



COMHAIRLE CONTAE CHILL MCHANTÁIN
Wicklow County Council

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

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

David van der Zwart
35 Carrig beag
Ballynerrin
Wicklow Town
Co. Wicklow

John
20 Of April 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX36/2026

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,

Victoria Henney
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Davie van der Zwart

Location: 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow

Reference Number: EX 36/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/443

A question has arisen as to whether “*the proposed erection of a shed/garden room (Option A)*” at 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow is or is not exempted development.

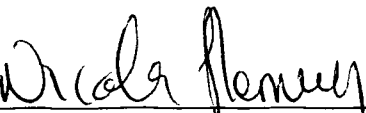
Having regard to:

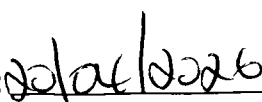
- i. The details received with this Section 5 application (EX36/2026)
- ii. Sections 2(1), 3(1), and 4 (1) of the Planning and Development Act 2000(as amended).
- iii. Article 6, Article 9 and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The provision of shed/ garden room would consist of operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000 (as amended)
- 2) These works would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 3) The shed/ garden room which is indicated in the submitted map to be located to the side of the house, and will be finished to match the dwelling as set out in option A, would come within the description and limitations set out under Class 3, Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

The Planning Authority considers that “the proposed erection of a shed/garden room (Option A)” at 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow is development and IS exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/443

Reference Number: EX 36/2026

Name of Applicant: Davie van der Zwart

Nature of Application: Section 5 Referral as to whether "*the proposed erection of a shed/garden room (Option A)*" is or is not development and is or is not exempted development.

Location of Subject Site: 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow

Report from: Maria Harte, GP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the proposed erection of a shed/garden room (Option A)*" at 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details received with this Section 5 application (EX36/2026)
- ii. Sections 2(1), 3(1), and 4 (1) of the Planning and Development Act 2000(as amended).
- iii. Article 6, Article 9 and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The provision of shed/ garden room would consist of operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000 (as amended)
- 2) These works would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 3) The shed/ garden room which is indicated in the submitted map to be located to the side of the house, and will be finished to match the dwelling as set out in option A, would come within the description and limitations set out under Class 3, Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

Recommendation

The Planning Authority considers that "*the proposed erection of a shed/garden room (Option A)*" at 35 Carrig Beag, Ballynerrin, Wicklow Town, Co. Wicklow is development and is exempted development as recommended in the planning reports.

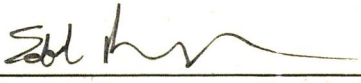
Signed: 

Date: 

ORDER:

I HEREBY DECLARE:

THAT "*the proposed erection of a shed/garden room (Option A)*" at 35 Carrig Beag, Ballynerrin, Wicklow Town, 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: 20/4/2026



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

Ref: EX36/2026
Name: Davie van der Zwart
Development: Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
RE: Garden Room
Location: 35 Carraig Beag, Ballynerrin, Wicklow. A67 AD61.



The Site: The site is elevated and located at the entrance of the small residential estate of *Carraig Beag* off the Hawkstown Road (L-1100-1), Wicklow. The dwelling on site is of red brick, black roof tiles with a first-floor balcony facing the public road; and bay windows to the side also facing the public road. There is off street parking to the front of the dwelling. The rear garden is occupied by a small shed (2.4m X 2.4m), the side garden is fenced off by a wooden fence with a trellis final.

Question: *Whether or not:*

The erection of a 3 X 4 sqm garden room/shed is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

WCC Planning History:

Subject site: There is no planning history associated specifically with subject site.

- EX 01/26** The Planning Authority consider that the proposed erection of a shed/ garden room is development and is NOT exempted as
- The shed structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, however as the shed structure will have a wood finish, this finish would not accord with the restriction on Class 3 as set out in Limitation No. 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.

Therefore, the shed/ garden room alteration would not come within the provisions of Class 3 Part 1 : Schedule 2

Overall development:

REF: 19/299

Applicant: Amazon Bay Ltd.

