

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 754/25

Reference Number: KS525036

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Emma Lynch Meehan

Address: c/o Shay Duff, Lobinstown, Navan, Co Meath

Nature of Application: Change of use from residential dwelling to residential care home

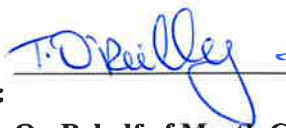
Location of Development: Wilkinstown, Navan, Co Meath

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: 01/05/2025

Meath County Council



Planning Report

To:	Teresa O' Reilly, Senior Executive Planner
From:	Shoaib Khan, Executive Planner
File Number:	KS5/25036
Applicant Name(s):	Emma Lynch Meehan
Development Address:	Wilkinstown, Meath
Application Type:	Section 5 of the Planning & Development Act 2000- 2023, Declaration on Development/Exempted Development
Development Description:	Change of use from residential dwelling to residential care home
Report Date:	30/04/2025
Decision Due Date:	06/05/2025

1.0 SITE LOCATION & DESCRIPTION

The application pertains to an established residential property situated near Wilkinstown and in the townland of Wilkinstown. The subject lands are classified as *rural areas under strong urban influence* and are accessible from a local road. Adjacent properties are developed for scattered detached houses and agricultural purposes.



1.2 Planning Policy

- Meath County Development Plan 2021-2027

11.14.6 Land Use Zoning Categories

RA Rural Areas

Objective: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.

The primary objective is to protect and promote the value and future sustainability of rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.

2.0 PLANNING HISTORY

92334 Elizabeth Ralaigh refused
Erection of bungalow and septic tank

Nearby history (south) of the site

211314 Rian Wogan & Annmarie Copeland refused
The construction of a two storey house including a waste water treatment unit and percolation area a new entrance onto the public road.

22309 Caoimhe Meehan grant conditional
The construction of a single storey dwelling, wastewater treatment system with polishing filter, new entrance and all ancillary site works

