



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

Ray Donohoe
RD Design
St. Anthony's
Monadreen
Thurles
Co. Tipperary

 Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX27/2026

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,


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: Andre de Jager and Antoinette Botes

Location: 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow

Reference Number: EX 27/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/255

A question has arisen as to whether “*the construction of a single storey structure of 17.8sqm to the side of dwelling*” at 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow is or is not exempted development.

Having regard to:

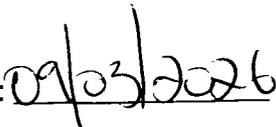
- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2, Class 3 Part 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The construction of a shed comprises works and therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000 (as amended)
- ii. The shed together with an existing outbuilding on the site would exceed a floor area of 25sqm
- iii. The shed structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, however as there is an existing shed structure on site, the total floor area of the two structures would exceed 25sqm, and this alteration would not come within the provisions of Schedule 2. Class 3: Part 1 of the Planning and Development Regulations 2001.

The Planning Authority considers that “the construction of a single storey structure of 17.8sqm to the side of dwelling” at 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow is development and IS NOT exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 
09/03/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/255

Reference Number: EX 27/2026

Name of Applicant: Andre de Jager and Antoinette Botes

Nature of Application: Section 5 Referral as to whether "*the construction of a single storey structure of 17.8sqm to the side of dwelling*" is or is not development and is or is not exempted development.

Location of Subject Site: 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow

Report from: Lyndsey Blackmore, EP, Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of a single storey structure of 17.8sqm to the side of dwelling*" at 4 Kilgarron Cottages, Kilgarran, Eniskerry, 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 Schedule 2, Class 3 Part 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i) The construction of a shed comprises works and therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000 (as amended)
- ii) The shed together with an existing outbuilding on the site would exceed a floor area of 25sqm
- iii) The shed structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, however as there is an existing shed structure on site, the total floor area of the two structures would exceed 25sqm, and this alteration would not come within the provisions of Schedule 2. Class 3: Part 1 of the Planning and Development Regulations 2001.

Recommendation

The Planning Authority considers that "*the construction of a single storey structure of 17.8sqm to the side of dwelling*" at 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

Signed: Nicola Perry

Date: 05/03/2026

ORDER:

I HEREBY DECLARE:

THAT "the construction of a single storey structure of 17.8sqm to the side of dwelling" at 4 Kilgarron Cottages, Kilgarran, Eniskerry, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Stel Donohue

T/Senior Planner

Planning, Economic & Rural Development

Date: 9/3/2026

Section 5 Application EX27 /2026

Date : 4th March 2026

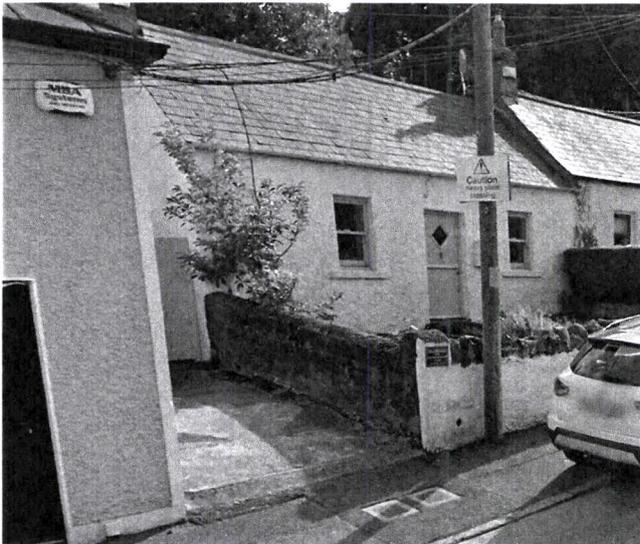
Applicant : Andrea de Jager & Antoinette Botes

Address : 4 Kilgarron Cottages, Kilgarran, Enniskerry

Exemption: Whether or not :

Construction of single storey storage structure of 17.8sqm to the side of dwelling

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



Planning History : No previous planning applications

Relevant legislation :

Planning and Development Act 2000 (as amended)

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

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

- (a) where the context so admits, includes the land on, in or under which the structure is 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, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 :

4.—(1) The following shall be exempted developments for the purposes of this Act—

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

(3) A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 5

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

Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

< See Regulations for List >

Schedule 2 : Part 1

CLASS 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

Assessment :

The application seeks a declaration as to whether a single storey storage shed to the side of a dwelling is exempted development within the meaning of the Planning and Development Acts 2000 (as amended).

