

**Comhairle Chontae na Mí**

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**Meath County Council**

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

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

1. Name: LADENMONT LTD TA DECOY COUNTRY COTTAGES

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: DECOY COUNTRY COTTAGES

4. Description of Development: ERECTION OF TEMPORARY STRETCH  
TENT FOR SUMMER MONTHS (REMOVED OCTOBER – APRIL)

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 ☐

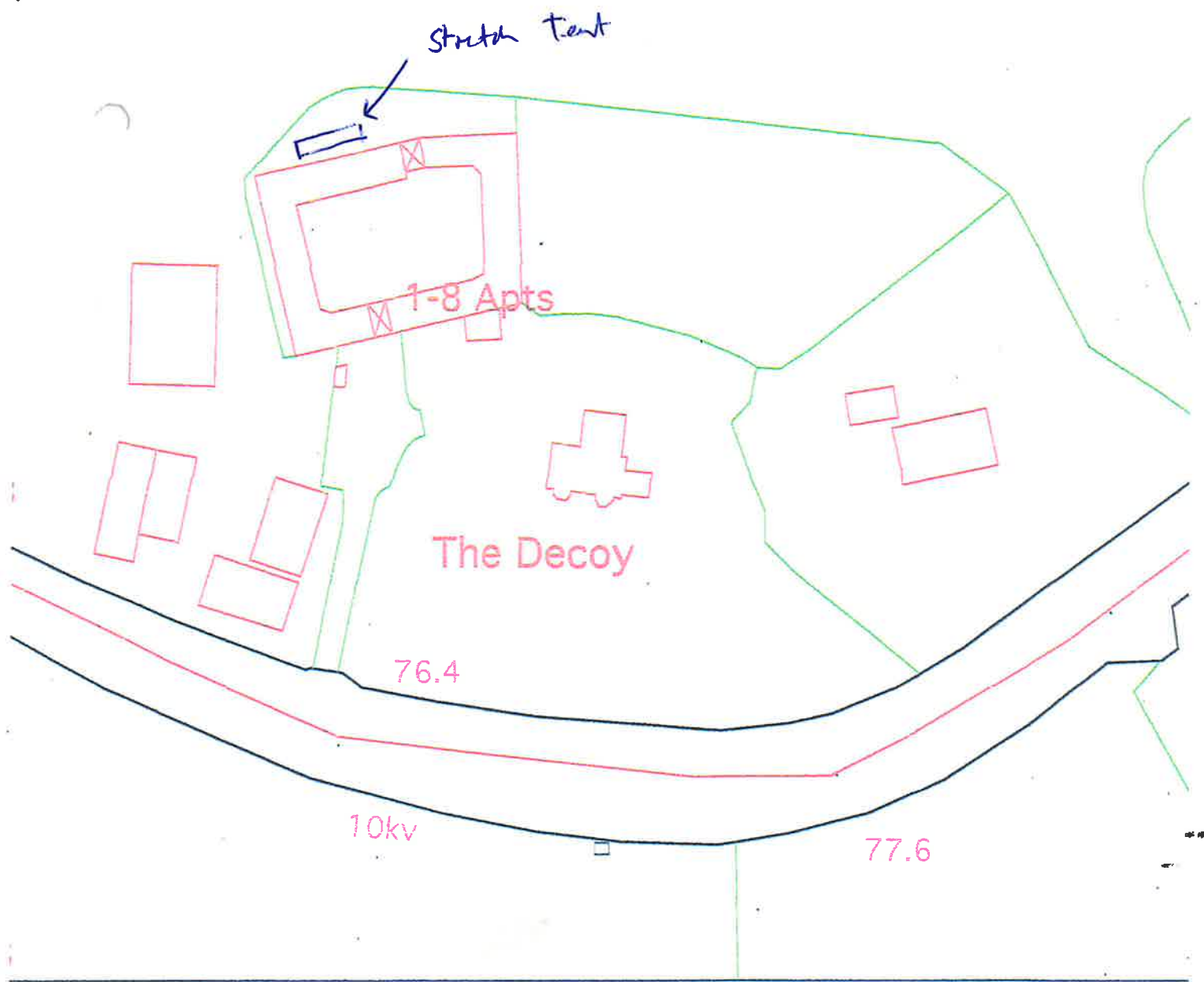
7. State overall height of structure if applicable: 3.5M