Nearby history (north) of the site

99362 Tommy & Cait Driver grant conditional
To apply brick finish to existing cottage as extended on ref. 98/1943

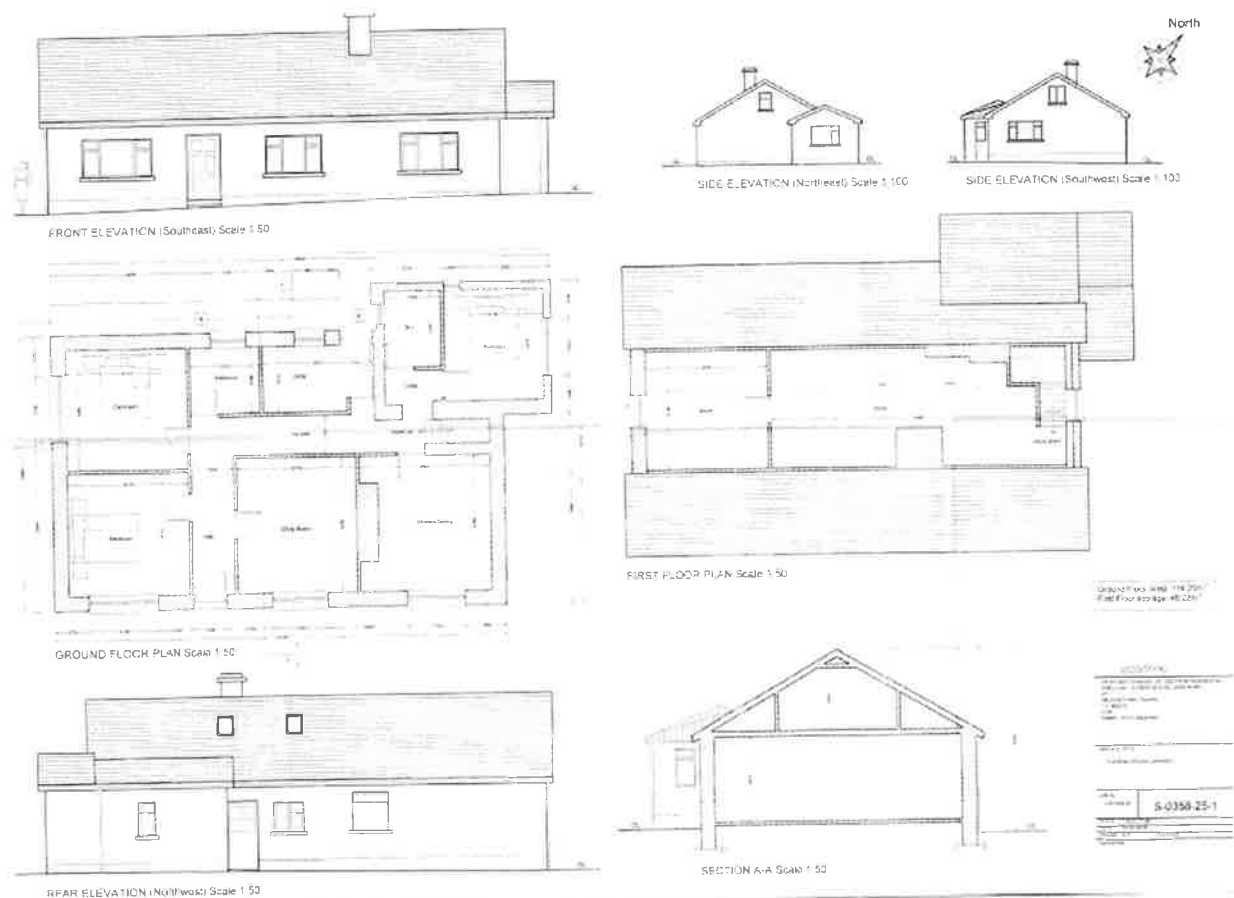
KA150118 Mary Sherlock grant conditional
Development will consist of a single storey extension to the side and rear of the existing dwelling, a single storey extension to side of existing garage and all associated site works

211694 Loman Sherlock grant conditional
To construct a single storey dwelling house, new wastewater treatment system and percolation area, new entrance from public road, decommissioning and removal of the existing septic tank and percolation area on site and its replacement at a new location w....

3.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether a *“change of use from residential dwelling to care home”* is or is not development and is or is not exempted development.

The submitted drawings depict the subject unit located 1.2km north-east of Wilkinstown Main Street, adjacent to the local road. The application site is presently utilized as a single-storey residential dwelling, covering approximately 114 square meters. The house features a pitched roof with a height of 5.7 meters and a frontage measuring 14 meters. No structural modifications are planned, aside from the request for a change of use, which is evaluated in detail below.



4.0 LEGISLATIVE CONTEXT

Planning and Development Act 2000-2023

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(1) (Exempted Development) *The following shall be exempted developments for the purposes of this Act: (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

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.

5.0 ASSESSMENT

(i) Does the proposal constitute development:

Having regard to the definition(s) of 'development' within the Planning and Development Act 2000-2023 *"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. Change of use Residential to Care Home

Section 4 of the Planning and Development Act, 2000-2023, sets out certain forms of development that shall be exempted from development. Additionally, Schedule 2 of the Planning and Development Regulations, 2001-2025, set out forms of development which are exempted development within specific context.

Class 14(f) of Part 1 of Schedule 2 PDR 2001 (Column 1) provides an exemption for development consisting of a "change of use", as follows:

"(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".

Conditions and Limitations (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."

6.0 Details of Request for Further Information

This report should be read in conjunction with the previous Planner's Report dated 04/04/2025 requesting further information about the point(s) below.

Further information was requested on 09/04/2025. A response to further information was received by the Planning Authority on 11/04/2025.

