



An
Bord
Pleanála

Inspector's Report ABP-321334-24

Section 57 Declaration

Question	Review of Section 57 Declaration works affecting protected structure at Riverstown House
Location	Riverstown House, Riverstown Lane, Rathfeigh, Tara, Co. Meath
<u>Declaration</u>	
Planning Authority	Meath County Council.
Local Authority Reg. Ref.	S57/2312
<u>Referral</u>	
Referred by	Ralph & Jenny Day
Owner/Occupier	Ralph & Jenny Day
Observer(s)	None
Date of Site Inspection	5 th February 2025
Inspector	Irené McCormack

1.0 Introduction

- 1.1. This is a referral under Section 57(2) & (8) of the Planning and Development Act 2000, as amended, in respect of works which An Bord Pleanála considers would or would not materially affect the character of the structure or of any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

2.0 Site Location and Description

- 2.1. The subject structure is a protected structure under the Meath County Development Plan 2021-2027 (RPS ref. 91174) described as *'four-bay two-storey house with reed thatch roof, three brick chimney stacks, projecting porch and timber casement windows. Extended to side'*. Riverstown House is not listed on the National Inventory of Architectural Heritage (NIAH). The original single-storey thatched house served as a hunting lodge for the Duke of Beaufort and later the home of Sir Richard Musgrave until the late 1980s.
- 2.2. Riverstown House is located in Rathbeag, Tara, Co Meath. Riverstown House is located on minor local road L1002, c. 3km east of Rathfeigh, c. 2km east of the N2 between Ashbourne and Slane.

3.0 The Question

- 3.1. On 2nd October 2023, C.W.P.A Planning and Architecture on behalf of Ralph and Jenny Day submitted a request to the Planning Authority (PA) seeking a Section 57 declaration under section 4 (1) (h) of the Planning and Development Act 2000, as amended, to request the Council to issue a declaration as to the type of works which the PA considered would or would not materially affect the character of the Protected Structure or any element of the structure. The application was accompanied by a location map and series of photographs.
- 3.2. The original request (2/10/2023) was cancelled and reactivated on 21st October 2024. The correspondence on file also references requests/discussions to have the property delisted from the Record of Protected Structures (RPS).
- 3.3. The question is set out in point 3 of the referrers submission and is as follows:

‘Matters Requested for Review.

All of those matters listed in Parts A and B of the subject Declaration and the “Special Remarks” provided by the planning inspector and approved by the planning authority officer.’

4.0 Legislative Context

Planning and Development Act 2024

The Board will note that the Planning Act 2024 is commencing over a phased period. The Board will also note that the 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) came into operation:

(a) sections 1 to 5;

(b) Part 26.

Part 1 Section 2 – includes the definition of a Protected Structure and states:

“protected structure” means a structure, or part of a structure, specified in a record of protected structures, and includes—

(a) the interior of the structure,

(b) the land lying within the curtilage of the structure,

(c) any other structure, and their interiors, lying within that curtilage, and

(d) any feature of the structure that—

(i) is within the attendant grounds of the structure, and

(ii) is specified in a record of protected structures; “protection” includes, in relation to a structure or part of a structure, conservation, preservation and improvement compatible with maintaining the character and interest of the structure or part.

Part 1 Section 2 – includes the definition of a Works and states:

“works” includes an act or operation— (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,

(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and

(c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

Planning and Development Act 2000 (as amended)

In the absence of the remaining sections of the 2024 Act commencing the relevant Sections of the Planning and Development Act 2000 (as amended) are applicable

Part 1 Section 4 - Exempted Developments

4. (1) 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 57

57.—(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

(2) An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element, referred to in subsection (1)(b), of that structure.

(4) Before issuing a declaration under this section, a planning authority shall have regard to –

(a) any guidelines issued under section 52, and

(b) any recommendations made to the authority under section 53

(8) Any person to whom a declaration under subsection (3), or a declaration reviewed under subsection (7) has been issued, may, on payment to the Board of such fee as may be prescribed, refer the declaration for review by the Board within 4 weeks from the date of the issuing of the declaration, or the declaration as reviewed, as the case may be.

