

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 1691/2022

Reference Number: EX 52/2022

Name of Applicant: The Church of the Nazarene (Ireland) CLG

Nature of Application: Section 5 Referral as to whether "The placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is or is not exempted development.

Location of Subject Site: Burnaby Lawns, Greystones, Co Wicklow

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "The placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details submitted under Section 5 Declaration on 20/09/2022.
- Sections 2(1) & 3(1) of the Planning & Development Act 2000.
- Articles 5(2), 6(1) & 9(1) of the Planning & Development Regulations 2001 (as amended).
- Schedule 2, Pt.1 Class 15 of the Planning & Development Regulations 2001 (as amended).
- The Planning history of the site.
- Site Inspection carried out on 30/09/2022.

Main Reasons with respect to Section 5 Declaration:

1. No exemption category exists under the Planning & Development Act 2000, (as amended) or the Planning & Development Regulations 2001 (as amended) for the proposed development.

Recommendation

In accordance with the report received from Solomon Aroboto EP & Fergal Keogh SEP, The Planning Authority considers that "The placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is development but is not exempted development

Signed C Canterbury

Dated 17 day of October 2022

ORDER:

That a declaration to issue stating:

That the placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is development but is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:

[Signature]
Director of Services
Planning Development & Environment

Dated 17 day of October 2022



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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

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

Applicant: The Church of the Nazarene (Ireland) CLG

Location: Burnaby Lawns, Greystones, Co Wicklow

DIRECTOR OF SERVICES ORDER NO.

A question has arisen as to whether whether "The placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is or is not exempted development.

Having regard to:


- The details submitted under Section 5 Declaration on 20/09/2022.
- Sections 2(1) & 3(1) of the Planning & Development Act 2000.
- Articles 5(2), 6(1) & 9(1) of the Planning & Development Regulations 2001 (as amended).
- Schedule 2, Pt.1 Class 15 of the Planning & Development Regulations 2001 (as amended).
- The Planning history of the site.
- Site Inspection carried out on 30/09/2022.

Main Reasons with respect to Section 5 Declaration:

1. No exemption category exists under the Planning & Development Act 2000, (as amended) or the Planning & Development Regulations 2001 (as amended) for the proposed development.

The Planning Authority considers that "The placing on site of two porta-cabins, for use ancillary to an existing church at Burnaby Lawns, Greystones, Co Wicklow" is development but is not exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 11 October 2022





Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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The Church of the Nazarene (Ireland) CLG
Burnaby Lawns
Greystones
Co Wicklow
A63 YD27

17 October 2022

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

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

Exemption Ref. No: EX 52/2022

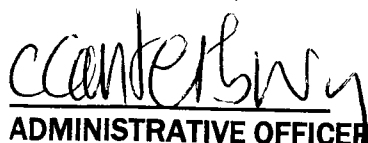
Applicant: The Church of the Nazarene (Ireland) CLG

Nature of Application: "The placing on site of two porta-cabins, for use
ancillary to an existing church at Burnaby Lawns,
Greystones, Co Wicklow"

Location: Burnaby Lawns, Greystones, Co Wicklow"

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

PP PLANNING DEVELOPMENT & ENVIRONMENT.



Report for – Section 5 declaration

File Reference: Ex 52/2022
Applicant's Name: Church of the Nazarene
Address: Burnaby Lawns, Greystones, Co. Wicklow
Description: Temporary use of two portacabins as classrooms for community use.
Date of site visit 10/10/22

Section 5 Referral

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

The temporary use (2 years) of two porta-cabins as classrooms for community use, Burnaby Lawns, Greystones, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

Planning History

14/1382 – Permission was granted for extension and alteration of the existing church building to provide purpose built meeting space along with ancillary accommodation including: kitchen, crèche room, office, storage, sanitary conveniences and general purpose room along with associated site works

98/ 8379 - Church of the Nazarene - Alterations from timber to UPVC windows & screens to previously approved Christian Church Community Building – Grant

97/ 6147 (PL27.103549) - Church of the Nazarene (Irl.)- Permission was granted for Christian church community building with car parking and ancillary works

Relevant Legislation

Planning and Development Act 2000 as amended Section 2(1)

“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal

“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,

Section 3(1) of the Planning and Development Act 2000 as amended defined a development as follows: -

“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.

The Planning and Development Regulation 2001 as amended

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 2 opposite the mention of that class in the said column 1.

Article 9 (1) - *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—

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in permission under the Act,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

Planning and Development Regulations 2001 as amended: *Schedule 2, Pt.1 Class 15, states that the following constitutes exempted development:*

CLASS 15


Temporary structures and uses

Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction

Conditions and Limitations

None

Assessment

The issue is to determine whether the temporary use of two porta-cabins as classrooms for  community use, at Burnaby Lawns, Greystones, Co. Wicklow, is or is not exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The site is located within the built-up part Greystones. Existing on site is a church building, 2 no porta-cabin and large open space. The porta-cabins are located to side of the church building raised above the ground by metal and block.

