



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

Giovanni Amormino da Silva Junior
16 Avondale Grange
Ballygannon
Rathdrum
Co. Wicklow

19th Of January 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX145/2025

A Chara,

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Giovanni Amormino da Silva Junior

Location: 16 Avondale Grange, Rathdrum, Co. Wicklow

Reference Number: EX 145/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/56

A question has arisen as to whether *"the temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm"* at 16 Avondale Grange, Ballygannon, Rathdrum, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with the Section 5 Declaration Application on 16/12/2025
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- Article 5, 6, 9, and Schedule 2: Part 1: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- The usage of the modular building as a commercial bakery would involve the installation of machinery ie. kitchen and ovens, and packaging facilities, and would result in the baking of raw materials into a finished product i.e. breads/ confectionery product. Therefore, the structure would be more akin to a light industrial building given the definitions set out in Article 5 of the Planning and Development Regulations 2001(as amended).
- The temporary modular building would not be the same in character as a garage, store or shed given as identified it is light industrial in character, and therefore would not come within the description set out in Class 3 : Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- There are no other exemptions under the Planning and Development Regulations 2001 (as amended) which would be applicable to this structure.

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

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

19/01/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/56

Reference Number: EX 145/2025

Name of Applicant: Giovanni Amormino da Silva Junior

Nature of Application: Section 5 Referral as to whether *"the temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm"* is or is not development and is or is not exempted development.

Location of Subject Site: 16 Avondale Grange, Ballygannon, Rathdrum, Co. Wicklow

Report from: Billy Slater, AP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm"* at 16 Avondale Grange, Ballygannon, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

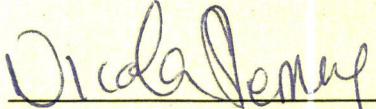
- a) The details submitted with the Section 5 Declaration Application on 16/12/2025
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 5, 6, 9, and Schedule 2: Part 1: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- ii. The usage of the modular building as a commercial bakery would involve the installation of machinery ie. kitchen and ovens, and packaging facilities, and would result in the baking of raw materials into a finished product i.e. breads/ confectionery products. Therefore, the structure would be more akin to a light industrial building given the definitions set out in Article 5 of the Planning and Development Regulations 2001(as amended).
- iii. The temporary modular building would not be the same in character as a garage, store or shed given as identified it is light industrial in character, and therefore would not come within the description set out in Class 3 : Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- iv. There are no other exemptions under the Planning and Development Regulations 2001 (as amended) which would be applicable to this structure.

Recommendation

The Planning Authority considers that "the temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm" at 16 Avondale Grange, Ballygannon Rathdrum, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

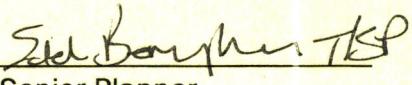
Signed: 

Date: 19/01/2026

ORDER:

I HEREBY DECLARE:

That "the temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm" at 16 Avondale Grange, Ballygannon, Rathdrum, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner
Planning, Economic & Rural Development