(10) (a) For the avoidance of doubt, it is hereby declared that a planning authority or the Board on appeal—

(i) in considering any application for permission in relation to a protected structure, shall have regard to the protected status of the structure, or

(ii) in considering any application for permission in relation to a proposed protected structure, shall have regard to the fact that it is proposed to add the structure to a record of protected structures.

(b) A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.

5.0 Planning Authority Declaration

5.1. Declaration

5.1.1. On 30th October 2024 the PA issue a declaration in accordance with Part IV, Section 57 of the Planning and Development Acts 2000-2023. The report was prepared by the Architectural Conservation Officer and Co-signed by the Senior Executive Planner.

5.1.2. The reports summary states:

‘The declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any elements therefore, and as a result required planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structures, to their interiors and to all fixtures and features that form part of the interiors or exterior of any of these structures. Where specified in the Record of

Protected Structures, protection may also extend to any other feature within the attendant grounds of these protected structures.

Nothing in this declaration exempts works what would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current uses may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.'

5.2. The matters listed in Part A and B of the Declaration are as follows:

A. Works which would materially affect the character of the protected structure and as a result require planning permission:

1. Changes to the exterior appearance of the building, including; Painting of previously unpainted surfaces; changes to roof structure, replacement of thatch roofing with any material except natural reed to match the original, replacement of rainwater goods other than with approved cast iron sections, installation of rooflights or solar panels; Removal of render, alterations to structural openings; replacement of windows or doors, except as described in section B below.
2. Changes to the internal layout which would affect the original or early surviving layout or sections, such as – the removal of structural walls, chimneybreasts, breaking new opening between rooms or spaces, insertion of suspended ceilings, alterations of floor levels, alteration to the layout or form of stairwells.
3. Changes to the internal finishes, fixtures and fittings, that would involve loss or damage to the original or early surviving joinery, (such as windows, doors, architraves), flat lime plaster, original timber or stone flooring, removal of fireplaces, alterations to staircase, installation of dry lining.
4. Installation of services, including fire detections and security systems, lifts or dumb waiters, re-wiring or replumbing where these would be visually intrusive, or require structural alterations. Installation of exterior services such as lighting fixtures, satellite dishes, meter boxes or other services, where these would be visible from the exterior of the property.
5. Erection or demolition of extensions or existing outbuildings. Erection of new outbuildings.
6. Changes to boundary walls. Erection of new fences, railings or gates. Removal or

insertion of hard landscaping features such as paving.

B. Works which would not materially affect the character of the protected structure.

1. Redecoration of exterior, subject to the submission of colour scheme for the approval of the Planning Authority. Interior redecorations. Routine maintenance and repair works consisting of like for like replacement of elements using traditional methods and materials and complying with the Dept. of Culture, Heritage and the Gaeltacht Conservation Advice publications. Where such works are extensive (e.g. re-plastering or re-slating) the local authority should be consulted and approval sought of methods and materials.
2. Replacement of uPVC windows with timber sliding sash windows to match originals.
3. Changes to the internal layout other than described in section A2 above.
4. Changes to the internal finishes, surfaces, fixtures and fittings other than described in section A3 above.
5. Alteration or repair of services where this does not conflict with section A4 above.

5.2.1. The report notes in 'Special Remarks' section that the property should not be delisted.

5.3. Planning Authority Reports

5.3.1. None other than the above.

6.0 Relevant Planning History

MCC Reg Ref. 90/00005 – Permission granted on the 23/02/1990 for extension and renovations at Riverstown House, Riverstown, Ardcath, Co. Meath subject to five no. planning conditions.

7.0 Policy Context

Meath County Development Plan 2021-2027

Appendix A.06 – Record of Protected Structures

The property is mapped as RPS ref. 91174 and described in Appendix 06 as:

RPS ref. 91174 - Riverstown Cottage – Terraced House '*four-bay two-storey house with reed thatch roof, three brick chimney stacks, projecting porch and timber casement windows. Extended to side*'

Chapter 8 – Cultural and Natural Heritage Strategy

Section 8.7 relates to Architectural Heritage. The relevant sections of the Act including definitions are outlined.

