



# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Ian & Frank Doyle-Castlewhite Electrical Ltd  
Castlewhite  
Gorey  
Co. Wexford

19<sup>th</sup> Of January 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) EX-146/2025**

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

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

**Applicant:** Ian & Frank Doyle-Castlewhite Electrical Ltd

**Location:** Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow

**Reference Number:** EX 146/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/59

A question has arisen as to whether *"the change of use of part of a building from permitted use as shop to residential"* at Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow is or is not exempted development.

#### Having regard to:

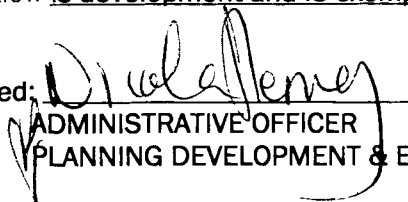
- The details submitted with the Section 5 Declaration.
- PRR 14/ 1201
- An Bord Pleanála Referral Declaration Reference RL27.304765
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 2, 9, 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- Planning Design Standards for Apartments: Guidelines for Planning Authorities: 2025

#### Main Reasons with respect to Section 5 Declaration:

- The change of use of the structure from laundrette to apartment would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity and therefore would be materially different in character to use as a laundrette, and is a material change of use and therefore development have regard to Section 3 of the Planning and Development Act 2000(as amended).
- The change of use would accord with the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended) as:
  - The external and internal works and alterations come within the scope of Article 10 (6)(ii) and of the Regulations and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure.
  - Having regard to Article 10 (6)(d)(iv) of the Regulations, the use of the ground floor unit for residential use accords with the TC Town Centre land use zoning objectives for the site as set out in the Wicklow Town and Rathnew Local Area Plan 2025-2031
  - Having regard to Article 10 (6)(d)(vi) and (vii) the plans and particulars submitted comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities in terms of provision of dwelling floor area and storage areas for a 2-bed apartment.

**The Planning Authority considers that "the change of use of part of a building from permitted use as shop to residential" at Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow is development and IS exempted development.**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date:

19/01/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/59

Reference Number: EX 146/2025

Name of Applicant: Ian & Frank Doyle-Castlewhite Electrical Ltd

Nature of Application: Section 5 Referral as to whether *"the change of use of part of a building from permitted use as shop to residential"* is or is not development and is or is not exempted development.

Location of Subject Site: Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow

Report from: Lyndsey Blackmore, 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 of part of a building from permitted use as shop to residential"* at Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) PRR 14/ 1201
- c) An Bord Pleanála Referral Declaration Reference RL27.304765
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 9, 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- f) Planning Design Standards for Apartments: Guidelines for Planning Authorities: 2025

**Main Reasons with respect to Section 5 Declaration:**

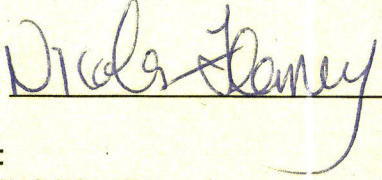
- (a) The change of use of the structure from laundrette to apartment would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity and therefore would be materially different in character to use as a laundrette, and is a material change of use and therefore development have regard to Section 3 of the Planning and Development Act 2000(as amended).
- (b)The change of use would accord with the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended) as:
  - (i) The external and internal works and alterations come within the scope of Article 10 (6)(ii) and of the Regulations and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure.
  - (ii) Having regard to Article 10 (6)(d)(iv) of the Regulations, the use of the ground floor unit for residential use accords with the TC Town Centre land use zoning objectives for the site as set out in the Wicklow Town and Rathnew Local Area Plan 2025-2031



(iii) Having regard to Article 10 (6)(d)(vi) and (vii) the plans and particulars submitted comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities in terms of provision of dwelling floor area and storage areas for a 2-bed apartment.

#### Recommendation

The Planning Authority considers that *"the change of use of part of a building from permitted use as shop to residential"* at Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: 

Date: 19/01/2026

ORDER:

I HEREBY DECLARE:

That *"the change of use of part of a building from permitted use as shop to residential"* at Bridge Laundry, Apartment 14, Wentworth Hall, Wentworth Place, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Date: 17/1/2026







**Question:** *Whether or not:*

The change of use of part of a building from use as a laundrette to use as residential apartment constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

**Planning History:**

Ref Applicant Development	24/250 Castlewhite Electrical Ltd Change of use of an existing commercial unit to a 2 bedroom apartment and associated works
Ref Applicant Development  Decision	15/238 Keatingstown Development Retention of two no. as built duplex apartments (apartment no.s 14 and 16), the provision of 157.2m <sup>2</sup> of office space over 2 floors, retention of as built boundaries, car parking, paths, access roads and all associated services and site works Refused. Refusal reasons set out below:  1. The development proposed for retention would not comply with site development standards in relation to private open space provision as set out in Section 5.4.5.3 of the Wicklow County Development Plan or as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment Heritage and Local Government in September, 2007, which standards are considered to be reasonable. The development proposed for retention would, therefore, constitute a substandard form of development and provide a poor standard of residential amenity for the intended occupants of the residential units, and would seriously injure the amenities of property in the vicinity and the amenities of the area. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.  2. The site of the development proposed for retention is zoned 'Town Centre' in the current Wicklow-Rathnew Development Plan where it is the stated objective of the planning authority to provide for commercial, retail and community services as the primary uses with provision for residential uses where they complement the primary function of the Town Centre, which objective is considered to be reasonable. It is considered that the development proposed for retention would result in an over-concentration



