



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

Martin and Harriet Andrews
The Old Rectory
Donard
Co. Wicklow

24th Of November 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX 124/2025

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 Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas

Orla Henry
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: Martin and Harriet Andrews

Location: The Old Rectory, Donard, Co. Wicklow

Reference Number: EX 124/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1295

A question has arisen as to whether "*erection of a garden room and temporary siting of caravan*" at The Old Rectory, Donard, Co. Wicklow is or is not exempted development.

Having regard to:

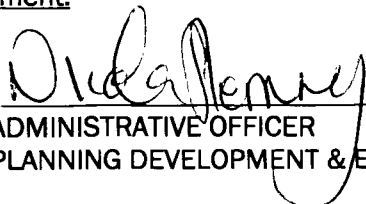
- The details submitted with the Section 5 Declaration Application
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6,9 and Classes 3 and 8 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended)
- Planning Permission Register Reference PRR 03/8015, PRR 95/2289, PRR 97/6307, PRR 00/3478.

Main Reasons with respect to Section 5 Declaration:

- The construction/ placement of a garden room and temporary caravan would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- The garden room would not come within the description set out in Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), as given the permitted use of the site as an institution, the garden room is not within the curtilage of a house. Furthermore, the garden room would not meet Limitations 2 and 6 of Class 3, as the total number of similar structures would exceed 25sqm, and the garden room is in use for a commercial purpose.
- The temporary caravan would come within the description set out under Class 8 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), however given its usage for commercial purposes it would not accord with the Limitation 2 as set out under Class 8 which provides that the caravan, shall not be used for the purposes of any business.

The Planning Authority considers that "erection of a garden room and temporary siting of caravan" at The Old Rectory, Donard, Co. Wicklow is development and NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1295

Reference Number: EX 124/2025

Name of Applicant: Martin and Harriet Andrews

Nature of Application: Section 5 Referral as to whether "*erection of a garden room and temporary siting of caravan*" is or is not development and is or is not exempted development.

Location of Subject Site: The Old Rectory, Donard, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*erection of a garden room and temporary siting of caravan*" at The Old Rectory, Donard, 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
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6,9 and Classes 3 and 8 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended)
- d) Planning Permission Register Reference PRR 03/8015, PRR 95/2289, PRR 97/6307, PRR 00/3478.

Main Reasons with respect to Section 5 Declaration:

- i. The construction/ placement of a garden room and temporary caravan would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- ii. These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- iii. The garden room would not come within the description set out in Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), as given the permitted use of the site as an institution, the garden room is not within the curtilage of a house. Furthermore, the garden room would not meet Limitations 2 and 6 of Class 3, as the total number of similar structures would exceed 25sqm, and the garden room is in use for a commercial purpose.
- iv. The temporary caravan would come within the description set out under Class 8 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), however given its usage for commercial purposes it would not accord with the Limitation 2 as set out under Class 8 which provides that the caravan, shall not be used for the purposes of any business.

Recommendation

The Planning Authority considers that "erection of a garden room and temporary siting of caravan" at The Old Rectory, Donard, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

Signed: _____

Dickie Penney

Dated: _____

26/11/2025

ORDER:

I HEREBY DECLARE:

That "erection of a garden room and temporary siting of caravan" at The Old Rectory, Donard, Co. Wicklow is development and is **NOT** exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____

S. Murphy

Dated: _____

27/11/2025

T/Senior Planner

Planning, Economic & Rural Development

Section 5 Declaration Application EX 124/2025

Date : 21st November 2025.

Applicant : Martin and Harriet Andrews

Address : The Old Rectory , Donard, Co. Wicklow. .

Exemption Whether or not :

Erection of a garden room and temporary siting of caravan

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

Planning History :

03/ 8015 Construction of single storey lean-to sunroom extension including all necessary site works.

00/3478 Permission granted for single storey residential unit at Donaghmore, Donard.

97/6307 Permission granted for 2 no. singles storey residential units at Chrysalis Retreat Centre, Donaghmore, Donard.