It is the policy of the Council:

HER POL 14

To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.

HER POL 15

To encourage the conservation of Protected Structures, and where appropriate, the adaptive re-use of existing buildings and sites in a manner compatible with their character and significance. In certain cases, land use zoning restrictions may be relaxed in order to secure the conservation of the protected structure.

HER POL 16

To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.

HER POL 17

To require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.

HER POL 18

To require that in the event of permission being granted for development within the curtilage of a protected structure, any works necessary for the survival of the structure and its re-use should be prioritised in the first phase of development.

It is the objective of the Council:

HER OBJ 15

To review and update the Record of Protected Structures on an on-going basis and to make additions and deletions as appropriate.

HER OBJ 16

To identify and retain good examples of historic street furniture, e.g. cast-iron post boxes, water pumps, light fixtures and signage, as appropriate.

HER OBJ 17

To promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to protected structures or historic buildings in an Architectural Conservation Area.

HER OBJ 18

To provide detailed guidance notes and continue to develop the Council's advisory/educational role with regard to heritage matters and to promote awareness, understanding and appreciation of the architectural heritage of the County.

7.1. Section 52 Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities, 2011

Chapter 4 deals with declarations under Section 57.

- Section 4.1.4 states that a declaration cannot exempt development that would not otherwise be exempt from a requirement of planning permission.

Chapter 6 relates to Development Control

- Section 6.8.4 states *'In general, modern extensions to a protected structure do not have protected status themselves unless they contribute to the character of the structure. Therefore works to such an extension which do not affect the character of the protected structure itself, for example to the interior of the extension, would come within the normal rules relating to exemptions. However, new openings proposed from the principal structure into the extension would affect it. Care should be taken where works are proposed to extensions to ensure that they do not have an adverse effect on the character of the structure or its curtilage.'*

Chapter 7 relates to Conservation Principles

Section 7.9 Repairing Rather than Replacing states:

- *'The aim of good conservation practice is to preserve the authentic fabric which contributes to the special interest of the structure. Good repair will arrest the process of decay of a structure and prolong its life without damaging its character and special interest. Where a damaged or deteriorated feature could reasonably be repaired, its replacement should not be permitted'.*
- *Par. 7.9.2 includes ... 'through time, a structure and its components acquire a patina of age that cannot be replicated. The unnecessary replacement of historic fabric, no matter how carefully the work is carried out, will have an adverse effect on the character of a building or monument, seriously diminish its authenticity and will significantly reduce its value as a source of historical information. Replacing original or earlier elements of a building with modern replicas only serves to falsify the historical evidence of the building'.*

Chapter 9 relates to Roofs

- Section commencing 9.3.9 relates to *Thatch -Identifying Special Features For Protection*
- Section commencing 9.3.14 relates to *Consideration Of Proposals Affecting Thatch*

Chapter 11 relates to Interiors

Chapter 13 relates to Curtilage and Attendant Grounds.

8.0 The Referral

8.1. Referrer's Case

On 26h November 2024, Ralph and Jenny Day (Owners) sought a review of the decision of the PA. The grounds are summarised as follows

- As noted above the referrers are requesting matters listed in Parts A and B and the “Special remarks” as outlined in the Declaration are reviewed.
- It is set out that certain works are required to facilitate the ability to occupy the house safely and develop this site as an equestrian centre consistent with environmental conservation principles and to obtain insurance.
- The referrers set out that works will not in any material way affect the character or appearance of Riverstown House and its outbuildings.
- The use of a “modern material” will sustain the longevity of the structure through the replacement of the natural reed thatch with a synthetic reed product, *Endureed*. This is a synthetic, engineered thatch product in use worldwide as a fire and rot-resistant replacement for natural slate.
- The submission sets out a series of works proposed by the referrers including:
 - Damp proofing, installation of new windows made of modern materials throughout.
 - Replacement of exterior doors and fittings as needed.
 - Retention of stained glass windows and enclose them in a water proof glass unit.
 - All leaded and divided light openings in windows are intended to be replicated.

