



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Caitriona O'Connor,
2 Somerton,
Upper Dargle Road,
Bray,
Co. Wicklow,
A98 HE43

30TH of September 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX110/2026**

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,

pp Deanne Byrne
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Caitriona O'Connor

Location: 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43

Reference Number: EX110/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1190

A question has arisen as to whether "*use of part of existing dwelling as a speech and language therapy practice*" at 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43 is or is not exempted development.

Having regard to:

- (a) sections 2(1), 3(1), and 4(1)(j) of the Planning and Development Act, 2000, as amended
- (b) The details submitted in the Section 5 Application, in particular the scale and nature of the use carried on therein, including the sole operation by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment only, and
- (c) the absence signage at the property and any external works:

Main Reasons with respect to Section 5 Declaration:

- a) The limited scale of the use, lack of modifications to the dwelling to allow the sole operation of a speech and language therapy clinic by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment,
- b) the change of use given its limited / minor nature would not give rise to any additional traffic or noise, would not alter the character of the existing dwelling and therefore the change of use is not considered to result in the change of use being material, and is therefore not development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that is development and is exempted development at 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43

Signed: Deanne Byrne

pp ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 29/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1190

Reference Number: EX110/2026

Name of Applicant: Caitriona O'Connor

Nature of Application: Section 5 Referral as to whether "*use of part of existing dwelling as a speech and language therapy practice*" is or is not development and is or is not exempted development.

Location of Subject Site: 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43

Report from: Neal Murphy E.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*use of part of existing dwelling as a speech and language therapy practice*" at 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (a) sections 2(1), 3(1), and 4(1)(j) of the Planning and Development Act, 2000, as amended
- (b) The details submitted in the Section 5 Application, in particular the scale and nature of the use carried on therein, including the sole operation by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment only, and
- (c) the absence signage at the property and any external works:

Main Reasons with respect to Section 5 Declaration:

- a) The limited scale of the use, lack of modifications to the dwelling to allow the sole operation of a speech and language therapy clinic by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment,
- b) the change of use given its limited / minor nature would not give rise to any additional traffic or noise, would not alter the character of the existing dwelling and therefore the change of use is not considered to result in the change of use being material, and is therefore not development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that *"use of part of existing dwelling as a speech and language therapy practice"* is development and is exempted development at 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43 as recommended in the planning reports.

Signed: Deanne Byrne

Date: 29/09/2026

ORDER:

I HEREBY DECLARE: That *"use of part of existing dwelling as a speech and language therapy practice"* is development and is exempted development at 2 Somerton, Upper Dargle Road, Bray, Co. Wicklow, A98 HE43 within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Stella Bannigan

