



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

BBA Architecture
Suite 3
Eden Gate Centre
Delgany
Wicklow

15th Of December 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX132/2025

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT.





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &
DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Eoin Murphy

Location: Unit 1, Mariners View, Kimberley Road, Greystones

Reference Number: EX 132/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1313

A question has arisen as to whether *"the change of use from office use to a facility offering physical therapy for children with special needs"* at Unit 1, Mariners View, Kimberley Road, Greystones is or is not exempted development.

Having regard to:

- a) The details received with this Section 5 request on the 12th November 2025.
- b) Section 2(1) of the Planning and Development Act 2000, as amended.
- c) Section 3 of the Planning and Development Act 2000, as amended.
- d) Section 4 (1) of the Planning and Development Act 2000, as amended.
- e) Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

- A. The change of use from an office to a centre for physical therapy for children with special needs would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended), as the change of use is material.
- B. The use class will be changing from Class 3 to Class 8, as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore not exempted development.

The Planning Authority considers that "the change of use from office use to a facility offering physical therapy for children with special needs" at Unit 1, Mariners View, Kimberley Road, Greystones is development and IS NOT exempted development.

Signed:

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated:



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1313

Reference Number: EX 132/2025

Name of Applicant: Eoin Murphy

Nature of Application: Section 5 Referral as to whether *"the change of use from office use to a facility offering physical therapy for children with special needs"* is or is not development and is or is not exempted development.

Location of Subject Site: Unit 1, Mariners View, Kimberley Road, Greystones

Report from: Neal Murphy, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the change of use from office use to a facility offering physical therapy for children with special needs"* at Unit 1, Mariners View, Kimberley Road, Greystones is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details received with this Section 5 request on the 12th November 2025.
- b) Section 2(1) of the Planning and Development Act 2000, as amended.
- c) Section 3 of the Planning and Development Act 2000, as amended.
- d) Section 4 (1) of the Planning and Development Act 2000, as amended.
- e) Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

- A) The change of use from an office to a centre for physical therapy for children with special needs would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended), as the change of use is material.
- B) The use class will be changing from Class 3 to Class 8, as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore not exempted development.

Recommendation

The Planning Authority considers that *"the change of use from office use to a facility offering physical therapy for children with special needs"* at Unit 1, Mariners View, Kimberley Road, Greystones is development and is NOT exempted development as recommended in the planning reports.

Signed: Vivala Penny

Dated: 01/12/2025

ORDER:

I HEREBY DECLARE:

That "the change of use from office use to a facility offering physical therapy for children with special needs" at Unit 1, Mariners View, Kimberley Road, Greystones is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Subany
T/Senior Planner
Planning, Economic & Rural Development