The applicant has submitted drawings showing a proposed structure ~~structure~~ of 2.89m (front) to 2.2m(rear) in height. From the drawings the area is indicated as,8.1m by 2.2m giving a total floor area of c. 17.8sqm.

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

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

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

The shed would come within the description set out above. There are a number of limitations i.e.

Limitation 1. – Structure is not placed forward of the front wall of a house

Limitation 2 – The shed is below 25sqm at 17.8sqm, however there is a second shed on the site with a floor area of 18sqm which results in the total floor area of outbuildings to 35.8sqm and therefore exceeds the 25sqm limitation.

Limitation 3 – will not reduce POS to rear below 25sqm

Limitation 4 – Finishes acceptable

Limitation 5 –would meet height criteria.

Limitation 6- Not for human habitation. -proposed building is stated for storage use

Recommendation :

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

the construction of single storey storage structure of 17.8sqm to the side of dwelling

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

The Planning Authority consider that the storage shed to side of 4 Kilgarron Cottages, Eniskerry, 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
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2, Class 3 of the Planning and Development Regulations 2001 (as amended)

↑
Part 1

Main Reasons with respect to Section 5 Declaration :

i. The construction of a shed comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).

ii. The shed together with an existing outbuilding on the site would exceed a floor area of 25sqm

iii. The shed structure would come within the description set out under Class ³ of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, however as there is an existing shed structure on site, the total floor area of the two structures would exceed 25sqm , and this alteration would not come within the provisions of Schedule 2. Class 3 : Part ~~3~~ of the Planning and Development Regulations, 2001. |

Lyndsey Blackmore
Executive Planner
04/03/2026

Agreed as amended.
Part 1 Reg 9 SEP.
04/03/2026.

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Lyndsey Blackmore
Executive Planner**

**FROM: Aoife Kinsella
Clerical Officer**

**RE: - EX27/2026 - 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 25/02/2026.

The due date on this declaration is the 24/03/2026.

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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Ray Donohoe
RD Design
St. Anthony's
Monadreen
Thurles
Co. Tipperary

26th February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX27/2026

A Chara

I wish to acknowledge receipt on 25/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/03/2026.

Mise, le meas

Aoife Kinsella

Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



St. Antonys, Monadreen
Thurles, Co. Tipperary

Tel: 046 4455771 Fax: 046 4455772

20.02.2026

Dun Laoghaire-Rathdown County Council,
Planning department
County hall,
Marine Road,
Dun Laoghaire

Re. Section 5 application for single storey storage to side of existing house at
4 Kilgarron Cottages, Kilgarran, Enniskerry, Co Wicklow, A98 XV48 for
Andre de Jager and Antoinette Botes

Dear Sir or Madam,

With respect to the above proposed development please find enclosed the following documents submitted by email:

- 01 Survey layouts at 1:100
- 02 Proposal layouts at 1:100
- 03 Site block plan at 1:200, existing garden room layout at 1:200
- Site location plan at 1:1000

The proposed storage structure to the side is 17.8 sq m

The existing site is 335 sq.m

The existing house area consists of 52.3 sq.m ground floor and 11.5 sq.m to the upper floor attic area (non-habitable)

We await a decision in due course.

Yours Sincerely,



Ray Donohoe B Arch

Wicklow County Council
County Buildings
Wicklow
0404-20100

25/02/2026 16 13 14

Receipt No L1/0/359510
***** REPRINT *****

RAY DONOHUE
ST ANTHONY'S
MONADREEN
THURLES
CO TIPPERARY

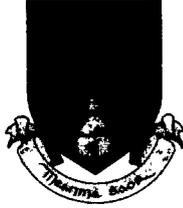
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00
4 KILGARRON COTTAGES, ENNISKEARR

Change 0 00

Issued By Adam Copeland
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**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: Andre de Jager and Antoinette Botes

Address of applicant: 4 Kilgarron Cottages,
Kilgarran, Enniskerry,
Co. Wicklow, A98 XV48

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Ray Donohoe RD Design

Address of Agent : St. Anthonys, Monadreen, Thurles, Co. Tipperary

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

3. Declaration Details

i. Location of Development subject of Declaration 4 Kilgarron Cottages, Kilgarran, Enniskerry,
Co. Wicklow, A98 XV48

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

iiii. 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, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

Additional details may be submitted by way of separate submission.

