



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319469-24

<b>Development</b>	Change of use of an existing outbuilding to residential to the side of an existing cottage residence.
<b>Location</b>	Stone Cottage, Tankardstown, Rathkenny, Navan, Co. Meath, C15 ND39
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	23647
<b>Applicant</b>	Leone Tubbritt.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	John Lynch and Geraldine Lynch.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> October 2025.
<b>Inspector</b>	Lucy Roche

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Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The appeal site is in the rural townland of Tankardstown, c.7 kilometres to the northwest of Slane village, in County Meath. The site is positioned on the southern side of a country road, directly opposite the Rathkenny GAA club and pitch.
- 1.2. The irregular shaped site has a stated site area of 0.081ha and comprises a vernacular, modest in height 2-storey dwelling, that forms the eastern end of a terrace of three dwellings of similar scale and design. The existing dwelling, referred to a Stone Cottage, is served by an amenity space to the side (east) which contains a single storey detached outbuilding, the subject of this application. The outbuilding comprises a narrow plan structure with an irregular shape and a pitched roof. It has a northwest orientation, facing onto the garden area. The dwelling faces directly onto the public road. The side garden area in which the outbuilding is located is bounded by stonewall which is set back from the edge of the road facilitating roadside parking.
- 1.3. The appeal site is accessed and egressed via a gated entrance onto the local road which is sited between the main dwelling and the outbuilding. The site is bounded to the east and south by an existing driveway that serves the neighbouring residential properties to the west, including that of the third-party appellant.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the change of use of an existing outbuilding to residential use. As set out in the application documentation, the structure is intended for family use and is to be ancillary to the main dwelling on site. The structure in question has a stated gross floor area of 51.6sq.m and is shown to have a ground to ridge height of 4.2m.
- 2.2. The floor plans submitted with the application on the 26<sup>th</sup> of June 2023 detail the proposed unit as comprising a main living area, two bedrooms (one identified as a carers bedroom), a bathroom and entrance hall. The unit was laid out in two separate sections with no internal connection between the main living area and the bedroom accommodation.
- 2.3. The internal layout of the unit was amended at further information stage to include an internal connection between the main living area and the bedroom

accommodation. This alteration resulted in a reduction in the size of the main bedroom from 13.3sqm to 8.64sqm.

2.4. The application is accompanied by:

- Letter of Compliance and Notice of Compliance with Advisory Notice Domestic Wastewater Treatment System – Domestic Wastewater Treatment System – Water Services Act 2007 and 2017
- Land registry folio map

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following an initial request for further information, Meath County Council decided to grant permission for the proposed development (as amended) subject to five conditions, including:

Condition 2 Clarifies that the permission relates solely to the development as described

Condition 3 Requires the dwelling and outbuilding to be jointly occupied as a single dwelling unit and states that the outbuilding shall not be let, sold or otherwise transferred or conveyed save as part of the dwelling.

Condition 4 Requires that the architectural design and external finishes comply with the details indicated on the further information document received by the PA on the 26<sup>th</sup> of January 2023.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The initial report of the Local Authority Case Planner had regard to the location context and planning history of the site, to third party submissions and departmental reports received. The report considers the principle of the development; siting, layout and design; transportation; servicing and flooding. The main points raised can be summarised as follows:

- The principle of the development is acceptable subject to condition that structure remain as part of the site.
- The structure in its current form is two units, an internal link is required to create a single unit as proposed.
- Uncertainty regarding the works carried out on site.
- Boundary issues raised by third parties is a civil matter not a planning matter however the applicant should demonstrate that no part of the structure over sails the party boundary.
- The report concluded with a request for further information on the following matters:
  - The works carried out on the structures and the need for retention permission.
  - Clarification on what part of the structure is subject to the proposed change of use and on the current use of the structure.
  - Request for an internal link between the living area and the bedrooms as the original layout proposed two separate units.
  - Demonstration that no part of the structure over sails the party boundary
  - Clarification on the existing and proposed sources of water supply and sewerage disposal
  - The applicants were given the opportunity to respond to the issues raised by third parties and were requested to make arrangements for the planning officer to inspect the site.

The final report of the Case Planner (March 2024) has regard to the further information submitted by the applicant on the 26<sup>th</sup> of January 2024, which was deemed to be significant (revised notices received 20<sup>th</sup> of February 2024). This report can be summarised as follows:

- The Case Planner notes that changes to the roof have been made but that they are likely to fall within the provisions for exempted development and are within the statute of limitations for unauthorised development.

