

**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  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

19<sup>th</sup> March 2025

Kerrin Buck  
Ballinatone Lower  
Greenan  
Rathdrum  
Co. Wicklow  
A67 E7W4

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000  
(As Amended) – EX11/2025**

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

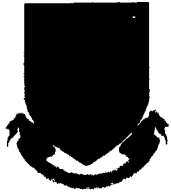
Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,



ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Kerrin Buck

Location: Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow

Reference Number: EX11/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/277

Section 5 Declaration as to whether “the construction of an A frame cabin and concrete block shed” at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).


### Having regard to:

- a) Details submitted with the Section 5 referral
- b) Appeal Reference ABP -316022-23 (PRR 22/800), and Referral ABP -316125-23 (EX 7/2023)
- c) Photographs taken on the 23<sup>rd</sup> October 2023 by reference to UD5592
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 5, 6, 9, Schedule 2 Part 1: Class 3 and Class 17 of the Planning and Development Regulations 2001 (as amended).

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

- i. The construction/ erection of the shed and A frame cabin would be works, and therefore development having regard to the definition as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).
- ii. The placement of the cabin on the lands would result in the use of the lands being materially changed having regard to the provisions of Section 3(2)(b)(i) of the Planning and Development Act 2000(as amended).
- iii. The A frame cabin would not come within the provisions of Class 17 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), as this structure was placed on site prior to the grant of permission for the dwelling permitted by reference to ABP -316022-23 (PRR 22/800), and indications that it was moved on site after the date of grant are not evident, and notwithstanding any movement within the site would not alter the fact it was placed on this site prior to the grant of permission.
- iv. The shed is not within the curtilage of a house, and therefore this structure would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). There are no other provisions in the Regulations by which the shed would be classified exempted development

The Planning Authority considers that “the construction of an A frame cabin and concrete block shed” at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 19<sup>th</sup> March 2025



WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/277

Reference Number: EX11/2025

Name of Applicant: Kerrin Buck

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the construction of an A frame cabin and concrete block shed" is or is not development and is or is not exempted development.

Location of Subject Site: Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the construction of an A frame cabin and concrete block shed" at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

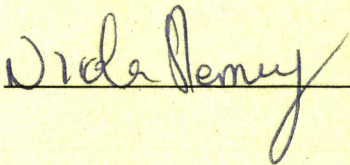
- a) Details submitted with the Section 5 referral
- b) Appeal Reference ABP -316022-23 (PRR 22/800), and Referral ABP -316125-23 (EX 7/2023)
- c) Photographs taken on the 23<sup>rd</sup> October 2023 by reference to UD5592
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 5, 6, 9, Schedule 2 Part 1: Class 3 and Class 17 of the Planning and Development Regulations 2001 (as amended).

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

- i. The construction/ erection of the shed and A frame cabin would be works, and therefore development having regard to the definition as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).
- ii. The placement of the cabin on the lands would result in the use of the lands being materially changed having regard to the provisions of Section 3(2)(b)(i) of the Planning and Development Act 2000(as amended).
- iii. The A frame cabin would not come within the provisions of Class 17 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), as this structure was placed on site prior to the grant of permission for the dwelling permitted by reference to ABP -316022-23 (PRR 22/800), and indications that it was moved on site after the date of grant are not evident, and notwithstanding any movement within the site would not alter the fact it was placed on this site prior to the grant of permission.
- iv. The shed is not within the curtilage of a house, and therefore this structure would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). There are no other provisions in the Regulations by which the shed would be classified exempted development

**Recommendation:**

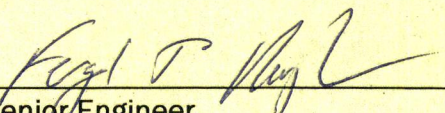
The Planning Authority considers that "the construction of an A frame cabin and concrete block shed" at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow is **development and is NOT exempted development** as recommended in the report by the SEP.

Signed 

Dated 19<sup>th</sup> day of March 2025

**ORDER:**

I HEREBY DECLARE THAT "the construction of an A frame cabin and concrete block shed" at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow is **development and is NOT exempted development** within the meaning of the Planning & Development Act 2000 (as amended).

