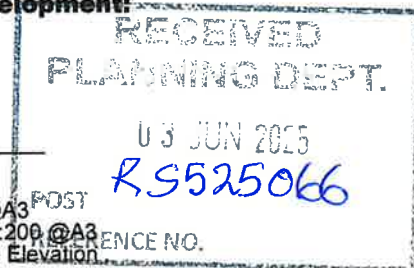


**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED
DEVELOPMENT**

Part 1 Section 5 of Planning and Development Act 2000-2018, as amended.

1. **Name:** Khei Mar Sophia Garcia Benitez
- Address:** 6 Birch Manor The willows, Dunshaughlin.Co. Meath
- Phone No:** _____ **E-mail :** _____
2. **Address for correspondence:**
- Address:** Apt 53, 149 North Strand Road.D03 PN77
- Phone No:** 0852156423 **E-Mail:** ventresdesign@gmail.com
3. **Location of Development and/or Subject Site:** 6 Birch Manor The willows, Dunshaughlin.Co. Meath
4. **Description of Development:** The development consist of provision of a single
storey detached property with a pitched roof, comprising an entrance hall, gym area,
bathroom and all associated works.
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 – 2018, 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:** 3.8m
8. **State in square metres the floor area of the proposed development:**
21.8 sq. m
9. **List of plans / drawings etc. submitted:**
- 2025-A85-DR-A-XX-0001 Site location plan 1:2500 @A3
2025-A85-DR-A-XX-0002 Existing Site Layout Plan 1:500 @A3
2025-A85-DR-A-XX-0003 Proposed Site Layout Plan 1:500 @A3
2025-A85-DR-A-XX-1001 Existing Ground & Proposed Ground & Roof Plan 1:200 @A3
2025-A85-DR-A-XX-2001 Proposed Front & Side & Rear Elevations & Section A-A 1:200 @A3
2025-A85-DR-A-XX-2002 Existing Front & Rear Contiguous Elevation, Existing Side Elevation,
Proposed Front & Rear Contiguous Elevation 1:200 @A3