Dated: 11/12/2025

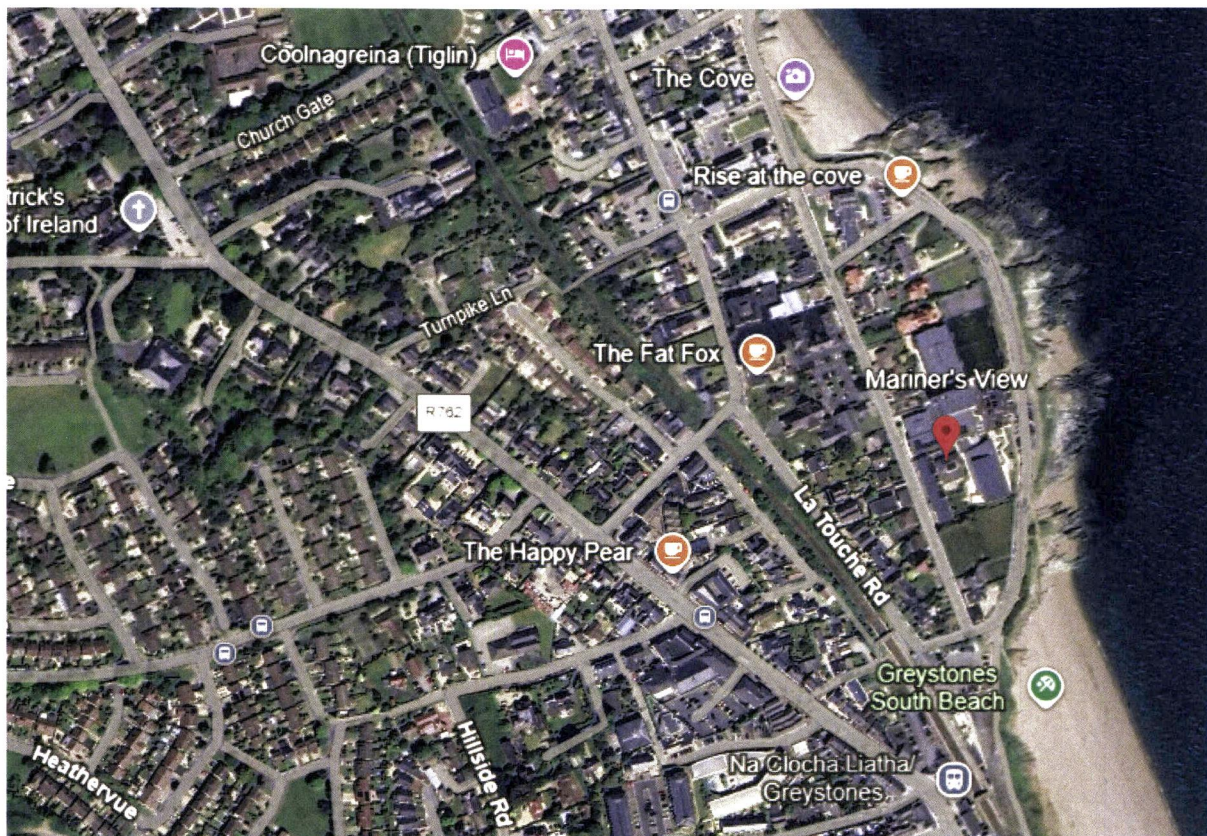


WICKLOW COUNTY COUNCIL

PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham T/SP, Patrice Ryan SEP
FROM: Neal Murphy E.P
REF: EX132/2025
DECISION DUE: 09/12/2025
NAME: EOIN MURPHY
DEVELOPMENT: CHANGE OF USE FROM A WEIGHT MANAGEMENT CLINIC TO A FACILITY OFFERING PHYSICAL THERAPY FOR CHILDREN WITH SPECIAL NEEDS
LOCATION: UNIT 1, MARINERS VIEW, KIMBERLEY ROAD, GREYSTONES



Site Location and Description

The site is located on Kimberley Road in Greystones town close to the coast. The site contains a ground floor terraced commercial unit in use as weight management clinic with on street parking directly outside the premises with residential at first floor level. The immediate area is predominantly residential.

Question

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

- The change of use from a weight management clinic to a facility offering physical therapy for children with special needs at the Unit 1, Mariners View, Kimberley Road, Greystones, Co. Wicklow.

Planning History

07/1167 – **PERMISSION GRANTED** for alterations to development previously granted under ref: 05/2648 and currently under construction: Provision sought to reduce finished level of proposed car park previously granted under ref: 05/2648. Permission sought to provide additional floor below (and to be incorporated into), previously approved apartment units 9&10. Permission also sought to provide lift and related works. All of the above together with ancillary site works, to be provided within ridge heights as previously approved under pl. ref: 05/2648

06/5586 – **PERMISSION REFUSED** for modifications made to previous applic 05/2648 - the addition of 2 extra apartments.

05/2648 – **PERMISSION GRANTED** for demolition of existing building and the construction of 140sqm office and 10 no. apartments in a part 2 storey part 3 storey development with 12 no. bicycle parking & 20 car parking spaces with terrace over a portion and associated site works. Permission granted.

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 (1)

"exempted development" has the meaning specified in section 4;

"Structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate,*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);*

"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

3 (1) In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).*

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act (subject to certain conditions and limitations as set out in Section 4).

The Planning and Development Regulations 2001 (as amended)

Part 4, Schedule 2 of the Planning and Development Regulations 2001 lists the classes of use that are considered to be exempted development, subject to conditions and limitations, and the 'Restrictions on Exemptions' set out in Article 6.