Development: alterations to the previous granted permission (Planning Register Reference 14/1666 & 19/14) and will consist of the following: relocation of units 11-20 to facilitate transfer of existing overhead powerlines to underground

Decision: Grant.

REF: 19/14

Applicant: Amazon Bay Ltd.

Development: Various alterations to elevations and plans of the 6 no primary house types encompassing numbers 1 - 35 Carraig Beag which was previously granted permission under planning register reference 14/1666

Decision: Grant.

REF: 14/1666

Applicant: Lusra Teo

Development: a residential housing development of 35 detached and semi-detached houses together with associated siteworks and services in accordance with plans

Decision: Grant.

Relevant legislation:

Planning and Development Act 2000 (as amended)

“habitable house” means a house which—

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use,

as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

“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:

3.— (1) In this Act, “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.

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;

(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.

(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 5**

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 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 1 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—

< See Regulations for List >

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.

Limitations

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.

Assessment:

The application seeks a declaration as to whether the shed constructed within the curtilage of 35 Carraig Beag, Ballynerrin, Wicklow Town, A67 AD61 is exempted development within the meaning of the Planning and Development Acts 2000 (as amended).

The applicant has submitted drawings which identifies that the proposed structure, a garden room, is 3m X 4m and less than 3m height (2.700m) plus the concrete base. No details on the height of the base have been provided however it is stated that the overall height will be less than 3m.

The garden room will be located on the side of the house (corner plot), facing the public realm. The proposed site is at the entrance to the development and is elevated. Currently the area has a high fence with trellis final to the side/front. The proposed structure will be at least 2m from the public pavement and the neighbouring boundaries. There is an existing garden shed to the rear of the dwelling measuring 2.4m X 2.4m. The remaining open space exceeds minimum requirements for residential amenity.



In the first instance it is considered that the construction of a shed/ garden room would come within the definition of works under the Planning and Development Act 2000 (as amended) and would therefore be development having regard to the provisions of Section 3 of that Act.

The relevant exemption is Schedule 2: Part 1: Class 3 with respect to the provision of extensions.

This exemption is for:

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.

1.	No such structure shall be constructed, erected or placed forward of the front wall of a house.	Structure indicated on submitted drawing to be proposed to side of dwelling and not 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 sqm.	Total structures on site do not exceed 25sqm.
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 sqm	Remaining open space exceeds 25sqm.
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.	The proposed structure Option A for exemption conforms with those of the house. With matching brick, slate & pitched roof.
5.	The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 m or, in any other case, 3 m.	The height of the structure will not exceed 3m.
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.	The structure will be used for the enjoyment of the house.

Limitations: The shed/ garden room would come within the description set out above.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether or not:

the proposed erection of a shed/garden room (Option A) at 35 Carraig Beag, Ballynerrin, Wicklow. A67 AD61, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the proposed erection of a shed/ garden room (Option A) at 35 Carraig Beag, Ballynerrin, Wicklow. A67 AD61, **is development** and **is exempted development**.

Main Considerations with respect to Section 5 Declaration:

- i. The details received with this Section 5 application (EX36/2026)
- ii. Sections 2(1), 3(1), and 4 (1) of the Planning and Development Act 2000(as amended).
- iii. Article 6, Article 9 and Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The provision of shed/ garden room would consist of operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000 (as amended)
- 2) These works would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 3) The shed/ garden room which is indicated in the submitted map to be located to the side of the house, and will be finished to match the dwelling as set out in option A, would come within the description and limitations set out under Class 3, Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended) and therefore **is exempted development**.

Maria Harte GP

Maria Harte (Graduate Planner)

Dated: 16/04/2026

John Cunningham

Agreed 16/4/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Maria Harte
Graduate Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE: - EX36/2026 - 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 16/03/2026. Along with FI received on 01/04/2026.

The due date on this declaration is the 21/04/2026.



**Staff Officer
Planning Development & Environment**

Nicola Fleming

From: dave van der zwart <davie.vanderzwardt@hotmail.com>
Sent: Wednesday 1 April 2026 18:05
To: Nicola Fleming
Subject: Re: Application for Certificate of Exemption – Section 96 (Planning & Development Act 2000)

**External Sender - From: (dave van der zwart
<davie.vanderzwardt@hotmail.com>)**

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Hi Nicola

Option 1 please.