10. Please state applicants interest in this site

Owner _____

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

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES _____ NO X

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 X

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

SIGNED: _____



DATE: _____

17/05/25

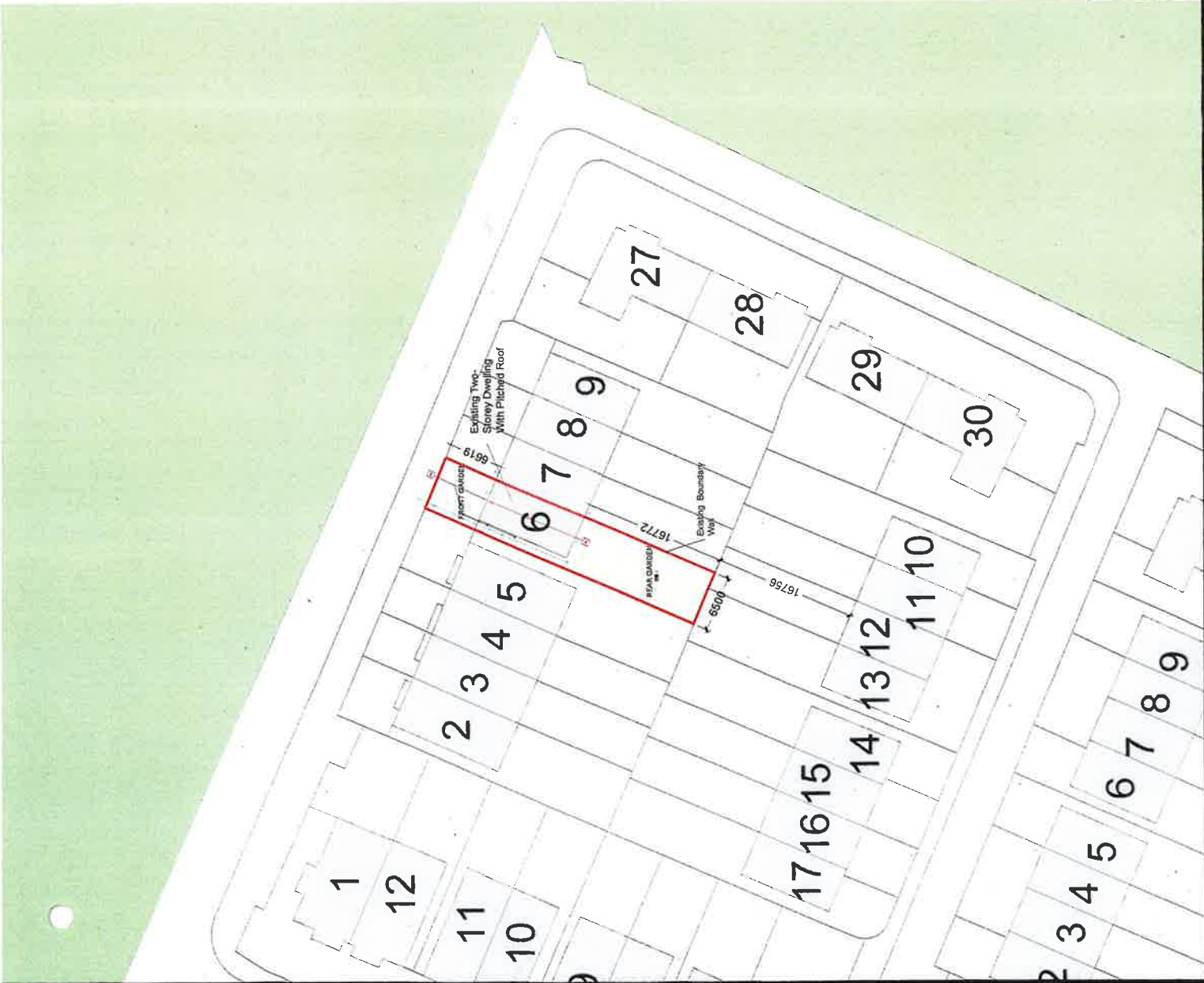
NOTES

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



LEGEND:

- Garden Area
- Existing Surface Water Drain
- Existing Building
- Proposed Exterior Walls
- Proposed Dwelling area
- Wall/Beam Below
- Proposed Foul Drain
- Proposed Surface Water Drain
- Existing Foul Sewer
- Proposed Foul Sewer

NOTES:
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEERS SPECIFICATION AND DETAILS.
ALL CONSTRUCTION WORK TO COMPLY WITH THE CURRENT BUILDING REGULATIONS AND SPECIFICATIONS.
COMPLIANCE OF SUCH TO BE RESPONSIBILITY OF THE BUILDING CONTRACTOR ON SITE OR CLIENT PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK.
DEVELOPMENT TO BE BUILT ON THE INSIDE OF THE BOUNDARY.
LINE OF THE BOUNDARY TO BE CONFIRMED PRIOR TO CONSTRUCTION BY CONTRACTOR.
UNDERPINNING TO ENGINEERS SPECIFICATION.
NO ELEMENT OF THE CONSTRUCTION TO BE ENCROACHING ON THE NEIGHBOURS PROPERTY.
ALL EXISTING STRUCTURE TO BE INSPECTED BY ENGINEER ANY ADDITIONS OR ALTERATIONS TO THE STRUCTURE BE SPECIFIED AND INSPECTED BY ENGINEER.
ALL DRAINAGE TO BE CONFIRMED ON SITE.
ALL DRAINAGE BOTH NEW AND EXISTING TO BE SPECIFIED AND INSPECTED BY ENGINEER.

Existing Site layout Plan
Scale 1:250

Planning Application Boundary

2352506 6

W M W DESIGN		srogers@s-architecture.ie			
Issue: Planning		Client:		Description: Existing Site layout Plan	
NO.	Description	Date	Project : 6 Birch Manor The Willows		
			Date : 11/05/2025		
			Drawn By :WM		
			Check By :SR		
			Scale 1:500@A3		