Planning and Development Regulations 2001(as amended)

Schedule 2: Part 4:

CLASS 2

Use for the provision of—

- (a) financial services,*
- (b) professional services (other than health or medical services),*
- (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.*

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies

CLASS 8

Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),*
- (b) as a crèche,*
- (c) as a day nursery,*
- (d) as a day centre.*

CLASS 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),*
- (b) a museum,*
- (c) a public library or public reading room,*
- (d) a public hall,*
- (e) an exhibition hall,*
- (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.*

Assessment

The applicant seeks confirmation as to whether the change of an office to a facility offering physical therapy for children with special needs is development and is exempted development.

The permitted use of the structure is as an office use, and it is considered the change of use to a medical centre/clinic would give rise to differing traffic movement, patterns of usage, and amenity requirements.

The change of use of a structure constitutes development under Section 3(1) of the Planning & Development Act. The definition of development is defined as:

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Therefore, the change of use from Class 3 i.e. office to Class 8 i.e. clinic/medical centre is constituted as material and is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) lists the change of use classifications which can be considered as exempted development.

The applicant has not listed a specific class rather Part 4 of Schedule 2 generally. The building is permitted for use as an office, which is Class 3 although it is noted that it was previously operated as weight loss clinic. Class 8 is for use as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose).

The applicant is proposing to use the unit for physical therapy for children with special needs and therefore falls under Class 8. Therefore, the use class will be changing from a Class 3 (office) to a Class 8 (clinic/medical centre).

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether

- the change of use from office use to a facility offering physical therapy for children with special needs at Unit 1, Mariners View, Kimberley Road, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

Main Considerations with respect to Section 5 Declaration:

- The details received with this Section 5 request on the 12th November 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3 of the Planning and Development Act 2000, as amended
- Section 4 (1) of the Planning and Development Act 2000, as amended
- Classes 3 and 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended

The Planning Authority considers that

The change of use **is Development and is Not Exempted Development.**

Main Reasons with respect to Section 5 Declaration:

- A) The change of use from an office to a centre for physical therapy for children with special needs would come within the definition of "development" as set out in Sections 2(1) and 3 of the Planning & Development Act 2000 (as amended), *as the change of use is material*
- B) The use class will be changing from Class 3 to Class 8, as per Schedule 2 Part 4 of the Planning and development Regulations 2001 (as amended) and it is therefore not exempted development



Neal Murphy
Executive Planner
27/11/2025

Agreed Sean Murphy T/SP
28/11/2025



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO:	Neal Murphy Executive Planner	FROM:	Nicola Fleming Staff Officer
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**RE:- EX132/2025 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration received 12/11/2025.

The due date on this declaration is the 09/12/2025.

**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

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**BBA Architecture
Suite 3
Eden Gate Centre
Delgany
Co. Wicklow**

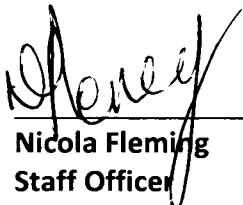
14th November 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX132/2025 for Eoin Murphy**

A Chara

I wish to acknowledge receipt on 12/11/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 09/12/2025.

Mise, le meas



**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**



Wicklow County Council,
Planning Section,
County Buildings,
Station Road,
Wicklow Town,
County Wicklow.

WICKLOW COUNTY COUNCIL

12 NOV 2025

PLANNING DEPT.

6th November, 2025

**Re: Section V Application, Unit 1, Mariners View, Kimberley Road,
Greystones.**

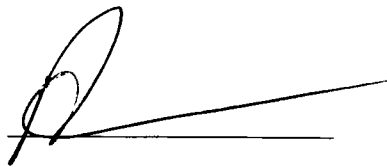
To whom it may concern,

Please find attached Section V application Form and associated drawings relating to the above-mentioned unit.

Our client Mr. Eoin Murphy wishes to change the use of these premises from a Weight Management Clinic to offer Physical Therapy for Children with Special Needs. The purpose of the application is to seek exemption from material change of use.

Should you have any question or require any further information please do not hesitate to contact us.