	<p>of residential use and a lack of appropriate land use mix for the overall site consistent with its location within the Town Centre and with the maintenance of a vibrant centre. The development proposed for retention would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.</p>
<p>Ref</p> <p>Applicant</p> <p>Development</p> <p>Decision</p>	<p>10/393</p> <p>Keatingstown Development Ltd.</p> <p>4 no. apartments previously granted as office space and all associated site works, permission for minor alterations to open space areas with additional balcony structure added and alterations to elevations including removal of windows on the east elevation and new privacy screens on the north elevation</p> <p>Refused. Refusal reasons set out below:</p> <ol style="list-style-type: none"> <li>1. Having regard to the lack of private open spaces proposed, the development proposed for retention permission and permission would not comply with site development standards in relation to private open space provision as set out in Table 16.14.4 of the current Wicklow Town Development Plan or as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment Heritage and Local Government in September, 2007, which standards are considered to be reasonable. The development proposed for retention and the proposed development would, therefore, constitute a substandard form of development and provide a poor standard of residential amenity for the intended occupants of the residential units, and would seriously injure the amenities of property in the vicinity and the amenities of the area. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.</li> <li>2. The site of the development proposed for retention is zoned 'Town Centre' in the current Wicklow Town Development Plan 2007-2013, where it is the stated objective of the planning authority to provide for commercial, retail and community services as the primary uses with provision for residential uses where they complement the primary function of the Town Centre, which objective is considered to be reasonable. It is considered that the development proposed for retention would result in an over-concentration of residential use and a lack of appropriate land use mix for the overall site consistent with its location within the Town Centre and with the maintenance of a vibrant centre. The development proposed for retention would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.</li> <li>3. The proposed development would represent consolidation of unauthorised development on this site, having regard to the non-compliance of the development on this site with the terms and conditions of PRR 01/2578 and PRR 03/2706. The provision of such a form of development unduly impacts on the amenities of the area, the amenities of adjoining properties, undermines the planning regulations and would be</li> </ol>

	contrary to the proper planning and sustainable development of the area.
Ref Applicant Development Decision	09/3350 (PL86.235369) Keatingstown Development Ltd. 4no. apartments previously granted as office space and associated site works Refused.
Ref Applicant Development Decision	07/3136 (PL86.223592) Keatingstown Development Ltd. change of use of 292m <sup>2</sup> of office space to 4no. duplex apartments Refused.
Ref Applicant Development Decision	06/3079 Keatingstown Development Ltd. change of use of 292m <sup>2</sup> of office space to 4no. duplex apartments Refused.
Ref Applicant Development Decision	05/2917 Noleen Dickenson Change of use of existing 292sqm of office space to 4 no. duplex apartments. Refused
Ref Applicant Development Decision	04/2838 Noleen Dickenson Change use of office space to 4 duplex apartments. Refused
Ref Applicant Development Decision	03/2796 Keatingstown Development LTD. Provision of commercial unit, office unit to apartment block. Grant
Ref Applicant Development Decision	03/2706 Premier homes Alterations to 8 no. duplex apartments Grant
Ref Applicant Development Decision	01/2578 Premier Homes Ltd. 12 Apartments and 2 offices and associated site works Grant
Enforcement	
ID Type Description	UD71W Non Compliance / Change of Use Change of use of office space granted permitted under PRR01/2578, and PRR03/2796 without the benefit of planning permission. Case Closed



Status	PA is statute barred from taking further enforcement action however enforcement notice issued 30 <sup>th</sup> of September 2014 remains in place.
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### **Wicklow town- Rathnew Local Area Plan 2025-2031**

Zoning Town Centre: To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use.

### **An Coimisiún Pleanála Declarations**

RL27.304765 in respect of the conversion of an existing retail unit to two number one bedroom apartments at 2 South Quay, Arklow, County Wicklow

An Coimisiún Pleanála has concluded that –

(a) the external and internal works to facilitate the residential use of the ground floor unit would constitute “works” defined as “development” in section 3 of the Planning and Development Act 2000, as amended,

(b) the external and internal works and alterations come within the scope of Article 10 (6)(d)(ii) and (iii) of the Planning and Development Regulations, as amended, and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure,

(c) having regard to Article 10(6)(d)(iv) of the Planning and Development Regulations, as amended, the use of the ground floor unit for residential use complies with the TC Town Centre land use zoning objectives for the site as set out in the Arklow and Environs Local Area Plan 2018 – 2024, and development and is exempted development.