Signed:   
Senior Engineer  
Planning, Economic & Rural Development

Dated 19<sup>th</sup> day of March 2025

## **Section 5 Application EX 11/2025**

Date : 18/3/2025

Applicant : Kerrin Buck

Address : Ballinatone Lower, Greenan, Rathdrum, Co.Wicklow.

Exemption Whether or not :

The construction of A frame cabin and Concrete Block Shed

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

### **Planning History :**

Appeal Reference ABP-316022-23 ( PRR 22/800) Permission granted on appeal for the retention of foundations and rising walls constructed on site ( granted under PRR11/4667 and PRR 05/3286) with permission for completion of dwelling with some alterations to same and associated site works at Ballinatone Lower, Greenan, Rathdrum, County Wicklow. Decision Date : 23/4/2024

PRR 11/4667 Extension of Duration granted for 2 years 6 months.

PRR 05/3286 Permission granted for dwelling with septic tank and percolation area.

### **Section 5 Declaration - ABP -316125-23 ( EX 7/2023) ( Decision Date 23/4/2024)**

An Bord Pleanála has concluded that the erection of temporary living accommodation is development and is not exempted development as -

(a) The erection of temporary living accommodation on construction site constitutes an object for the purpose of human habitation. The use of the land would, therefore, materially change, and constitute development, in accordance with section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended).

(b) The erection of temporary living accommodation on construction site does not constitute temporary on site accommodation pursuant to permission, consent, approval or confirmation granted and, therefore, does not come within the exempted development provisions under Class 17 of Part 1 Schedule 2 to the Planning and Development Regulations, 2001, as amended.

(c) Does not come within any of the other exempted development provisions of the Act or Regulations.

**Relevant legislation :**

Planning and Development Act 2000 ( as amended)

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“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, 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 :

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

(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

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 4 :

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;

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.]

### **Planning and Development Regulations 2001 (as amended)**

#### **Article 6**

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—
  - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
  - (iii) endanger public safety by reason of traffic hazard or obstruction of road users
  - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,
  - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

## **Schedule 2 : Part 1**

### **CLASS 3**

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

Limitation –

- 1.No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

### Class 17.

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

Limitation

Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

### **Submission :**

Due to extreme circumstances in 2022 two structures were constructed on the site of a partially constructed house ( subject of an expired planning permission). Emergency shelter , 25sqm, 4m high, A frame cabin and a concrete block shed 8.7sqm and 4m high. Concrete block shed which serves as a water pump house, renewable energy hub and storage.

No available accommodation when the family arrived home from Phillipines and WCC could not provide emergency accommodation when the family found themselves homeless. Therefore, Kerrin and Shiela Buck built the structure while pursuing planning permission to complete their



house. WCC found the structures were unauthorised and initiated enforcement proceedings. However, after a long appeal process with delays etc. An Bord Pleanála through order PL 27.316022 granted (WCC 22/800) the families application to complete their home. This has changed the planning status of the two structures, which are not exempt, particularly as the A-frame has been resituated and reconstructed as temporary accommodation since permission was granted.