It is stated that the porta-cabins are ancillary to the church building and used for children and youth activities.

They measure,

- Porta-cabin 1 – 27sqm in floor area
- Porta-cabin 2- 18qm in floor area

The total floor area would now be 45sqm.

Having regard to the definition of development in Section 3 of the Planning and Development Act 2000 (as Amended), it is considered that the temporary use of two porta-cabins as classrooms for church/community use is development.

The next question therefore is to ask is whether the,

Location and use of porta-cabins to provide additional space for church activities on church lands is or is not exempted development. 11(4)

The applicant states they consider the proposed development comes under Schedule 2, Pt.1 Class 15, of the Planning and Development Regulations 2001 (as amended).

Class 15-

Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction

Firstly, from examining the planning history of the site, it is noted that when permission granted for the existing church building on site, the permission did not include the location of and use of the porta-cabins on site. It is my opinion, that the structures referred to in Class 15 are firstly authorised and the exemption refers to the occasional change of the use of the such buildings. It is not construction, location or placement of such buildings that is exempted development.

In addition, from examining the planning legislation, it is noted that no exemption provision exists for the location and use of a separate structure /porta-cabin on site as ancillary classroom space to a church structure on site. 11(4)

I also note that the temporary use of porta-cabins as rooms for community use on site does not come within any exemption provisions in the Planning Legislations.

From the foregoing, it is considered that the temporary use of two porta-cabins as classrooms for community use, would not come within the meaning of exempted development described in Schedule 2, Pt.1 Class 15 of the Planning and Development Regulations 2001 (as amended) on the planning legislation.

Conclusion

On basis on the above assessment, it is considered that, the

11(4) The description of the use should be consistent throughout. This should be reflected in the Declaration

Z

Temporary use of two porta-cabins as classrooms for community use, at Burnaby Lawns, Greystones, Co. Wicklow is development but is not exempted development.

Recommendation

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

placing on site
The ~~temporary~~ use of two porta-cabins ~~as classrooms for community use~~, at Burnaby Lawns, Greystones, Co. Wicklow is development but is not exempted development ~~or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).~~ *for use existing to an existing church*

The Planning Authority considers that, the:

the placing on site
Temporary use of two porta-cabins ~~as classrooms for community use~~ is development but is not exempted development. *for use existing to an existing church*

Main Considerations with respect to Section 5 Declaration:

- The details submitted under Section 5 Declaration on 20/09/22
- Sections 2(1) and 3(1), of the Planning and Development Act 2000 (as amended)
- Articles 5(2), 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended
- Schedule 2, Pt.1 Class 15 of the Planning and Development Regulations 2001(as amended)
- The Planning History of the site
- Site inspection carried out on 30/09/22

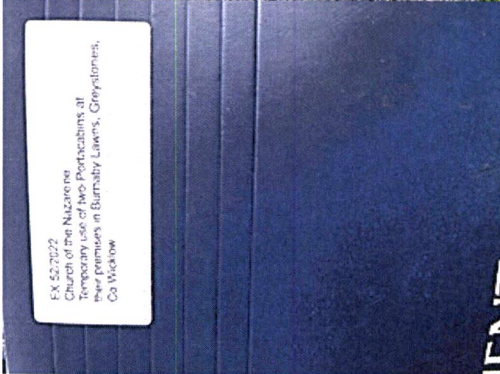
Main Reasons with respect to Section 5 Declaration:

- 1) *category*
No exemption exists under the P&D Act 2000, as amended. *as needed in the P&D Regs 2001 as amended for the proposed development*
- The existing two porta-cabins on site are unauthorised development and no exemption exists for the location/use of same on site.
- The temporary use of two porta-cabins as classrooms for community use would not come within the exemption provision under Schedule 2, Pt.1 Class 15 of the Planning and Development Regulations 2001 (as amended).

Solomon Aroboto E/P
10/10/22

Noted. While it is not readily clear/obvious whether the SS relates to more than "use" I consider that a full examination of the submitted documents requires the SS request to be re-written as detailed above to include both words, i.e. the placement of portacabins on site and use. I agree with the recommendation of development but not exempted development.

Ag'd T-Moy L
14/10/22



MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Solomon Aroboto
Executive Planner**

**FROM: Crystal White
Assistant Staff Officer**

**RE:- EX 52/2022 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Church of the Nazarene Temporary use of two Porta Cabins at their
premises at Burnaby Lawns, Greystones, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration
received 20th of September 2022.