- Replacement of boiler house roof with a hipped roof of the same style and material found in the main house.
- Repair the roof of the two barns and stables with natural slate as currently in use and carry out interior renovations.
- Install a residential lift.
- Future plans to develop some of the stables as part of a non-profit charity equestrian centre for disabled children and adults.
- Installation of a security system.
- The referrers maintain that these works do not materially affect the character of the structure in any way.
- The submission notes that during site inspection by the Conservation Officer for MCC the issue of de-listing the property was discussed.
- The submission sets out that the practice of thatching is dying out and the materials are being sourced from Egypt and Turkey. It is set out that thatch roots, attracts vermin and crows and is a fire risk.
- Reference is made to a decision by An Board Pleanala to allow the replacement of a thatch roof in Wexford with a slate roof (no case reference given) although it is stated that the house in Wexford was not a Protected Structure.
- Request to overturn the limitations imposed by the Section 57 determination issued by Meath County Council.

8.2. Planning Authority Response

None.

9.0 **Assessment**

9.1. ***Introduction***

- 9.1.1. The Board should note that this is a referral under Section 57(2) & (8) of the Planning and Development Act 2000, as amended. The purpose of a Section 57 referral is not to determine the acceptability or otherwise of the proposed works in respect of the proper planning and sustainable development of the area or to assess whether the works are exempted development under Section 5 of the Planning and Development

Act 2000, as amended. The relevant issue is to establish the type of works that the Board considers would or would not materially affect the character of the Protected Structure or any element of its category of special interest.

- 9.1.2. All parties should note that Section 4.1.4 of the Section 52 Architectural Heritage Protection Guidelines for Planning Authorities (2011) states that “a declaration cannot exempt development that would not otherwise be exempt from a requirement for planning permission”. The sample declaration forms within Tables IV, V, VI of the Section 52 Guidelines also state that “nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission”. Therefore, the Board should note that a declaration of no material impact does not render the development exempt in itself. It is an additional limit on exemptions that may otherwise apply.
- 9.1.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the referral, the reports of the planning authority and having inspected the site, and having regard to relevant local policies and national guidance, I consider that the substantive issue in this referral relates to the type of works including those works proposed by the referrers that would or would not materially affect the character of the Protected Structure or any element of its category of special interest.
- 9.1.4. Riverstown House is a protected structure as set out in the Meath County Development Plan 2023-2027, RPS ref. 91174. Riverstown House is not listed on the National Inventory of Architectural Heritage (NIAH).
- 9.1.5. Reference made by the referrers to a previous An Bord Pleanála decision in Wexford is not a relevant consideration as this referral will be assessed on its own merits. Similarly, reference to discussions between the referrers and the Conservation officer of Meath County Council as regards the status of the Protected Structure on the RPS cannot be considered in the context of this referral.

9.2. ***Site Inspection***

- 9.2.1. Having inspected the site on 5th February 2025, I note that Riverstown House is four bay two storey house with reed thatch roof, three brick chimney stacks, projecting front porch and timber casement windows. A significant two storey with attic level extension has been erected to the rear and is also thatched. All facades consist of a pebble dash

render. Internally much of the houses has been remodelled and the original house serves as a galleried entrance hall flanked either side by reception rooms. The entrance hall leads into a large inner hall connecting the original cottage with the new extension. A handsome complex of stone outbuildings and stables in an L-shape sit to the front east of the house. The house is currently habitable and well maintained.

- 9.2.2. Having inspected the site, I am satisfied that there is enough information on file for me to undertake an adequate assessment on the materiality of the type of works including those works proposed by the referrer that would or would not materially affect the character of the protected structure or any element of its category of special interest proposed works. I have also examined the historic maps including the 6 inch 1829-1841 map, the 25 Inch 1897-1913 map and the 6 Inch last edition 1830s-1930s map.