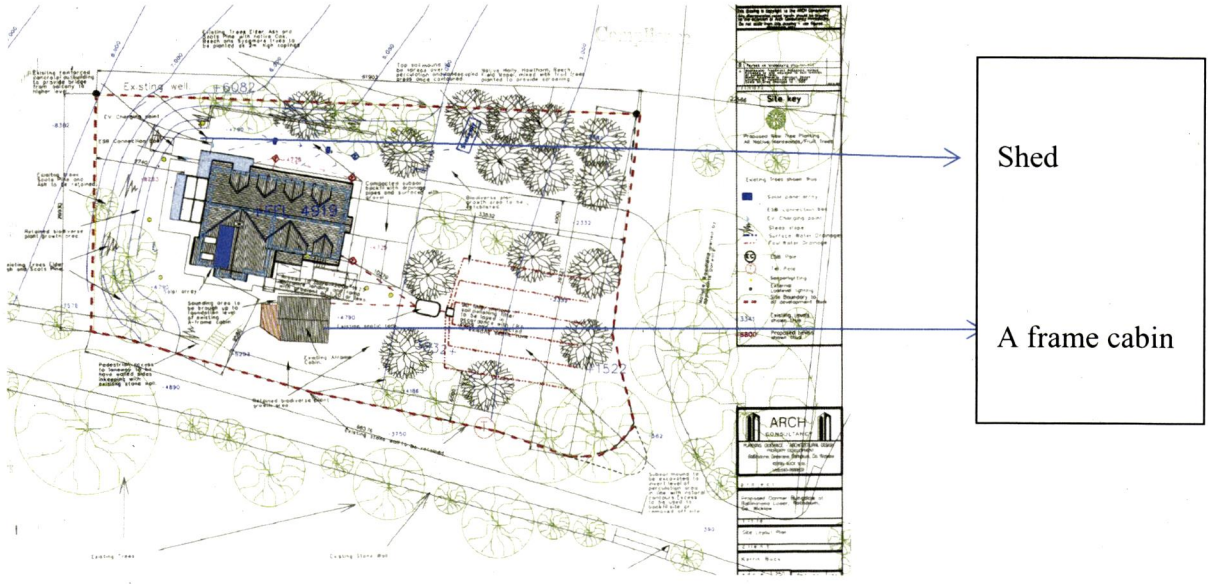
## **Assessment**

The Section 5 application seeks a declaration as to whether the construction of an A frame cabin and Concrete Block Shed is or is not development and is or is not exempted development .

The A frame cabin has already been subject to a Section 5 declaration EX 7/2023, which was appealed to An Bord Pleanála ABP -316125-23. The applicant now contends that as permission has been granted for the completion of the dwelling on site under Appeal Reference ABP-316022-23 ( PRR 22/800), and the structure has been relocated on site, that the structure is exempt by reference to Class 17 of the Planning and Development Regulations 2001 (as amended). The shed structure did not form part of that Section 5. The shed as identified in the drawings is 4m in height, has solar array on roof, and internally has pump, washing machine, dryer , freezer and 24v Battery bank.

The initial question is therefore whether the cabin and shed would come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended). In this regard the construction/ erection of both structures would it is considered be both works and change of use as the erection of the cabin and the shed would be operations of construction, and renewal, and the placement of the cabin on the lands would be a material change of use having regard to the provisions of Section 3(2)(b)(i). Therefore , the placement of the cabin (temporary accommodation ) and shed are development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).

The shed structure is located to the south west corner of the site boundary as set out in PRR 22/800, with the A frame cabin located adjoining the existing retaining stone wall located along the eastern boundary with the gravel laneway, as set out below in compliance submission received under Appeal Reference ABP-316022-23



Shed

A frame cabin

**A : A frame Cabin**

The Planning and Development Regulations Schedule 2 : Part 1 : Class 17 provides that Class 17.

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

**Limitation**

Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

Permission was granted for the development on the 23/4/2024 under ABP

The quierist indicates that this cabin was resituated and reconstructed as temporary accommodation since permission was granted. The statement is noted however from review of photographs taken on the 23<sup>rd</sup> October 2023 for UD 5592 the structure appears to have been located roughly in current location since October 2023 i.e. prior to the decision on ABP-316022-23 ( PRR 22/800)



Therefore Class 17 does not apply given the structure was erected prior to the grant of permission. Furthermore, even if the structure was relocated within the site this would not alter the assessment of An Bord Pleanála in their Declaration, as the structure was placed on the site prior to the grant of permission, and moving within the site does not alter this status.

## **B : Concrete Block Shed**

### CLASS 3

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

Currently there is no completed house on site. Section 2 of the Planning and Development Act 2000(as amended) defines "house" as

means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building

In this instance there is only rising walls evident at this time, and no completed dwelling, and no building capable of being occupied. Therefore, the shed is not within the curtilage of a house, and therefore this structure would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). There are no other provisions in the Regulations by which the shed would be classified exempted development.

### **Recommendation :**

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

the construction of an A frame cabin and Concrete Block Shed

at Ballinatone Lower, Greenan, Rathdrum, Co. Wicklow

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

The Planning Authority consider that the

the construction of an A frame cabin and Concrete Block Shed **is Development and is Not Exempted Development**

Main Considerations with respect to Section 5 Declaration :

