



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

Rachel Heritage
Mayfield
Ballinacor West
Kilbride
Wicklow
A67 CD35

 Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX20/2026

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.





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Applicant: Rachel Heritage

Location: Mayfield, Ballinacor West, Kilbride, Co. Wicklow

Reference Number: EX 20/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/241

A question has arisen as to whether “(i) the works to the existing outbuilding (ii) the use of the building as an ancillary non-habitable art studio” at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application
- b) PRR 25/60751, and An Coimisiún Pleanála Declaration ABP-309961-21
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

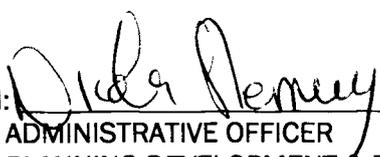
- i. The replacement of the roof, internal and external repair and finishes, and insertion of a replacement door to the existing outbuilding, would be operations of repair and renewal, and therefore works having regard to Section 2 of the Planning and Development Act 2000 (as amended). These works would come within the definition of development as set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- ii. Given the nature of the repair/renewal works to the outbuilding as detailed, it is considered the works which are for maintenance and which would affect the interior and exterior of the structure, would 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, and therefore would be exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- iii. The use of the outbuilding as an ancillary art studio is not development, as it would not constitute a material change of use by virtue of the fact that it would not result in any additional planning considerations, or impacts that would change the nature and character of the structure.

The Planning Authority considers that:

- i. “the works to the existing outbuilding” at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is development and **is exempted development**.
- ii. “the use of the outbuilding as an non-habitable art studio” at Mayfield, Ballinacor West, Kilbride, Co. Wicklow **is not development**

Within the meaning of the Planning and Development Act 2000 (as amended)

Signed:


ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/241

Reference Number: EX 20/2026

Name of Applicant: Rachel Heritage

Nature of Application: Section 5 Referral as to whether “(i) the works to the existing outbuilding (ii) the use of the building as an ancillary non-habitable art studio” is or is not development and is or is not exempted development.

Location of Subject Site: Mayfield, Ballinacor West, Kilbride, 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 “(i) the works to the existing outbuilding (ii) the use of the building as an ancillary non-habitable art studio” at Mayfield, Ballinacor West, Kilbride, 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) PRR 25/60751, and An Coimisiún Pleanála Declaration ABP-309961-21
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

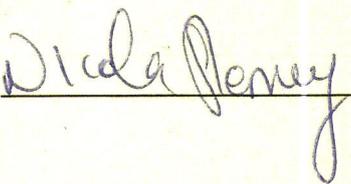
- i. The replacement of the roof, internal and external repair and finishes, and insertion of a replacement door to the existing outbuilding, would be operations of repair and renewal, and therefore works having regard to Section 2 of the Planning and Development Act 2000 (as amended). These works would come within the definition of development as set out in Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- ii. Given the nature of the repair/renewal works to the outbuilding as detailed, it is considered the works which are for maintenance and which would affect the interior and exterior of the structure, would 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, and therefore would be exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- iii. The use of the outbuilding as an ancillary art studio is not development, as it would not constitute a material change of use by virtue of the fact that it would not result in any additional planning considerations, or impacts that would change the nature and character of the structure.

Recommendation

The Planning Authority considers that:

- (i) "the works to the existing outbuilding" at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is development and is **exempted development**.
- (ii) "the use of the outbuilding as an non-habitable art studio" at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is **not development**

Within the meaning of the Planning and Development Act 2000 (as amended)

Signed: 

Date: 02/03/2026

ORDER:

I HEREBY DECLARE:

- i. "the works to the existing outbuilding" at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is development and is **exempted development**.
- ii. "the use of the outbuilding as an non-habitable art studio" at Mayfield, Ballinacor West, Kilbride, Co. Wicklow is **not development**

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

Date: 3/3/2026

Section 5 Application EX 20/2026

Date : 15/01/2026

Applicant : Rachel Heritage

Address : Mayfield, Ballinacor West , Kilbride, Co. Wicklow A67 CD35

Exemption Whether or not :