95/2289 Permission granted for change of use from residential to Holistic Centre including the provision and retention of alterations & extensions , provision of chalet and effluent treatment system.

Relevant legislation :

Planning and Development Act 2000 (as amended)

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

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

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i)* or *(iii)*;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—

(1) In this Act, 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

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 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.

CLASS 8

The keeping or storing of a caravan, campervan or boat within the curtilage of a house.

1. Not more than one caravan, campervan or boat shall be so kept or stored.
2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
3. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.

Assessment :

The Section 5 application seeks a declaration as to whether the erection of a garden room and temporary siting of a caravan The Old Rectory, Donard, Co. Wicklow.

The submission received indicates that

(a) Garden Room

- *Timber-framed, single-storey structure (approx. 20 m² floor area, height c. 3.5 m).*
- *Sited behind the main house, over 100 m from the public road and screened by vegetation.*
- *To contain a studio; no kitchen or bathroom facilities.*
- *Used for yoga, fitness and mediation and occasional sleeping accommodation during retreats.*
- *Serviced by existing house connections; not separately rented or occupied as a dwelling.*

(b) Gypsy Caravan

- *Traditional caravan (approx. 5 m x 2 m x 2.5 m high).*
- *Stationed seasonally (April-September) within the curtilage.*

- Used occasionally for mediation and occasional sleeping accommodation during retreats no independent utilities.
- Removed or stored off-site during off-season months.

Indicated that at one point, these two units were referred to on website as "Glamping accommodation". At this stage the applicant was considering a glamping development. Plans were developed which included 5 pods and a utility block and Leader had expressed strong interest in providing grant support. The applicant decided not to proceed with this development and did not submit a planning application.

Clarified that the units were never bookable on their website or any other platform and are not being used as "Glamping accommodation"

Guests wishing to use these units needed to make enquiries and they were only made available to groups who were booking other accommodation.

These units are no longer listed on the applicant's website or any other literature as and cannot be rented separately.

They can only be used as ancillary space for large groups using other parts of the facility.

5. Planning Argument

**** (a) Garden Room - Incidental Sleeping Use ****

The garden room meets all criteria for exemption under Class 3. Its occasional sleeping use is ancillary to the enjoyment of the dwelling and supports the retreat's function. The structure lacks a kitchen and bathroom and cannot function as an independent dwelling. No subdivision or intensification occurs.

(b) Temporary siting of a caravan within the curtilage for occasional sleeping is not development as it is ancillary to the residential/ retreat use, non-permanent.

no intensification, minor physical works small timber structure and portable caravan, no change in traffic generation, and no subdivision.

Should the council determine that the use of these units for occasional sleeping requires separate planning permission we would request that they declare that they can be used as yoga, fitness, meditation prayer spaces without the need for planning permission.

The first question to be asked is whether the placement/ erection of a garden room and caravan on site would be development. In this regard the operation of construction / erection of a garden room and caravan are considered to come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development as set out in Section 3(1)(a) i.e.

(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

(a) Garden Room

The garden room is 20sqm in size and indicated to be used for fitness/ mediation and occasional sleeping accommodation. The relevant exemption is set out under Class 3: Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) . This exemption permits the construction of

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.

The construction of a garden room would come within the description under Class 3, as this exemption is applicable to structures within the curtilage of a house and given the permitted change of use , that would not be the case in this instance. In addition with respect to the Limitations under Class 3 the following is noted i.e.

Limit 1 - No such structure shall be constructed, erected or placed forward of the front wall of a house.

Garden Room erected to rear this limitation is met.

Limit 2

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.

Existing outhouses on site, the addition garden room would result in the total area of such structures exceeding 25sqm .

Limit 3

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.

Will not

Limit 4.

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.

Not applicable

Limit 5

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.

This restriction is met

Limit 6

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 is used as a commercial entity and therefore is not incidental to the enjoyment of the house.