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

Additional details may be submitted by way of separate submission. ____

Schedule 2 Part 1 Exempted development, Class 1

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

01 Existing house survey 1:100
02 Proposal layouts 1:100
03 Site plan 1:200 and existing garden room layouts 1:100
OS map at 1:1000
Cover letter

viii. Fee of € 80 **Paid for by phone**

Signed :  (Agent)

Dated : 20.02.2026

On behalf of my clients Andre de Jager and
Antoinette Botes

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.

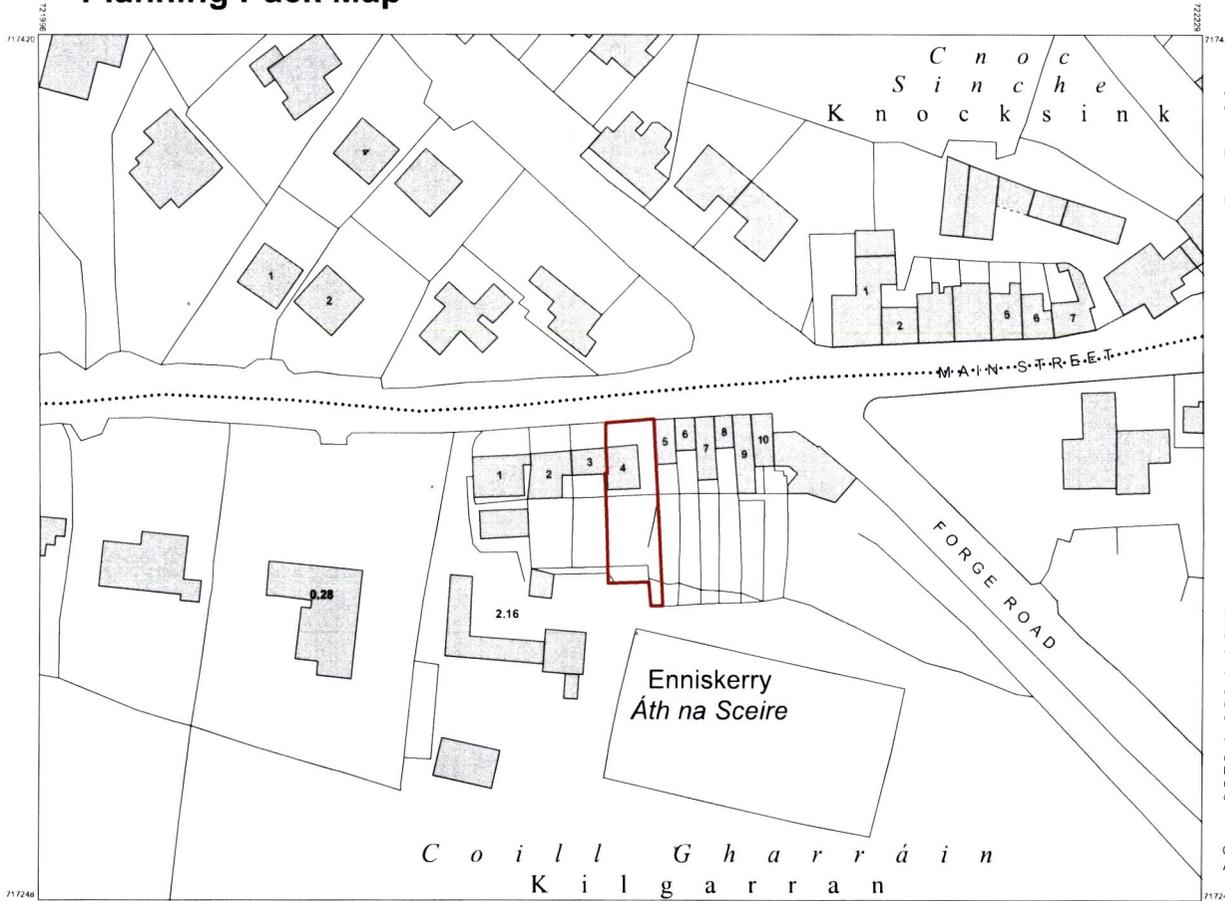
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 722113,717334

PUBLISHED: 15/02/2026 **ORDER NO.:** 50518284_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 3567-D