Date: 19/1/2026

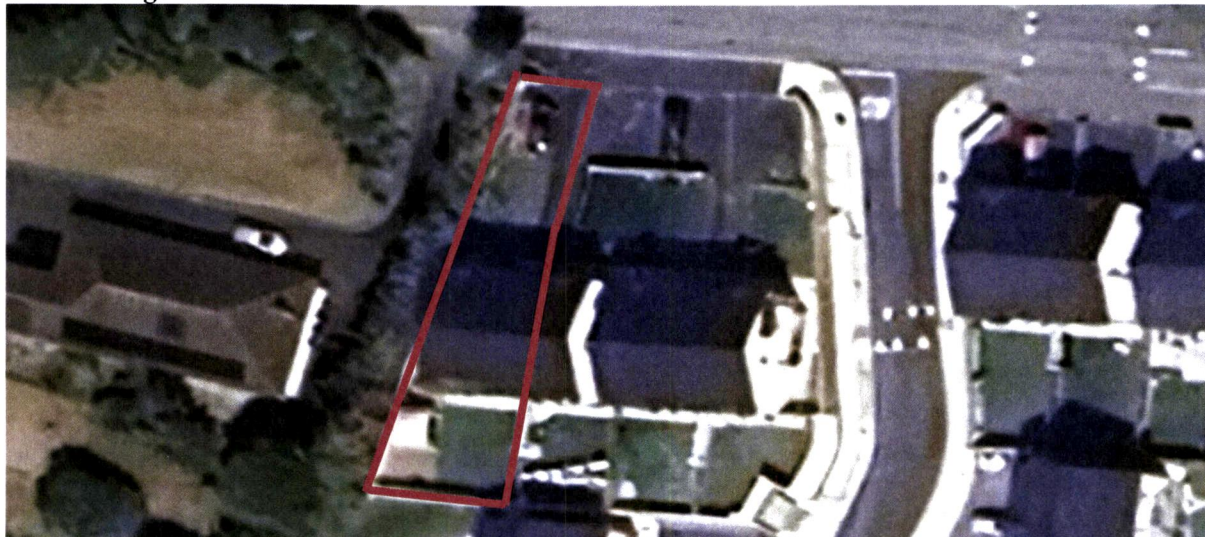


**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Edel Bermingham T/S.P. / Patrice Ryan S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 145/2025
Applicant: Giovanni Amormino da Silva Junior
Date of Application: 16/12/2025
Decision Due Date: 21/01/2026
Address: 16 Avondale Grange, Rathdrum, Co. Wicklow
Exemption Query: The temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm

Application Site: The application site is located centrally within the level 4 urban settlement of Rathdrum Town and is accessed off of the L-2127-0 Local Road (Greenan Road). The subject site is occupied by a semi-detached two-story dwelling with private rear garden. The site is bound by further dwellings to the east, west and south.

Aerial Image



Relevant Planning History:

Ref	19/1218
Applicant	James & Victor O'Shaughnessy
Development	61 two storey dwellings in detached, semi detached and terraced format with connection to services and associated works including roads, footpaths, public lighting, open spaces, landscaping, boundaries and boundary treatments, attenuation system and entrance.
Decision	Grant

Question:

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

Temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm

At 16 Avondale Grange, Rathdrum, Co. Wicklow is or is not exempted development:

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

“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

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act states the following in respect of ‘development’:

“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 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4 (1) (h) states:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations, 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

Schedule 2, Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

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.

Associated conditions and 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.*

Details submitted in support of the application:

- Section 5 Application Form
- Cover letter attaining to the nature of the proposed commercial activity.
- Aerial image of development site / site plan attaining to the dwellings parent permission (PRR19/1218)
- Illustration of 'proposed space usage'.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

Whether the;

- Temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm

at 16 Avondale Grange, Rathdrum, Co. Wicklow is or is not exempted development:

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

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

It should be noted that Section 2 of the Act defines works as:

"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.

I am satisfied that the proposal would involve works and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

Schedule 2, Pt.1 Class 3 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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.

Relevant Schedule 2, Pt.1 Class 3 Checklist

<i>No such structure shall be constructed, erected or placed forward of the front wall of a house.</i>	Yes - structure(s) are to be sited to the rear of the existing dwelling.
<i>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.</i>	Yes – it is stated that the structure(s) shall possess a total floor area limited to 24sqm.
<i>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</i>	Yes – as per PRR19/1218 it is observed that the subject dwelling possess in excess of 100sqm of private open space and as such the proposed structure(s) 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.
<i>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.</i>	Yes – structure placed to the rear and possess a flat roof.
<i>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</i>	Yes – structure is below 2.1m in height.
<i>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.</i>	No – it is stated that the proposed structure(s) are to be used as a production kitchen for a commercial bakery. Such a use would not be considered to be incidental to the enjoyment of the house as such.

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per **Article 9 (1)**.

