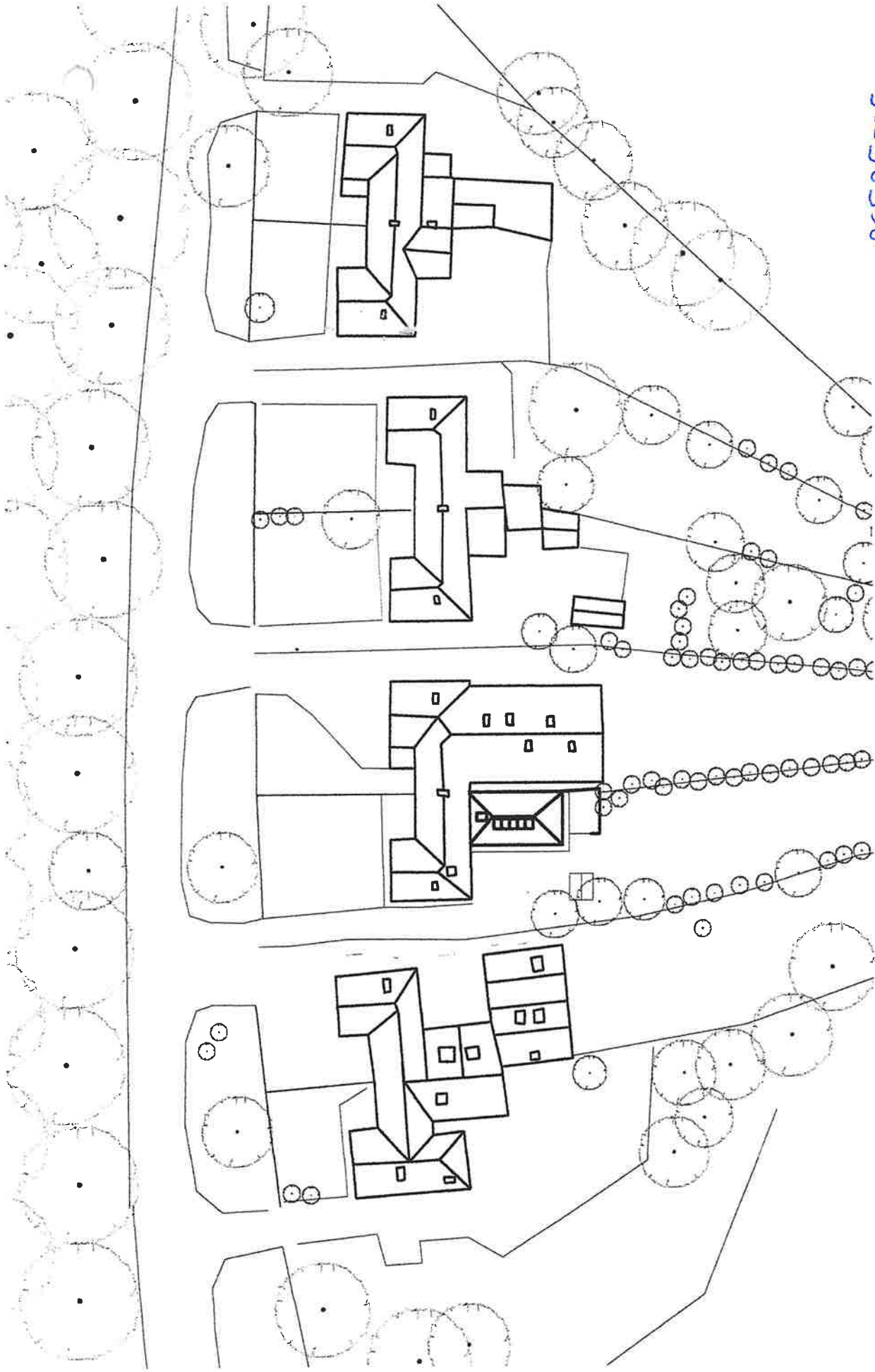


Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Site Plan  
Draw #: SW-SP  
Scale: 1:500 on A4

