

**Comhairle Chontae na Mí**

*Roimn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uainh, 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  
Tel: 046 – 9097500/Fax: 046 – 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
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: Michael McGibbon c/o Ashdale Care Ireland Ltd**

**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**

**As above \_\_\_\_\_**

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

**3. Location of Development and/or Subject Site: Ladymore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2**

**4. Description of Development: Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning and Development Regulations 2001.**

**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: 6.8m**

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

**Approx 320 sqm**



**9. List of plans / drawings etc. submitted: Site Location Plan – 1:2500, Front Elevation & GF Plan – 1:50, Rear Elevation & FF Plan – 1:50 and Site Layout – 1:500 (x2 copies of each)**

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**10. Please state applicants interest in this site Prospective Owner**

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**If applicant is not the owner of site, please provide name & address of owner: Kevin & Cindy Nelson, Ladymore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2**

**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

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**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:**

Ref: 93/574, Ref: 95/1204 & Ref: 97/697

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**SIGNED: Michael McGibbon c/o Ashdale Care Ireland Ltd.**

**DATE: 21/03/2024**



**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.**

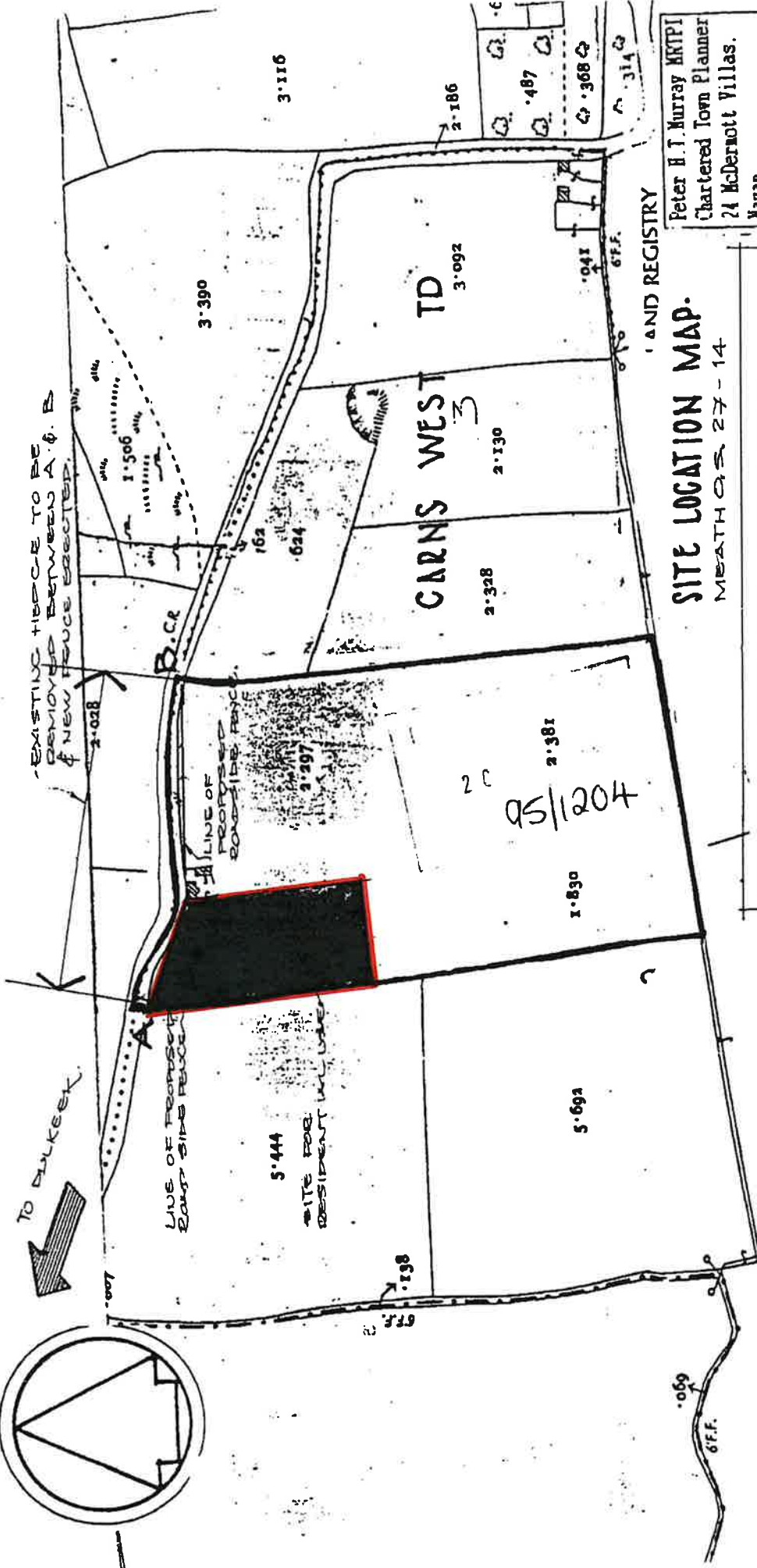
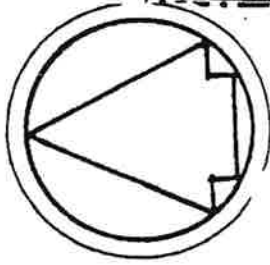
**Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.**