The option of the garden house situated next to our house, with an apex roof and red bricks matching the finish of the house.

Thank you



On 1 Apr 2026, at 15:25, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:

A Chara,

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 16th March 2026; in order to fully assess the section 5 query, you are requested to advise which option you wish us to assess. We cannot assess both options under the one Section 5 query. If you wish us to assess both options you would need to make 2 separate applications.

Is mise, le meas,

Nicola Fleming

Oifigeach Foirne - Staff Officer

Pleanáil, Forbairt Eacnamaíochta & Tuaithe - Planning, Economic & Rural Development -

Comhairle Contae Chill Mhantáin, Halla an Chontae, Bóthar an Stáisiúin, Cill Mhantáin, A67 FW96

Wicklow County Council, County Building, Station Road, Wicklow Town, A67 FW96

Ph☎: +353 (0404) 20148 |

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

<image001.png>

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Is d'úsáid an duine/na ndaoine chuig a bhfuil sí seolta agus sin amháin atá an teachtaireacht seo. D'fhéadfadh go bhfuil faisnéis faoi phribhléid nó faoi rún de réir bhrí an dlí is infheidhme inti. Má fuair tú an ríomhphost seo de bharr earráide, téigh i dteagmháil leis an seoltóir chomh luath agus is féidir, le do thoil. Ní gá gurb ionann na dearcaí a léirítear sa ríomhphost seo agus dearcaí Comhairle Contae Chill Mhantáin. Tá aon iatáin seiceáilte ag scanóir víris agus dealraíonn sé go bhfuil siad glan. Bí cinnte go ndéanfaidh tusa scanáil ar gach teachtaireacht chomh maith, le do thoil, mar ní ghlacann an Chomhairle dliteanas ar bith i leith éilliú ná dámáiste do do chuid córas.

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Nicola Fleming

From: Nicola Fleming
Sent: Wednesday 1 April 2026 15:13
To: 'dave van der zwart'
Subject: RE: Application for Certificate of Exemption – Section 96 (Planning & Development Act 2000)

A Chara,

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 16th March 2026; in order to fully assess the section 5 query, you are requested to advise which option you wish us to assess. We cannot assess both options under the one Section 5 query. If you wish us to assess both options you would need to make 2 separate applications.

Is mise, le meas,

Nicola Fleming

Oifigeach Foirne - Staff Officer

Pleanáil, Forbairt Eacnamaíochta & Tuaithe - Planning, Economic & Rural Development -

Comhairle Contae Chill Mhantáin, Halla an Chontae, Bóthar an Stáisiúin, Cill Mhantáin, A67 FW96
Wicklow County Council, County Building, Station Road, Wicklow Town, A67 FW96

Ph☎: +353 (0404) 20148 |

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



Comhairle Chontae Chill Mhantáin
Wicklow County Council

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Maria Harte
Graduate Planner**

**FROM: Aoife Kinsella
Clerical Officer**

**RE: - EX36/2026 - 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 16/03/2026.

The due date on this declaration is the 12/04/2026.

Aoife Kinsella

**Clerical Officer
Planning Development & Environment**

Fi Request.

Needs to pick out, or submit

2 Section 5's.



SEP 01/04/2026.



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

Davie van der Zwart
35 Carraig beag
Ballynerrin
Wicklow Town
Wicklow
A67AD61

18th of March 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX36/2026

A Chara

I wish to acknowledge receipt on 16/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12/04/2026.