Recommendation:

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

- Temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm

at 16 Avondale Grange, Rathdrum, Co. Wicklow is or is not exempted development:

The Planning Authority considers that:

The temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm at 16 Avondale Grange, Rathdrum, Co. Wicklow **is development and is NOT exempted development**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application on 16/12/2025
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 5, 6, 9, and Schedule 2: Part 1: Class 3 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The temporary installation and restricted commercial use of a moveable modular structure(s) with a total floor area of 24sqm is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- ii. ~~The commercial modular structure would not come within the description and limitations as set out under Schedule 2, Part 1, Class 3, of the Planning and Development Regulations 2001 (as amended) as the proposed use of the structure would not be considered to be incidental to the enjoyment of the house as such.~~
- iii. The usage of the modular building as a commercial bakery would involve the installation of machinery ie. kitchen and ovens, and packaging facilities, and would result in the baking of raw materials into a finished product i.e. breads/ confectionery products. Therefore the structure would be more akin to a light industrial building given the definitions set out in Article 5 of the Planning and Development Regulations 2001(as amended).
- iv. The temporary modular building would not be the same in character as a garage, store or shed given as identified it is light industrial in character, and therefore would not come within the description set out in Class 3 : Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- v. There are no other exemptions under the Planning and Development Regulations 2001 (as amended) which would be applicable to this structure.



Billy Slater A.P.
15/01/2026

16/1/2026

The report of the AP is noted . As identified the placement of a moveable modular structure on site is works and therefore development.

The modular structure is identified for use as a commercial bakery i.e. it would involve the installation and use of machinery ie. kitchen and ovens, and packaging facilities , and the baking of raw materials into a finished product i.e. breads/ confectionery products. Therefore the building would in essence be for the preparation and processing of products, and is more readily a light industrial building given the definition of same in Article 5 of the Regulations (see below). Therefore, this structure is not the same in character as a garage/ store/ shed , and therefore would not come within the description set out in Class 3. There are no other exemptions available within the Planning and Development Regulations 2001 (as amended) which would be applicable.

St. Birmingham TSP

16/1/2026

Article 5 of the Planning and Development Regulations 2001 (as amended)

"industrial building" means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

"light industrial building" means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or

for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,
and for the purposes of this paragraph, "article" includes-
(i) a vehicle, aircraft, ship or vessel, or
(ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;
“industrial undertaker” means a person by whom an industrial process is carried on and “industrial undertaking” shall be construed accordingly;

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Aoife Kinsella
Clerical Officer

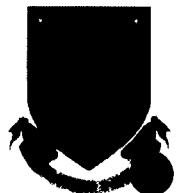
**RE:- EX145/2025 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration
received 16/12/2025.

The due date on this declaration is the 21/01/2026.

Aoife Kinsella

Clerical 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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**Giovanni Amormino da Silva Junior
16 Avondale Grange
Ballygannon
Rathdrum
Co. Wicklow**

17th December 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX145/2025**

A Chara

I wish to acknowledge receipt on 16/12/2025 full details supplied by you in respect of the
above Section 5 application. A decision is due in respect of this application by 21/01/2026

Mise, le meas



**Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development**



*Ta an doic meall seo ar fáil i bhformáid nile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, 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

16/12/2025 09:56:31

Receipt No L1/0/356259
***** REPRINT *****

GIOVANNI AMORMINO DA SILVA JUNIOR
16 AVONDALE GRANGE
RATHDRUM

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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Wicklow County Council
County Buildings
Wicklow
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Date Received _____

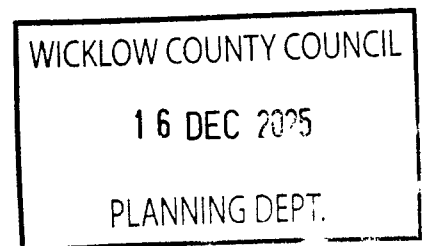
Fee Received _____

**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: Giovanni Amormino da Silva Junior
Address of applicant: 16 Avondale Grange, Ballygannon, Rathdrum, Co.
Wicklow, A67 A6K3

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

- i. Location of Development subject of Declaration

The back garden of the address.

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

Yes, I'm the owner.