9.3. ***Declaration of the PA***

- 9.3.1. On 30th October 2024 the PA issue a declaration in accordance with Part IV, Section 57 of the Planning and Development Acts 2000 (as amended). The declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any elements therefore, and as a result require planning permission. The declaration notes that nothing in the declaration exempts works what would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current uses may require planning permission and if in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.
- 9.3.2. The Section 57 declaration was prepared by the Meath Conty Council Conservation Officer following a site inspection.
- 9.3.3. The Board should note that the scope of a Section 57 referral is limited by the relevant section of the Act (i.e. Section 57). I note the referrers proposals for the future development of the site as an equestrian centre. This will be subject to a separate planning application.

9.4. ***Scope of Referral Request***

- 9.4.1. The referrers are requesting matters listed in Parts A and B and the “Special remarks” of the declaration are reviewed (I refer the Board to section 5.2 of this report) and requests the Board to overturn the limitations imposed by the Section 57 determination issued by Meath County Council.

9.4.2. Specific reference is made by the referrers to the following scope of works:

- Damp proofing, installation of new windows made of modern materials throughout.
- Replacement of exterior doors and fittings as needed.
- Retention of stained glass windows and enclose them in a water proof glass unit.
- All leaded and divided light openings in windows are intended to replicated.
- Replacement of boiler house roof with a hipped roof of the same style and material found in the main house.
- Repair the roof of the two barns and stables with natural slate as currently in use and carry out interior renovations.
- Install a residential lift.
- Future plans to develop some of the stables as part of a non-profit charity equestrian centre for disabled children and adults.
- Installation of a security system.

9.4.3. Section 57 (1) states that notwithstanding section 4(1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

9.4.4. By way of context for the Board, the Architectural Heritage Protection Guidelines establish that generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. However, in this instance a new extension was erected onto the original cottage and the original cottage modified. The design approach taken at renovation/extension stage (c. 1990) was to maintain and reflect the traditional character of the original thatch cottage (with some alterations) and mimic the original window design and profiles in the new build (with some minor exceptions). As set out in the description above the entirety of the dwelling is thatched. This approach has merged the old and new such that the extension works appear as part of the 'original' context.

9.4.5. The Architectural Heritage Protection Guidelines set out that where a building is a protected structure works which are normally exempt from the requirement of planning permission are not exempted development where they would materially affect the character of a protected structure or any element of it which contributes to its special interest. And while in general, modern extensions to a protected structure do not have protected status themselves this applies only where they do not contribute to the character of the structure. Therefore works to such an extension which do not affect the character of the protected structure itself, for example to the interior of the extension, would come within the normal rules relating to exemptions. However, all works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission. This is supported by Policy HER POL 14 of the Meath Conty Development Plan 2021-2027 which seeks ‘to protect and conserve the architectural heritage of the County and seek to preserve the demolition or inappropriate alteration of Protected Structures’.

9.5. **Definitions**

9.5.1. The Planning and Development Act 2024 states a “protected structure” means a structure, or part of a structure, specified in a record of protected structures, and includes—

(a) the interior of the structure,

(b) the land lying within the curtilage of the structure,

(c) any other structure, and their interiors, lying within that curtilage, and

(d) any feature of the structure that—

(i) is within the attendant grounds of the structure, and

(ii) is specified in a record of protected structures; “protection” includes, in relation to a structure or part of a structure, conservation, preservation and improvement compatible with maintaining the character and interest of the structure or part.

9.5.2. “works” includes an act or operation— (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site, (b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure

or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

- 9.5.3. In the context of the protected status of Riverstown House and the definition of a protected structure as defined in the Planning Act (2024). The Board should note that I consider that the “works” described within the submitted documentation and within section 9.4.2 of this report represent “works” as defined under Section 2 of the Planning and Development Act 2024.