- a) Details submitted with the Section 5 referral
- b) Appeal Reference ABP -316022-23 (PRR 22/800), and Referral ABP -316125-23 (EX 7/2023)
- c) Photographs taken on the 23<sup>rd</sup> October 2023 by reference to UD5592
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 5, 6, 9, Schedule 2 Part 1 : Class 3 and Class 17 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- (i) The construction/ erection of the shed and A frame cabin would be works, and therefore development having regard to the definition as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).
- (ii) the placement of the cabin on the lands would result in the use of the lands being materially changed having regard to the provisions of Section 3(2)(b)(i) of the Planning and Development Act 2000(as amended).
- (iii) The A frame cabin would not come within the provisions of Class 17 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended), as this structure was placed on site prior to the grant of permission for the dwelling permitted by reference to ABP -316022-23 (PRR 22/800), and indications that it was moved on site after the date of grant are not evident, and notwithstanding any movement within the site would not alter that fact it was placed on this site prior to the grant of permission.
- (iv) The shed is not within the curtilage of a house, and therefore this structure would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). There are no other provisions in the Regulations by which the shed would be classified exempted development.

*Stel Cunningham SEP.*

18/3/2025

*Issue declaration as recommended  
Page 1 T  
19/03/25*







**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

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

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**                      **FROM: Nicola Fleming**  
**Executive Planner**                      **Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the**  
**Planning and Development Acts 2000 (as amended).**  
**EX11/2025**

I enclose herewith application for Section 5 Declaration received completed on 26/02/2025

The due date on this declaration is 25<sup>th</sup> March 2025

  
\_\_\_\_\_  
**Staff Officer**  
**Planning, Economic & Rural Development**





**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe**  
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**Kerrin Buck**  
**Ballinatone Lower**  
**Greenan**  
**Rathdrum**  
**Co. Wicklow**

28<sup>th</sup> February 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX11/2025 –**

A Chara

I wish to acknowledge receipt of completed application on 26/02/2025 along with details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 25/03/2025.

Mise, le meas

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



*Ta an doiciméad seo ar fáil i bhformáid dhigiteálacha ar iarratas.  
This document is available in digital formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





**Nicola Fleming**

---

**From:** Kerrin Buck <kerrin.buck@wicklowcoco.ie>  
**Sent:** Wednesday 26 February 2025 14:28  
**To:** Nicola Fleming  
**Subject:** Re: FW: [Redacted]

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**External Sender - From: (Kerrin Buck <kerrin.buck@wicklowcoco.ie>)**  
This message came from outside your organisation.

*CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.*

Hi Nicola,

Yes, our application for a section 5 declaration from WCC relates to two structures on our site at Ballinatone lower, Greenan, Rathdrum, Co. Wicklow A67E7W4.

Thank you for your time.

Kind regards,  
Kerrin Buck

On Wed, Feb 26, 2025 at 1:40 PM Nicola Fleming <[NFleming@wicklowcoco.ie](mailto:NFleming@wicklowcoco.ie)> wrote:

Kerrin,

I refer to my email below along with my letter issued to you on 26<sup>th</sup> January 2025 advising that you need to ask a question of the Planning Authority in part 3(iv) of the application form.

I am assuming you are asking if 'two structures on site' are exempted development.

If this is not the case please advise my return.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin  
Wicklow County Council

---

**From:** Nicola Fleming  
**Sent:** Tuesday 18 February 2025 09:09  
**To:** '[kerrinbuck@gmail.com](mailto:kerrinbuck@gmail.com)'  
**Subject:**

Kerrin

I wish to refer to recent application for a Section 5 exemption. As advised in my previous letter to you we need you to state clearly what you are looking for an exemption for. The applicant cannot be processed until this information is received.

Please clarify by return email.

Regards,

*Nicola Fleming*

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin  
Wicklow County Council

--

Kerrin G Buck MSc

ARCH Partner

Achieving Resilient Communities through Humanity

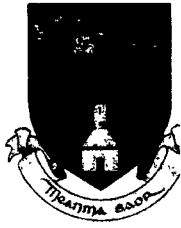
Mobile / WhatsApp: +353(0)832088602

Skype: kerrin\_buck

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

Office Use Only

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

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

RECEIVED  
17 FEB 2025

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: Kerrin Buck  
Address of applicant: Ballinatone lower, Greenan, Rathdrum, Co. Wicklow.  
A67E7W4

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

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

- (b) Name of Agent (where applicable) N/A

Address of Agent : \_\_\_\_\_

\_\_\_\_\_

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

**3. Declaration Details**

i. Location of Development subject of Declaration SAA  
APPLICANT ADDRESS.

ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes.