Kind regards,



Aidan McKenna

✉ 📞 📄

Unit 1, The Elmwood, Unit 1, Derrin, 12, Wicklow
Tel: 01276 512345 | Email: info@bba-architecture.com

Contact
Aidan McKenna
01276 512345 | Email: aidan@bba-architecture.com
www.bba-architecture.com

bba architecture | 12, Wicklow | 01276 512345 | Email: info@bba-architecture.com

Wicklow County Council
County Buildings
Wicklow
0404-20100

12/11/2025 10 00 00

Receipt No L1/0/354549

REGAL VENTURES
SUOTE 3
THE EDEN GATE CENTRE
DELGANY
CO WICKLOW

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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Issued By VANESSA PORTER
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Wicklow County Council
County Buildings
Wicklow
Co Wicklow
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Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING
& DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS
NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Eoin Murphy

Address of applicant: 205, The Valerian, Marina Village, Greystones,
Co Wicklow, A63 F7D0

Note: Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) bba architecture

Address of Agent: Suite 3 Eden Gate Centre, Delgany, Wicklow

Note: Phone number and email to be filled in on separate page.

3. Declaration Details

- i. Location of Development subject of Declaration _____
Unit 1, Mariners View, Kimberley Road, Greystones

Are you the owner and/or occupier of these lands at the location under i. above?
☒ / No.

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

- iv. Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, a payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration _____
- To seek exemption from material change of use
- Currently Unit 1 Mariners View is uses as a Weight Management Clinic. The occupier wishes to change the use of the unit to offer Physical Therapy for Children with Special Needs.

Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____
- Part 4 of Schedule 2 of the Planning and Development Regulations 2001

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)? No

vii. List of Plans, Drawings submitted with this Declaration Application _____

- P-154-SECT V-200 – Elevation & Floor Plan

- P-154-SECT V-001 – Site Plan

- P-154-SECT V-001 – Site Location Plan

viii. Fee of € 80 Attached? _____

Signed: Eoin Murphy Dated: 06/11/2025

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below:

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

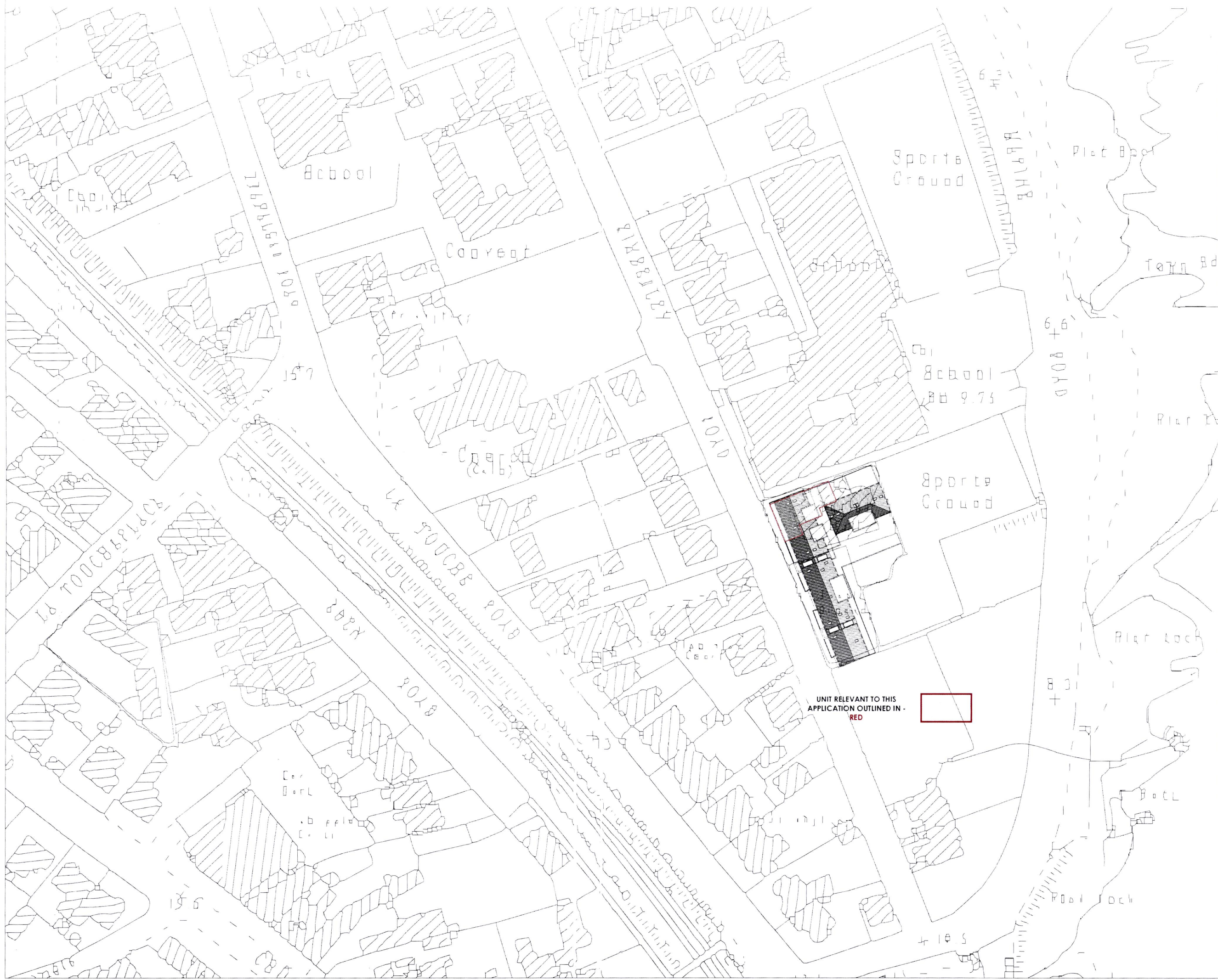
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000 (as amended) there is