7.0 Further Information Assessment

Item 1

1. The applicant is requested to provide additional information to evaluate this application against relevant exemptions outlined in the Planning and Development Regulations 2001-2025 that could classify this development as exempted development. The applicant is requested to clarify whether the proposal pertains to the following class:

Class 14(f) of Part 1 of Schedule 2 Planning and Development Regulations 2001-2025 regarding an exemption for development involving a "change of use," specifically:

"(f) from use as a house to use as a residence for individuals with an intellectual or physical disability or mental illness, as well as for those providing care to such individuals."

The limitation on this exemption is as follows

"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."

The applicant is requested to review the details above and submit all pertinent information including the no. of persons to be accommodated on site and the no. of carers as well as the nature of the proposed caring to support the planning authority's assessment of this application.

Applicant's Response

Dear Sir/Madam;

In reply to No.1:

Please find enclosed 2 hard copies of the response showing compliance with Class 14(f) of Part 1 of Schedule 2 Planning and Development Regulations 2001-2025 (f) from use as a house to use as a residence for individuals with an intellectual or physical disability or mental illness, as well as for those providing care to such individuals.

Planner's Assessment

The applicant has provided confidential information dated April 8th 2025 and is considered to possess the requisite information necessary for evaluation under the specified classification.

Class 14(f) of Part 1 of Schedule 2 Planning and Development Regulations 2001-2025 regarding an exemption for development involving a "change of use," specifically:

"(f) from use as a house to use as a residence for individuals with an intellectual or physical disability or mental illness, as well as for those providing care to such individuals."

Conditions and Limitations (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."

According to the information provided, the suggested declaration adheres to the aforementioned class along with its conditions and limitations.

(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. The site is located in a Flood Zone C where the risk of flooding is low. 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 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) 2001-2025 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, I conclude that “Change of use from residential dwelling to residential care home” is development and is exempted development.

8.0 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 “Change of use from residential dwelling to residential care home, at Wilkinstown 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, Emma Lynch Meehan.

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

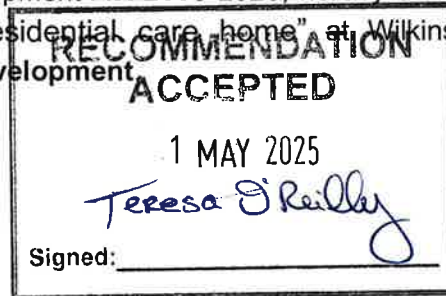
- (a) Sections 2(1), 3(1), 4, & 177U(9) of the Planning and Development Act 2000 – 2023,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2023
- (c) Schedule 2, Part 1, Class 14 (f) (Exempted Development) of the Planning and Development Regulations, 2001-2025
- (d) Information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) "Change of use from residential dwelling to residential care home" at Wilkinstown, Co. Meath" comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and
- (b) "Change of use from residential dwelling to residential care home, At Wilkinstown Co. Meath" is exempted development under the provisions of Class 14(f) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025.

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 Change of use from residential dwelling to residential care home" at Wilkinstown, Co. Meath" is a development and is **Exempted Development**.

Shoaib Khan
Executive Planner
Date: 30/04/2025



Teresa O'Reilly
Senior Executive Planner
Date: 30/04/2025

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 Act 2000-2023 and Regulations 2001-2025.

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To:

**Emma Lynch Meehan
c/o Shay Duff
Lobinstown
Navan
Co Meath**

PLANNING REFERENCE KS525036

NUMBER:

APPLICATION RECEIPT DATE: 07/02/2025

FURTHER INFORMATION DATE: 16/04/2025

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 01/05/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Change of use from residential dwelling to residential care home at **Wilkinstown, Navan, Co Meath**

Date: 01/05/2025

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 Web: www.pleanala.ie

Meath County Council;
Planning Section;
Buvinda House;
Dublin Road;
Navan;
Co. Meath.

Ref. No. : KS525036

10-04-2025

*Change of use from residential dwelling to residential care home
Wilkestown, Navan,
Co. Meath
For: Emma Lynch Meehan*


Dear Sir/Madam;

In reply to No.1:

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I hope that this reply is satisfactory with the Planning Authority and I look forward to a favourable decision in due course.