Mise, le meas

Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.*

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



Wicklow County Council
County Buildings
Wicklow
0404-20100

16/03/2026 14:27:36

Receipt No L1/0/360622

DAVIE VAN DER ZWART
35 CARRAIG BEAG
BALLYNERRIN
WICKLOW
A67 AD61

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By VANESSA PORTER
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Nicola Fleming

From: dave van der zwart
Sent: Monday 16 March 2026 13:43
To: Nicola Fleming
Subject: Re: Application for Certificate of Exemption – Section 96 (Planning & Development Act 2000)
Attachments: map carraig beag red brick garden house.jpg; map carraig beag.jpg; red brick garden house.jpg; Section 5 application_2018 correct.docx; Supporting Statement.docx; SUSSEX_ANTIQUE_STOCK-min.jpg; garden house rear.jpg; hedge March 2026.jpg; map carraig beag rear garden.jpg

External Sender - From: (dave van der zwart

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Dear Nicola

Apologies, I didn't realize.

Thank you for the very quick response.

Please find the following attached:

- Section 5 Request Declaration (written submission)
- Supporting Statement in respect of the Section 5 Declaration Request
- Site Location Map showing the subject property at 35 Carraig Beag, Ballynerrin, Wicklow Town (outlined in red)
- Site Layout Plan – Option A, showing the proposed location of the red brick garden room to the side of the dwelling, with the property boundary outlined in red
- Site Layout Plan – Option B, showing the proposed location of the garden room within the rear garden, with the property boundary outlined in red
- Photographs / illustrative images of proposed garden room – Option A (red brick finish)
- Photographs / illustrative images of proposed garden room – Option B (rear garden orientation)
- Photograph of existing boundary hedge (March 2026)
- Photograph / reference image of proposed red brick external finish

I can pay the fee over the phone if all is correct, thank you.

Kind regards

Davie van der Zwart
35 carraig beag
Ballynerrin
A67ad61
Wicklow town

Wicklow

0851165622

From: Nicola Fleming <NFleming@wicklowcoco.ie>
Sent: Monday, March 16, 2026 9:50 AM
To: dave van der zwart
Subject: RE: Application for Certificate of Exemption – Section 96 (Planning & Development Act 2000)

Dave you have used the incorrect form I have attached the correct form for you.

From: dave van der zwart <
Sent: Sunday 15 March 2026 12:49
To: Nicola Fleming <NFleming@wicklowcoco.ie>
Subject: Re: Application for Certificate of Exemption – Section 96 (Planning & Development Act 2000)

External Sender - From: (dave van der zwart

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Hi Nicola

How are you?

I would like to submit a new exemption request please.
This time for 2 options please, but only 1 option will be build (if of course reviewed and approved).
Is this okay, may I submit 2 options in 1 request?

The last time the exemption request (CE/PERD2026/117) was denied with the following reason:

The objections of the city council read: The shed structure would come within the description set out under class 3 of Part 1 of schedule 2 to the planning and development regulations, 2001, however as the shed structure will have a wood finish, this finish would not accord with the restriction on class 3 as set out in limitation No.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 those of the house"

I understand the concerns and I have hopefully addressed these with this new exemption request.

The vendor [Ecohouse.ie](#) sells garden rooms, which can be fully customized and finished in the same finish as our house (walls and roof).

Please find the following attachments please:

- Exemption request application (Word document)

Supporting Statement

Section 5 Declaration Request

35 Carraig Beag, Ballynerrin, Wicklow Town

1. Purpose of Request

This statement is submitted in support of a request for a **Section 5 Declaration** under the Planning and Development Act 2000 (as amended), to determine whether the proposed construction of a detached garden room within the curtilage of the dwelling house constitutes development and, if so, whether such development is exempted development.

The proposed garden room is intended for **purposes incidental to the enjoyment of the dwelling house**, including storage and hobby use.

Two alternative design options (Option A and Option B) are presented for consideration. **Only one of the two options would be constructed**, subject to confirmation that the option constitutes exempted development.

2. Background and Previous Determination

A previous request for a **declaration in respect of exempted development** was refused under **Chief Executive's Order No. CE/PERD2026/117**.

The refusal stated that, while the proposed shed structure would come within the description set out under **Schedule 2, Part 1, Class 3** of the Planning and Development Regulations 2001 (as amended), it did not comply with **Limitation No. 4**, which requires that:

"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."

The current proposals have been revised specifically to address this issue.