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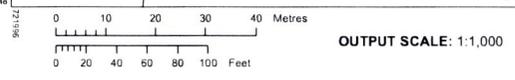
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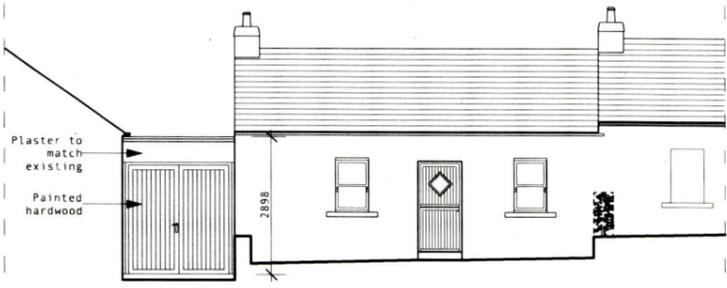
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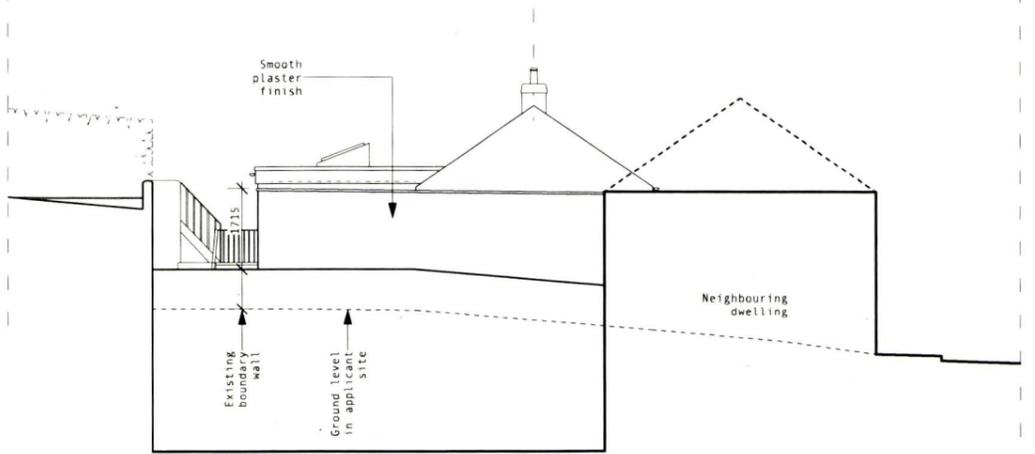
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The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at www.tailte.ie search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