T/Senior Planner

Planning, Economic & Rural Development

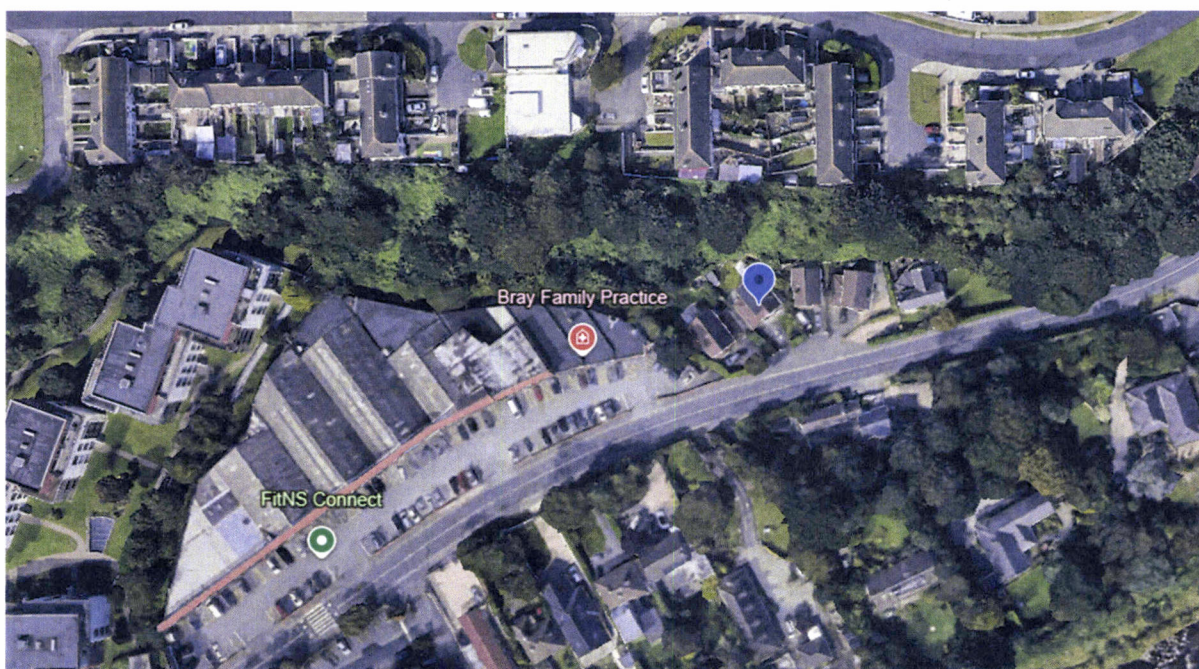
Date: 29/9/2026



WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

TO: Edel Bermingham T/SP, Patrice Ryan
FROM: Neal Murphy EP
REF: EX 110/2026
DUE DATE: 06/10/2026
APPLICANT: CAITRIONA O'CONNOR
LOCATION: 2 SOMERTON, UPPER DARGLE ROAD, BRAY, A98 HE43
DEVELOPMENT: USE OF PART OF EXISTING DWELLING AS A SPEECH AND LANGUAGE THERAPY PRACTICE



Site Location and Description

The subject site is located at Somerton, a development of four detached dwellings on the Upper Dargle Road in Bray. The site contains a detached, two storey dwelling with off street parking to the front.

Question

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

- *I wish to obtain a Section 5 Declaration as to whether the proposed use of part of my private dwelling as a private Speech and Language Therapy practice constitutes development and/or exempted development under the Planning and Development Act 2000 and the Planning and Development Regulations 2001 (as amended).*

Relevant Planning History

None

Zoning

Bray Municipal District Local Area Plan 2018

RE: Existing Residential

Relevant legislation

Planning and Development Act 2000 (as amended)

Section 2

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

(a) where the context so admits, includes the land on, in or under which the structure is situate,

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon

"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;

Section 3

3.—

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

means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act and includes (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

Planning and Development Regulations 2001(as amended).

Schedule 2: Part 1 Exempted Development – General

Change of Use:

10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Under schedule 2 Part 1 Exempted development general Class 14 change of use there are no exemptions for change of use for residential to speech and language therapy practice.

Details Submitted in support of Application

The applicant submitted the following in support of their application:

- Site Location Map x 2
- Speech and Language Therapist Registration details

Assessment

The Section 5 application seeks a declaration as to whether the use of part of the existing dwelling for a speech and language therapy practice is or is not development or is or is not exempted development.

In this case, as there are no works involved, in order to ascertain whether or not development has taken place, it must be established whether or not there has been a material change of use in the structure that being a dwelling house.

In Browne, Simons on Planning Law at chapter 2-37 to 2-38¹, it is stated that:

"in order for there to be a material change in use two conditions must be satisfied: first, there must be an actual change in use; the act of development is the change, not the use itself. Secondly, the change must be material, that is material for planning purposes"

"It is the second of these two requirements, namely that the change be material, which has given rise to the greatest difficulty. There would appear to be two schools of thought, as follows. The first is to consider whether or not the character of the existing use of the land will be substantially altered by the proposed change: it is the change from use A to use B which is important. The second approach is to examine the materiality of the proposed change as it impacts on the proper planning and sustainable development of the adjoining area".

The details submitted outline the proposal will consist of limited use of part of an existing dwelling to be used as a Speech and Language Therapy practice. The applicant has stated that the proposed use would be from the applicants home on a part-time basis, two mornings per week. This would be an appointment only service, with one client attending at any one time. The maximum number of clients would be six per week.