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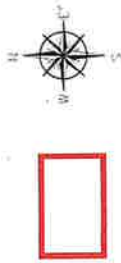
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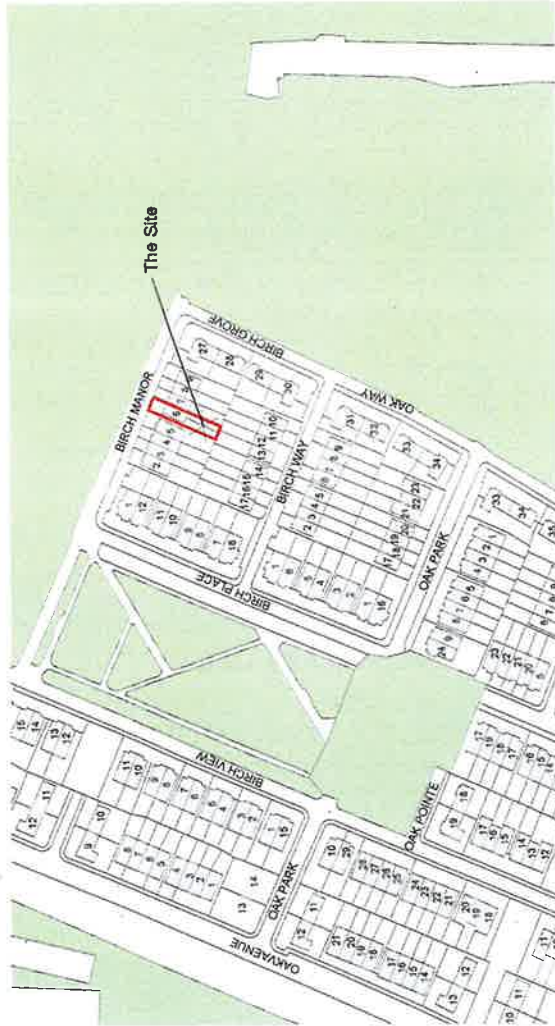
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CENTRE
COORDINATES:
ITM 697525,751758
SITE AREA : 225 5 SQM