Works to outbuilding and its use as an ancillary non-habitable art studio

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

Planning History :

PRR 25/60751 Permission granted for (1) demolition of existing porch to rear of cottage (2) addition of 4 No. rooflights to rear of existing pitched roof (3) construction of a new single storey flat roof porch/ entrance extension to the rear (4) construction of a new part single/ part two storey, flat / pitched roof extension with 3 No. rooflights to the rear (5) including all associated ancillary site, new service and wastewater upgrade works at Mayfield, Ballinacor West, Kilbride, Co. Wicklow

An Coimisiún Pleanála Referrals

ABP-309961-21

An Bord Pleanála has concluded that the change of use of a Shomera to allow someone to do some home work in the space (keeping existing use) at 6 Hermitage Way, Lucan, County Dublin is not development.

- (a) The proposed change of use of a Shomera/wooden shed, from domestic storage, ancillary to the main house, permitted under planning register reference number SO11B/2093, to use for home work, is not development as it does not constitute development by virtue of the fact that it would not require the carrying out of 'works' as defined under Section 2(1) of the Planning and Development Act, and would not constitute a material change of use by virtue of the fact that it would not result in any additional planning considerations or impacts that would change the nature and character of the structure.
- (b) The proposed change of use from domestic storage, ancillary to the main house, permitted under planning register reference number SO11B/2093, to use for some home working, would not contravene condition number 2(a) of SO11B/2093, as the nature of the home work so described in the referral documentation would fall within the scope of an activity incidental to the enjoyment of the dwelling house and would not constitute a separate trade or business use such that it would be contrary to the provisions of condition number 2(a) of planning register reference number SO11B/2093;

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

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

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.

Assessment

The Section 5 application seeks a declaration as to whether works to the existing outbuilding and its use as an ancillary non-habitable art studio is or is not development or is or is not exempted development.

The outbuilding sits to the rear of 'Mayfield' a dwelling unit located in the rural area of Ballinacor West. The structure is a low level stone building with a flat roof. The submission identifies the following :

Works to Outbuilding

- *Replacement of bitumen flat roof with a dark coloured metal effect flat roof finish. Existing roof form, height*
- *Replacement of the existing metal door with glazed doors within the existing opening. No enlargement, repositioning or modification of the opening. The opening is not visible from outside the curtilage.*
- *Removal of cement-based internal and external finishes. Reinstatement of lime-based interior finishes and external lime mortar pointing.*

When the identified works are completed it is proposed that the outbuilding will be used as non-habitable art studio for the owner. The activity includes:

- *Art production work undertaken by the owner*
- *Drawing, printmaking, calligraphy and similar low-intensity art processes*
- *Artworks created on site are sold online, with dispatch via ordinary domestic postal trips to local An Post*

Usage is restricted such that

- *No customer access to the premises*
- *No on-site retail, display or signage*
- *No staff*
- *No large deliveries*
- *All activity is internal and low-intensity*

The use is considered to remain subordinate and incidental to the dwelling and does not create a separate planning unit.

The 2 questions to be addressed i.e. whether the works to the existing outbuilding is or is not development , and is or is not exempted development, and whether the use of the outbuilding as an ancillary non-habitable art studio is or is not development.

A : whether the works to the existing outbuilding is or is not development , and is or is not exempted development

The first question to be asked is whether the identified works are or are not development. From the details the replacement of the roof, internal and external repair of finishes and insertion of a replacement door would be operations of repair and renewal and therefore works having regard to 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) of the Planning and Development Act 2000(as amended).

Given the nature of the works identified, and the details in respect to finishes it is considered the works would which are for maintenance and which would affect the interior and exterior of the structure, would 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, and therefore would be exempted development having regard to Section 4(1)(h).

B :whether the use of the outbuilding as an ancillary non-habitable art studio is or is not development.

From the submitted details it is evident that the use as an art studio is to be solely by the owner of the dwelling, and does not involve any customers coming to the studio or any on site sales or display. In addition, it is identified it will not be used for habitation. It is therefore considered that the use of the structure will not give rise to any additional traffic , noise impacts over and above the use of the structure as an outbuilding, and therefore would not change the nature and character of the structure.