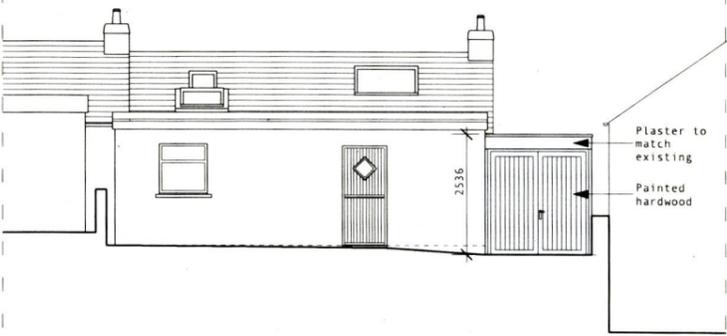




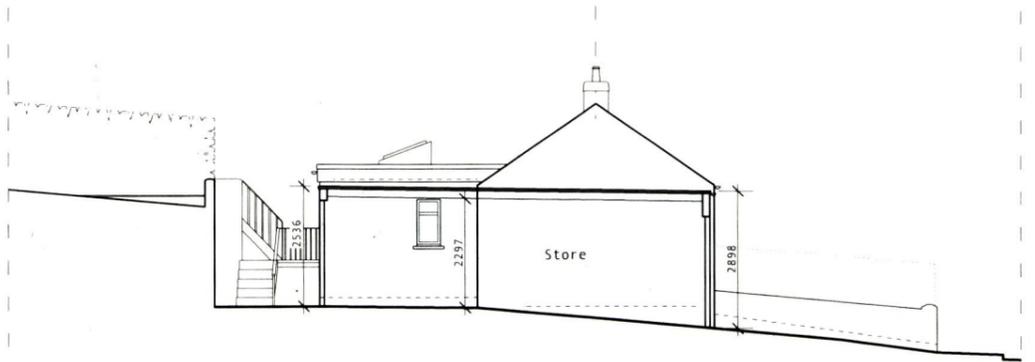
Front (north) elevation



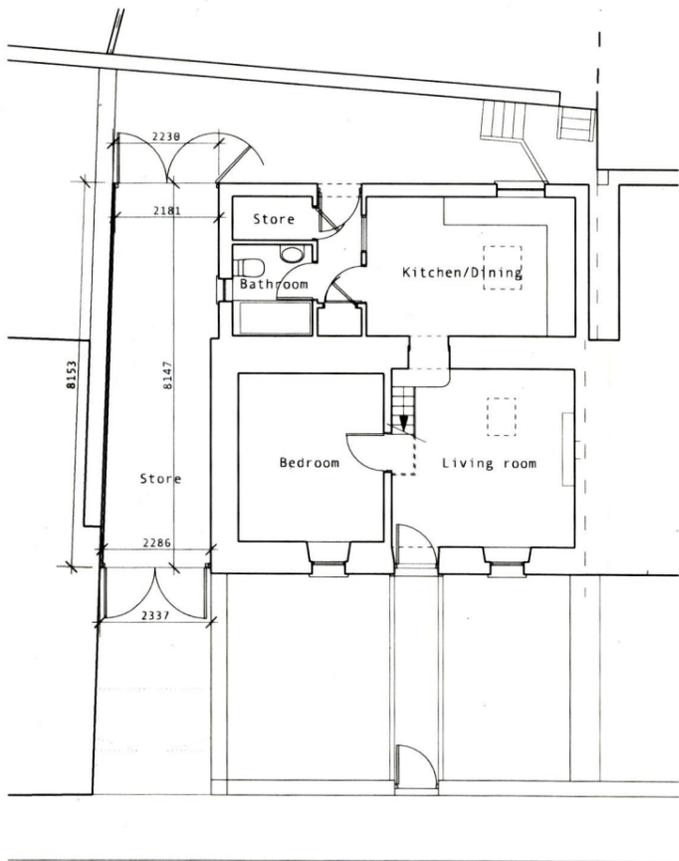
Side (east) elevation



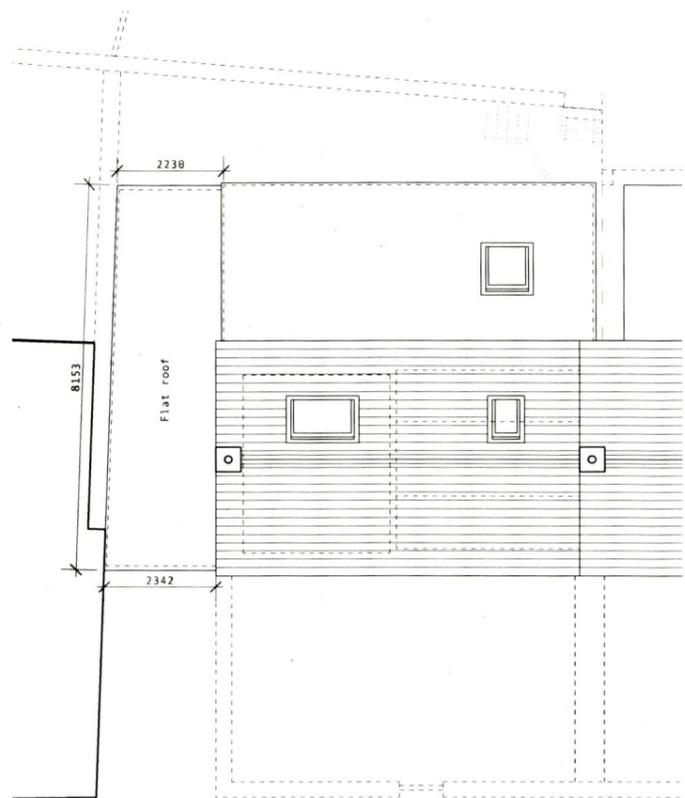
Rear (south) elevation



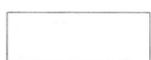
Section



Ground floor plan



Roof plan

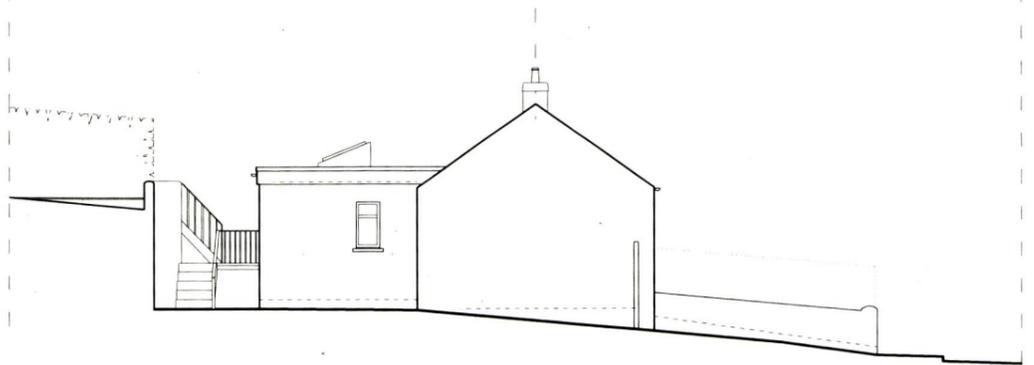


Denotes the proposed development