Planning Application Boundary



Site Location Plan

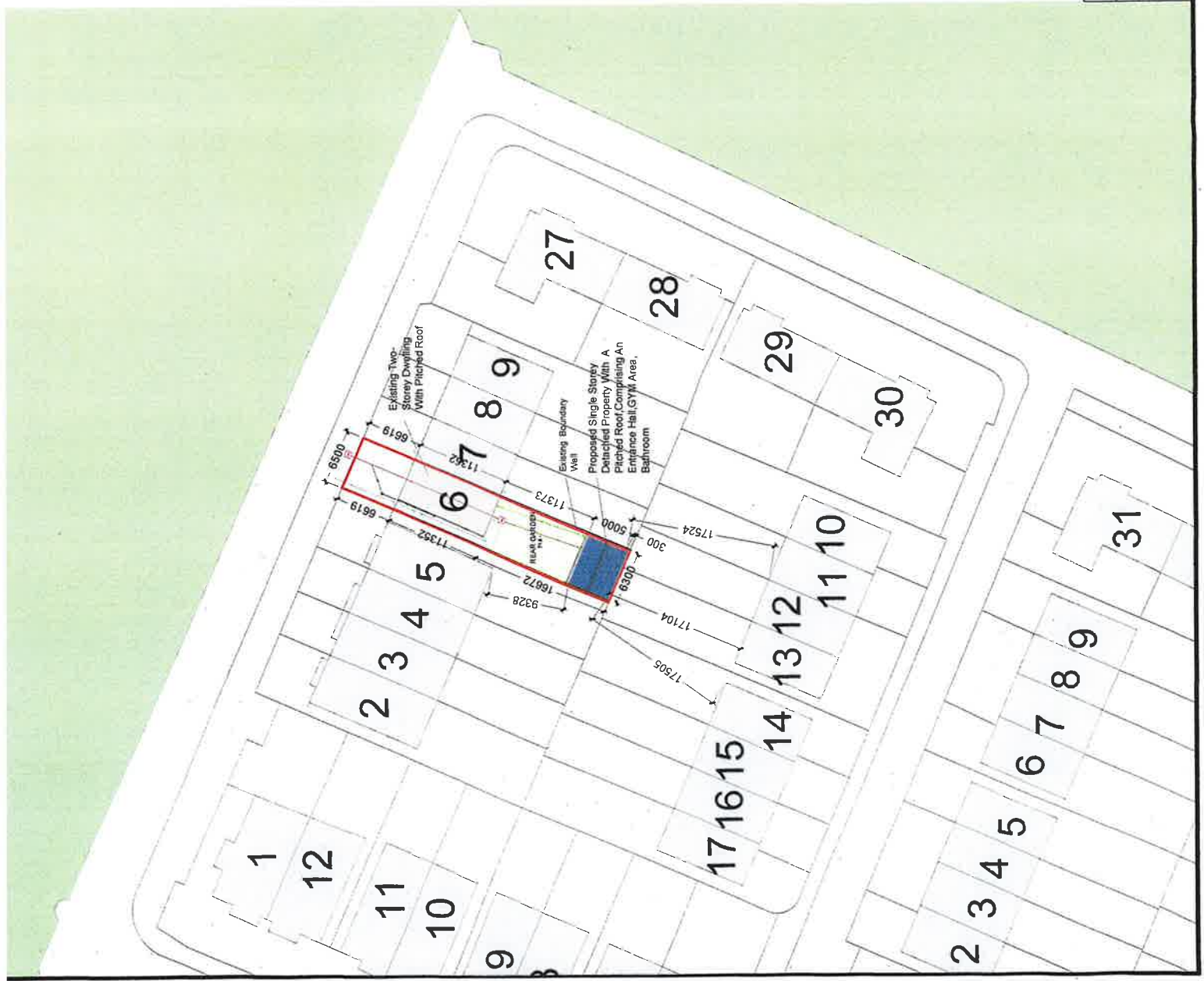
Scale 1:2500

255 25 066

W.M.W DESIGN
srogers@s-architecture.ie

Issue/Planning		Client:	Description: Site Location Plan
NO.	Description	Date	
			Project : 6 Birch Manor The Willows
			Date : 11/05/2025
			Drawn By : WM
			Check By : SR
			Scale 1:2500@A3

2025-A85-DR-A-XX-0001

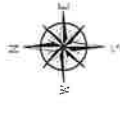


LEGEND:

- Garden Area
- Existing Surface Water Drain
- Existing Building
- Proposed Exterior Walls
- Proposed Dwelling area
- Wall/Beam Below
- Proposed Foul Drain
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Proposed Site layout Plan
Scale 1:250



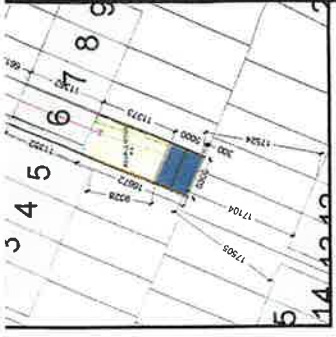
Planning Application Boundary

25525066

W.M.W DESIGN
srogers@s-architecture.ie

Issue: Planning		Client:	Description: Proposed Site layout Plan
NO.	Description	Date	
			Project : 6 Birch Manor The Willows
			Date : 11/05/2025
			Drawn By : WM
			Check By : SR
		Scale	1:500@A3

2025-A85-DR-A-XX-0003



KEY PLAN

LEGEND:

- Garden Area
- Existing Surface
- Water Drain
- Existing Building
- Proposed Exterior Walls
- Proposed Dwelling area
- Wall/Beam Below
- Proposed Foul Drain
- Proposed Surface Water Drain
- Existing Foul Sewer
- Proposed Foul Sewer