Project: 6 Swainstown  
Date: 11/06/2016  
Rev: 0

RS525005



R5525005

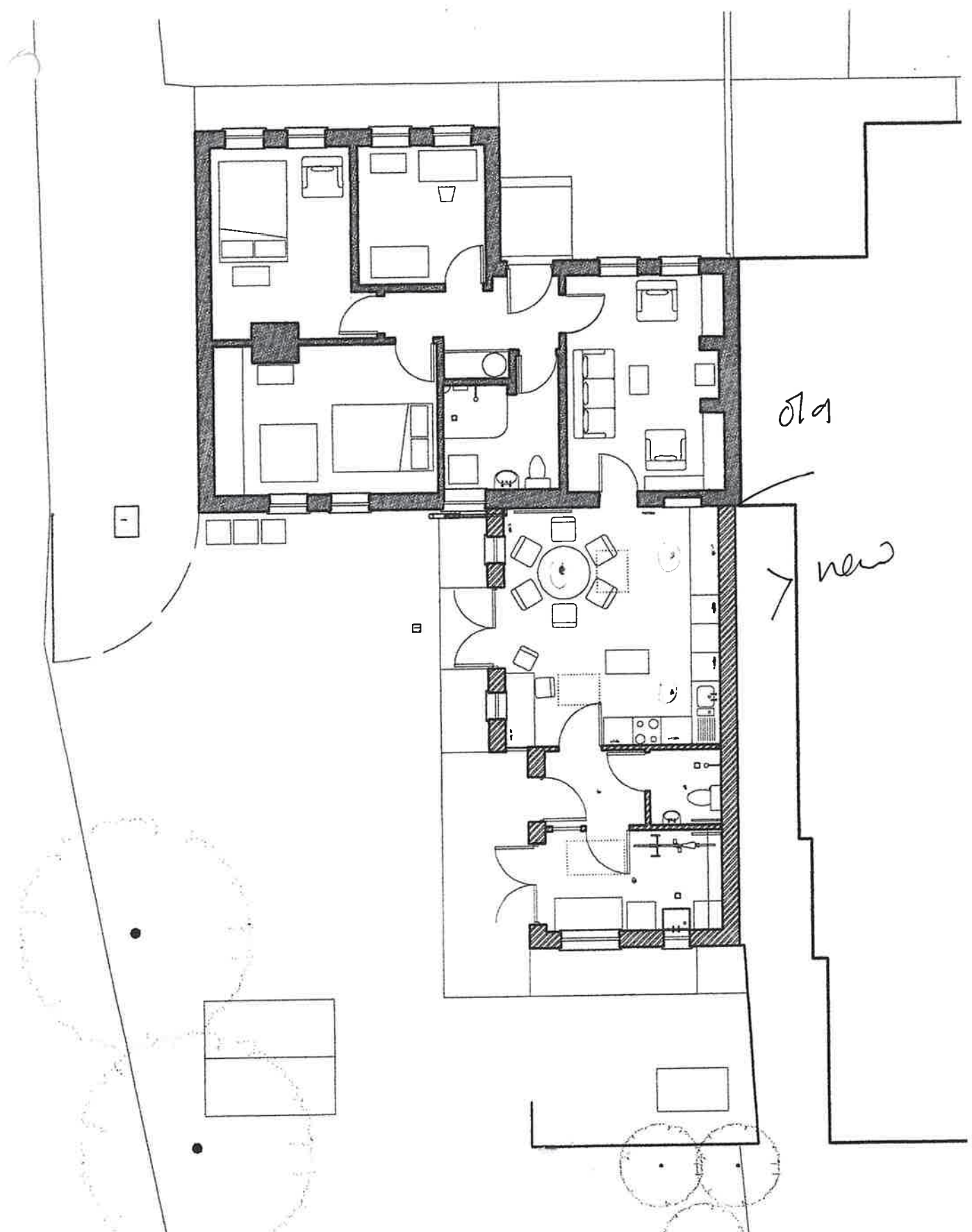
Site & context - scale 1:500



Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Site Plan  
Draw #: SW-SP  
Scale: 1:500 on A4