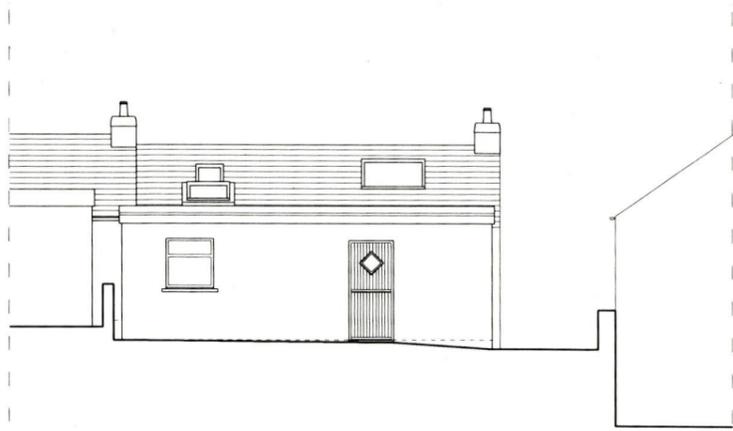
	CLIENT: Andre de Jager and Antoinette Botes	PROJECT NO: 2526
	PROJECT: 4 Kilgarran Cottages, Kilgarran, Enniskerry, Co. Wicklow, A98 XV48	
St. Anthony's Monastereen, Thurles Co. Tipperary ph: 086 8845047 e: ray@rddesign.ie	DRAWING: Proposal layouts	
	DRAWING TYPE: PLANNING Section 5	
SCALE: 1:100 @ A2	DATE: Feb 2026	DRAWN: RD
	DRAWING NO: 02	REVISION: -