The applicant further states that there will be no alterations or extensions to the dwelling and that the property will continue to be their private residence and the applicant would be using their existing home office as a therapy room which is on the ground floor of the house. Clients' attendance would be by appointment and would be provided with parking within the existing driveway. No additional amendments to the parking arrangement are proposed.

Accordingly, while the provision of a speech and language therapy practice constitutes a change of use within the dwelling house, it is not considered to be material, having regard to the nature, scale and degree of the proposed use as summarised in the above points and it is considered that the overall character of the house remains as residential. The character of the existing use of the land will not be substantially altered by the proposed change.

Having regard to the limited scale, restricted daytime working hours and pre-arranged appointments, the use as a speech and language therapy practice avoids material traffic and parking impacts and noise impacts and therefore will not impact on the amenity of the area. I consider the activities, amount to an incidental use to the residential use of the dwelling house and not to be of a scale that converts the single residential use into a multifactorial use.

With the above noted, I conclude that that the use in its ancillary purpose, nature and degree is not 'development' as defined in section 2 of the Act. As it is not 'development' the provisions for exempted development do not therefore apply.

¹ Browne, Simons on Planning Law, 3rd edn, 2021 chapter 2-37 to 2-38

Recommendation

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

The limited use of part of an existing dwelling to be used as a speech and language therapy practice at 2 Somerton, Upper Dargle Road, Bray,

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

The Planning Authority consider that the limited use of part of an existing dwelling to be used as a speech and language therapy clinic is **NOT Development**.

Main Considerations with respect to Section 5 Declaration:

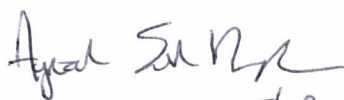
- (a) sections 2(1), 3(1), and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) The details submitted in the Section 5 Application, in particular the scale and nature of the use carried on therein, including the sole operation by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment only, and
- (c) the absence signage at the property and any external works:

Main Reasons with respect to Section 5 Declaration

- a) The limited scale of the use, lack of modifications to the dwelling to allow the sole operation of a speech and language therapy clinic by a single resident, absence of employees and the restricted and controlled access to the premises by people attending the practice by appointment,
- b) the change of use given its limited / minor nature would not give rise to any additional traffic or noise, would not alter the character of the existing dwelling and therefore the change of use is not considered to result in the change of use being material, and is therefore not development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended).



Neal Murphy
Executive Planner
28/09/2026



TSR
28/9/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Neal Murphy
Executive Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX110/2026 - 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 09/09/2026.

The due date on this declaration is the **06/10/2026**.

Joanne Byrne

A/ Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Caitriona O'Connor,
2 Somerton,
Upper Dargle Road,
Bray,
Co. Wicklow,
A98HE43

9th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX110/2026

A Chara

I wish to acknowledge receipt on 09/09/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/10/2026.

Mise, le meas

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

09/09/2026 11 17 04

Receipt No L1/0/369457
***** REPRINT *****

CAITRIONA OCONNOR
2 SOMERTON
UPPER DARGLE ROAD
BRAY
CO WICKLOW
A98 HE43

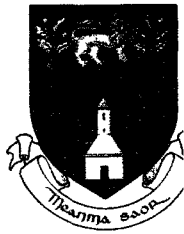
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Postal Order	80 00

Change	0 00
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WICKLOW COUNTY COUNCIL
CUSTOMER SERVICE

- 9 SEP 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: _____ Caitriona O'Connor _____

Address of applicant: _____ 2 Somerton, Upper Dargle Road, Bray A98He43 _____

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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

3. Declaration Details

WICKLOW COUNTY COUNCIL
09 SEP 2026
PLANNING DEPT.

- i. Location of Development subject of Declaration _____
Home address as detailed above

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 _____

I wish to obtain a Section 5 Declaration as to whether the proposed use of part of my private dwelling as a private Speech and Language Therapy practice constitutes development and/or exempted development under the Planning and Development Act 2000 and the Planning and Development Regulations 2001 (as amended).

The proposed use would involve providing Speech and Language Therapy to children from my home on a part-time basis, two mornings per week. This would be an appointment only service, with one client attending at any one time. The maximum number of clients that I would see in a week would be 6.