Project: 6 Swainstown  
Date: 11/06/2016  
Rev: 0



Proposed Ground Floor Plan - scale 1:100



Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

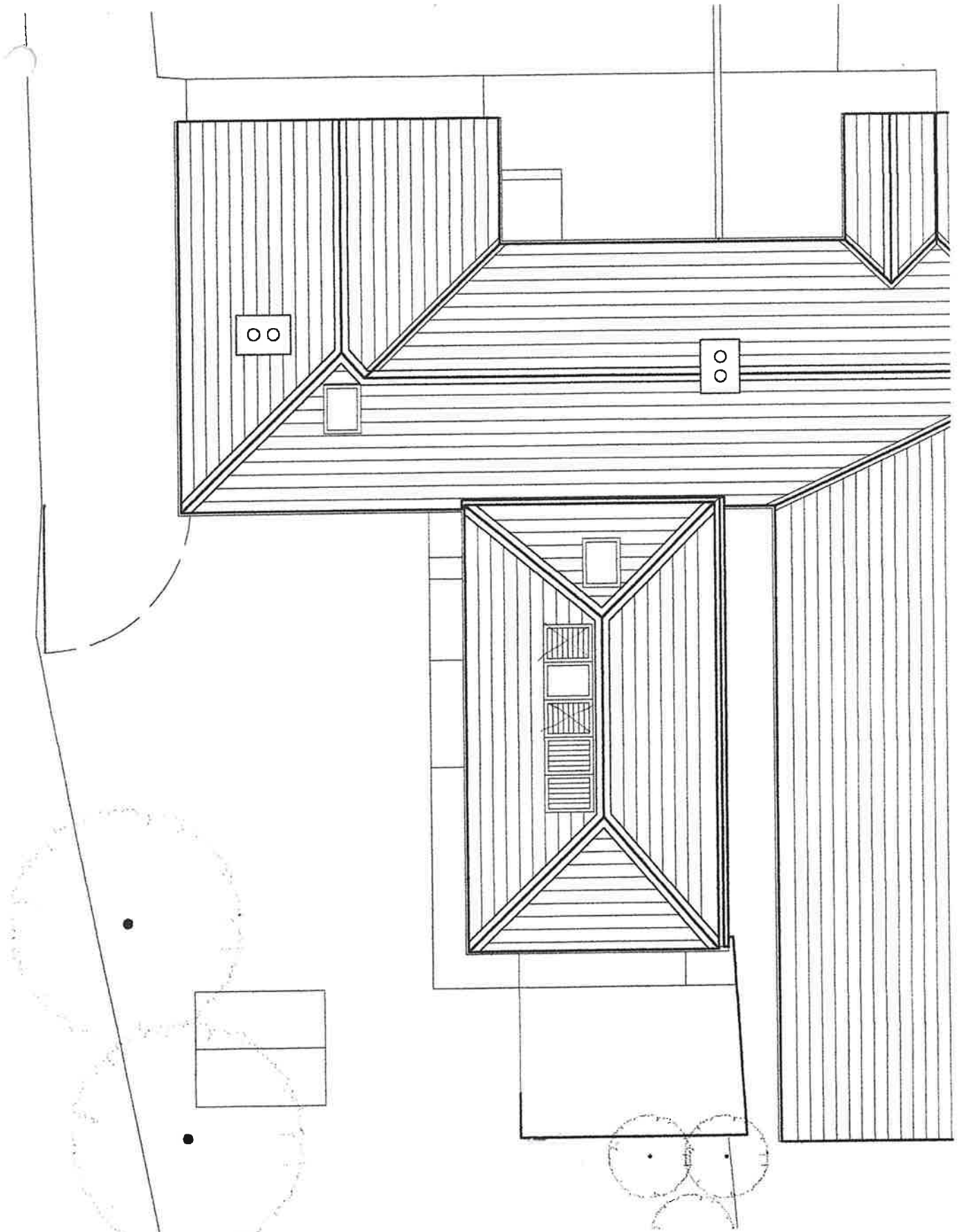


Proposed Ground Floor Plan  
 Draw #: SW-GFPO6  
 Scale: 1:100 on A4

Project: 6 Swainstown  
 Date: 11/06/2016

Rev:-0

RS525005



Proposed Roof Plan - scale 1:100



Note - Drawing for the purposes of design process and not to be scaled from or used for construction.