(d) having regard to Article 10(6)(d)(vi) and (vii), the amended plans and particulars submitted with the referral comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March, 2018, in terms of provision of storage for each unit and the rooms for use, or intended for use, as habitable rooms have adequate natural lighting:

# Appendix 1 - Minimum Floor Areas and Standards

## Minimum overall apartment floor areas

Studio	32 sq.m	(n/a) <sup>a</sup>
One bedroom	45 sq.m	(38 sq.m) <sup>a</sup>
Two bedrooms (3 person)	63 sq.m	(55 sq.m) <sup>a</sup>
Two bedrooms (4 person)	73 sq.m	
Three bedrooms (4 persons)	76 sq.m	(70 sq.m) <sup>a</sup>
Three bedrooms (5 persons)	90 sq.m	

<sup>a</sup> Figures in brackets refer to 1995 Guideline:

## Recommended minimum widths for the main living/dining rooms

Apartment type <sup>b</sup>	Minimum width
Studio	4m <sup>c</sup>
One bedroom	3.3 m
Two bedrooms (3 person)	3.6m
Two bedrooms (4 person)	3.6 m
Three bedrooms (4 persons)	3.8 m
Three bedrooms (5 persons)	3.8 m

<sup>b</sup> Note: Variation of up to 5% can be applied to widths in all apartment types, subject to overall compliance with required minimum overall apartment floor areas.

<sup>c</sup> Note: Combined living/dining/bedspace, a/c includes circulation

## Recommended minimum bedroom widths

Apartment type <sup>d</sup>	Minimum width	Minimum floor area
Studio	4m <sup>e</sup>	25 sq.m <sup>e</sup>
Single bedroom	2.1 m	7.1 sq.m
Double/Twin bedroom	2.8 m	11.4 sq.m



**Minimum storage space requirements<sup>1</sup>**

Studio	3 sq.m
One bedroom	3 sq.m
Two bedrooms (3 person)	5 sq.m
Two bedrooms (4 person)	6 sq.m
Three bedrooms (4 persons)	6 sq.m
Three bedrooms (5 persons)	9 sq.m

<sup>1</sup> Note: Where secure, allocated storage is provided in addition to that within individual units, it may satisfy up to half of the minimum storage requirement for individual apartment units, but shall not reduce the minimum floor area required to be provided within each individual apartment unit, as in these Guidelines.

**Minimum recommended floor areas for private amenity space, where provided**

Studio	4 sq.m
One bedroom	5 sq.m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

**Minimum recommended floor areas for communal amenity space, where provided**

Studio	4 sq.m
One bedrooms	5 sq.m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

**Relevant Legislation:****Planning and Development Act, 2000 (as amended):****Section 2**

“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 situated, and

(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 (1)(a)** defines development as: “The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land”;

**Section 4 (1) (a) to (l)** specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

*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 4 (2)** provides for certain classes of development to be designated as exempted development by way of legislation.

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in *subsection (1)*, or
- (b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

**Planning and Development Regulations, 2001 (as amended):**

Article 5 Interpretation

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

- (a) for the retail sale of goods,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
- (e) for hairdressing,
- (f) for the display of goods for sale,
- (g) for the hiring out of domestic or personal goods or articles,
- (h) as a launderette or dry cleaners,
- (i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;



## Article 9

(5) Development shall not be exempted development for the purposes of this Act if it consists of any works to, or change in use of, an unauthorised development.

## Article 10(6)

(a) In this sub-article— 'habitable room' means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres; 'relevant period' means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

< See Full Article for Restrictions >

## Schedule 2 : Part 4

### CLASS 1-Use as a shop

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 6-Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12-Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

## Details of Query: Proposal

In accordance with the details submitted with Section 5 application:

Does the change of use of part of a building from use as a laundrette to use as a residential apartment constitute exempted development?

## Assessment

The application seeks a declaration as to whether;

The change of use from laundrette (shop) to residential is development and constitutes exempted development:

The first assessment must be whether or not the works outlined above constitute development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

In this regard the change of use of the structure from laundrette to apartment would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity and therefore would be materially different in character to use as a laundrette, and is a material change of use and therefore development have regard to Section 3.

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,***

Therefore, the proposed change of use is constituted as development.

The second stage of the assessment is to determine whether or not the conversion would come within the provisions set out under Article 10 (6), and the following sets out compliance with respect to each element of Article 10 (6):

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

Yes – Structure would come with Class 1

(c) (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

Yes - structure was completed prior to the 8<sup>th</sup> February 2018

(c) (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, or 12,

Yes - as evident from Google Streetview 2021



(c)(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

The structure does not appear to have been used as a laundrette since May 2023 as the signage was not present at this time.

(d) (i) The development is commenced and completed during the relevant period.

The relevant period is the 18th February 2018 until 31 December 2028 - no indication when works will be completed but presumed it will happen by 31 December 2028 .

(d) (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

The works will effect the interior of the structure only.

(d) (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Not applicable .

(d)(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

Given the Declaration issued by An Coimisiun Pleanala i.e. RL27.304765, and given development is located within Town Centre Zoning, and there are no specific objectives to retain retailing, then the proposal would not conflict with any objective of the plan.

(d)(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

1 residential units to be provided.