- 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

Whether the temporary installation and restricted commercial use of a movable modular structure(s), with a total floor area of 24 square meters, situated within the curtilage of a residential dwelling, which does not involve a retail or customer-facing function on-site, constitutes 'Development' and, if so, is 'Exempted Development' from the requirement of Planning Permission under the relevant provisions of the Planning and Development Regulations 2001 (as amended).

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

The relevant statutory provisions are considered to be:

1. Planning and Development Act 2000 (as amended):
 - a) Section 3(1): Defines 'development'.
 - b) Section 4(1)(h): Defines 'exempted development'.
 - c) Section 5: The statutory basis for this Declaration Request.

- 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.

2. Planning and Development Regulations 2001 (S.I. No. 600 of 2001, as amended):

- a) Article 6: Sets out general exempted development provisions.
- b) Article 9: Sets out restrictions on exempted development (specifically considering the condition regarding 'material change of use' and preservation of amenities).
- c) Schedule 2, Part 1, Class 3: Relates to the construction of a shed, store or other similar structure within the curtilage of a house, and its dimensional limit of 25 square metres. The Applicant will argue for classification under this provision due to the temporary, non-permanent, and small-scale nature (24m²) of the proposed structure.

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

- Section 5 application form filled
- Fee payment receipt
- Detailed Description of Proposed Development and Dimensions
- 22267 PL-01 Site Plan - Planning Layout

viii. Fee of € 80 Attached ?

Yes.

Signed : G. de S. J. Dated : 16 / 12 / 2025

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
 - Site Location Map

Detailed Description of Proposed Development and Dimensions

The proposal involves the temporary placement of one or more pre-fabricated, movable modular structure(s) (Container Kiosks) in the rear garden of the residential dwelling.

- **Primary Property Use:** The dwelling house will remain exclusively and predominantly residential.
- **Total Floor Area:** The combined floor area of the structure(s) will be strictly limited to 24 square meters (m²), as clearly detailed in the attached drawings.
- **Function:** The structure(s) will be used solely as a production kitchen for a commercial bakery ("Nosso Conto Ltd.") for the preparation and processing of products for off-site distribution.
- **Duration:** The installation is strictly temporary, intended to be removed and relocated once the business secures suitable permanent commercial premises.

The Structure

The Applicant asserts that the structure itself meets the criteria for Exempted Development:

A. Compliance with Dimensional Limits (Schedule 2, Part 1, Class 3)

The total combined floor area of the proposed structure(s) is 24 square meters. This figure is safely below the 25 square meter threshold set out in Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended). This confirms that the size of the structure is not, in itself, a reason to require planning permission.

B. Nature of Works (Non-Permanent and Movable)

The structure(s) is defined as movable goods and is engineered for quick relocation. The installation involves no permanent foundation works, and the units will be placed on the soil in the back garden. The absence of permanent 'works' supports the contention that the structure does not constitute substantial 'Development' requiring permission.

The Use

The central issue is whether the production use constitutes a 'Material Change of Use' that would contravene the Regulations. We argue that it does not, due to its temporary nature and strict restrictions:

A. Restricted Use and Ancillary Nature

1. **No Retail Function:** There will be no sales, customer visits, or public access to the premises for the purpose of the business. The operation is strictly back-of-house production.