- Based on the folio maps provided by the applicant and observations made during site inspection, the case planner is satisfied that the applicant has demonstrated that the property does not over sail the boundary.
- The documentation submitted indicates that the wastewater disposal is acceptable. The residential use on the site is established and the carers bedroom would represent a limited increase in occupancy.
- The report concludes with a recommendation to grant permission subject to condition.

### 3.2.2. Other Technical Reports

- Transportation: - No objection subject to condition restricting on-street parking.
- Public Lighting – no comments

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Third- party submissions received from two parties. The issues raised are similar to these raised in the grounds of appeal and can be summarised as follows:

- Inaccuracies in the application details / information provided,
- Unauthorised works / alterations to building,
- Obstruction of the site notice,
- Land ownership,
- Impacts on residential amenity and privacy, including concerns relating to insurance, security, emergency access and property value.
- Adequacy of wastewater treatment system.
- The proximity of the structure to the appellants driveway makes it unsuitable for habitable use as it would be impacted by noise and light pollution from vehicles.

- Unsuitable parking arrangements
- Overdevelopment of the site.

## 4.0 Planning History

### 4.1. Appeal Site:

MCC Ref: 97/1088

Permission granted (1997) for the retention of an extension to dwelling, detached store and granny flat subject to three conditions. Condition 2 is of note:

*Condition 2:*

*The granny flat shall not be sold or let as a separate residential unit independent of the main dwelling and upon cessation of occupation by the applicant shall revert to use as a domestic store/shed or other non-habitable use incidental to the enjoyment of the main dwelling as such.*

*Reason: In the interests of residential amenity and development control.*

### 4.2. Neighbouring Site to West:

ABP Ref: 308462-20

Permission granted for the retention and completion of the construction of a domestic storage shed

## 5.0 Policy and context

### 5.1. Development Plan

5.1.1. The Meath County Development Plan 2021-2027, as varied, is the operative Plan for the area. The proposed development is located within a rural area. The landscape character is recognised as being of high amenity value (Rathkenny Hills): -

5.1.2. Section 11.5.24 Family Flat Extensions is relevant:

Family flats (often known as granny flats) are a way of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in the relevant policy set out below.

DM POL 15: The creation of a custom-built 'family flat' to be occupied by a member of the occupant family with a housing need is generally acceptable subject to site suitability and compliance with DM OBJ 49.

DM OBJ 49: All applications for family flat development shall comply with the following criteria:

- The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e. not detached;
- The flat shall not have a separate access provided to the front elevation of the dwelling.
- There shall be no permanent subdivision of the garden/private amenity space.
- The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property;
- The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s);
- If the site is not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading.



## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is not located on or adjacent to any designated site. the closest designated site, the River Boyne and River Blackwater SAC (Site Code 002299) and cNHA is located c4.8km to the southeast.

## **5.3. EIA Screening**

The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal lodged against the decision of Meath County Council to grant permission for the change of use of an outbuilding to residential use at Stone Cottage, Tankardstown, Rathkenny, Navan, Co. Meath.

The issues raised in the appeal can be summarised as follows:

- Retention permission should have been sought as works have been carried out to this structure without the benefit of planning permission. The structure is over 25sqm.
- The drawings and mappings provided to and accepted by Meath County Council are incorrect and do not reflect the building as it exists in site.
  - The maps supplied by the applicants are incorrect as they include part of the appellants landholding. The east wall of the building is the boundary of the property.
  - The outbuilding has three windows on its east elevation not two as indicated on the drawings.
  - The roof on both gable ends is depicted with an overhang and shows a fascia and soffit. There is none.

- The window on the south side has incorrect dimensions
- The windows on the boundary are a security concerns as they could facilitate access to the appellants property.
- The original 1997 permission was for half the structure to be for habitable use and the other half for storage. Currently the entire building has been converted for habitable use.
- Roadside parking is a concern. The driveway to the east of the site provides access to the two terraced houses to the west of the appeal site and is in daily use. Cars parked in front of the development hinder road visibility. The addition of further cars parked along the roadside of the development would diminish the sight lines for this driveway even further.