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  
Due to extreme circumstances in 2022 two structures were constructed on the site of a partially constructed house (subject of an expired planning permission) at the applicants address. An emergency shelter in the form of a 25sqm 4m high A frame cabin and a concrete block shed 8.7sqm and 4m high (2m above ground level) which serves as a water pump house, renewable energy hub and storage. There was no available accommodation when the family arrived home from Philippines and WCC could not provide emergency accommodation when the family found themselves homeless. Therefore, Kerrin and Shiela Buck built the structures while pursuing planning permission to complete their house. WCC found that the structures were unauthorized and initiated enforcement proceedings. However, after a long appeal process with delays etc, An Bord Pleanála through order PL27.316022 granted (WCC 22/800) the families application to complete their home. This has changed the planning status of the two structures, which are now exempt, particularly as the A-frame has been resituated and reconstructed as temporary accommodation since permission was granted.  
*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

- ✓ The A-frame qualifies as temporary accommodation under Class 17 Pt 1 Sch. 2 to the Planning and Development Regulations 2001. The shed is a minor structure, however, is now also exempted under Class 3 Pt 1 Sch. 2 to 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 \_\_\_\_\_

1. A-frame design

2. Shed design.

3. Location map.

4. Photos of reconstruction relocation.

- viii. Fee of € 80 Attached ? Yes

Signed :



Dated :