No structural alterations or extensions to the dwelling are proposed. The property would continue to be used as my private residence. I propose to use our home office as a therapy room, which is a room on the ground floor of the house. Clients would access the therapy room by appointment and would be provided with parking within the existing driveway. No additional parking or access arrangements are proposed.

I therefore seek a declaration as to whether the above proposed use requires planning permission/change of use permission, or whether it constitutes exempted development.

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 _____

- Article 10 of the Planning and Development Regulations 2001, as amended, concerning changes of use.

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 _____

House location map, CORU registration details

viii. Fee of € 80 Attached ? yes

Signed : CO'G Dated : 08/09/26

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

dwelling/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.

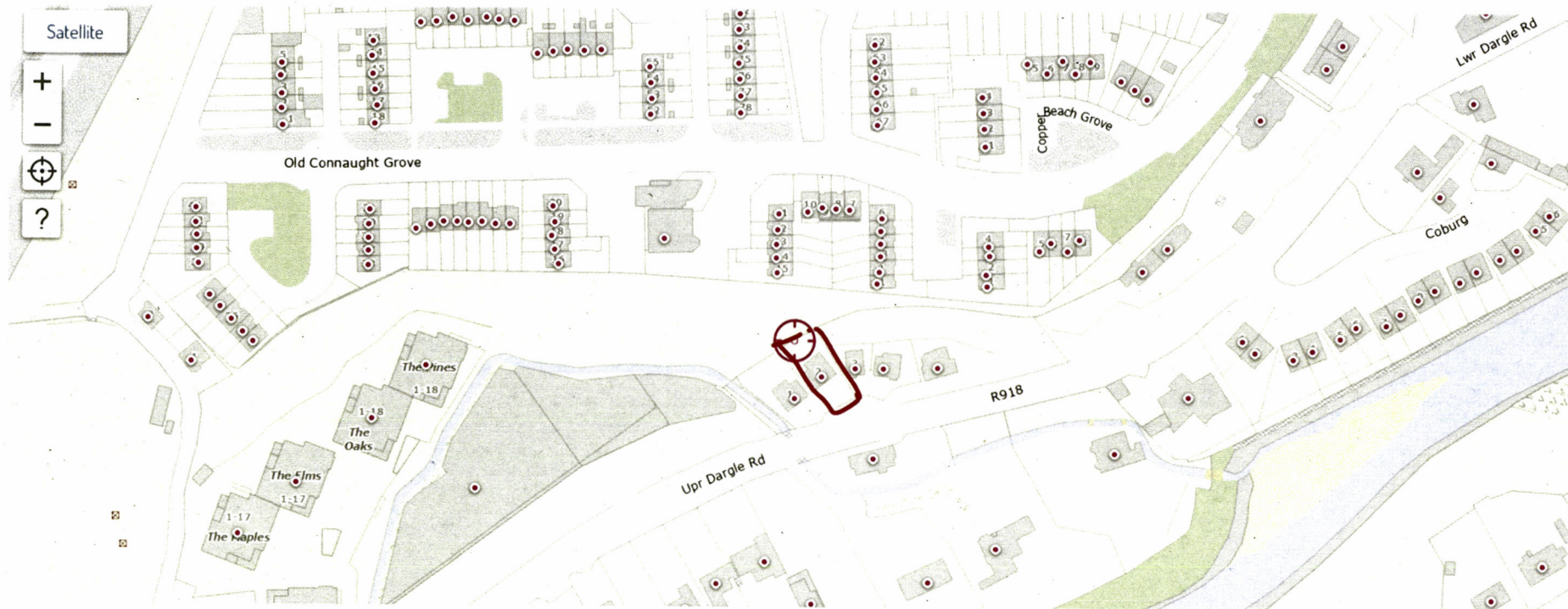
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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.



2 Somerton, Upper Dargle Rd., Bray A98HE43





Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh
Regulating Health +
Social Care Professionals

Caitriona O'Connor - Speech and Language Therapist

Professional Name

Caitriona O'Connor

Registration Number

SL019199

Registration Status

Active - Full Access

Issue Date

16/02/2018

Renewal Date

31/10/2026

Individual time is Sep-08-2026 10:08 IST