(d)(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

Storage areas/ dwelling floor areas appear to meet with the dwelling floor area and storage space requirements set out in "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities"

It is noted that no private open space is achieved for the development however this does not fall under 'dwelling floor area' or 'storage space'.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Yes all living and bedroom space have south facing windows.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Not applicable

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The development will not contravene a condition.

(x) No development shall relate to any structure in any of the following areas:  
(I) an area to which a special amenity area order relates;  
(II) an area of special planning control;  
(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not Applicable

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

The overall development is the subject of unauthorised development,

UD71W

Non Compliance / Change of Use

Change of use of office space granted permitted under PRR01/2578, and PRR03/2796 without the benefit of planning permission.

Case Closed

PA is statute barred from taking further enforcement action however enforcement notice issued 30<sup>th</sup> of September 2014 remains in place.

9 (5) states: Development shall not be exempted development for the purposes of this Act if it consists of any works to, or change in use of, an unauthorised development



It is noted that under prr24/250 the applicants Ian & Frank Doyle (Castlewhite Electrical LTD.) have included the entire building within the red line boundary and therefore in their ownership.

However the applicants have stated in this section 5 application that '*the applicants only own the subject unit identified in this referral, They have no legal interest, ownership, occupation, or other control over any other units within the wider Wentworth Hall complex*'.

If this is the case then Article 9 (5) does not apply

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Not applicable

**Conclusion :**

As identified in the above assessment the change of use would come within the provisions of Article 10(6).

**Recommendation:**

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

The change of use of part of a building from permitted use as shop to residential

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

The change of use of part of a building from shop to residential

**is development and is ~~not~~ exempted development.**

**Main Considerations with respect to Section 5 Declaration:**

- a) The details submitted with the Section 5 Declaration.
- b) PRR 14/ 1201
- c) An Bord Pleanala Referral Declaration Reference RL27.304765
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 9, 10 (6), and Schedule 2 : Part 4 of the Planning and Development Regulations 2001 (as amended).
- f). Planning Design Standards for Apartments : Guidelines for Planning Authorities : 2025

**Main Reasons with respect to Section 5 Declaration:**

(a) The change of use of the structure from laundrette to apartment would give rise to different patterns of usage, traffic movements and impacts on the pattern of development in the vicinity and therefore would be materially different in character to use as a laundrette, and is a material change of use and therefore development have regard to Section 3 of the Planning and Development Act 2000(as amended).

~~The external and internal works to facilitate the residential use of the ground floor unit would constitute "works" that are "development" under Section 3 of the Planning and Development Act 2000 (as amended).~~

(b)The change of use would accord with the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended) as

(i) The external and internal works and alterations come within the scope of Article 10 (6)(d)(ii) and of the Regulations and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure.

~~(c)~~ (ii) Having regard to Article 10 (6)(d)(iv) of the Regulations, the use of the ground floor unit for residential use accords with the TC Town Centre land use zoning objectives for the site as set out in the Wicklow Town and Rathnew Local Area Plan 2025-2031

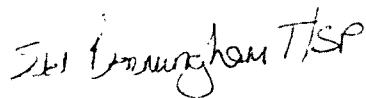
~~(d)~~ (iii) Having regard to Article 10 (6)(d)(vi) and (vii) the plans and particulars submitted comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities in terms of provision of dwelling floor area and storage areas for a 2 bed apartment.



**Lyndsey Blackmore**

**Executive Planner**

**15/01/26**



**Agreed as modified**

**16/1/2026**

## **MEMORANDUM**

### **WICKLOW COUNTY COUNCIL**

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**TO: Lyndsey Blackmore  
Executive Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- EX146/2025 - 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 18/12/2025.

The due date on this declaration is the 24/01/2026.



---

**Clerical Officer  
Planning Development & Environment**



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Ian & Frank Doyle – Castlewhite Electrical Ltd  
Castlewhite  
Gorey  
Co. Wexford**

23<sup>rd</sup> December 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and  
Development Acts 2000 (as amended). – EX146/2025**

A Chara

I wish to acknowledge receipt on 18/12/2025 full details supplied by you in respect of the  
above Section 5 application. A decision is due in respect of this application by 24/01/2026

Mise, le meas

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





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

18/12/2025 11 15 38

Receipt No L1/0/356384

BUTLER DESIGN & PLANNING CONSULTANT  
MAIN ST  
CARNEW  
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
IAN & FRANK DOYLE, CASTEWHITE	

Change	0 00
--------	------

Issued By Joanne Tighe  
From Customer Service Hub  
Vat reg No 0015233H



# Buttle

Design & Planning Consultants Ltd.  
27 MAIN STREET, CARNEW, CO. WICKLOW.  
TEL: (053) 9426961

VAT NO.: IE9661935C

E-MAIL: [buttleplanning@gmail.com](mailto:buttleplanning@gmail.com)

12<sup>th</sup> December 2025

**Wicklow County Council,**  
Planning Department,  
County Buildings,  
Whitegates,  
Wicklow Town,  
A67 FW96.

**Re:** **Resubmitted Request for Declaration under Section 5 of the Planning and Development Act 2000 (as amended) Previous Ref: EX 121/2025 Refers**

**Applicant:** **Ian & Frank Doyle - Castlewhite Electrical Ltd.**

**Subject Property:** **Unit at Wentworth Hall, Wicklow Town**

Dear Sir / Madam,

I am writing to resubmit a referral under Section 5 of the Planning and Development Act 2000 (as amended) seeking a declaration on whether the proposed change of use from commercial to residential at the above unit constitutes development and/or exempted development. I have revised the boundaries of the site layout plan, floor plans, section and elevations. The works are now substantially complete. The Exemption that we are seeking is only for part of the building being that which is outlined in red on attached plans. The area outlined in red on the enclosed drawings are the only part of the overall building that are in the applicant's ownership.