Planning Application Boundary

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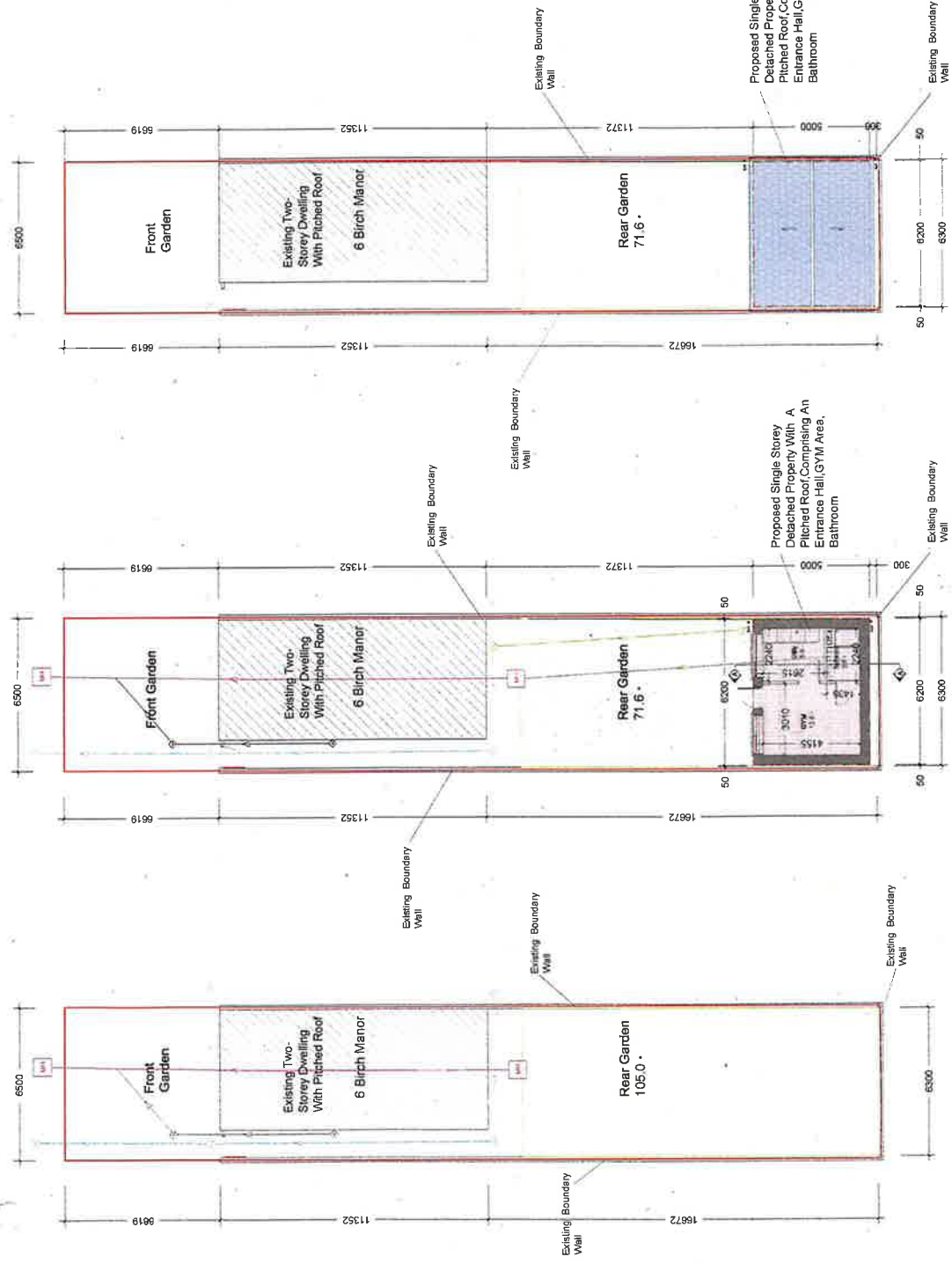
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Existing Ground Floor Plan

Scale 1:200

Proposed Ground Floor Plan

Scale 1:200

Proposed Roof Floor Plan

Scale 1:200

W.M.W DESIGN
srogers@s-architecture.ie

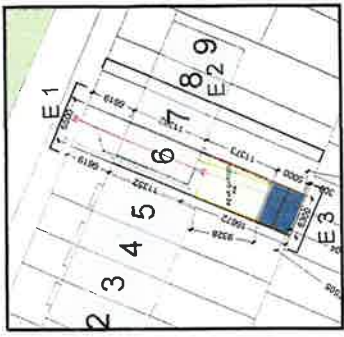
25525066

Issue: Planning		Client:	Description: Existing Ground & Proposed Ground & Roof Floor Plan
NO.	Description	Date	