Proposed Roof Plan  
 Draw #: SW-RFPO6  
 Scale: 1:100 on A4

Project: 6 Swainstown  
 Date: 11/06/2016

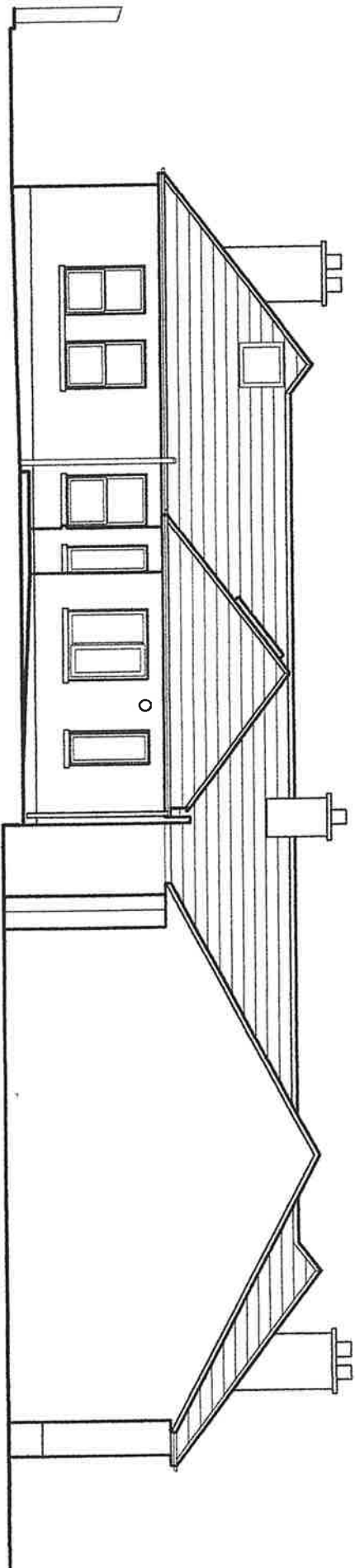
Rev:-0

RS525005

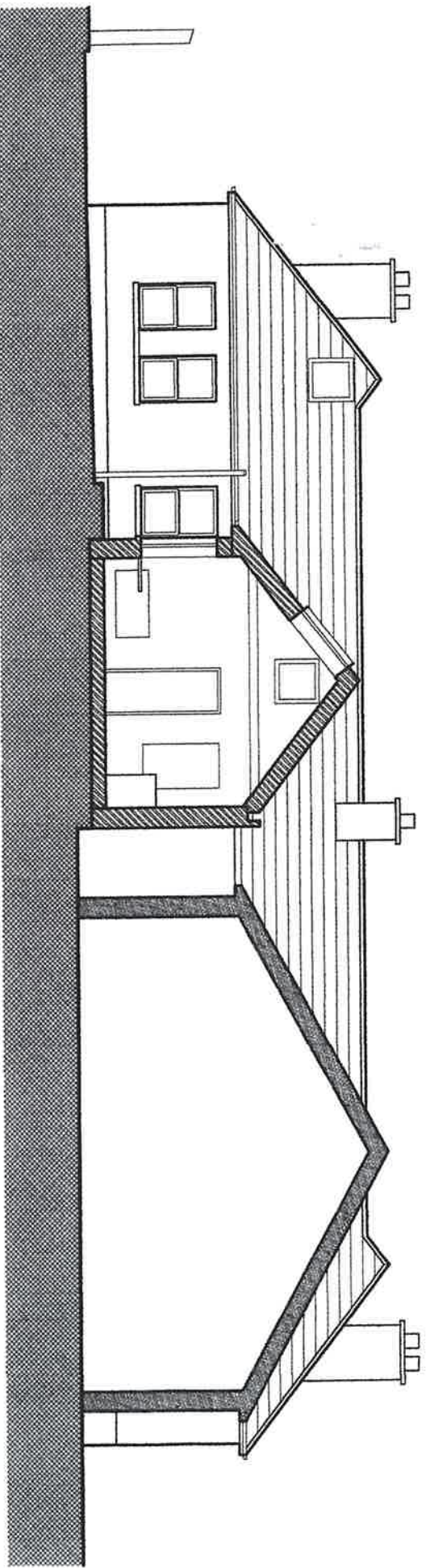




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North East Elevation - scale 1:100