## 6.2. Applicant Response

- Permission is sought for the change of use of an existing outhouse building to residential use for the applicant's elderly parent. The application does not relate to the previous grant of permission. The only relevance of the previous grant of permission is that it demonstrates that the building was previously deemed suitable for residential development.
- Changes made to the structure (changing of openings, roof etc) are only relevant to the application to demonstrate its suitability for residential use and compliance with building regulations. The exemption limit of 25sqm is not relevant.
- On the issue of land ownership / alleged mapping discrepancies - The Folio maps presented on behalf of the applicant do not misrepresent the ownership of either her property or the appellants property. The east wall of the building is not the property boundary.
- There are three windows in the east elevation, these windows are wholly within the applicant's property. They have existed in the wall for many years and have a fire exit function. The applicants fire escape route has been interfered with however this issue does not fall within the remit of this appeal.
- The roof gables are contained completely within the applicant's property and do not affect the appellants right of way.

- The applicants are attempting to redefine the application as a retention application however it is a change of use application.
- Regarding the alleged discrepancies in the drawings, the applicants have failed to explain their relevance to the change of use application now under appeal.
- In relation to the appellants concerns regarding security / insurance liability, it could be argued that the applicant's property is at similar risk. This issue is not relevant to the proposed change of use application.
- There is no basis for the appellants assertion that the building has been converted to residential use. The building has been inspected on two occasions by the planning authority who confirmed no unauthorised planning activity or usage. Planning permission is not required to erect partitions.
- The proposal will not adversely affect parking or sightlines as the presence of additional vehicle caused by the proposal will be wholly contained within the applicant's site.
- It is contended with reference to the Folio maps submitted that much of the driveway used by the appellants to access their property is in the ownership of the applicant and should not be used by the appellants without agreement. It is acknowledged that this is a civil matter.

### **6.3. Planning Authority Response**

- Following a review of the issues raised by the third-party appellant, the planning authority is satisfied that the issues have been substantially addressed in the Planning reports on file dated 17<sup>th</sup> August 2023 and 15<sup>th</sup> March 2024. They respectfully request the Board to uphold the decision to grant permission.

### **6.4. Observations**

- None

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The Principle of the Proposed Use
- Legal and Procedural Issues
- Other Matters
- Appropriate Assessment

## 7.2. The Principle of Proposed Use:

7.2.1. Permission is being sought for the change of use of an existing outbuilding to residential use in the rural area of County Meath. In accordance with the details submitted in support of the application (planning application form Section 15) the proposed residential accommodation is for family use ancillary to the existing dwelling.

7.2.2. The outbuilding in question comprises a single storey detached building to the side (east) of the applicants dwelling. This structure was subject of a previous application, MCC Ref: 97/1088, under which retention permission was granted for a detached store and granny flat. Condition 2 as attached to this grant of permission required that the granny flat *revert to use as a domestic store/shed upon cessation of occupation by the applicant*. There is no evidence to suggest that this condition was not complied with. The applicants are now seeking permission for the change of use of the entire structure (including store) for residential use.

7.2.3. Section 11.5.24 of the Meath County Development Plan 2021-2027 deals with family flat extensions. The planning authority in their assessment of the application noted that the proposed development would result in a 'family flat' that was detached from the main dwelling, contrary to Meath County Development Plan Objective DM OBJ 49. They considered this to be acceptable in this case having regard to the previous permitted use of the structure as a residential unit and subject to a condition that the

structure remain as part of the site and not be sublet, otherwise transferred etc (condition 3 of the planning authority's decision relates). I agree with the approach taken by the planning authority, as I consider the reuse of an existing structure to be preferable to a new build particularly in the case where the use of the structure (or part thereof) for residential purposes has previously been deemed acceptable. Furthermore, I am satisfied that subject to appropriate condition, the proposed development would accord substantially with the criteria outline in Objective DM OBJ 49.

### **7.3. Legal and Procedural Issues:**

#### *Unauthorised Development*

7.3.1. It is the contention of the third-party appellants that works, including alterations to the roof, external windows and doors, and internal layout have been carried out to this structure in the absence of planning permission and that retention permission should have been sought for same. The appellants have submitted photographs to support their contention in this regard.

7.3.2. This issue was raised by the planning authority at further information stage. The applicants purported that no part of the structure requires retention permission. This appears to have been accepted by the planning authority who, I note, are responsible for matters of Enforcement.

#### *Inaccuracies in the drawings submitted*

7.3.3. In addition to the above, it is the contention of the third-party appellants that drawings submitted to and accepted by Meath County Council are incorrect and do not reflect the building as it exists on site. The following deviations are cited in the appeal:

- There are three windows on the east elevation of the building, not two as shown in the drawings
- On both gable walls the roof is depicted with an overhang and shows a fascia and soffit. There are none.
- The dimensions of the window on the south elevation are incorrect.