Project: 6 Birch Manor The Willows
Date: 11/05/2025
Drawn By: WM
Check By: SR

2025-A85-DR-A-XX-1001

Scale 1:200@A3



Planning Application Boundary

Proposed Dwelling area

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WMW DESIGN

srogers@s-architecture.ie

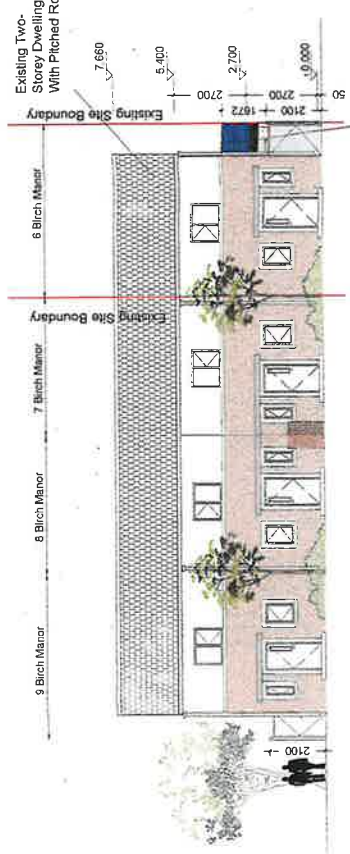
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Date : 11/05/2025