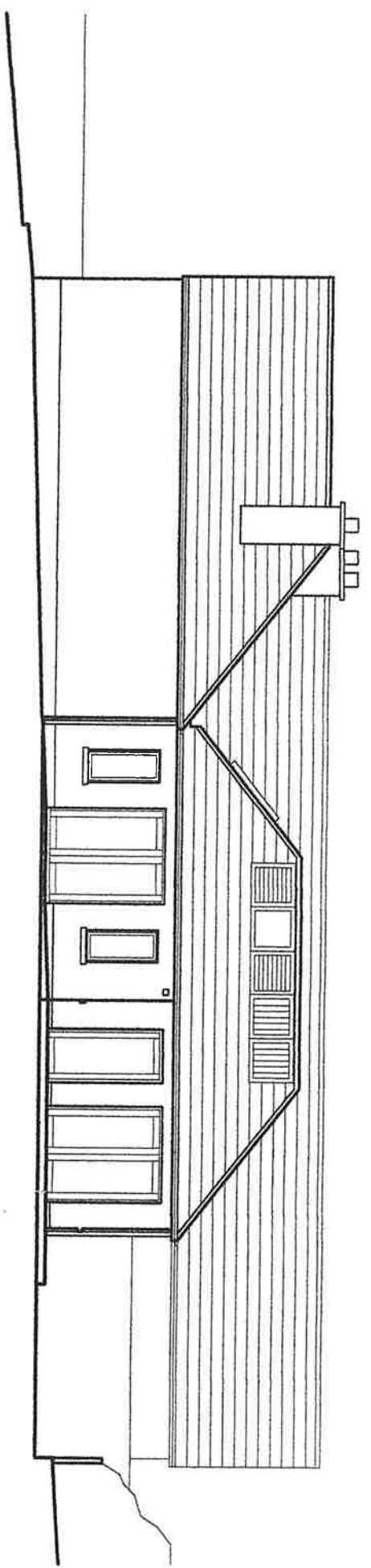


Section BB - existing - scale 1:100

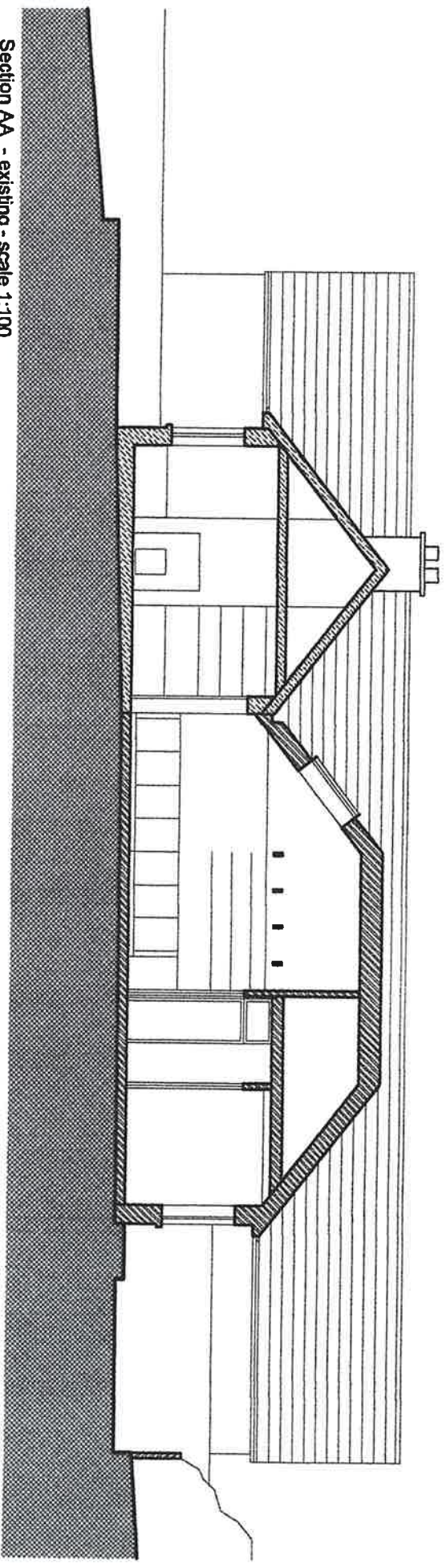


Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Elevations & Section 1  
Draw #: SW-ENE-SBB  
Scale: 1:100 on A4  
Project: 6 Swainstown  
Date: 11/06/2016  
Rev:-0