a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

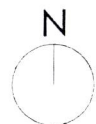
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



DO NOT SCALE OFF THIS DRAWING. ONLY STATED DIMENSIONS ARE TO BE USED.
ALL DIMENSIONS TO BE VERIFIED ON SITE BY MAIN CONTRACTOR BEFORE THE COMMENCEMENT OF WORK.
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REV	DESCRIPTION	BY	DATE

bba architecture
Suite 3 Eden Gate Centre, Delgany, Co. Wicklow, A63 C966
(01) 2876949 / 2876950 info@bba.ie www.bba.ie

CLIENT:
Eoin Murphy
PROJECT:
Section V Application
Unit 1 Mairies View, Kimberly Road, Greystones, Wicklow

DRAWING TITLE:
Site Location Plan

DRAWING NO:	REVISION:
P-154-SECT V-001	#
DRAWN BY: AMCK	CHECKED BY: MB
SCALE: 1:500 @ A1 1:1000 @ A3	DATE: Nov 2025

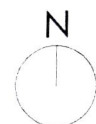
SECTION V APPLICATION



UNIT RELEVANT TO THIS
APPLICATION OUTLINED IN -
RED



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REV	DESCRIPTION	BY	DATE

bba architecture
Suite 3, Eden Gate Centre, Delgany, Co. Wicklow, A63 C966
(01) 2876949 / 2876950 info@bba.ie www.bba.ie

CLIENT:
Eoin Murphy
PROJECT:
Section V Application
Unit 1, Mariners View, Kimberly Road, Greystones, Wicklow