This submission clarifies the legal scope of a Section 5 determination and the basis upon which the Planning Authority must assess the proposal.

## **1. Statutory Limits of a Section 5 Determination**

Section 5 requires the Planning Authority to determine only:

1. Whether the specified act constitutes development, and
2. Whether such development is exempted development under the Planning and Development Regulations.

A Section 5 declaration is legally confined to the specific structure, use, and works described in the referral. It cannot consider the planning status, compliance issues, or unauthorised works associated with other units within the wider complex.

## **2. The Subject Unit Cannot Be Penalised for Unauthorised Development in Other Units**

The earlier determination under EX 121/2025 referenced planning breaches and enforcement matters relating to different units within Wentworth Hall. These issues do not concern the subject unit and cannot lawfully influence a Section 5 decision.

To broaden the inquiry in this manner would produce an outcome that is neither rational nor envisaged by the Planning Acts. For example:

- If a single dwelling within a housing estate builds an unauthorised extension, this does not remove the exempted development rights of all other dwellings.
- Likewise, if a shop in a retail park carries out an unauthorised fit-out—such as signage installed without permission, an internal reconfiguration, or a change to display windows—this does not prejudice the lawful planning status or exempted development entitlements of other retail units within that park.

The Planning Acts regulate each structure or unit individually. There is no statutory mechanism for imposing collective or estate-wide consequences because of unauthorised works undertaken by unrelated occupiers.

The same principle must apply here. It is further noted that the applicants Ian & Frank Doyle have no legal interest or control over the remaining units and are the owners of the subject unit only.

### **3. Ownership, Responsibility, and Limits of a Section 5 Determination**

It is necessary to clarify that the applicants own only the subject unit identified in this referral. They have no legal interest, ownership, occupation, or control over any other units within the wider Wentworth Hall complex. Under the Planning and Development Act 2000 (as amended), responsibility for planning compliance attaches only to “the owner or the occupier of the land to which the notice relates” (Section 154(1)). Consequently, any unauthorised development that may have occurred on other lands or units cannot lawfully be attributed to the applicants, nor can it form part of the assessment in a Section 5 declaration.

A Section 5 determination is unit-specific and must relate only to the act or matter specified. The Planning Authority is not empowered to broaden the inquiry to include alleged breaches occurring elsewhere in the parent permission where the applicant has no involvement or responsibility. To do so would produce outcomes wholly unintended by the Planning Acts for example:

- A single dwelling in a housing estate carrying out an unauthorised extension would, on similar reasoning, remove exempted development rights from all other dwellings within that estate; or
- An unauthorised shop-fit-out by one retailer (e.g., non-compliant signage, internal alterations, or an unapproved layout) would deprive other independent retail units in the parade of their own statutory exemption entitlements.

Planning law does not recognise collective liability, nor does it impose sanctions or restrictions on innocent owners due to the actions of unrelated parties. Each planning unit must be assessed independently, based on its own planning history and characteristics.

This principle is strongly supported by established precedent:

- **ABP-303154-18 (Galway City):** The Board overturned a Planning Authority decision that sought to rely on unauthorised development in other parts of a building to refuse an Article 10(6) exemption. The Board confirmed that Section 5 applies only to the unit concerned, and that unauthorised development elsewhere cannot defeat exempted development rights in the subject unit.
- **RL.2746:** The Board held that a unit reverts to its last authorised use, irrespective of unauthorised activities occurring elsewhere in a building, thereby affirming that planning status is unit-specific.
- **Molloy v Minister for Justice (2004) 2 IR 493:** The High Court confirmed that an authorised use is not extinguished by subsequent unauthorised activity. This case supports the principle that the underlying authorised use of the subject unit remains intact and cannot be displaced by actions occurring on lands not owned by the applicants.

- **General administrative law principle (O’Keeffe v An Bord Pleanála [1993] 1 IR 39):** A public authority may not impose burdens or sanctions on a person who is not responsible for the alleged breach. Decisions must be rational and confined to matters properly before the decision-maker.
- **Enforcement law** under Part VIII of the Act reinforces that action may only be taken against the owner or occupier of the land concerned, not against third parties. A Section 5 declaration cannot perform an enforcement function.

These principles align entirely with the Development Management Guidelines, which state that a Section 5 declaration must be based solely on the facts and statutory criteria applicable to the specific development under consideration and must not stray into enforcement matters or unrelated planning history.