3. Description of Proposed Development

Option A (Plan A)

- **Dimensions:** 3 metres × 4 metres
- **Location:** To the side of the dwelling, within the curtilage and at least 2 metres from all property boundaries
- **Use:** Incidental to the enjoyment of the dwelling house (storage / hobby use), not used for living accommodation
- **External finish:** Red brick finish to match the existing dwelling house

- **Roof:** Apex roof with slate finish, matching the dwelling
- **Maximum height:** Approximately 4 metres
- **Alignment:** Rear of the garden room aligns with the front elevation of the dwelling

Option B (Plan B)

- **Dimensions:** 3 metres × 5 metres
- **Location:** Within the rear garden, fully behind the dwelling and at least 2 metres from all property boundaries. The front elevation faces the rear of the dwelling.
- **Use:** Incidental to the enjoyment of the dwelling house, not used for living accommodation
- **External finish:**
 - Road-facing elevation finished in red brick to match the dwelling
 - Remaining elevations rendered in white, matching the rear of the house
- **Roof:** Flat roof
- **Maximum height:** Approximately 3 metres
- **Note:** This option would replace an existing shed measuring approximately 5.376 m²

4. External Finishes

Both options have been designed so that the **external finishes and roof materials conform with those of the existing dwelling**, thereby addressing the limitation cited in the previous refusal.

Reference photographs and illustrative images of the proposed red brick finish and roofing materials are submitted.

5. Site Context and Screening

The total rear garden area is approximately **250–300 m²**.

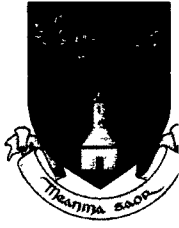
An existing boundary hedge, planted in June 2024, runs along the edge of the property and has continued to mature. This hedge will provide additional screening to either option. A photograph taken in **March 2026** is included.

6. Floor Area Compliance

Including the existing and proposed structures, the total combined floor area of outbuildings within the curtilage will remain **well below the maximum of 25 m²** permitted under **Schedule 2, Part 1, Class 3** of the Planning and Development Regulations.

7. Neighbour Consultation

All immediate neighbours were consulted regarding the proposals, and **no objections were raised.**



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

Office Use Only

Date Received _____

Fee Received _____

RECEIVED
16 MAR 2026

**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: Davie van der Zwart
Address of applicant: 35 Carraig beag, Ballynerrin, Wicklow Town, wocklow,
A67AD61

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 : N/A

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

3. Declaration Details

- i. Location of Development subject of Declaration_ 35 Carraig beag, Ballynerrin,
Wicklow Town, wocklow, A67AD61

- 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
Additional details may be submitted by way of separate submission.
The question arises as to whether the construction of a detached single-storey garden room, to be used for purposes incidental to the enjoyment of the dwelling house, within the curtilage of the dwelling at 35 Carraig Beag, Ballynerrin, Wicklow Town, constitutes development and, if so, whether such development is exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).
The request for a declaration relates to two alternative design options (Option A and Option B), of which only one option would be constructed, and a determination is sought as to whether either option, or both options, would constitute exempted development.
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Section 3 and Section 4 of the Planning and Development Act 2000 (as amended); Article 9(1)(a) and Schedule 2, Part 1, Class 3 (including Limitation No. 4) of the Planning and Development Regulations 2001 (as amended).
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 – the proposed development does not relate to a Protected Structure and is not located within the curtilage of a Protected Structure or proposed Protected Structure.

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

- Section 5 Request Declaration (written submission)
- Supporting Statement in respect of the Section 5 Declaration Request
- Site Location Map showing the subject property at 35 Carraig Beag, Ballynerrin, Wicklow Town (outlined in red)
- Site Layout Plan – Option A, showing the proposed location of the red brick garden room to the side of the dwelling, with the property boundary outlined in red
- Site Layout Plan – Option B, showing the proposed location of the garden room within the rear garden, with the property boundary outlined in red
- Photographs / illustrative images of proposed garden room – Option A (red brick finish)
- Photographs / illustrative images of proposed garden room – Option B (rear garden orientation)
- Photograph of existing boundary hedge (March 2026)
- Photograph / reference image of proposed red brick external finish

viii. Fee of € 80 Attached ? can pay over the phone



Signed :

Dated : March 16 2026

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.