9.6. Works which would materially affect the character of the protected structure and as a result require planning permission (Part A)

- 9.6.1. In brief, Part A of the Declaration - works which would materially affect the character of the protected structure and as a result require planning permission include: changes to the exterior appearance of the building, changes to the internal layout which would affect the original or early surviving layout or sections, changes to the internal finishes, fixtures and fittings, that would involve loss or damage to the original or early surviving elements, Installation of services that would be visible from the exterior, the erection or demolition of extensions or existing outbuildings and the erection of new outbuildings, changes to boundary treatment and hard landscaping.
- 9.6.2. Chapter 4 *Declarations* of the Architectural Heritage Protection Guidelines sets out works which may materially alter the character of a building. The contents of Part A of the Declaration Issued by Meath County Council reflects consistency with Chapter 4 of the guidelines, in particular:
- Section 4.12.3 Changes to the exterior appearance of walls, roofs or openings.
 - Section 4.12.4 Changes to the internal layout.
 - Section 4.12.5 Changes to the internal surfaces, finishes or linings.
 - Section 4.12.6 Installation or repair of internal mechanical services.
 - Section 4.12.7 Extensions.
 - Section 4.12.8 Changes within the curtilage of the building.

9.6.3. Having regard to the above, I am satisfied that the Declaration issued by Meath County Council reflects consistency with the Architectural Heritage Protection Guidelines.

9.6.4. The Guidelines provide that for a declaration request relating only to a specific part of a structure this should clearly state its limited purpose. I will address the specific works proposed by the referrers in section 9.8 below.

9.7. Works which would not materially affect the character of the protected structure (Part B)

9.7.1. As stated above, a declaration cannot exempt development that would not otherwise be exempt from a requirement for planning permission.

9.7.2. Part B of the Declaration sets out works which would not materially affect the character of the protected structure. I draw the Boards attention to Section 4.13 *Exemptions* of the Architectural Heritage Protection Guidelines; the following are listed as potential works that could be indicated in a declaration that might not require planning permission:

- Section 4.13.2 Redecoration.
- Section 4.13.3 Restoration of character.
- Section 4.13.4 Demolition or alteration of a modern extension.
- Section 4.13.5 Routine maintenance.

Part B of the Declaration issued by Meath County Council reflects consistency with the Architectural Heritage Protection Guidelines and set out in the relevant sections above.

9.7.3. Contrary to the interpretation of the referrers, I consider the Section 57 declaration issued seeks, where practicable, to limit restrictions to the original fabric of the cottage only It is unclear what specific aspects of Part B the referrers are concerned with. In general, Part B provides for redecoration of the exterior with respect to colour and interior redecorations including routine maintenance and repair works consisting of like for like replacement of elements using traditional methods and materials subject to agreement with the Local Authority. This is standard practice as regards works to a Protected Structure. Similarly, the replacement of uPVC windows with timber sliding sash windows to match originals is consistent with best conservation practice. Items

listed in B3, B4 and B5 provide significant scope to carry out internal works to the extension area of Riverstown House where such works do not conflict with the original features and do not detract from the original cottage subject to agreement with the LA. I am satisfied this approach is consistent with best conservation practice and reflect consistency with the Architectural Heritage Protection Guidelines and therefore acceptable.

- 9.7.4. In summary, I am satisfied that the contents of Part B of the Declaration issued by Meath County Council, similar to Part A reflect a reasonable and balanced approach in the context of the active use of the property whilst also protecting the character and setting of the protected structure and its attendant grounds.

9.8. Referrers Proposed Scope of Works

- 9.8.1. In this first instance, regarding the proposed change of use to an equestrian centre, I note the referrers in their submission reference a planning application in this respect. Such a change of use would be significant and material and would require planning permission.
- 9.8.2. In addition, the referrers in their submission to the Board set out a schedule of intended works to be carried out on the site (section 9.4.2 above). The referrers maintain that these works do not materially affect the character of the structure in any way. As set out in section 9.5.3 above, I consider the proposed works identified by the referrers “works” as defined in the Act (2024). In this regard, section 4.1 *Purpose and limits of a Declaration* of the Architectural Heritage Protection Guidelines clearly states that declarations can be issued to permit specific minor works, including enabling works that, in the opinion of the planning authority, would not materially affect the character of the protected structure. A declaration must not exempt works that would have a material effect on the character of a protected structure.
- 9.8.3. With specific regard to the referrers proposal to replace the thatch roof with a synthetic alternative. I note the Architectural Heritage Protection Guidelines clearly state that *‘permission should not normally be granted for replacement of thatch with other materials, or of one type of thatch material with another’*. The Guidelines refer to ‘permission’ not being granted the implication being that planning permission is required. Such an alteration would be significant and material, in my opinion, and cannot be considered in the context of a Section 57 Declaration. The fact that the