The due date on this declaration is the 17th October 2022.



**Senior Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Suíomh / Website: www.wicklow.ie

20/09/2022

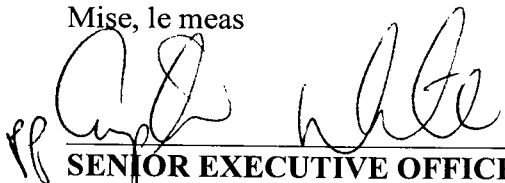
Church of Nazarene
Burnaby Lawns
Greystones
Co Wicklow
A63 YD27

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 52/2022
Temporary use of two Porta cabins at their premises in Burnaby Lawns, Greystones, Co Wicklow.

A Chara

I wish to acknowledge receipt on the 20th of September 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 17/10/2022.

Mise, le meas



SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
WICKLOW
0404 20100

28/09/2022 14:36:58

Receipt No L1C/0/60385

CHURCH OF THE NAZARENE
BURNABY LAWN
GREYSTONES
CO WICKLOW

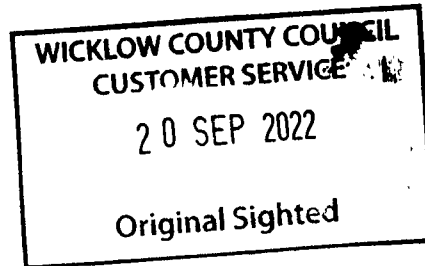
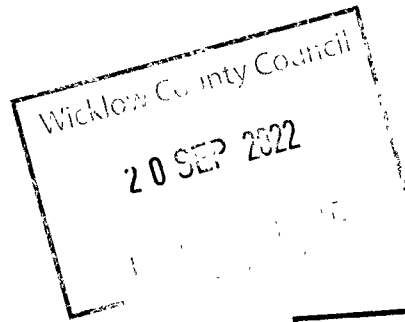
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00

Change	0.00
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Issued By Charlie Redmond
From Customer Service Hub L1C
Vat reg No 0015233H



Planning Authority
Wicklow County Council
Wicklow Town

Sept 19th, 2022

To Whom It May Concern,

Please find enclosed our application for a Declaration of Exemption in relation to two temporary spaces on our premises in Burnaby Lawns in Greystones.

In addition to the multiple community activities we run ourselves, we have 9 other community groups using our building every week. The temporary use (24 months) of portacabins will provide us with some much-needed additional space for activities related to children and youth.

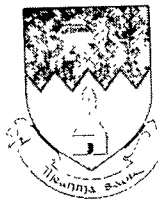
Payment of €80.00 was made over the phone today, Sept 19th 2022.

If you have any questions, please be touch.

We hope for a favourable response so we can initiate these activities.

Yours faithfully,

Rev. Tim Bowen-Evans
086 4040 440



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: The Church of the Nazarene (Ireland) CLG
- Address of applicant: Burnaby Lawns, Greystones, Co. Wicklow, A63 YD27

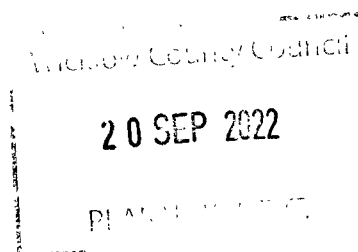
Note Phone number and email to be filled in on separate page.

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: On Church of the Nazarene
Ireland premises in Burnaby Lawns, Greystones. Eircode: A63 YD27

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 _____

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 As a church and charitable
organization that houses numerous communities programs and activities, we
require additional classroom and working spaces for the next 24 months.
As per Section 5 of the Planning Regulations, it is our understanding
that religious organisations are exempt from requiring planning permission
for temporary structures that further our activities and aims. The purpose of
this application is to secure confirmation in writing from the Planning
Authority that we are indeed exempt.

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: As per regulations related to
Class 15 on page 160 in Planning Regulations (2001), "Occasional use for social
or recreational purposes of any school, hall, club, art gallery, museum, library,
gymnasium or any structure normally used for public worship or religious

instruction" are exempt from requiring planning permission. Source:
<https://www.wicklow.ie/Portals/0/Documents/Planning/Planning%20Applications/Exempted-Development/Part%201%20-%20Planning%20Regulations%202001.pdf> – pg 160

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 i) Site map ii) site map with portacabin locations highlighted iii) images of portacabins and iv) portacabin dimensions and specifications.

viii. Fee of € 80 Attached ? Yes

Signed : Tina Evans Dated : 19/9/22

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.