The garden room would not meet the limitations of Class 3 and is therefore not exempted development.

(b) Caravan.

The relevant exemption is set out in CLASS 8 ie..

The keeping or storing of a caravan, campervan or boat within the curtilage of a house.

The caravan would come within the description, however the caravan would not meet limitation no. 2 as set out with respect to Class 8 i.e.

2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.

As the caravan is in use for the purpose of a business it would contravene Limitation No. 2 and is therefore, not exempted development.

Recommendation

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

The erection of a garden room and temporary siting of caravan at The Old Rectory ,Donard, Co. Wicklow,

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

The Planning Authority consider that the

Erection of a garden room and temporary siting of caravan 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
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6,9 and Classes 3 and 8 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended)
- e) Planning Permission Register Reference PRR 03/8015, PRR 95/2289, PRR 97/6307, PRR 00/3478.

Main Reasons with respect to Section 5 Declaration :

- (i) The construction/ placement of a garden room and temporary caravan would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- (iii) The garden room would not come within the description set out in Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), as given the permitted use of the site as an institution, the garden room is not within the curtilage of a house. Furthermore, the garden room would not meet Limitations 2 and 6 of Class 3, as the total number of similar structures would exceed 25sqm, and the garden room is in use for a commercial purposes.
- (iv) The temporary caravan would come within the description set out under Class 8 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), however given its usage for commercial purposes it would not accord with the Limitation 2 as set out under Class 8 which provides that the caravan, shall not be used for the purposes of any business.

Seán Cunningham T/SP

21/11/2025

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
T/Senior Planner**

**FROM: Aoife Kinsella
Clerical Officer**

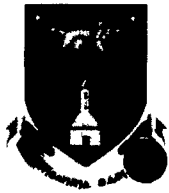
**RE:- EX124/2025 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration
received 12/11/2025.

The due date on this declaration is the 09/12/2025.

Aoife Kinsella

**Clerical Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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**Martin and Harriet Andrews
The Old Rectory
Donard
Co. Wicklow
W91 NR28**

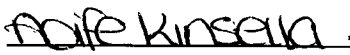
12TH of November 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX124/2025 for Martin and Harriet Andrews, The Old Rectory, Donard, Co. Wicklow

A Chara

I wish to acknowledge receipt on 12/11/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/12/2025.