South East Elevation - scale 1:100



Section AA - existing - scale 1:100



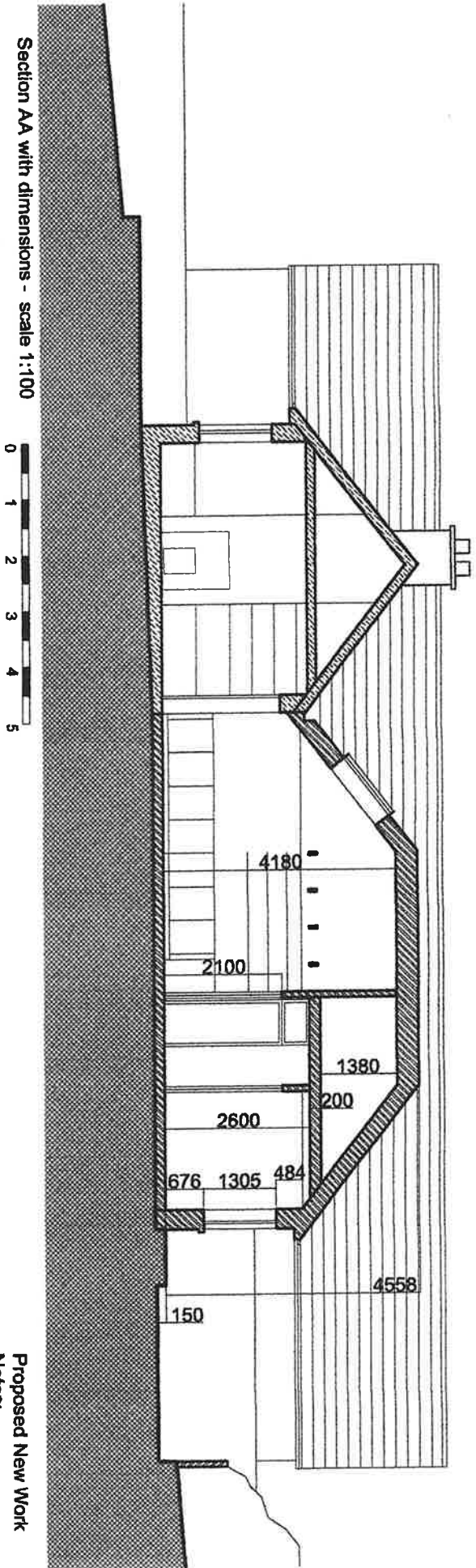
Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Elevations & Section2  
Draw #: SW-ESE-SAA  
Scale: 1:100 on A4

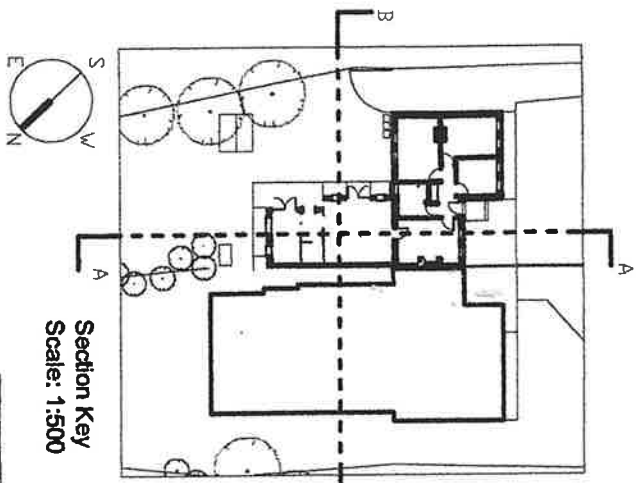
Project: 6 Swainstown  
Date: 11/06/2016