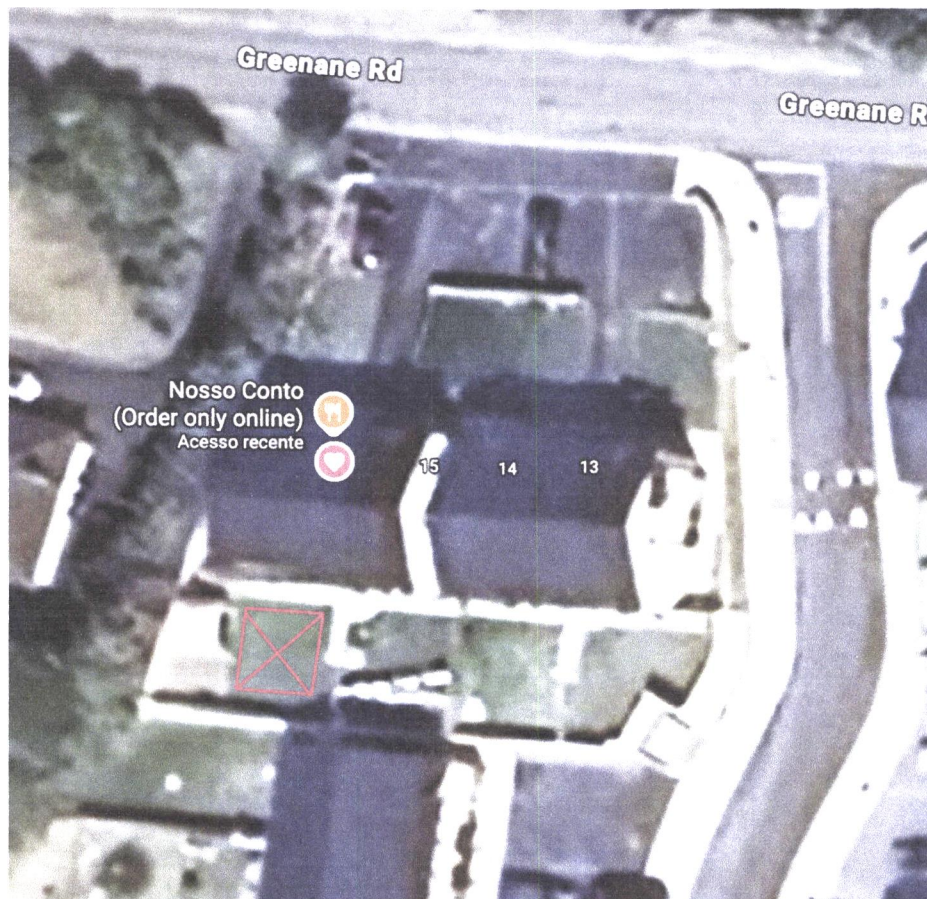
2. **Use is confined and temporary:** The commercial activity is entirely contained within the movable structure(s) and is geographically separated from the main house. The temporary duration of the use ensures that the property's primary and predominant use remains residential.

B. Preservation of Residential Amenity (Article 9 Condition)

The proposed development will not seriously injure the amenities of the area or of property in the vicinity (as required by Article 9(1)(a) of the Regulations):

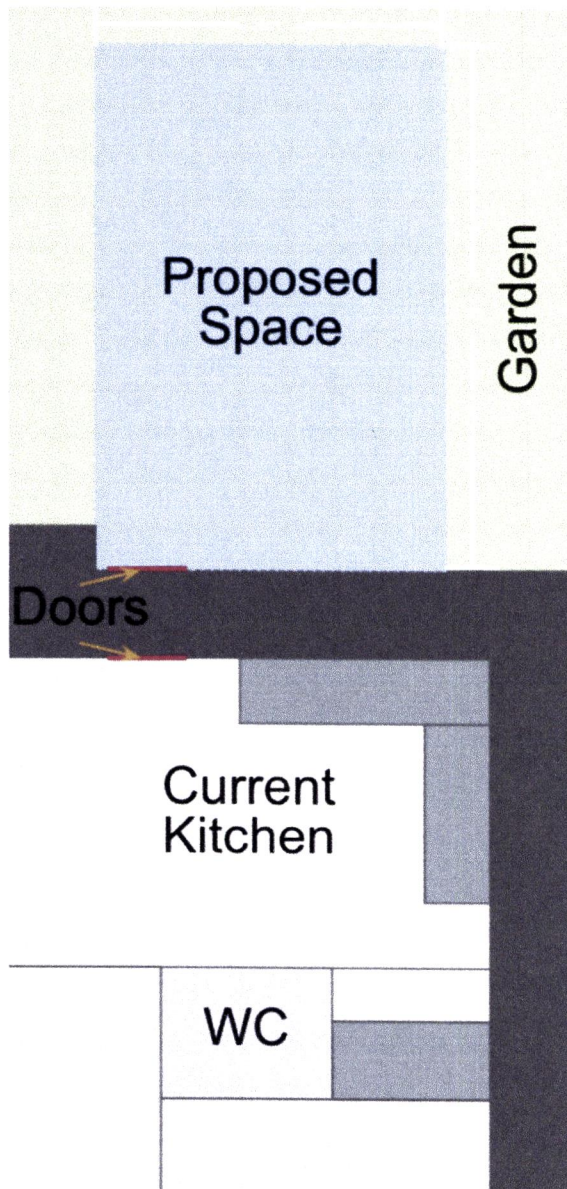
- **Traffic:** Commercial vehicle movements will utilise the existing residential parking spot. Therefore, the proposal will not result in any alteration to on-street parking or local residential traffic flow.
- **Noise and Odour:** Mitigation measures are in place. Commercial-grade filtration and extraction systems will be used to contain odours, and all production will occur within the insulated units to mitigate noise pollution.
- **Visual Impact:** The structure(s) will be sited in the back garden, shielded from public view by existing boundaries, thus maintaining the visual amenity of the surrounding area.