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

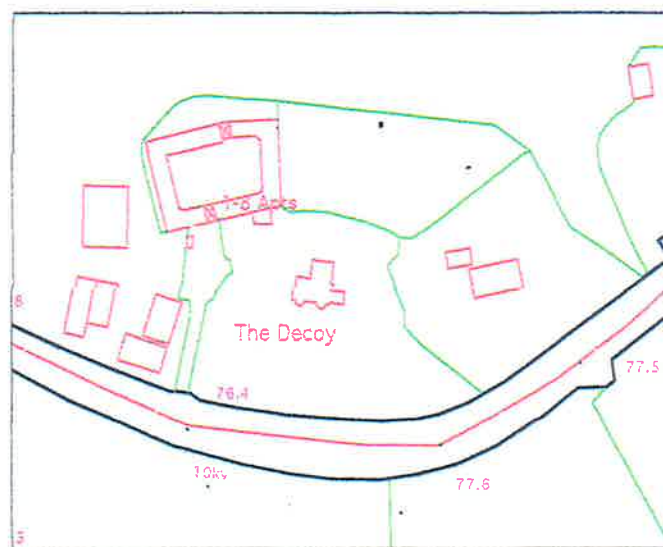
40 Sq MT 5m x 8m







1:1000



1:2500

AS525064





5m x 8m

**MEATH COUNTY COUNCIL**  
**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1058/25

**Reference Number:** AS525064

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

**Name of Applicant:** Ladenmont Ltd t/a Decoy Country Cottages

**Address:** Decoy House, Garlow Cross, Navan, Co Meath

**Nature of Application:** Erection of temporary stretch tent for summer months (Removed October - April)

**Location of Development:** Decoy House, Garlow Cross, Navan, Co Meath

**DECLARATION:** This development is not exempted development and therefore is development requiring 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 development is not exempted development and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION.**

**SIGNED:**



**On Behalf of Meath County Council**

**DATE:** 23-06-25

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan**

**Co Meath**

**046 - 9097500**

**Planning & Development Act 2000-2023**

**DECLARATION**

**To: Ladenmont Ltd t/a Decoy Country Cottages**

**Decoy House**

**Garlow Cross**

**Navan**

**Co Meath**

**PLANNING REFERENCE  
NUMBER:**


AS525064

**APPLICATION RECEIPT DATE:** 27/05/2025

**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 23/06/2025 decided to Declare the proposed development is **development and is NOT EXEMPTED DEVELOPMENT** therefore is **DEVELOPMENT REQUIRING PLANNING PERMISSION**, in accordance with the documents submitted namely: Erection of temporary stretch tent for summer months (Removed October - April) at Decoy House, Garlow Cross, Navan, Co Meath

Date: 23-06-25

  
**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.

**or 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>	Stephen O' Brien, Assistant Planner
<b>Date:</b>	18 <sup>th</sup> June 2025
<b>MCC File Number:</b>	<b>AS525064</b>
<b>Applicant:</b>	Ladenmont Ltd t/a Decoy Country Cottages
<b>Development Address:</b>	Lismullin, Co. Meath.
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023: Declaration on Development/Exempted Development.
<b>Development Description:</b>	Erection of temporary stretch tent for summer months (removed October – April)
<b>Date Decision Due:</b>	<b>24<sup>th</sup> June 2025.</b>

### 1. Site Location & Description

The application site is located in the townland of Lismullin, approximately 315m east of the rural node of Lismullin and 3km north of Skryne. The subject site is brownfield at present where 'Decoy Country Cottages' is located which comprises of luxury holiday homes in the Boyne Valley. Vehicular access to the site is existing along the local road L-1000. The subject site is located approximately 800m north of the M3 Motorway and approximately 2km east of Garlow Cross.

There are no National Monuments within or adjoining the application site. The site is located in a RA – Rural Area. The site is not located within an Architectural Conservation Area (ACA). The site is designated an Area Under Strong Urban Influence, according to the Meath County Development Plan 2021-2027. There are no Protected Structures, National Monuments or



Protected Views within the application site. The site is located in the Hills and Upland Area (namely the Tara Skryne Hills) which has an exceptional value and high sensitivity.