Rev:-0

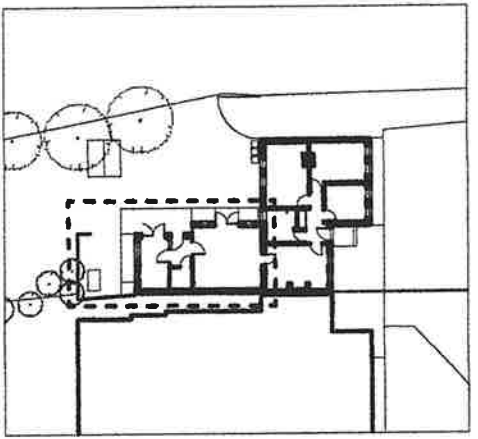
R5525005



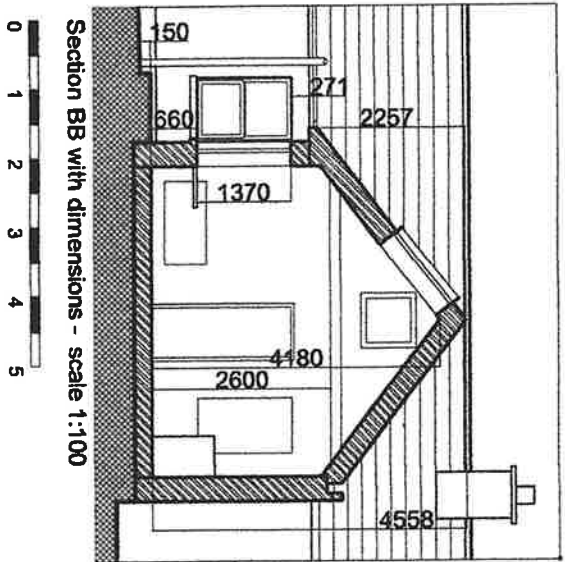
Section AA with dimensions - scale 1:100



Section Key  
Scale: 1:500



Area of Proposed New Works to building.  
Scale: 1:500



Section BB with dimensions - scale 1:100



**Proposed New Work**

**Notes:**  
 All New Works to be constructed in accordance with relevant building regulations.  
 Roof finishes to match as near as possible existing building roof finish.  
 External wall to be painted render.  
 Windows and door to match those of existing building.

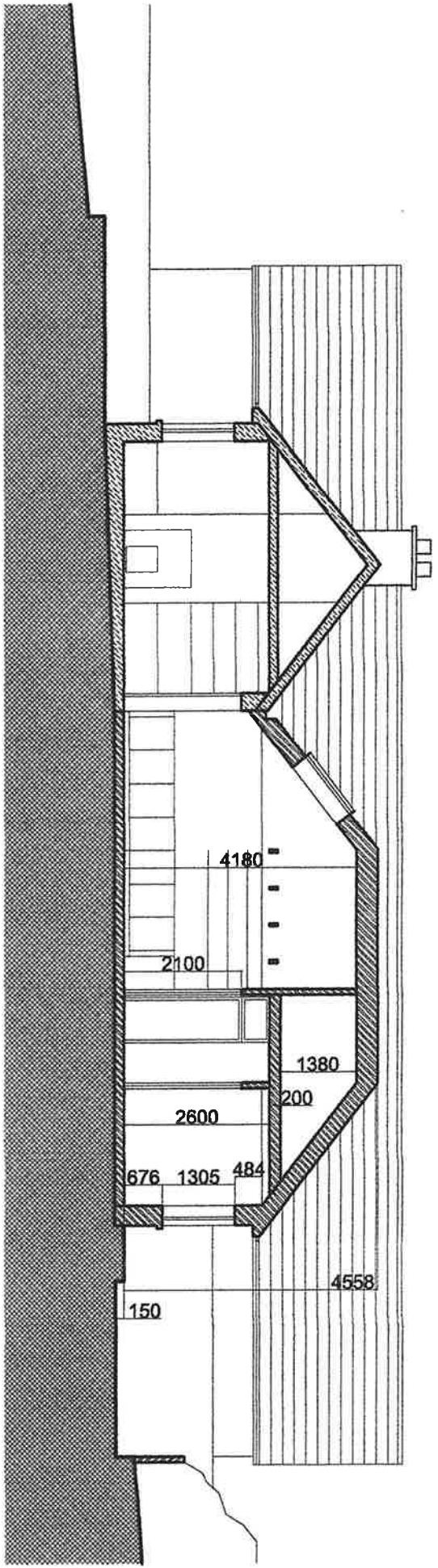
**Area of Extension Existing = 33.19 m<sup>2</sup>**