#### **4. Enforcement Matters Are Distinct From Section 5**

Section 5 is not an enforcement mechanism. The Development Management Guidelines emphasise that:

- Enforcement issues must be pursued under the enforcement provisions of the Act;
- A Section 5 declaration must be grounded only in the statutory definition of development and exempted development;
- A Planning Authority must not predetermine issues or import unrelated compliance matters into a Section 5 assessment.

The earlier decision referenced Enforcement File UD71W, which does not relate to the subject unit. Such considerations fall outside the Section 5 remit.

#### **5. Application of Article 10(6)**

Article 10(6) applies to the “structure concerned”, meaning the individual unit referenced in the referral. The exemption does not depend on the planning status of neighbouring units or the wider parent permission.

For this reason, any unauthorised works in other parts of the surrounding development cannot negate the unit’s ability to avail of the commercial-to-residential exemption.

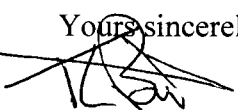
#### **6. Request**

In light of the above and the statutory, case law and ABP precedent governing Section 5 referrals, I respectfully request that the Planning Authority issue a declaration based solely on:

- The planning status and characteristics of the subject unit;
- The statutory provisions of Sections 3 and 4 of the Act and Article 10(6) of the Planning and Development Regulations; and
- The applicable jurisprudence and Board decisions which confirm that unrelated unauthorised development elsewhere cannot limit or extinguish exempted development rights.

I trust this assists in the proper and lawful reassessment of this resubmitted Section 5 referral. Please advise if any further clarification or information is required.

Yours sincerely,



Thomas Buttle,  
MCI OB

**DECLARATION**

**LAND REGISTRY**

**COUNTY WICKLOW**

**FOLIO NO.: 39460F**

I, Frank Doyle of Castlewhite, Gorey in the County of Wexford, aged 18 years and upwards  
**SOLEMNLY AND SINCERELY DECLARE** as follows:

1. Castlewhite Electrical Ltd. are the registered owners of the property situate at Unit 20, Wentworth Hall, Wentworth Place, Wicklow Town, Co. Wicklow comprised in Folio 39460F of the register County Wicklow of the register County Wicklow (the "Property").
2. I am the secretary / a director of Castlewhite Electrical Ltd. (the "Company") and am duly authorised by the Company to make this Statutory Declaration on its behalf.
3. I confirm that the said property has been vacant for in excess of two years.
4. I confirm that the said property has had its electricity supply disconnected for in excess of two years.
5. I make this solemn declaration conscientiously believing the same to be true, for the satisfaction of Wicklow County Council and by virtue of the Statutory Declarations Act 1938.

Declared by the said **FRANK DOYLE**

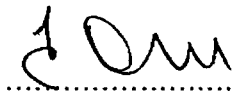
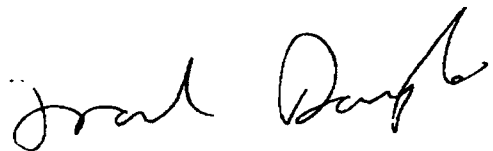
Who is personally known to me

At Arklow,

In the County of Wicklow.

This the 9 day of September 2025

Before me a Commissioner for Oaths  
PRACTISING SOLICITOR



Commissioner for Oaths

PRACTISING SOLICITOR

Fergus Kinsella  
Solicitor  
Arklow, Co. Wicklow



WICKLOW COUNTY COUNCIL  
CUSTOMER SERVICE

18 DEC 2025



Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

Office Use Only

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

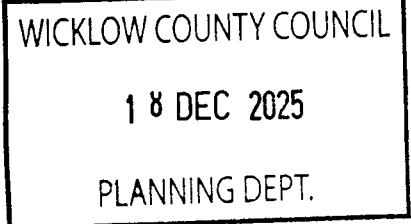
APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

**1. Applicant Details**

(a) Name of applicant: Ian & Frank Doyle - Castlewhite Electrical Ltd.

Address of applicant: Castlewhite,  
Gorey,  
Co. Wexford.

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



**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable): Thomas Buttle

Address of Agent : Buttle Design & Planning Consultants,  
Main Street,  
Carnew,  
Co. Wicklow

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

### **3. Declaration Details**

- i. Location of Development subject of Declaration:

**Bridge Laundry, Apartment 14,**  
**Wentworth Hall,**  
**Wentworth Place,**  
**Wicklow.**

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
**YES/ No.**

**Applicants are Owners.**

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

**N/A**

- 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, on 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

**Existing Laundrette which has been vacant for over 2 years being converted to a 2 Bedroom Apartment (change of use from commercial to residential) accordance with exempted development provisions under Article 10(6).**

*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

**Exempted development provisions under Article 10(6) of the Planning and Development Regulations 2001, as inserted by Article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018.**

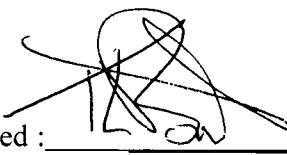
- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)?