Mise, le meas



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



English | Gaeilge

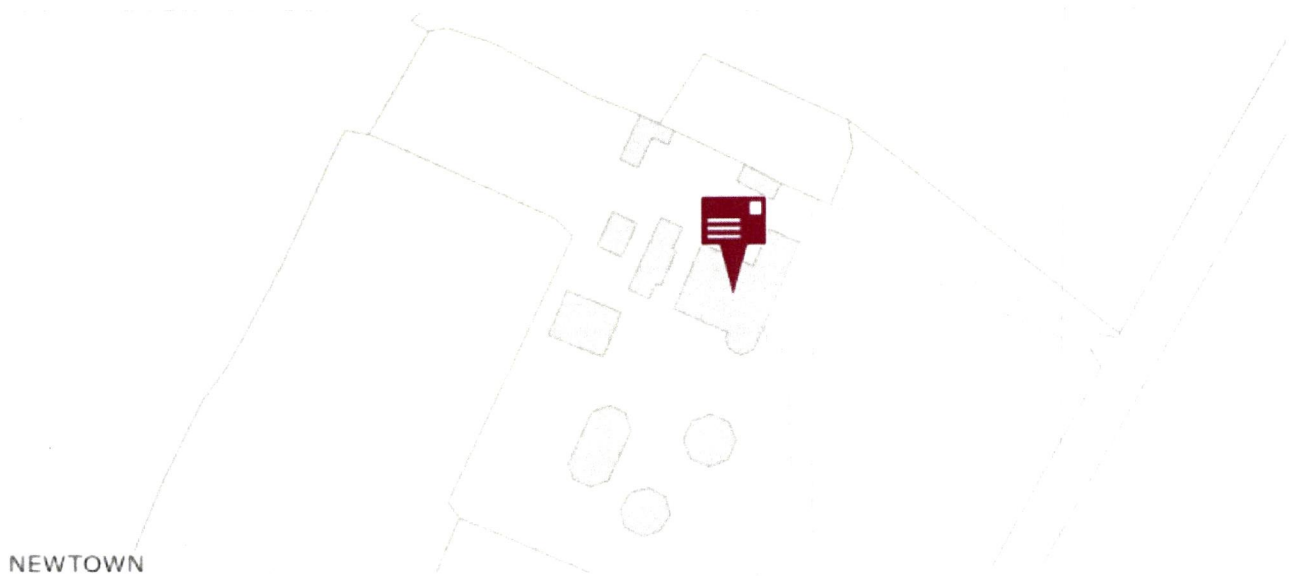
THE OLD RECTORY

DONAGHMORE

DONARD

CO. WICKLOW

W91 NR28



EIRCODE

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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Martin and Harriet Andrews
The Old Rectory
Donard
Co. Wicklow
W91 NR28

23/10/2025

Development at: The Old Rectory Donard, Co. Wicklow

Reference Number: EX-124/2025

Section 5 Declaration: *"erection of a garden room and temporary siting of a caravan"*

Dear Sir/Madam,

I refer to your application for a Section 5 received on the 23rd of October 2025.

We request a site location map for this application. The site layout won't suffice.
An Eircode map will suffice as site location map.

Please note we can not issue a decision date until we receive all documents.

If you require any further information, please do not hesitate to contact us.

Kind regards,



Aoife Kinsella

Clerical Officer

Planning, Economic and Rural Development



Martin and Harriet Andrews

The Old Rectory

Donard

Co. Wicklow

W91NR28

22 October 2025

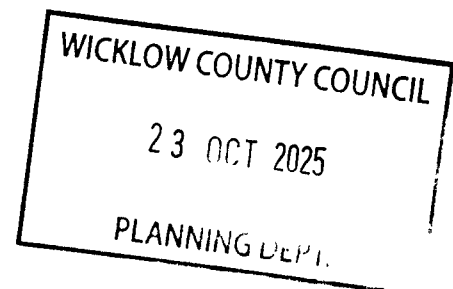
Planning office

Wicklow County Council

County Buildings

Wicklow Town

Co. Wicklow



Subject: UD5891 Alleged unauthorised development at the Old Rectory Donard Co. Wicklow

Dear Sir/Madam,

Further to your correspondence of 21 June 2025, we wish to make applications under Section 5 of the Planning and Development Act 2000 (as amended) in respect of the two separate issues raised therein.

We were surprised to receive your letter, as at the time of purchasing the property in 2016, we obtained professional planning advice confirming that the existing use of the property was in full compliance with the authorised planning permissions then in place. At that time, the property was being operated in a manner virtually identical to its current use. The former "Chrysalis Holistic Centre" entity had already ceased to exist, and the site had transitioned to use as a rural retreat and short-stay accommodation facility under unified ownership and management.

Since acquiring the property, we have continued to operate in good faith within what we believe to be the scope of the original permissions, while also investing significantly in the conservation, restoration, and enhancement of this historic property.

Given that the issues raised are distinct, we have prepared and now submit two separate Section 5 applications so that each matter may be considered independently and on its own merits.

We remain fully committed to regularising and clarifying the planning status of the property and wish to cooperate fully with the Council in this regard. Should the Planning Authority have any additional queries or concerns, we would very much welcome the opportunity to meet with the responsible officer to discuss them and to receive guidance on the most appropriate way to address any outstanding matters.

We trust that the enclosed documentation will assist in the Council's assessment of the two Section 5 applications, and we look forward to your confirmation of receipt.