Yours Sincerely,



Shay Duff
086-1630194
sduffjtg@gmail.com





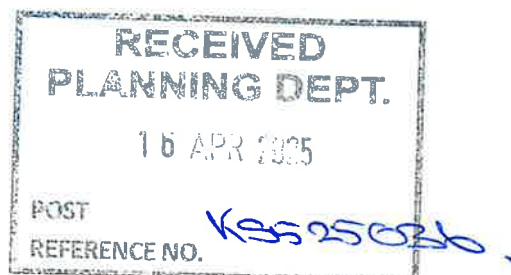
8th April 2025

TO WHOM IT MAY CONCERN

Please be advised I will be providing care and accommodation to between 3 and 6 children
with a maximum of 2 resident care workers staying at night to ensure their
safety.

Kind regards,

Emma Lynch
TEL:



MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co.Meath

046 – 9097500

Date: 07/04/2025

File Reference Number: KS525036

Chief Executive Order Number: 605/25

Emma Lynch Meehan

c/o Shay Duff

Lobinstown

Navan

Co Meath

DEVELOPMENT :

Change of use from residential dwelling to residential care home

LOCATION : Wilkinstown, Navan, Co Meath

Dear Sir/Madam,

In considering this application, it has been found necessary to request **further information**. This information is essential for a full and proper evaluation of the application and is set out on the attached form.

Meanwhile consideration of the application has been suspended pending submission of this information.

Yours faithfully

Triona Keating

On Behalf of Meath County Council

**RECOMMENDATION
ACCEPTED**

7 - APR 2025

Signed: *T. O'Reilly*

Request for Further Information

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NOTE: Please submit 2 hard copies of the Further Information Response and email Planning@meathcoco.ie in order to obtain a sharefile link to upload a Soft Copy of the Further Information Response (Personal Data should not be recorded on the soft copy).

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
Web: 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
Web: www.meath.ie*

07/04/2025

**Emma Lynch Meehan
c/o Shay Duff
Lobinstown
Navan
Co Meath**

Ref : KS525036

Location of Site: Wilkinstown, Navan, Co Meath

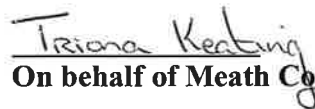
Description of Development: Change of use from residential dwelling to residential care home

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Yours faithfully



On behalf of Meath County Council

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Roinn Pleanáil,
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Fón: 046 – 9097500/Fax: 046 – 9097001
R-phost: planning@meathcoco.ie
Web: 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
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: EMMA LYNCH MEEHAN

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

SHAY DUFF

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

3. Location of Development and/or Subject Site: WILKINSTOWN, NAVAN

4. Description of Development: CHANGE OF USE FROM
RESIDENTIAL DWELLING TO RESIDENTIAL
CARE HOME

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: 5.78 M

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

114.20 sq. m

12 MAR 2025
KS525036

9. List of plans / drawings etc. submitted:

FLOOR PLANS, SITE LAYOUT PLAN, SITE LOCATION MAP

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:

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:

SIGNED:

Ray Duff
(AGENT)

DATE:

04/03/2025

NOTES

1. Application Fee of €80

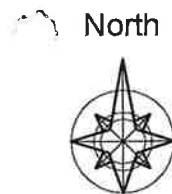
2. Application shall be accompanied by:

- **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



Glackenstown

TO LOBKINSTOWN

LOCATION OF SITE NOTICE

L34072

TO WILKINSTOWN

SITE LOCATION MAP Scale 1:2500
Digital sheet 2249

PROPOSED CHANGE OF USE FROM RESIDENTIAL
DWELLING TO RESIDENTIAL CARE HOME
AT:
WILKINSTOWN, NAVAN,
CO. MEATH
FOR:
EMMA LYNCH MEEHAN.

DRAWING TITLE
PLANNING STAGE DRAWING.

JOB No. 025-1869-25	S-0358-25-3
SCALE 1:2500.	
DATE 24-02-2025	
DRAWN S.D.	CHECKED
REVISIONS	

K5525036