Drawn By : WM

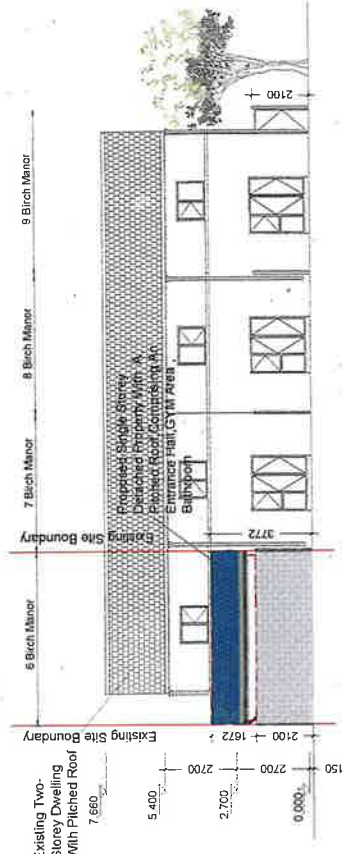
Check By : SR

Scale 1:200@A3



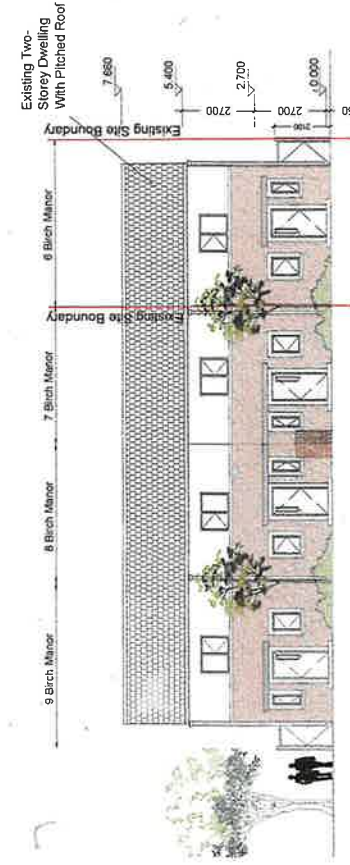
Proposed Continuous Front Elevation

Scale 1:200



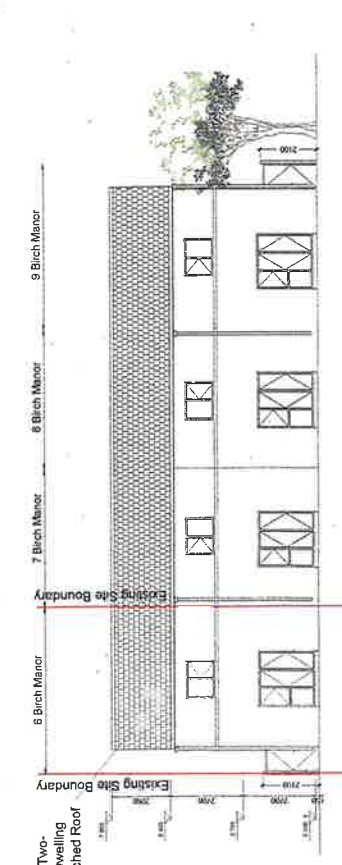
Proposed Continuous Rear Elevation

Scale 1:200



Existing Continuous Front Elevation

Scale 1:200



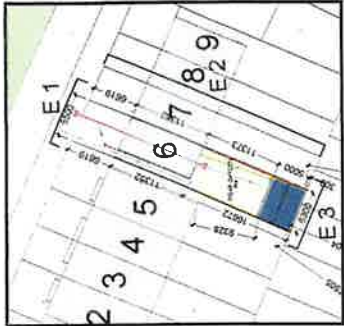
Existing Continuous Rear Elevation

Scale 1:200



Existing Side Elevation

Scale 1:200



Planning Application Boundary

Proposed Dwelling area

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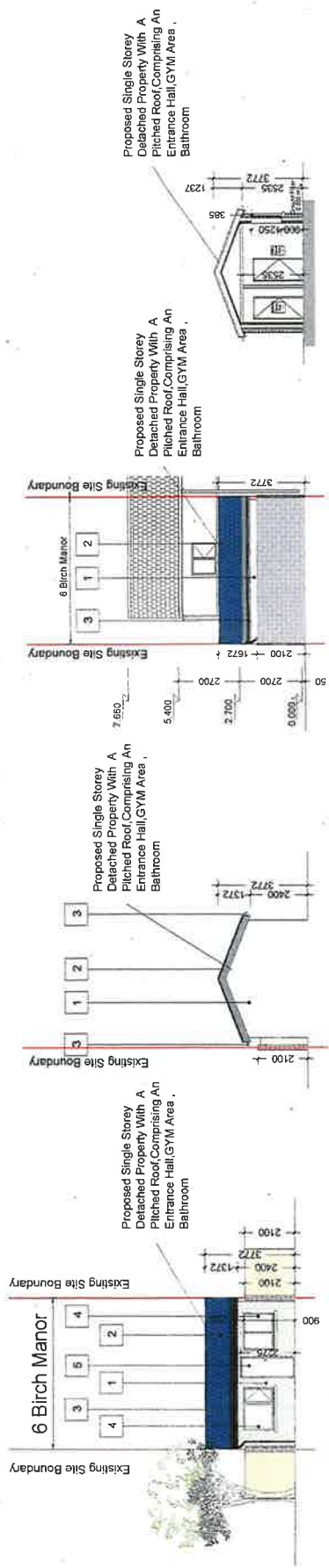
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W.M.W DESIGN
srogers@s-architecture.ie

RS525066

Issue: Planning		Client	Description: Proposed Front & Side & Rear Elevation & Section A-A	
NO.	Description	Date	Project : 6 Birch Manor, The Willows	
			Date : 11/05/2025	
			Drawn By : WMM	
			Check By : SR	
			Scale	1:200@A3



Proposed Section A-A

Proposed Rear Elevation

Proposed Side Elevation

Proposed Front Elevation

Scale 1:200

Scale 1:200

Scale 1:200

Scale 1:200

Material

- 1 Painting Exterior Wall Coatings
- 2 Roof Tiles
- 3 Roof Gutter
- 4 UPVC Window
- 5 UPVC Door



Proposed Side Elevation

Scale 1:200

E 2-2

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1104/25

Reference Number: RS525066

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

Name of Applicant: Khei Mar Sophia Garcia Benitez

Address: Apt 53, 149 North Strand Road, D03 PN77

Nature of Application: The development consist of provision of a single storey detached property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works

Location of Development: 6 Birch Manor, The Willows, Dunshaughlin, 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: 01/07/2025

SCANNED

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To:

**Khei Mar Sophia Garcia Benitez
Apt 53
149 North Strand Road
D03 PN77**

**PLANNING REFERENCE
NUMBER:**

RS525066

APPLICATION RECEIPT DATE:

03/06/2025

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 01/07/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: The development consist of provision of a single storey detached property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works at 6 Birch Manor, The Willows, Dunshaughlin, Co Meath

Date: 01/07/2025

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 Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Gerard Kellett, Executive Planner
File Number:	RS525066
Applicant Name(s):	Khei Mar & Sophia Garcia Benitez
Development Address:	No. 6 Birch Manor, The Willows, Dunshaughlin, Co. Meath.
Inspection Date:	N/A
Application Type:	Section 5 of the Planning & Development Act 2000- 2023 Declaration on Development/Exempted Development
Development Description:	"A proposed single storey detached structure property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works".
Date of Report:	30/6/2025
Decision Due Date:	1/7/2025

SCANNED

1.0 SITE LOCATION & DESCRIPTION:

The site relates to No. 6 Birch Manor, Dunshaughlin, Co. Meath which is two storey end of terrace dwelling set within an existing residential estate which has been recently permitted. The surrounding area is urban and residential in character.