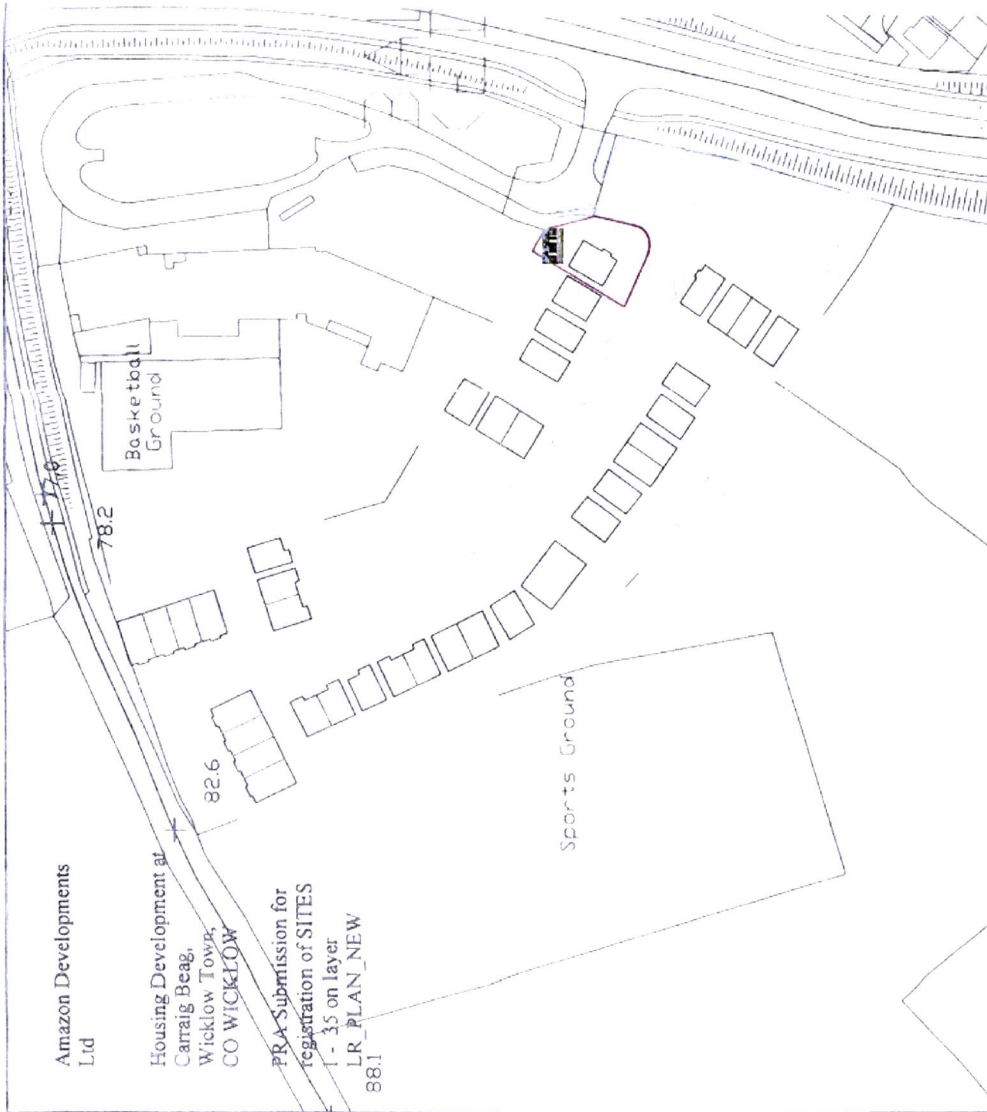
B. Land Reclamation -

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.