Yours faithfully,



Martin Andrews



Harriet Andrews

Wicklow County Council
County Buildings
Wicklow
0404-20100

23/10/2025 15 03 19

Receipt No L 1/0/353590

***** REPRINT *****

MARTIN & HARRIET ANDREWS
THE OLD RECTORY
DONARD
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
UD5891	

Change	0 00
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Wicklow County Council

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Co Wicklow

Telephone 0404 20148

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Date Received

23 OCT 2025

Fee Received

PLANNING DEPT.

WICKLOW COUNTY COUNCIL

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

WICKLOW COUNTY COUNCIL

23 OCT 2025

(a) Name of applicant: _____Martin and Harriet Andrews_____

Address of applicant: _____The Old Rectory, Donard, Co. Wicklow _____

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 Old Rectory Donard, W91NR28

- ii. Are you the owner and/or occupier of these lands at the location under i. above? (Yes)
No.
- 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 _____
Erection of a garden room and temporary siting of a caravan
See attached submission for further details

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 _____
See attached submission for further information

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 _____
Site Layout 18 October 2025
Garden Room layout and Photograph 18 October 2025
Gypsy Caravan photographs 18 October

viii. Fee of € 80 Attached ? _____



Signed: Harriet Adler Dated: 22 October 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
 - 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.

Additional Information

Section 5 Submission

Determination under Section 5 of the Planning and Development Act 2000 (as amended)

The Old Rectory, Donard, County Wicklow

Exemption for Garden room and seasonal siting of Gypsy style Caravan

(Faint, illegible text)

This application seeks a declaration from Wicklow County Council under Section 5(1) of the Planning and Development Act 2000 (as amended) as to whether the following constitute “development”, and if so, whether they are exempted development:

1. Construction of a 20 m² garden room within the curtilage of The Old Rectory, to be used for meditation and prayer space and occasional short-term sleeping accommodation ancillary to the retreat operation; and
2. Seasonal siting and use of a small traditional gypsy caravan for meditation/prayer space and occasional short-term sleeping accommodation.

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The Old Rectory is a historic residence (c. 1711) operated as a small rural retreat centre. The property extends to approximately 1.2 hectares and includes the main house and ancillary cottages within landscaped grounds. The setting is rural, and all buildings remain under single ownership and management.

(Faint, illegible text)

(a) Garden Room

- Timber-framed, single-storey structure (approx. 20 m² floor area, height c. 3.5 m).
- Sited behind the main house, over 100 m from the public road and screened by vegetation.
- To contain a studio; no kitchen or bathroom facilities.
- Used for yoga, fitness and meditation and occasional sleeping accommodation during retreats.
- Serviced by existing house connections; not separately rented or occupied as a dwelling.

(b) Gypsy Caravan

- Traditional caravan (approx. 5 m × 2 m × 2.5 m high).
- Stationed seasonally (April–September) within the curtilage.
- Used occasionally for meditation and occasional sleeping accommodation during retreats no independent utilities.

- Removed or stored off-site during off-season months.

It is noted that in the letter dated 30 June 2025 the Council referred to the garden room as a “Glamping pod”.

The applicant acknowledges that, at one point, these two units were referred to on their website as “Glamping accommodation”. At this stage the applicant was considering a glamping development. Plans were developed which included 5 pods and a utility block and Leader had expressed strong interest in providing grant support. The applicant decided not to proceed with the development and did not submit a planning application.

We wish to clarify that these units were never directly bookable, either on their website or any other platform and are not being used as “Glamping accommodation”

Guests wishing to use these units needed to make enquiries and they were only made available to groups who were booking other accommodation.

These units are no longer listed on the applicant’s website or any other literature as glamping units and cannot be rented separately.

They can only be used as ancillary space for large groups using other parts of the facility.

Section 3(1) of the Planning and Development Act 2000 defines “development” as the carrying out of works or the making of any material change in the use of any structures or land.

Section 4(1)(h) and Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) exempt the erection of a garage, store, shed, garden room, or similar structure within the curtilage of a house, subject to limitations (size < 25 m², height < 4 m, setback, and use incidental to the enjoyment of the dwelling).