Therefore, the change of use to non-habitable art studio would not result in a material change of use and therefore is not development.

Recommendation :

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

- i. the works to the existing outbuilding
- ii. the use of the outbuilding as an ancillary non-habitable art studio at Mayfield, Ballinacor West , Kilbride, Co. Wicklow A67 CD35Co. Wicklow.

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

The Planning Authority consider that the

- i. the works to the existing outbuilding is development and is exempted development
- ii. the use of the outbuilding as an non-habitable art studio is not development

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration Application
- b) PRR 25/60751, and An Coimisiún Pleanála Declaration ABP-309961-21
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The replacement of the roof, internal and external repair of finishes, and insertion of a replacement door to the existing outbuilding, would be operations of repair and

renewal, and therefore works having regard to 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) of the Planning and Development Act 2000(as amended).

- ii. Given the nature of the repair / renewal works to the outbuilding as detailed, it is considered the works which are for maintenance and which would affect the interior and exterior of the structure, would 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, and therefore would be exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

- iii. the use of the outbuilding as an ancillary art studio is not development, as it would not constitute a material change of use by virtue of the fact that it would not result in any additional planning considerations, or impacts that would change the nature and character of the structure.

Stuart Cunningham T/S

27/2/2026



Comhairle Contae Chill Mhantáin
Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
A/Senior Planner

FROM: Nicola Fleming
Staff Officer

RE:- EX20/2026 - 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 13/02/2026.

The due date on this declaration is the 12/03/2026.



Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Rachel Heritage
Mayfield
Ballinacor West
Kilbride
Wicklow
A67 CD35

17th February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX20/2026

A Chara

I wish to acknowledge receipt on 13/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12/03/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



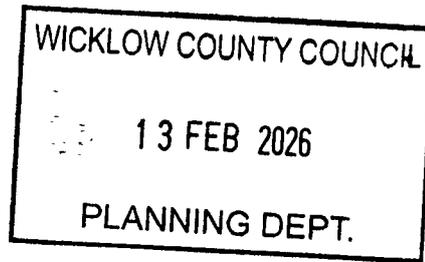
Rachel Heritage

Mayfield
Ballinacor West
Kilbride
Co. Wicklow
A67 CD35

12/02/2026

Planning Department

Wicklow County Council
County Buildings
Wicklow Town
Co. Wicklow



Re: Section 5 Declaration Request – Existing Stone Outbuilding at Mayfield, Ballinacor West, Kilbride, Co. Wicklow, A67 CD35

Dear Sir / Madam,

I wish to request, under **Section 5(2)** of the Planning and Development Act 2000 (as amended), a declaration in respect of an existing stone outbuilding within the curtilage of my dwelling at the above address.

The questions for determination are:

1. **Whether the proposed maintenance, repair and improvement works to the existing stone outbuilding are or are not development and are or are not exempted development under Section 4(1)(h) of the Act; and**
2. **Whether the proposed ancillary, non-habitable use of the outbuilding as an art studio is or is not a material change of use.**

The floor area of the outbuilding subject to this section 5 is 15.5 sq.m (existing and proposed).

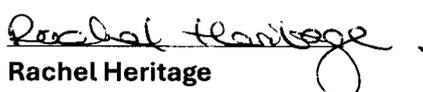
For reference, the permitted extension under Reg. Ref. 25/60751 received a Final Grant on 03/02/2026.

Please find enclosed the following documents in support of this request:

1. Completed **Section 5 Application Form**
2. **€80 fee receipt**
3. **Section 5 Supporting Statement**
4. **Site Location Map (Tailte Éireann)** with application site outlined in red and location of the outbuilding indicated
5. **Historic 25-inch OS Map** showing the existing stone outbuilding
6. **Site Layout Plan**
7. **Existing West Elevation – Outbuilding**
8. **Proposed West Elevation – Outbuilding (glazed doors within existing opening and replacement roof finish)**
9. **Photographs of the outbuilding** (view from public road and west elevation)

I trust the enclosed documentation is in order and I would be grateful if the Planning Authority could issue a Section 5 Declaration in due course.