Amazon Developments
Ltd

Housing Development at
Carrig Beag,
Wicklow Town,
CO WICKLOW

PR - Submission for
Registration of SITES
1 - 35 on layer
LR_PLAN_NEW
88.1

Amazon Developments
Ltd

Housing Development at
Carrig Beag,
Wicklow Town,
CO WICKLOW

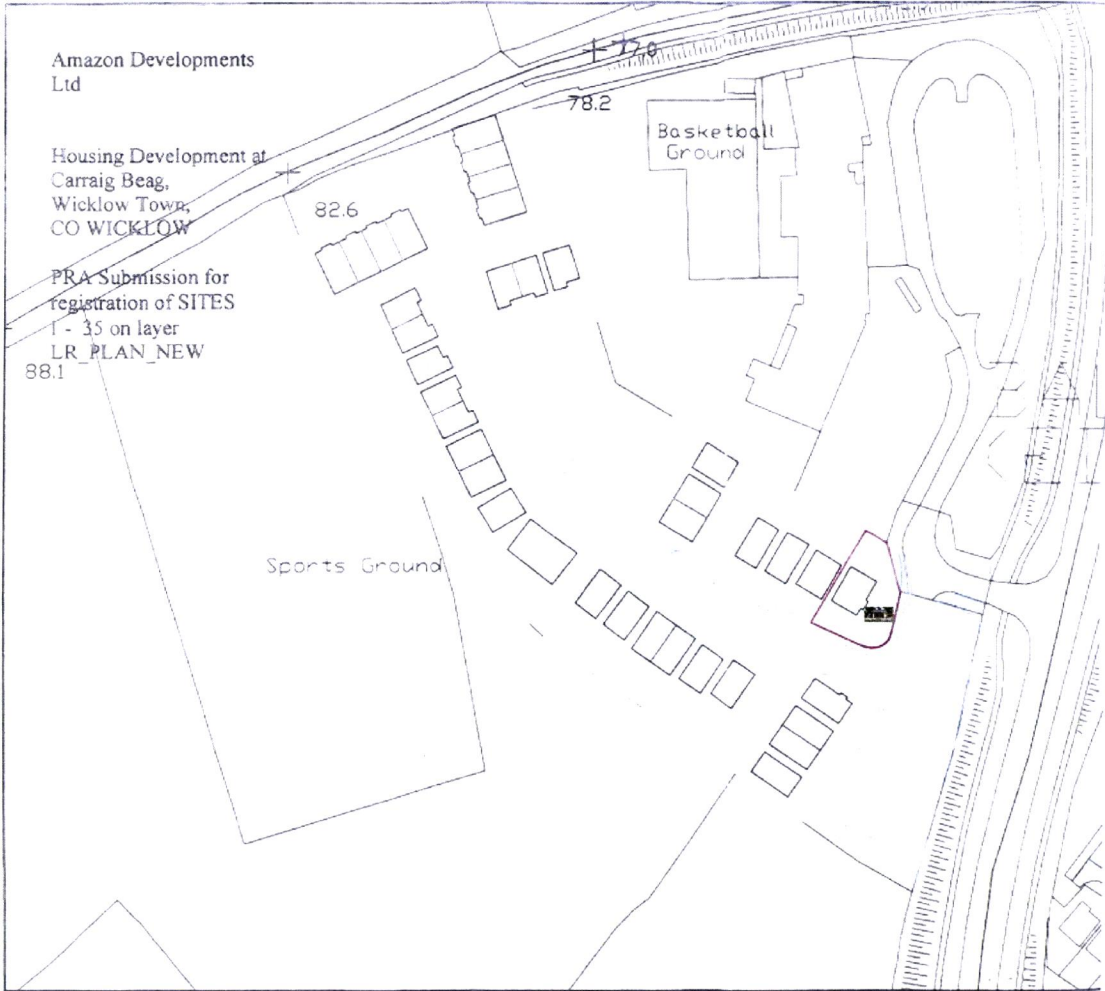
PRA Submission for
registration of SITES
1 - 35 on layer
LR_PLAN_NEW
88.1

82.6

78.2

Basketball
Ground

Sports Ground



Amazon Developments
Ltd

Housing Development at
Carraig Beag,
Wicklow Town,
CO WICKLOW

PRA Submission for
registration of SITES
1 - 35 on layer
LR_PLAN_NEW
88.1