Location to be used:

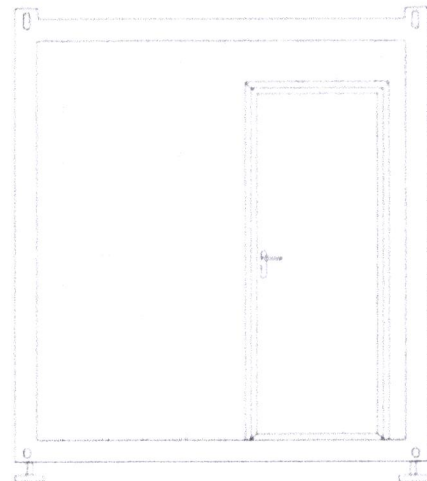




Proposal space usage:



SIDE ELEVATION



2.1m



- Accommodation schedule for entire development
HOUSE TYPES / 63NO.
- TYPE A / 14NO. SEMI-DETACHED & TERRACED
 - TYPE B / 3NO. DETACHED & SEMI-DETACHED
 - TYPE C / 17NO. SEMI-DETACHED & TERRACED
 - TYPE D / 27NO. SEMI-DETACHED & TERRACED
SUBJECT TO CURRENT PLANNING-12 no. TYPE D OF 27 no. SEMI-DETACHED HOUSES
 - TYPE E / 2NO. SEMI-DETACHED & TERRACED

PROPOSED SITE PLAN
scale 1:500

— Total Site Area/ Landholding- 3.04ha
— Total Zoned Residential Site Area- 2.23ha

— Outline of previously permitted PRR19/ 1218

----- Subject to current planning
Extent of changes proposed to previously approved layout
Planning Site Area- 6058m²
12 no of Semi- Detached Houses
10 no House Type D1
2 no House Type D2L

100% ZONED OPEN SPACE 1 AREA - 2689m²
100% ZONED OPEN SPACE 2 AREA - 1118m²
ZONED RESIDENTIAL AREA - 2236m²
100% ZONED OPEN SPACE AREA- 805m²
TOTAL LANDHOLDING AREA- 3043m² 3.04ha
PUBLIC OPEN SPACE AREA WITHIN RESIDENTIAL ZONED SITE- 818m²
(~15.2% of total residential zoned site area)
OVERALL PUBLIC OPEN SPACE AREA (including zoned and non zoned areas) - 1181m²
(~1% of the 20% of overall landholding area)

**PROPOSED SITE
PUBLIC OPEN SPACES ANALYSIS**
scale 1:1000

note: All external finishes to match existing and landscaping including surface treatment to be as granted and approved under original Planning Permission Ref No. 19/1218

PLANNING DRAWING

Rev.	Description	Date
1	Issue	

Project: Residential Development at Annacorney, Co. Wicklow

Client: Tullygan Developments Ltd.

Drawn: Stephen Collins, Engineering Services

Job No: 22287

Drawn: PL-01

Collins
MAHER
MARTIN

Doyle Park Road
Rathfarnham
Dublin 14
T: 01-460 0857-8
F: 01-460 7003
W: www.dcm.ie
E: info@dcm.ie