**** (a) Garden Room — Incidental Sleeping Use ****

The garden room meets all criteria for exemption under Class 3. Its occasional sleeping use is ancillary to the enjoyment of the dwelling and supports the retreat’s function. The structure lacks a kitchen and bathroom and cannot function as an independent dwelling. No subdivision or intensification occurs.

**** (b) Gypsy Caravan — Seasonal Ancillary Use ****

The temporary siting of a caravan within the curtilage for occasional sleeping is not development. It is ancillary to the residential/retreat use, non-permanent.

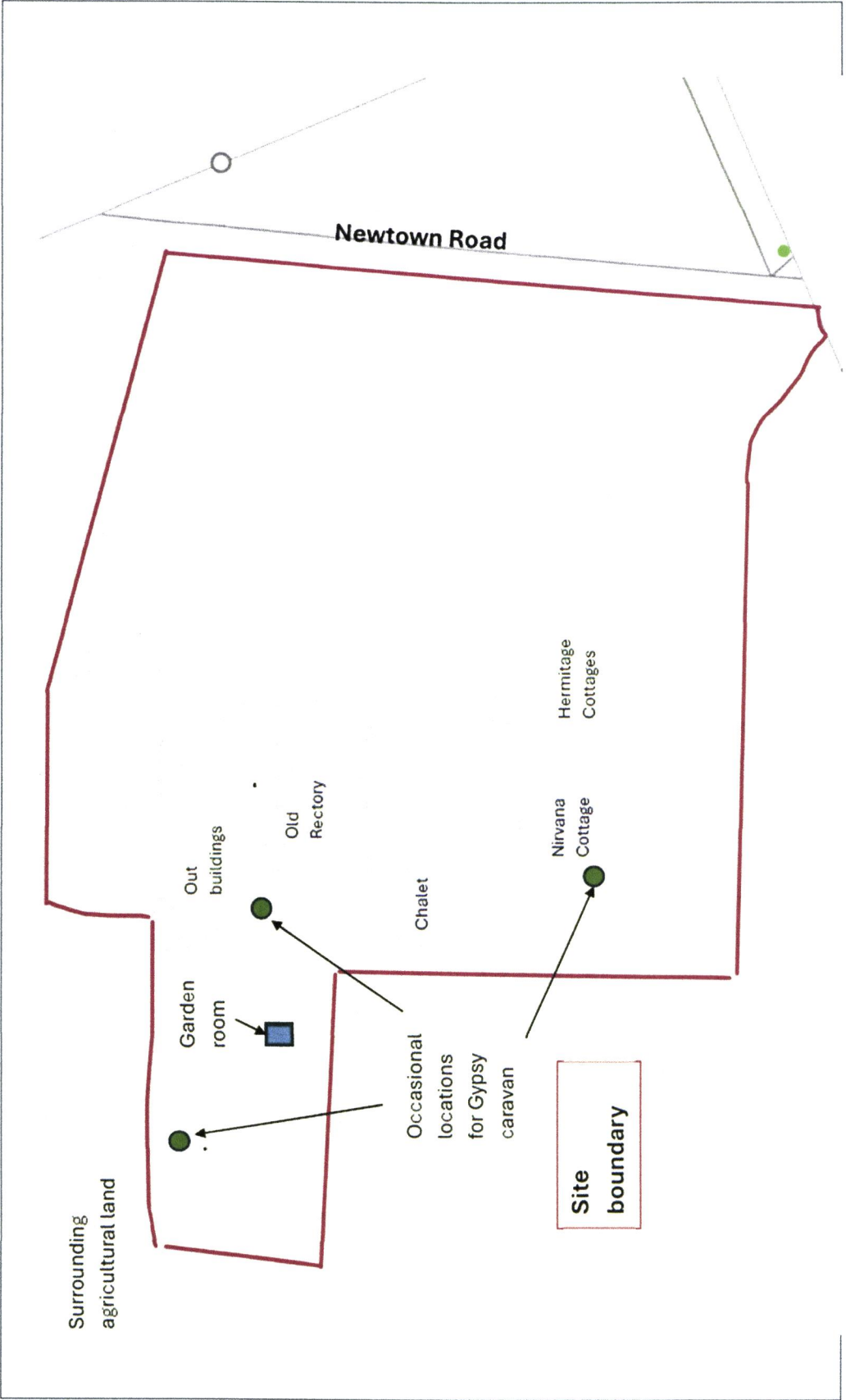
It is not a separate residence.