referrers in their own submission note that the practice of thatching is dying out makes the retention and appropriate maintenance of the thatch roof of Riverstown House all the more significant, in my opinion. In addition, whilst I note the concerns raised as regards fire and insurance, these are not matters for the Board.

- 9.8.4. Regarding suggested internal and external works as outlined by the referrers, consistent with the principles of the Architectural Heritage Protection Guidelines, I concur with the Conservation Officer that works to the surviving features of the original cottage and changes to the exterior appearance of Riverstown House would materially affect the character of the protected structure and as a result require planning permission. Any alteration to the exterior of the extension area has the potential to result in direct impacts on the character of the cottage and further confuse the value of its Protected Structure having particular regard to the fact that in this instance the extension has been designed to reflect the traditional cottage.
- 9.8.5. In any case, I am satisfied that the works identified by the referrers require significant physical interventions, the scope of which is unknown and will include the use of modern materials and replicated materials all of which have the potential to detract from the Protected Structure and diminish the character and therefore cannot be considered as 'minor works'. This applies also to the installation of services visible from the exterior, the erection or demolition of extensions or existing outbuildings, the erection of new outbuildings and changes to boundary treatment and hard landscaping, all of which come under the definition of "works" as expanded in relation to protected structures in the 2024 Act and as a result have the potential to detract from the character and setting of the protected structure. Similarly, the use of replica or modern material is contrary to good conservation practice where the goal is to preserve the authentic fabric which contributes to the special interest of the structure (Chapter 7 - Conservation Principles, Architectural Heritage Protection Guidelines) and require careful consideration and assessment. Similarly, consistent with the PA, I consider the identified works to the exterior of the house will result in visual changes to the external appearance of the existing house and attendant grounds cannot be considered within the remit of a Section 57 declaration as such works have the potential to materially affect the character of— (a) the structure, or (b) an element of the structure which contributes to its special architectural, historical, archaeological,

artistic, cultural, scientific, social or technical interest. A Section 57 is not a means to circumvent the need for planning permission.

- 9.8.6. Notwithstanding the above, I am satisfied however that the Declaration does provide scope to carry out works to the stables and that the works identified by the referrers can be accommodated in consultation with the Planning Authority under Part B - Routine maintenance and repair works consisting of like for like replacement of elements using traditional methods and materials and complying with the Dept. of Culture, Heritage and the Gaeltacht Conservation Advice publications.
- 9.8.7. In summary, I am satisfied that the contents of Part A and Part B of the Declaration issued by Meath County Council reflects due consideration to the development on site and where appropriate, limits works which would materially affect the original cottage only whilst providing for works to the extended area of the house including internal works of maintenance and decoration (Part B) where such work do not affect the original cottage. I consider this approach a reasonable and balanced approach in the context of the active use of the property whilst also protecting the original remaining elements of the cottage. This approach is consistent with best practice as set out in the Architectural Heritage Protection Guidelines.

9.9. De-listing of Riverstown House

- 9.9.1. Planning authorities are empowered to protect the architectural heritage, in the interest of the proper planning and sustainable development within their respective functional areas, and to prevent its deterioration, loss or damage. This is reflected in the adoption of suitable policies for protecting the architectural heritage in their development plans and giving practical effect to them through their development control decisions, generally by liaison between planning officers and conservation officer.
- 9.9.2. Regarding matters raised about de-listing Rivertown House from the Record of Protected Structures (RPS). In the first instance the RPS forms part of the Meath County Council Development Plan. The procedure of making additions or deletion to the RPS is set out in Section 54 and Section 55 of the Planning and Development Act 2000, as amended. Section 54 (a) (ii) makes provision in the case of a deletion where the planning authority consider the protection of the structure or part is no longer warranted and Section 55 provides for the addition or deletion when making a development plan. In both instances the making the making of an addition to, or a

deletion from, a record of protected structures is a reserved function. The de-listing of any structure from the Record of Protected Structure is therefore not within the remit of An Bord Pleanála. As per the Meath County Development Plan 2023-2027 Riverstown House is a Protected Structure, RPS No. 91174.