DRAWING TITLE:
Site Layout Plan

DRAWING No:	REVISION:
P-154-SECT V-100	#
DRAWN BY: AMCK	CHECKED BY: MB
SCALE: 1:250 @ A1 1:500 @ A3	DATE: Nov 2025

SECTION V APPLICATION

UNIT RELEVANT TO
THIS APPLICATION
OUTLINED IN - RED

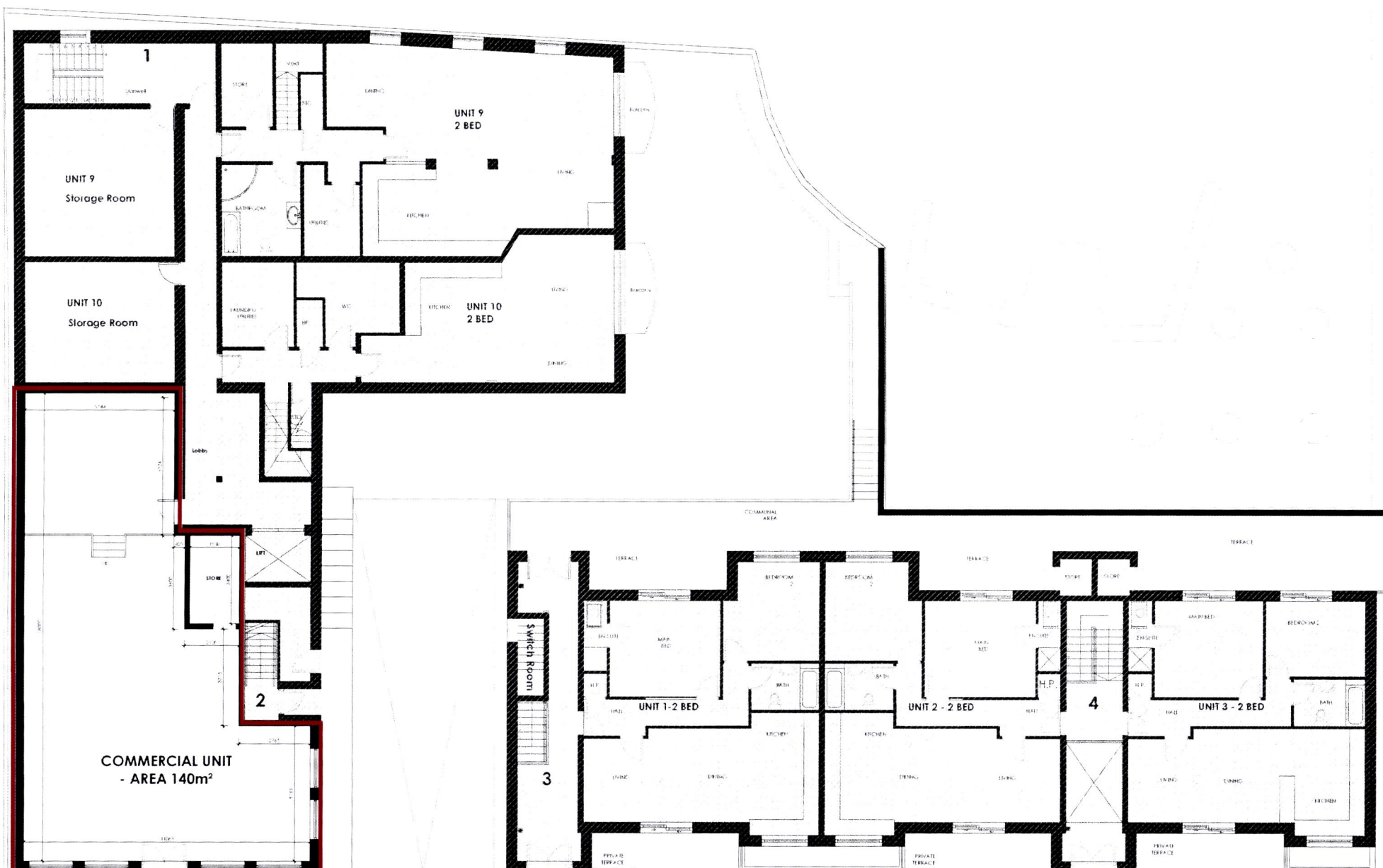
17.95
15.10
11.80

SELECTED STONE
CLADDING TO
OFFICE

VEHICULAR ENTRANCE

WEST FACING ELEVATION

ST. DAVIDS
SECONDRY
SCHOOL



UNIT RELEVANT TO
THIS APPLICATION
OUTLINED IN - RED

GROUND FLOOR PLAN

DO NOT SCALE OFF THIS DRAWING. ONLY STATED DIMENSIONS ARE TO BE USED.
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ALTERNATIVE MATERIALS OR COMPONENTS TO THOSE SPECIFIED BY bbaarchitecture WITHOUT REFERENCE
AND AGREEMENT WITH bbaarchitecture, THEN THEY DO SO ENTIRELY AT THEIR OWN RISK.



REV	DESCRIPTION	BY	DATE

CLIENT: bbaarchitecture			
PROJECT: Section V Application Unit 11 Kimberly Road Greystones Wicklow			
DRAWING TITLE: ELEVATION & GROUND FLOOR PLAN			
DRAWN BY: AMCK	CHECKED BY: ##	SCALE: 1:100 @ A1	DATE: Nov 2025

bba architecture	
Suite 3 Eden Gate Centre, Delgany, Co. Wicklow, A63 C966 (01) 2876549 / 2876550 info@bba.ie www.bba.ie	
DRAWING No: P-154-SECT V-200	REVISION: #
SECTION V APPLICATION	