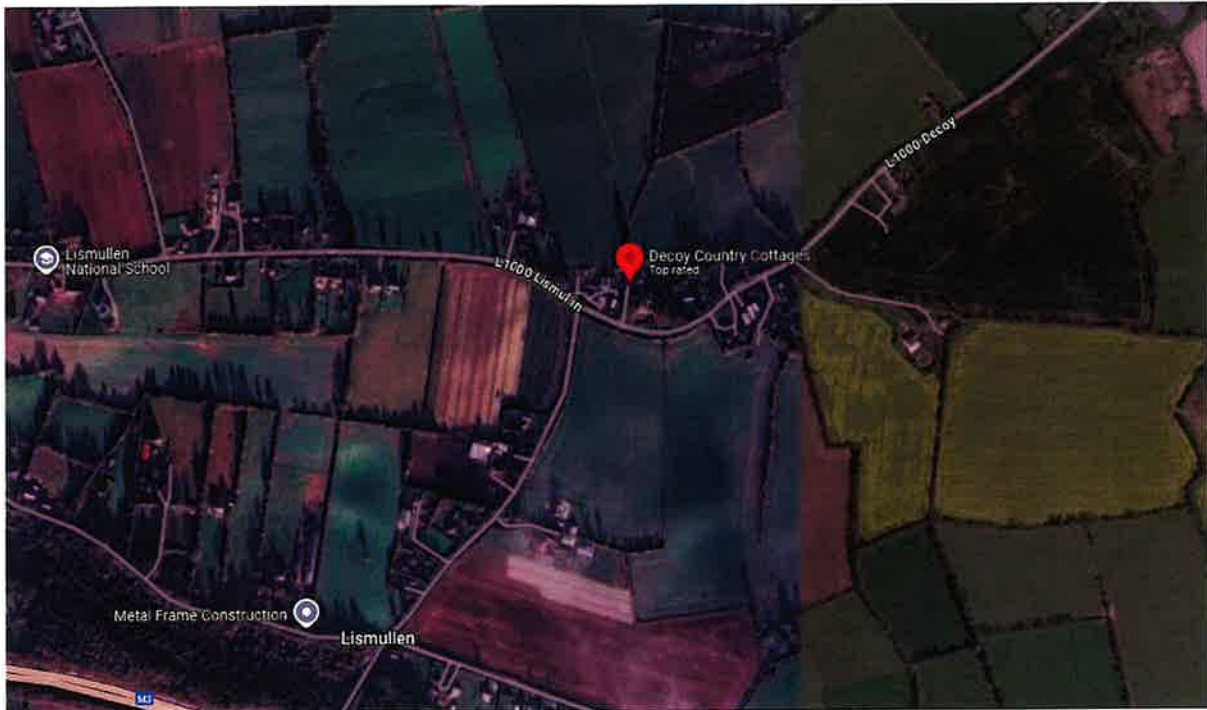


Figure 1: Extract from Google Imagery showing subject site.

## 2. Proposed Declaration

The applicant describes the development in the completed application form as *'the erection of temporary stretch tent for summer months (removed October-April)*. The Planning Authority is considering this question as:

**Whether the erection of temporary stretch tent for summer months (removed October-April) 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 40sqm with a ridge height of 3.5m.

## 3. Planning History

**PI. Ref. NA40381:** Conor & Paula Irwin **granted** permission for eight number two storey self-catering holiday homes comprising of 1 no. 4-bed, 3 no. 3-bed, 2 no. 2-beds and 2 no. one beds and reception, office, house maintenance and storage area, gym and games room in terraces, being part of a re-construction of existing courtyard with bio cycle wastewater commercial treatment plant and irrigation areas and ancillary services with car parking area and access from existing entrance (1995).

**PI. Ref. AA201673:** Seamus Hennelly **refused** retention permission of a commercial shed (2020)



### Reasons for Refusal

1. It is a policy (ED POL 21) of the Meath County Development Plan 2013-2019 (as varied), *"To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met, (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council; (ii) the development will enhance the strength of the local rural economy; (iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area; (iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations; (v) the proposal is in accordance with the policies, requirements and guidance contained in this plan; (vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network"*.

Having regard to the absence of a planning justification and the nature of the development to be retained is considered does not constitute a site-specific product resource having locational requirements nor is it necessary to protect or provide for sustainable rural communities. Likewise, the development does not constitute an infrastructure project of local, regional or national importance and on the absence of the information provided in support of the application, the Planning Authority is not satisfied that the proposed development could not reasonably be located within a defined settlement as envisaged by County Development Plan policy. Therefore, would establish an undesirable future precedent for developments of this kind and be would be contrary to the above provisions of the Meath County Development Plan 2013-2019 (as varied), and be contrary to the proper planning and sustainable development of the area.

2. It is a policy (RD POL 38) of the Meath County Development Plan 2013-2019 (as varied), *"To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard"*.

Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements, the Local Planning Authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard, be contrary to the aforementioned policy provisions of the Meath County Development Plan 2013-2019 (as varied), and thereby contrary to the proper planning and sustainable development of the area.

**PI. Ref. 23/173:** Seamus Hennelly **refused** retention permission of agricultural shed and permission for enlarged agricultural entrance (2023).

## **Reasons for Refusal**

1. It is an objective of the Meath County Development Plan 2021-2027 to require all applications for agricultural developments to comply with the assessment criteria set out in DM OBJ 62. Having regard to the assessment criteria set out in DM OBJ62 and in the absence of a robust planning justification and the nature of the development to be retained. The Planning Authority is not satisfied that the proposed development by reason of its use, location and design is appropriate. Therefore, the development would establish an undesirable future precedent for developments of this kind and would be contrary to the above provisions of the Meath County Development Plan 2021 – 2027 and be contrary to the proper planning and sustainable development of the area.
2. It is a policy (RD POL 38) of the Meath County Development Plan 2012 – 2027, *“To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard”*. Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements, the Planning Authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard, contrary to the aforementioned policy provisions of the Meath County Development Plan 2021 – 2027, and thereby contrary to the proper planning and sustainable development of the area.

## **4. Internal, External and Prescribed Body Referrals**

No referred.

## **5. Relevant National Legislation**

In order to assess whether or not the works described in Section 2 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 2001-2025 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 2000-2024 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 2001-2025**

Article 6 of the Planning & Development Regulations 2001-2025 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2025) 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 and Development Regulations 2021-2025**

Article 9 of the Planning & Development Regulations 2001-2025 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. Assessment**

In essence, the question has arisen as to whether the erection of a temporary stretch tent for summer months (removed October-April), 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 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025 respectively.

## 6.2 “Exempted Development”

In terms of whether the development is exempted development, the Applicant is looking for the erection of temporary stretch tent for summer months (removed October-April). The floor area of the tent will be 40sqm with a ridge height of 3.5m. Based on the attached drawings, the proposed stretch tent will be located to the rear (north) of the courtyard area that is named ‘Decoy Country Cottages’.

From a review of the Planning and Development Regulations 2001-2025, Part 2 and Schedule 2, it is noted that the proposed development does not fall within any exempt development category listed. Class 3 mentions *‘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’*. The existing structure on site is not considered a house and is used for holiday/tourism purposes. Class 37 mentions *‘Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use’*. The description of development does not come under said Class either.

Based on the foregoing, the planning authority believe that the erection of a temporary stretch tent for summer months (removed October-April) is development and is not exempted development.

## 7. 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) ~ 3.7km west of site
- River Boyne and River Blackwater SAC (Site Code: 002299) ~ 3.7km west of site.

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and

vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

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. Environmental Impact Assessment:**

The proposed development is 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. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIS/EIAR is not required.

## **9. Conclusion and Recommendation:**

It is therefore recommended that a declaration be issued for the erection of temporary stretch tent for summer months (removed October-April) as indicated on the submitted plans and particulars stating that the proposal represents development which is **not exempted development**:

**WHEREAS** a question has arisen as to whether, "*the erection of temporary stretch tent for summer months (removed October-April)*" on lands at Lismullin, Co. Meath is or is not exempted development:

**AND WHEREAS** Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2, 3, 4 & 177U (9) of the Planning and Development Act 2023,
- (b) Articles 6, 8 and 9 of the Planning and Development Regulations, 2001-2025
- (c) Information provided.

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

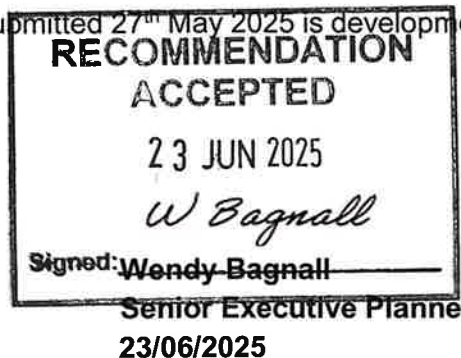
- (a) The proposal represents works and constitutes development having regard to Section 2 and 3 of the Planning and Development Act 2000-2023.

- (b) There is no provision for exemption within any of the classes as set out in Part 2 or Schedule 2 of the Planning and Development Regulations 2001 as amended for the proposed development.

**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 said development as detailed on particulars submitted 27<sup>th</sup> May 2025 is development and is not exempted development.

*Stephen O'Brien*

**Stephen O' Brien**  
**Assistant Planner**  
**18/06/2025**



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 2001-2025.