9.10. Conclusion

- 9.10.1. Riverstown House is a protected structure as set out in the Meath County Development Plan 2023-2027.
- 9.10.2. A section 57 Declaration can be issued to permit specific minor works, including enabling works that would not materially affect the character of the protected structure. A Section 57 Declaration is not an alternative to planning permission and is not a mechanism to determine significant works to a protected structure outside of the formal planning process.
- 9.10.3. The appeal grounds do not raise any matters to warrant modification of the Section 57 Declaration issues by Meath County Council on 30th October 2024.

10.0 Recommendation

- 10.1. I recommend that the Board should decide this Section 57 referral in accordance with the following draft order.

WHEREAS a question has arisen with respect to all matters listed in Parts A and B of the Section 57 Declaration and the “Special Remarks” provided by the Architectural Conservation Officer and approved by the planning authority of Meath County Council:

AND WHEREAS Ralph & Jenny Day requested a Section 57 declaration on this from Meath County Council and the Council issued a declaration on the 30th Day of October 2024 setting out in Part A of the Declaration- Works which would materially affect the character of the protected structure and as a result require planning permission and in Part B of the Declaration - Works which would not materially affect the character of the protected structure and which included a ‘Special Remark’ that the property should not be delisted from the Record of Protected Structures.

AND WHEREAS Ralph & Jenny Day referred this Section 57 declaration for review to An Bord Pleanála on the 26th day of November 2024:

AND WHEREAS An Bord Pleanála, in considering this Section 57 referral, had regard

particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2024,
- (b) Section 57(1), (2) & (8) of the Planning and Development Act 2000, as amended,
- (c) The declaration issued by Meath County Council under Section 57(3) of the Planning and Development Act 2000, as amended,
- (d) Section 57(4) of the Planning and Development Act 2000, as amended,
- (e) The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, issued under Section 52 of the Planning and Development Act 2000, as amended,
- (f) The record of protected structures of the Meath County Development Plan 2021-2027, Appendix A.06 and specifically RPS reg. no. 91174,
- g) The policies and objectives of the Meath County Development Plan 2021-2027 with regards to protected structures,
- (i) The submissions of the parties of the referral,
- (j) The nature of intended works identified by the referrer, and
- (k) The report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Matters listed in Part A that being works which would materially affect the character of the protected structure and as a result require planning permission of the Section 57 Declaration issued by Meath County Council on 30th October 2024 are considered to represent a reasonable and balanced approach to the conservation and protection of the protected structure and its attendant grounds and reflect consistency with the Architectural Heritage Protection Guidelines, 2011 and the policies and objectives of the Meath County Development Plan 2021-2027.
- (b) Matters listed in Part B that being works which would not materially affect the character of the protected structure of the Section 57 Declaration issued by Meath County Council on 30th October 2024 are considered to adequately represent the nature and extent of works that would not materially affect the character of the protected structure (RPS reg. no 91174) or any element of its special interest.
- (c) The removal/delisting of Riverstown House from the Record of Protected

Structures (RPS) is a reserved function and outside of the remit of An Bord Pleanála.

AND WHEREAS An Bord Pleanála has concluded that:

(d) Having regard to the scope of works identified by the referrers and the detail available, it cannot be determined whether the works would not materially affect the character of the protected structure (RPS reg. no. 91774) and its attendant grounds, and as a result require planning permission.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 57(8) of the Planning and Development Act 2000, as amended, hereby confirm the determination of the Local Authority.

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.

Irené McCormack

Senior Planning Inspector

26th February 2025