**NO**

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

**Floor Plans**                    – 1 of 4  
**Elevations**                    – 2 of 4  
**Site Layout Map**           – 3 of 4  
**Site Location Maps**       – 4 of 4

- viii. Fee of € 80 Attached ? **YES**

Signed :   
**Thomas Buttle (Agent)**

Dated : **12<sup>th</sup> December 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 -

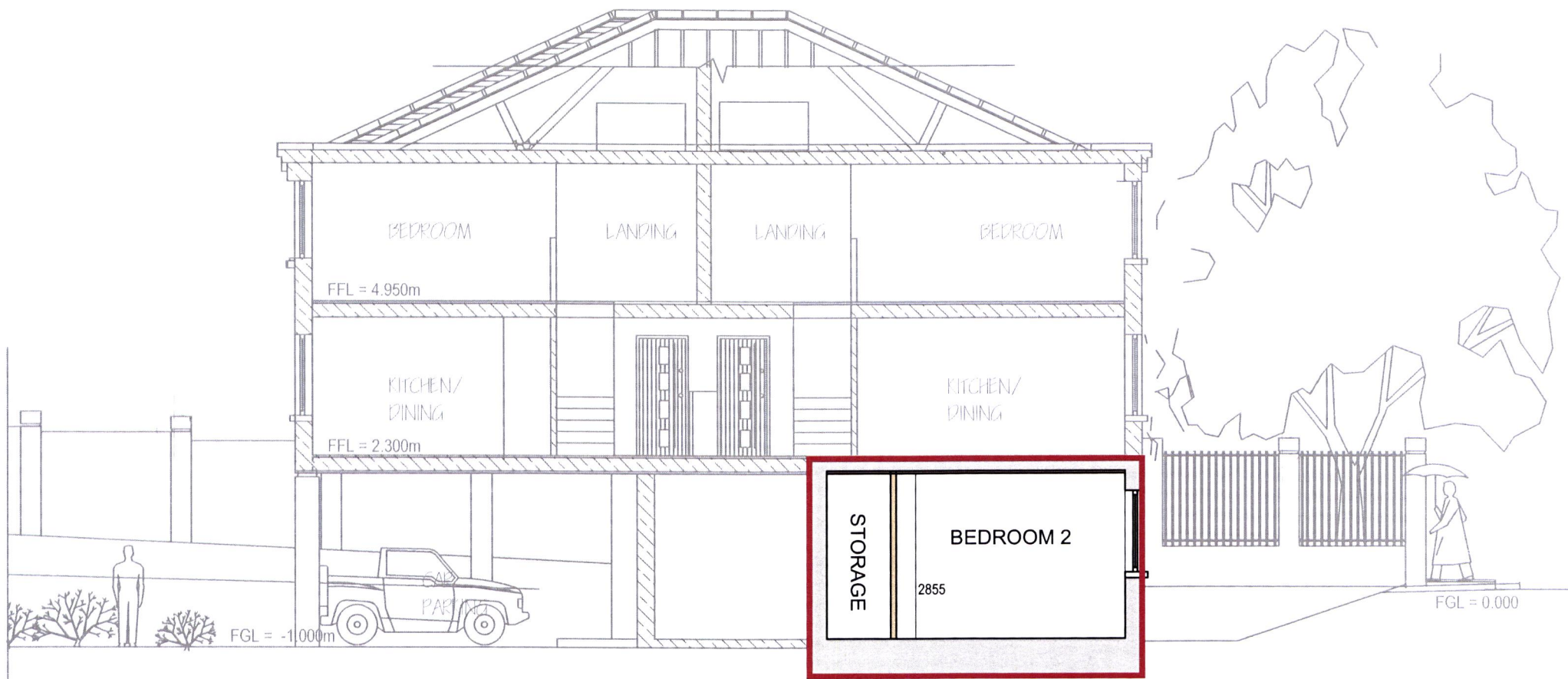
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act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