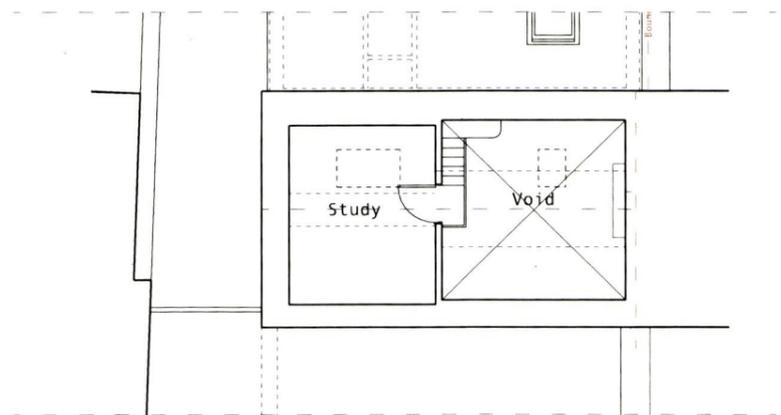
Front (north) elevation



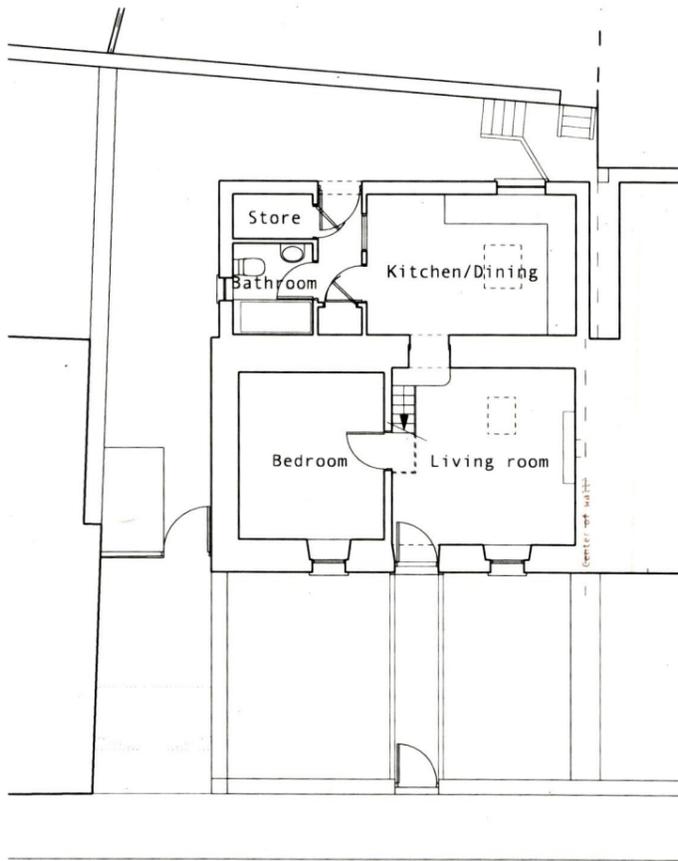
Side (east) elevation



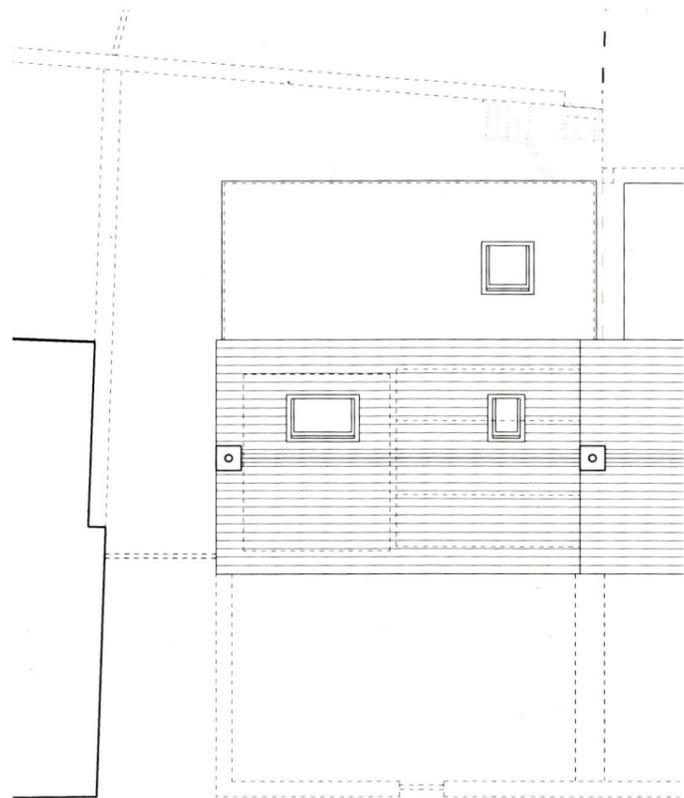
Rear (south) elevation



Attic level

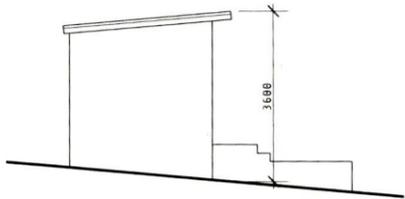


Ground floor plan

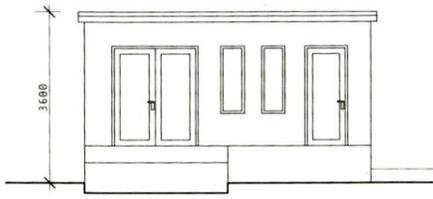


Roof plan

	CLIENT	Andre de Jager and Antoinette Botes	PROJECT NO.	2526
	PROJECT	4 Kilgarran Cottages, Kilgarran, Enniskerry, Co. Wicklow, A98 XV48		
St. Anthony's Monadreen, Thurles Co. Tipperary ph: 086 8845047 e: ray@rddesign.ie	DRAWING	Survey layouts		DRAWING TYPE
	SCALE	DATE	DRAWN	DRAWING NO.
	1:100 @ A2	Feb 2026	RD	01
			REVISION	-