**Contact Details: Phone: 046 9097500 Fax: 046 9097001**

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

AA55 2418

N



LAND REGISTRY

### SITE LOCATION MAP.

MEATH O.S. 27 - 14

Peter H. J. Murray RTPI  
Chartered Town Planner  
24 McDermott Villas.  
Navan.  
Co. Meath.

Drawn	T.M.
Date	18.10.95
Scale	1/2500
Dwg. No.	420/95/1

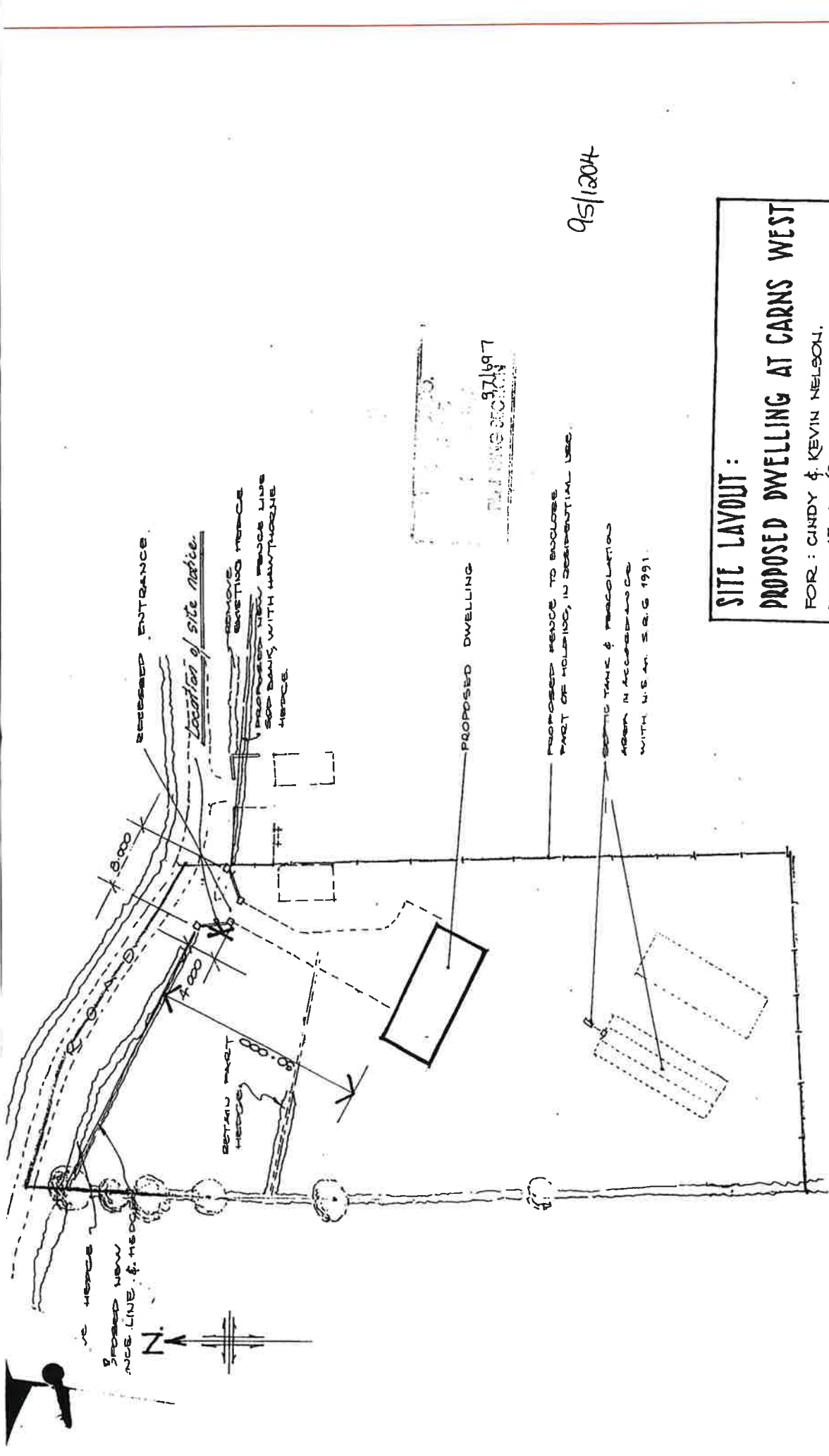
## PROPOSED DWELLING CARNIS WEST,

FOR : CINDY & KEVIN NELSON.

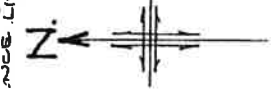
RESIDENTIAL PLOT  AREA : 0.442 Ha.

FULL HOLDING  AREA : 3.526





NEW FENCE  
 PROPOSED NEW  
 WEST LINE & FENCE



RECESSED ENTRANCE

Location of site notice

DETAINMENT FENCE

REMOVE EXISTING FENCE  
 PROPOSED NEW FENCE LINE  
 STOP BOUND WITH HAIRPIN  
 FENCE

PROPOSED DWELLING

PROPOSED FENCE TO ENCLOSE  
 PART OF HOLDING, IN RESIDENTIAL USE

SEPTIC TANK & TREATMENT  
 PLANT IN ACCORDANCE  
 WITH N.S.A. S.R.G. 1991



95/1204

**SITE LAYOUT:**  
**PROPOSED DWELLING AT CARNS WEST**  
 FOR: CINDY & KEVIN NELSON.  
 DATE: 17.10.95.  
 SCALE: 1/500  
 PETER H.T. MURRAY M.T.P.I.  
 24 McBERMOTT VILLAS,  
 NAWAN.  
 DRG. NO 420/95/2.

AA55 2418



**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 500/24

**Reference Number:** AA/S52418

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

**Name of Applicant:** Michael McGibbon c/o Ashdale Care Ireland Ltd

**Address:**  
Ashdale Care Ireland Ltd  
The Ridge  
McGrath Road  
Castleblaney  
Co Monaghan A75 WY97

**Nature of Application:** Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co Meath A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning & Development Regulations 2001.

**Location of Development:** Ladymoore Road, Carns West, Bellewstown, 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:** 10/04/2024





**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To:** Michael McGibbon c/o Ashdale Care Ireland Ltd  
C/O Ashdale Care Ireland Ltd  
The Ridge  
McGrath Road  
Castleblaney  
Co. Monaghan A75 WY97

**PLANNING REFERENCE NUMBER:** AA/S52418

**APPLICATION RECEIPT DATE:** 25/03/2024

**FURTHER INFORMATION DATE:** N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 10/04/2024 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely:

**Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co Meath A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning & Development Regulations 2001 at Ladymoore Road, Carns West, Bellewstown Co Meath is development and is exempted development.**