2.0 PROPOSED DEVELOPMENT/ DECLARATION SOUGHT:

The referrer seeks a Section 5 declaration as to whether; *“A proposed single storey detached structure property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works”* at No. 6 Birch Manor, The Willows, Dunshaughlin, Co. Meath **is or is not development and is or is not exempted development.**

3.0 PLANNING HISTORY:

24/60950
23/60181
221594
SHD303433

4.0 LEGISLATIVE CONTEXT

The legislative framework regarding the proposal is set out in this section of the report.

Planning & 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.

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)

The following shall be exempted developments for the purposes of this Act (4)(1)(a)-(l). (inclusive).

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*
- (ii) "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 2001-2025:

Article 6(1)

"Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1".

Article 9(1)(a)

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

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001-2023 relate to:

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

Conditions and Limitations (Column 2)

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

5.0 ASSESSMENT:

This section of the report provides an assessment of the proposal.

(i) Does the proposal constitute development:

Having regard to the definition of 'works' & 'development' in the Planning and Development Act 2000-2023 it is considered the works as indicated on the application form and plans and particulars received would constitute development. i.e., "*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*".

(ii) Does the proposal constitute exempt development:

The proposal relates to the erection of a domestic gym to the rear garden of the existing dwelling.

Based on the drawings submitted the proposal would be assessed against the conditions and limitations of Schedule 2, Part 1, Class 3 of the Planning & Development Regulations 2001 (as amended) as outlined below:

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

The proposed structure would be sited to the rear of the existing property and therefore would be compliant with the above.

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

No other structures have been erected on this site. The proposal would have a floor area (measured internally) equating to a floor area of 21.8sqm and therefore would be compliant with the above.

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

A usable garden space of not less than 25sqm would be retained to the rear and therefore would be compliant with the above.

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

The proposal would be sited to the rear and not to the side elevation. The proposed materials would be a plaster finish to all external walls.

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

The eaves height would be 2.4metres with the overall height 3.8 metres and as such would not exceed the height as indicated above.

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

The proposal would comprise a home gym that would be incidental to the enjoyment of the existing house.

Having regard to the above the Planning Authority is satisfied the proposal would come within the conditions and limitations of Schedule 2, Part 1, Class 3 (Exempted Development – General) of the Planning and Development Regulations, 2001-2025 and would be deemed exempted development.

(iii) Restrictions on Exemptions:

The restriction on exemptions under Article 9(1)(a)(i) – (xii) (inclusive) are not applicable in this instance.

(iv) Appropriate Assessment:

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

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

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

(v) *Environmental Impact Assessment:*

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 – 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.

6.0 CONCLUSION

On the basis of the information provided, it is considered the Planning Authority is satisfied that the proposed development would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000 – 2023; and would be exempted development under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001-2025.

7.0 RECOMMENDATION

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

WHEREAS a question has arisen as to whether;

- *"A proposed single storey detached structure property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works" at*

No. 6 Birch Manor, The Willows, Dunshaughlin, Co. Meath is or is not development and is or is not exempted development.

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

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

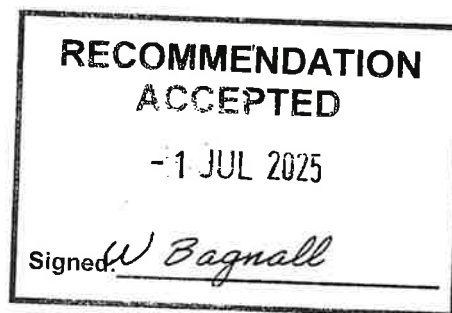
AND WHEREAS Meath County Council has concluded: -

- (a) *"A proposed single storey detached structure property with a pitched roof, comprising an entrance hall, gym area, bathroom and all associated works"* at No. 6 Birch Manor, The Willows, Dunshaughlin, Co. Meath, is exempted from the requirement to obtain planning permission as the works would come within the scope of Schedule 2, Part 1, Class 3 (Exempted Development – General), of the Planning and 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 the said development as detailed on particulars submitted 3rd June 2025 is 'Development' and is 'Exempted Development'.

Gerard Kellett

Gerard Kellett
Executive Planner



Wendy Bagnall
Senior Executive Planner