Application for Planning Exemption

Church of the Nazarene
(Ireland) CLG

Burnaby Lawns
Greystones
Co. Wicklow
A63 YD27

Charity Registration No: CHY 11239
Company Registration No: 239235
Registered Charity No: 20030039

Proposed Temporary Structures to be Exempt from Planning under Section 5 of Planning Regulations

One 9m x 3m Portacabin for Children's work and Sunday School

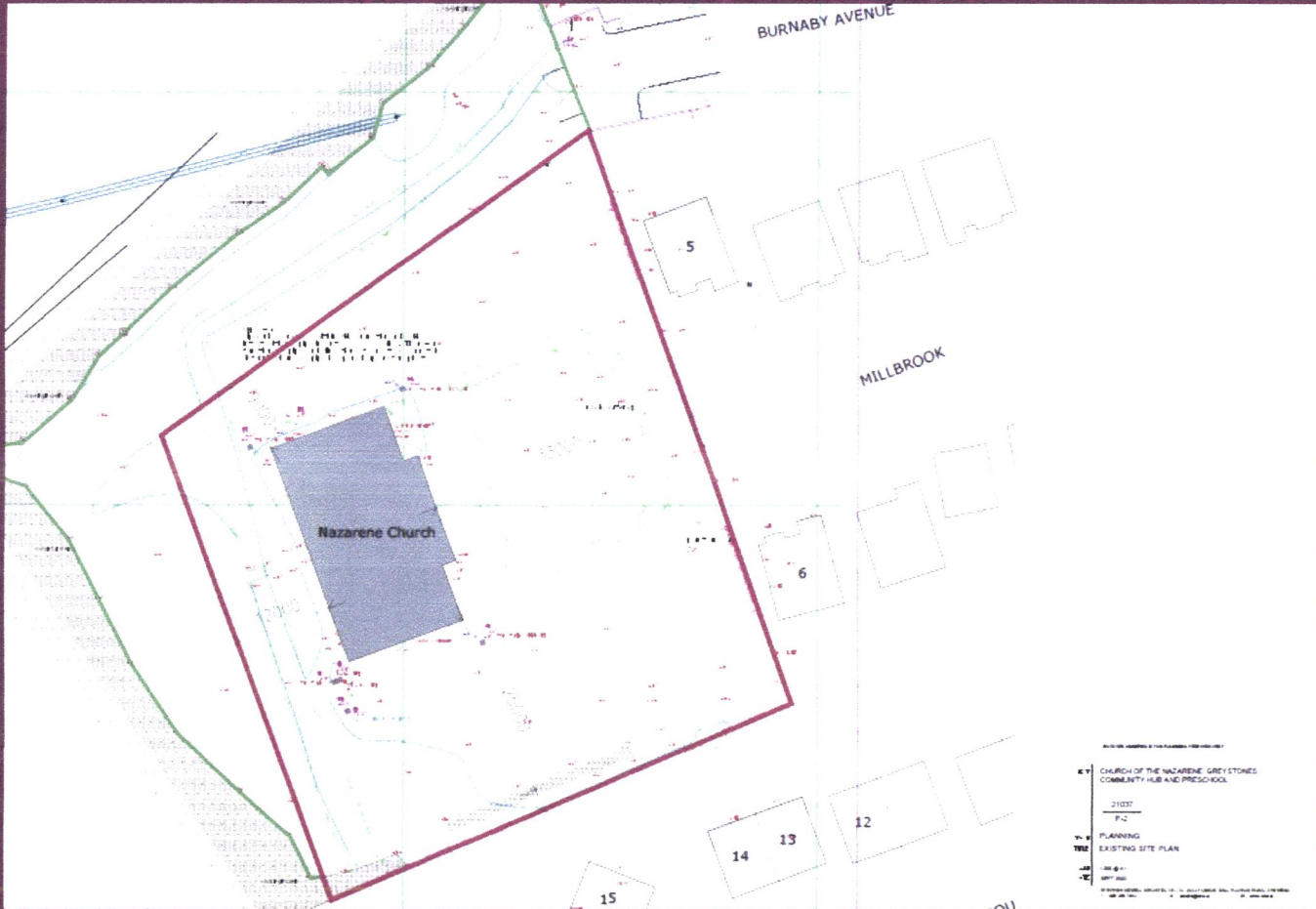
One 6m x 3m Portacabin for Children's work and youth work

Contact: Rev. Tim Bowen-Evans

086 4040 440

Timothyrossevans@gmail.com

Site Map



Site Map with proposed temporary structures

(portacabins not to scale)



Cabin Details

- Brand new
- Fully electric, including heaters, lights and sockets
- Laminate floor
- 30-minute plaster (fire reg)



Background

- These two temporary structures will provide much needed additional space for child-focused activities and youth work.
- They will also provide some additional working spaces
- Only electricity connection required, no plumbing or sewerage works involved