Date: 10/04/2024

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



### Planning Report

<b>To:</b>	Wendy Bagnall, Senior Executive Planner
<b>From:</b>	Donal Farrelly, Executive Planner
<b>Report Date:</b>	09/04/24
<b>File Number:</b>	<b>AAS52418</b>
<b>Applicant Name(s):</b>	Michael Mc Gibbon c/o Ashdale Care Ireland Ltd
<b>Development Address:</b>	Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2
<b>Inspection Date:</b>	N/a
<b>Application Type:</b>	Section 5 of the Planning & Development Act 2000-2022 Declaration on Development/Exempted Development
<b>Development Description:</b>	Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1 (f) of the Planning and Development Regulations 2001.
<b>Decision Due Date:</b>	<b>15/04/24</b>

## 1.0 Site Location & Description

- 1.1 The application site is located at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The site is zoned 'RA Rural Area.' in the Meath County Development Plan 2021-2027. The surrounding area is characterised by agricultural use.



## 2.0 Proposed Declaration

- 2.1 The applicant describes the development in the completed application form as "Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2". The Planning Authority is considering this question as:

***Whether the 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' is or is not development and is or is not exempted development.***

- 2.2 The completed application form includes floor and elevation plans with various details regarding the internal layout.
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### **3.0 Planning History**

#### **3.1 History on site:**

97697. to make alterations to existing approved plan P95/1204 to construct dormer windows in roof and provide bedrooms and bathroom in attic. Granted

951204. to erect a single storey dwelling with septic tank and percolation area, being a change of house type and site revision. Granted

93574. to demolish existing dwelling and construct a replacement bungalow with septic tank. Granted

### **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) 2000-2022**

“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;

“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

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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) 2000-2022**

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 **Schedule 2 Part 1 Class 14f of the Planning & Development Regulations (PDR) 2001-2023**

*'Change of use Class 14. Development consisting of  
(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons*

Subject 2 (column 2)

*'The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.'*

I am satisfied that the applicant complies with Class 14f in that there is a maximum of 6 persons with an intellectual disability and 2 carers within the residence.

Section 4(2) of the PDA 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) 2000-2022**

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
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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) 2000-2022**

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) 2001-2023**

Article 6 PDR 2001 provides (subject to the restrictions in article 9 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) 2001-2023**

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.

#### **6.0 Assessment**

The question has arisen as to whether the 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' 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 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' 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"**

Class 14 of Part 1 of Schedule 2 PDR provides an exemption for inter alia the change of use from use as a house, to use as a residence for persons with an

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intellectual or physical disability or mental illness and persons providing care for such persons. I consider that the facility meets the conditions and limitations under column 2 and is exempted development under article 6(1) 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 south east of the nearest Natura sites, River Boyne and River Blackwater SPA (SiteCode: IE004232) and River Boyne and River Blackwater SAC (SiteCode: IE002299) which are part of the Natura Network. 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 development site and the Natura Network. 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 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2, is development and is exempted development.
- 8.2 **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 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall

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not exceed 2' at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2, 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, Michael Mc Gibbon c/o Ashdale Care Ireland Ltd.

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

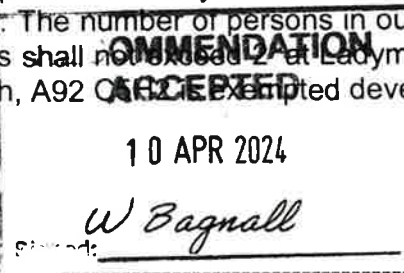
- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000 -2022 and articles 6 and 9 of the Planning & Development Regulations 2001-2023
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2022 and
- (c) The provisions under Schedule 2 Part 1 Class 14 (f) Change of Use of the PDR 2001- 2023).

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

- (a) The 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2, comprises works and is development under section 3(1) of the Planning & Development Act 2000- 2022 and
- (b) The 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2 is exempted development under the provisions of Schedule 2 Part 1 Class 14 (f) Change of Use of the PDR 2001-2023.

**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 the 'Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2' at Ladymoore Road, Carns West, Bellewstown, Co. Meath, A92 C5H2 is exempted development.

*Donal Farrelly*



**Donal Farrelly**  
**Executive Planner**  
**Date: 09/04/24**

**Wendy Bagnall**  
**Senior Executive Planner**