**Following New Works = 36.98 m<sup>2</sup>**

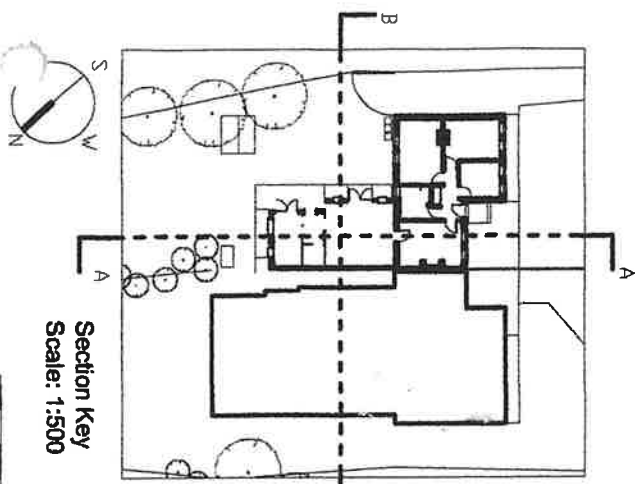
Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Elevations & Section 3  
 Draw #: SW-SAA-DK  
 Scale: 1:100 on A4  
 Project: 6 Swainstow  
 Date: 11/06/2016  
 Rev:-0

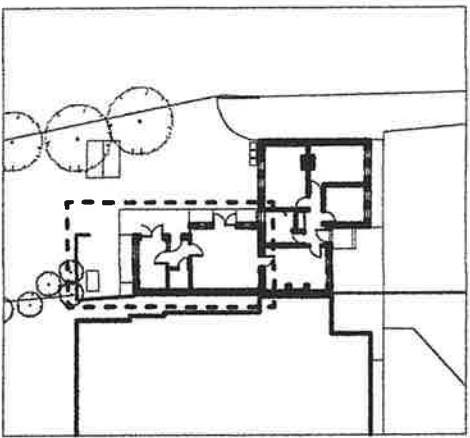
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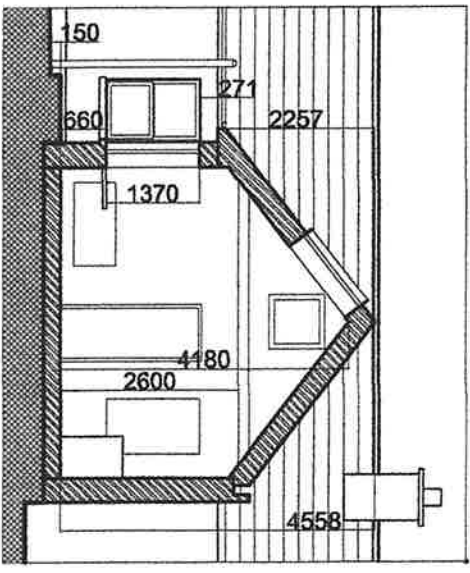
Section AA with dimensions - scale 1:100



Section Key  
Scale: 1:500



Area of Proposed New Works to building.  
Scale: 1:500



Section BB with dimensions - scale 1:100



**Proposed New Work**

**Notes:**  
 All New Works to be constructed in accordance with relevant building regulations.  
 Roof finishes to match as near as possible existing building roof finish.  
 External wall to be painted render, windows and door to match those of existing building.

**Area of Extension Existing = 33.19 m<sup>2</sup>**

**Following New Works = 36.98 m<sup>2</sup>**

Note - Drawing for the purposes of design process and not to be scaled from or used for construction.

Proposed Elevations & Section 3  
 Draw #: SW-SAA-DK  
 Scale: 1:100 on A4

Project: 6 Swainstawn  
 Date: 11/06/2016  
 Rev:-0

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