There has been no intensification, minor physical works (small timber structure and portable caravan), no change in traffic generation, and no subdivision. The site continues to function as a single planning unit. Therefore, no material change of use arises under Section 3(1).

It is respectfully requested that the Planning Authority declare under Section 5 that the construction of a 20 m² garden room within the curtilage of The Old Rectory, Donard, used for yoga, fitness and meditation and occasional sleeping accommodation during retreats, together with the seasonal use of a small gypsy-style caravan for meditation/prayer and occasional sleeping accommodation ancillary to the retreat operation, constitutes exempted development and/or does not constitute development requiring planning permission.

Alternative declaration

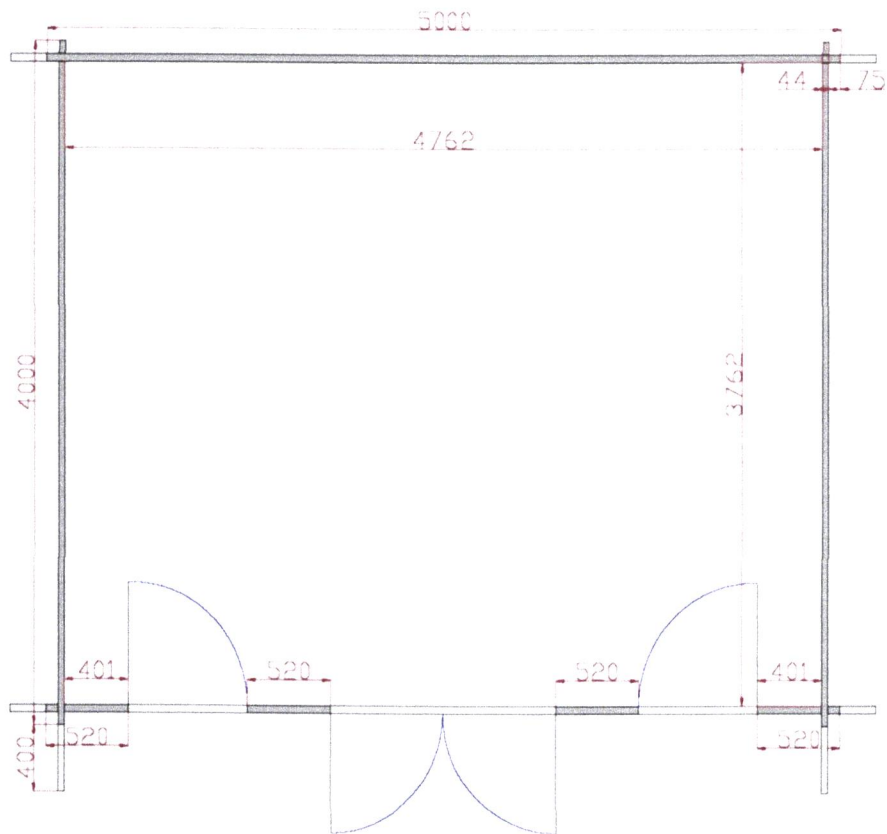
Should the council determine that the use of these units for occasional sleeping requires separate planning permission we would request that they declare that they can be used as yoga, fitness, meditation / prayer spaces without the need for planning permission.



Old Rectory Donard
Site layout – 18 October 2025

Old Rectory Donard

Garden Room Layout and photograph 18 October 2025



Old Rectory Donard

Gypsy caravan photographs 18 October 2025