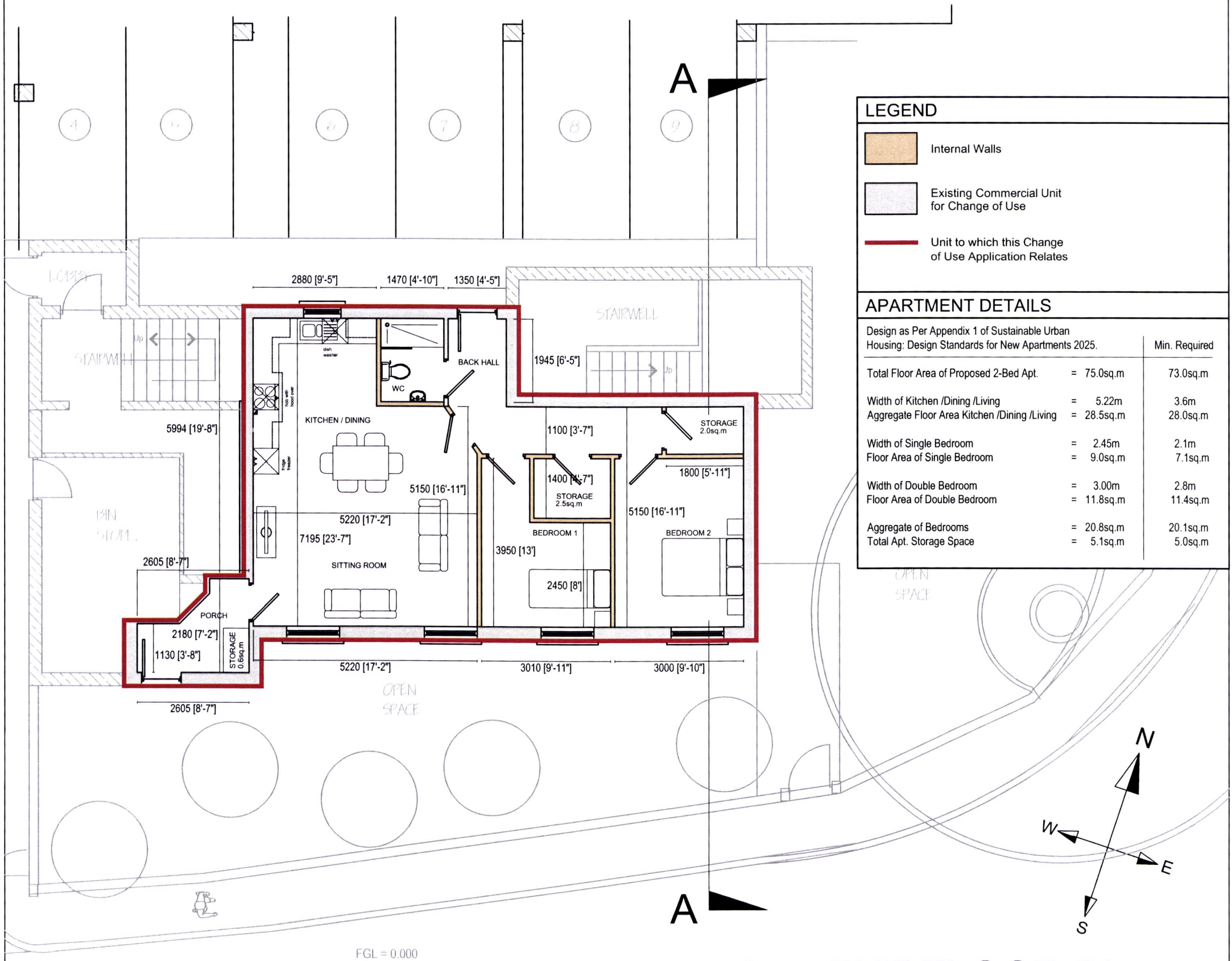
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.





SECTION A-A



LEGEND

- Internal Walls
- Existing Commercial Unit for Change of Use
- Unit to which this Change of Use Application Relates

APARTMENT DETAILS

Design as Per Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments 2025.		Min. Required
Total Floor Area of Proposed 2-Bed Apt.	= 75.0sq.m	73.0sq.m
Width of Kitchen /Dining /Living	= 5.22m	3.6m
Aggregate Floor Area Kitchen /Dining /Living	= 28.5sq.m	28.0sq.m
Width of Single Bedroom	= 2.45m	2.1m
Floor Area of Single Bedroom	= 9.0sq.m	7.1sq.m
Width of Double Bedroom	= 3.00m	2.8m
Floor Area of Double Bedroom	= 11.8sq.m	11.4sq.m
Aggregate of Bedrooms	= 20.8sq.m	20.1sq.m
Total Apt. Storage Space	= 5.1sq.m	5.0sq.m

BASEMENT FLOOR PLAN



**Buttle**  
Design & Planning Consultants Ltd.  
27 MAIN STREET, CARNEW, CO. WICKLOW.  
TEL: (053) 9426961  
E-MAIL: [buttleplanning@gmail.com](mailto:buttleplanning@gmail.com)

SCALES: 1:100 - A3 / 1:50 A1  
SHEET NO.: 1 OF 4  
DRAWING: FLOOR PLANS & SECTION

CLIENT: Castlewhite Electrical Ltd., Castlewhite, Gorey, Co. Wexford.  
TITLE: Change of use of an existing commercial unit to a 2 bedroom apartment and associated works at Wentworth Place, Wicklow Town, Co. Wicklow, A67 HC60

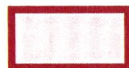




SOUTH ELEVATION (Remains Unchanged)



NORTH ELEVATION (Remains Unchanged)

LEGEND	
	Part of Building to which this Change of Use Application Relates To.



EAST ELEVATION  
(Remains Unchanged)



WEST ELEVATION (Remains Unchanged)



NOTES

- 1. Existing apartment blocks.
- 2. Existing site entrance.
- 3. Existing connection to foul sewer main.
- 4. Existing connection to water main.
- 5. Existing connection to surface water main.
- 6. Existing parking spaces.
- 7. Existing open areas (295sq.m).
- 8. Existing commercial unit for change of use to 2 bed apartment at Basement Level.

SITE AREA = 0.130 Ha

LEGEND

Basement Unit for Change of Use (Basement Level)

Existing Building

REVISIONS