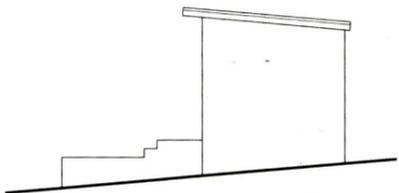
East elevation



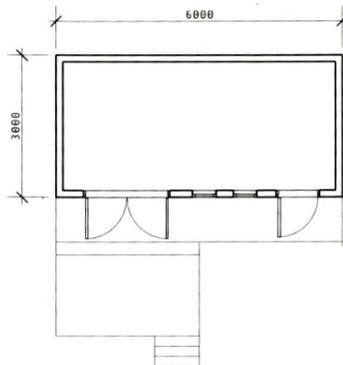
North elevation



South elevation



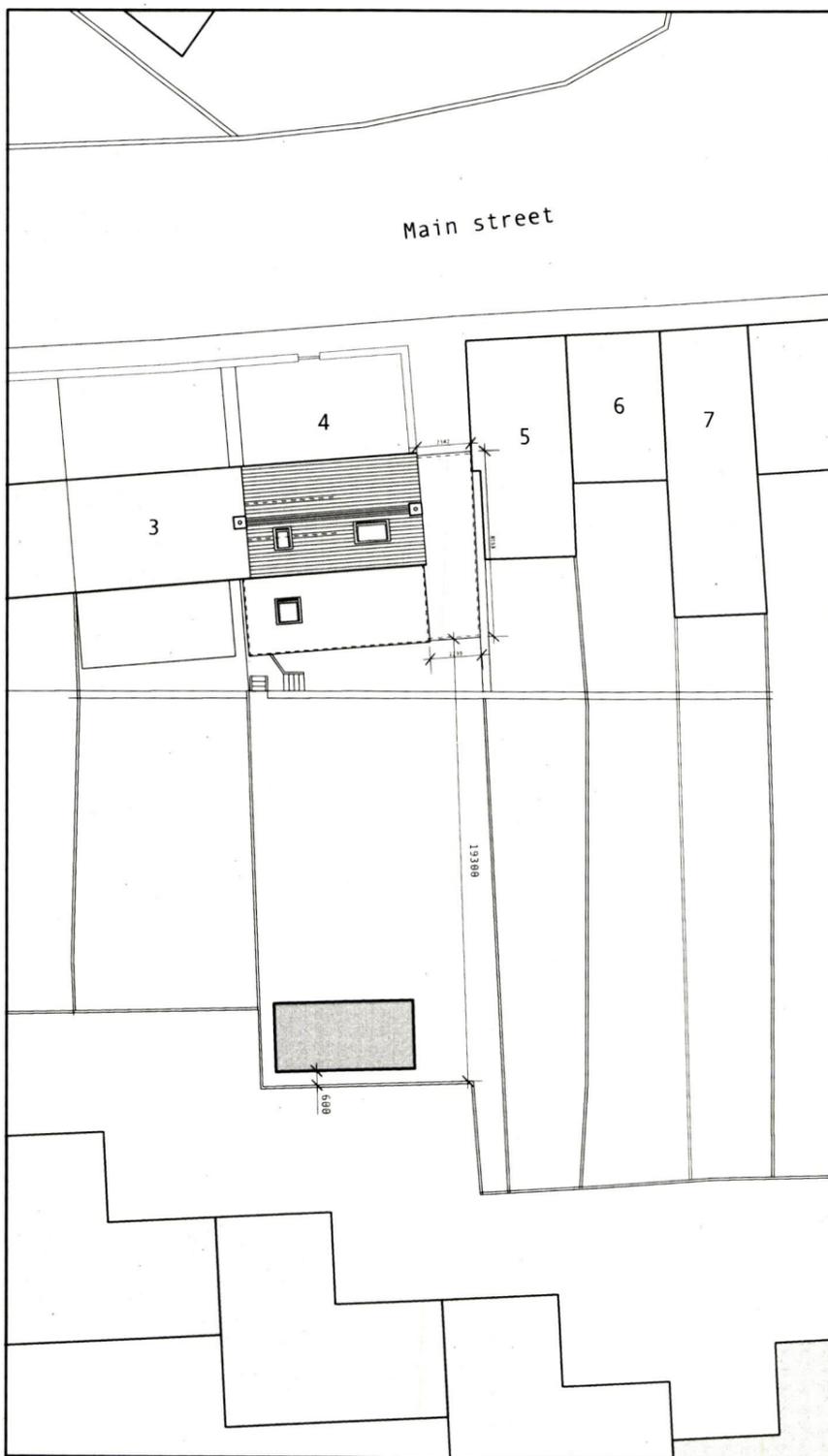
West elevation



Plan



Shed in rear garden 1:100



Site plan 1:200



Denotes the proposed development

rddesign	CLIENT: Andre de Jager and Antoinette Botes	PROJECT NO: 2526
	PROJECT: 4 Kilgarran Cottages, Kilgarran, Enniskerry, Co. Wicklow, A98 XV48	
St. Anthony's Monastereen, Thurles Co. Tipperary ph: 086 8845047 e: ray@rddesign.ie	DRAWING: Site plan and shed drawing	DRAWING TYPE: PLANNING Section 5
	SCALE: 1:200 @ A2 1:100	DATE: Feb 2026