15/02/2015

**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.



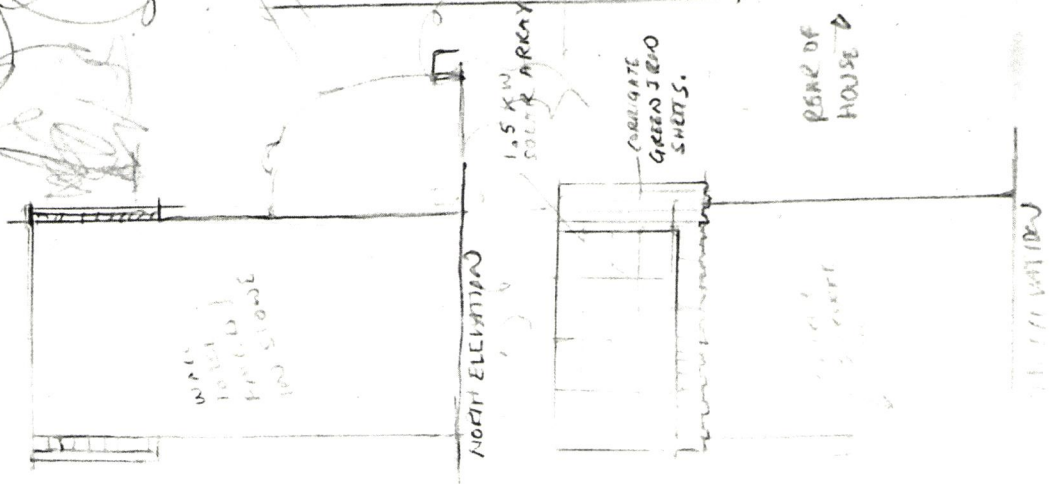






PLAN - CONTINUOUS CH. POINTS HOUSE & RENEWABLE ENERGY HUBS

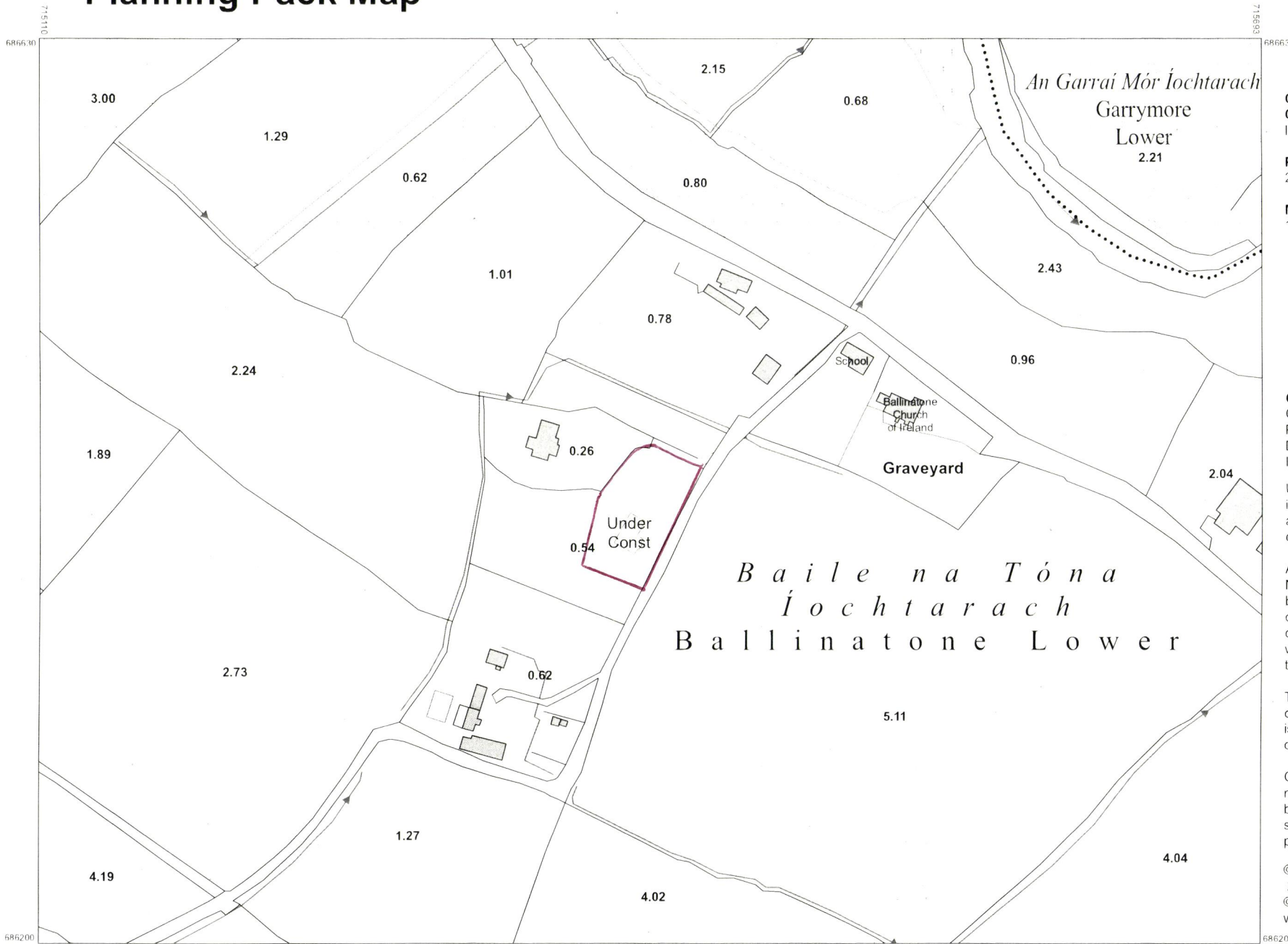
Scale 1:50



# Planning Pack Map



National Mapping Agency



**CENTRE COORDINATES:**  
ITM 715402.686415

**PUBLISHED:** 24/06/2022 **ORDER NO.:** 50276337\_1

**MAP SERIES:** 1:5,000 **MAP SHEETS:** 4193

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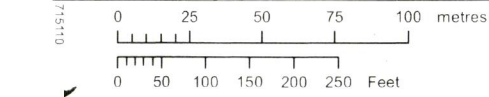
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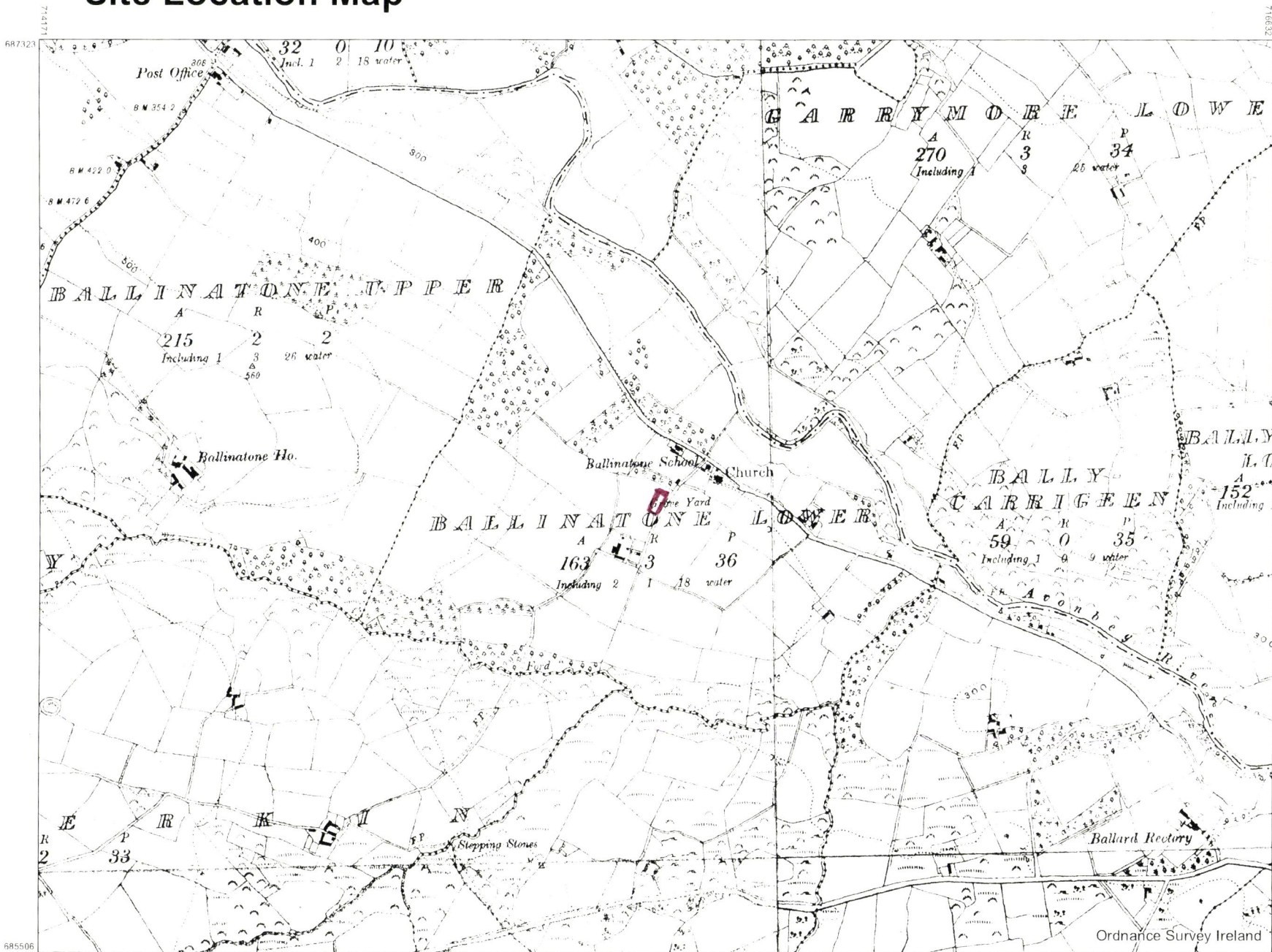


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# Site Location Map



**CENTRE COORDINATES:**  
ITM 715402.686415

**PUBLISHED:** 24/06/2022

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**MAP SERIES:** 6 Inch Raster  
6 Inch Raster  
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**MAP SHEETS:** WW029  
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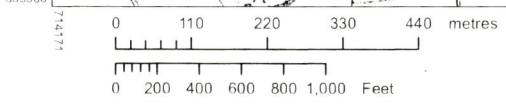
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**COMHAIRLE CONTAE CHILL MhANTÁIN**  
**Wicklow County Council**

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

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Guthán / Tel. (0404) 20148  
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Rphost / Email [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

29<sup>th</sup> January 2025

**Kerrin Buck**  
**Ballinatone Lower**  
**Greenan**  
**Rathdrum**  
**Co. Wicklow**

**Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX11/2025**

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 28<sup>th</sup> January 2025.

We received your Section 5 application form however this is incomplete as per our additional notes section and is return herewith: -

- 3. (i) on the form has not been filled in i.e. Location
- 3 (iv) please clarify what exactly the question is.
- The site has not been marked on the site location map

We need these documents to be able to access the application.

**Application is currently classed as incomplete and decision date cannot be noted until the above documentation is received.**

Mise, le meas

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**STAFF OFFICER**  
**PLANNING, ECONOMIC & RURAL DEVELOPMENT**





P.11.



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P.10.





P.7.



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P.5.



P.6.



P.12.



P.13.



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