- 7.3.4. I have reviewed the application drawings and inspected the site, and I accept that there are some discrepancies between the elevational drawings submitted, notably those drawings submitted at further information stage, and the structure as it exists on-site. However, as this application relates solely to the use of the structure and does not include for any material alterations to the structure's external elevations, I do not consider that the identified discrepancies in the drawings would be material to the consideration of this appeal.

*Land Ownership.*

- 7.3.5. In addition to the issues raised above, a dispute has arisen regarding the property boundary. It is the contention of the third-party that the property/redline boundary on the submitted plans is inaccurate and that it includes lands within their ownership. It is further contended that the east wall of the outbuilding defines the property boundary. The land which appears to be contested is to the immediate east of the outbuilding, the subject of this application, and forms part of an access driveway that extends from the local road to the rear of the appellants property. In response, the applicants have submitted folio maps showing the disputed lands within their property.
- 7.3.6. Again, I note that the proposed development relates solely to the change of use of the existing outbuilding on site and that the proposal does not include for any works on the contested lands. As the ownership of the building, the subject of the change of use application, has not been disputed, I am satisfied that the Board is not precluded from deciding this appeal.

*Conclusion*

- 7.3.7. Notwithstanding the foregoing, in light of the issues raised in the appeal and in the interests of clarity, I would recommend that in the event of a grant of permission, the Board include a condition that restricts the development permitted to the development as it is described in the public notices.

**7.4. Other Matters:**

- 7.4.1. The outbuildings eastern elevation includes three transparent windows, that look directly onto a driveway that serves the appellants property. The potential for these windows to facilitate unauthorised access between properties is raised as a concern in the grounds of appeal. While I note the concerns raised, the windows in question are pre-existing and are not being proposed as part of this application. I consider any issue arising to be a civil matter between parties.
- 7.4.2. On the issue of roadside parking and the potential for same to impede sightline visibility at the driveway. It would appear from the information available on file that this is an ongoing issue. In terms of the application before the Board, I am of the opinion that the proposed development, given its nature and scale, would be unlikely to generate any notable increase in traffic or parking demand at the site and therefore I do not recommend that permission be refused on this basis nor do I consider it necessary or appropriate to include, in the event of a grant of permission a condition on parking arrangements.
- 7.4.3. The proposed internal layout of the outbuilding was amended at further information stage to include an internal connection between the main living area and the bedroom accommodation. I consider such amendments appropriate and necessary to support the proposed change of use to residential accommodation and I do not anticipate any significant impacts arising from same.

## **7.5. AA Screening**

- 7.5.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.
- 7.5.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 network, is the River Boyne and River Blackwater SAC (Site Code 002299) c. 4.8km to the southeast of the proposed development site.
- 7.5.3. The proposed development is located in the rural area and comprises the change of use of an existing outbuilding to residential use ancillary to the main dwelling on site.

7.5.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

7.5.5. The reason for this conclusion is as follows:

- The small scale and residential nature of the development.
- The established use of the site for residential purposes
- The distance from European Sites and the absence of ecological pathways.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## **8.0 Recommendation**

I recommend that that permission be granted subject to condition as outlined below.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the development, the planning history of the site, the location of the proposed development and the objectives of the current Meath County Development Plan in relation to this area it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would accord substantially with the criteria for 'family flat development' under Objective DM OBJ 49 of the Meath County Development Plan 2021-2027, would not seriously injure the amenities of the area, or of property in the vicinity, would not constitute a traffic hazard and would provide an acceptable standard of amenity for future residents. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area

## **10.0 Conditions.**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further



plans and particulars received by the planning authority on the 26<sup>th</sup> of January 2024 and the 20<sup>th</sup> of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development hereby permitted shall be restricted to that as described in the public notices.

**Reason:** In the interest of clarity.

3. The converted outbuilding shall be used as an independent family unit for a family member. It shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as an outbuilding serving the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

**Reason:** In the interest of residential amenity and to control the density of residential units

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Lucy Roche  
Planning Inspector

17<sup>th</sup> February 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	319469-24		
<b>Proposed Development Summary</b>	Change of use of an existing outbuilding to residential to the side of an existing cottage residence		
<b>Development Address</b>	Stone Cottage, Tankardstown, Rathkenny, Navan, Co. Meath, C15 ND39		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>3.</b>			
<b>Yes</b>		State the Class here.	
<b>No</b>	<b>X</b>		No further action required
<b>4. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>5.</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>6. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>7. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_