Yours faithfully,


Rachel Heritage

SECTION 5 DECLARATION REQUEST

Planning & Development Acts 2000 (as amended)

Applicant:

Rachel Heritage

Address of Development:

Mayfield, Ballinacor West, Kilbride, Co. Wicklow, A67 CD35

Subject of Declaration:

Whether (a) works to an existing outbuilding and (b) the use of that outbuilding as an ancillary, non-habitable art studio are or are not development and are or are not exempted development.

1. Introduction and Context

This request is made pursuant to Section 5(2) of the Planning and Development Act 2000 (as amended).

In the Planner's Report for Reg. Ref. 25/60751 (Final Grant 03/02/2026), the Planning Authority noted that the existing outbuilding and its art studio use were not included within that permission and advised that its planning status could be clarified by way of a Section 5 Declaration.

This submission follows that advice.

2. Questions for Determination

The applicant seeks a declaration confirming:

1. Whether the proposed works to the existing stone outbuilding are exempted development pursuant to Section 4(1)(h); and
2. Whether the proposed use of the outbuilding as an ancillary, non-habitable art studio constitutes a material change of use.

3. Description of the Existing Structure

- A traditional single-storey stone outbuilding situated along the north-eastern boundary within the established curtilage of the dwelling.
- The structure appears on historic mapping and forms part of the original cluster of outbuildings.
- Internal subdivisions include former kennel compartments and utility spaces.
- The doorway is screened within the site; the roof is partially visible but visually recessive from the public road.

4. Description of Proposed Works

The works comprise maintenance, repair and improvement only. No extension, enlargement, reconstruction or change to footprint, height, or building form is proposed.

4.1 Roof

- Replacement of the existing deteriorated bitumen flat roof covering with a dark-coloured metal-effect flat roof finish, similar in tone to the existing roof and matching the permitted extension flat roof under Reg. Ref. 25/60751.
- Existing roof form, height, pitch, fall and profile retained completely.
- Localised like-for-like replacement of rotten timbers will occur where necessary.
- No change in massing, silhouette or external character.

4.2 Doors

- Replacement of the existing metal door with glazed doors within the existing opening.
- No enlargement, repositioning or modification of the opening.
- The opening is not visible from outside the curtilage.

4.3 Fabric Repairs

- Removal of cement-based internal and external finishes.
- Reinstatement of lime-based interior finishes and external lime mortar pointing.
- These works constitute normal repair practice for traditional stone structures and do not materially alter the external appearance.

5. Proposed Use of the Outbuilding

Following refurbishment, the outbuilding will be used as an ancillary, non-habitable art studio for the owner.

The activity includes:

- Art production work undertaken by the owner
- Drawing, printmaking, calligraphy and similar low-intensity art processes
- Artworks created on site are sold online, with dispatch via ordinary domestic postal trips to local An Post

Characteristics of the use:

- No customer access to the premises
- No on-site retail, display or signage
- No staff
- No large deliveries
- All activity is internal and low-intensity

The use remains subordinate and incidental to the dwelling and does not create a separate planning unit.

6. Planning Assessment

6.1 Whether the Works Constitute Development

The proposed works fall within the definition of “works” under Section 2 and therefore constitute development under Section 3.

Having established that the works constitute development under Section 3, the question then arises as to whether they are exempted development under Section 4(1)(h)

6.2 Whether the Works Are Exempted Development – Section 4(1)(h)

Section 4(1)(h) exempts:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure... 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.”

Application to this case

- Roof profile, height, pitch and form retained
- Replacement roof covering matches the permitted extension metal-effect flat roof
- No new openings or enlargement of existing ones
- Lime-based repair works are visually neutral
- No perceptible change to the building’s character or the wider site

Conclusion

The works do not materially affect the external appearance and therefore are exempted development under Section 4(1)(h).

6.3 Whether the Use Constitutes a Material Change of Use

Whether a change of use is ‘material’ is determined by its planning impacts, including any change in traffic, intensity of activity, noise, external effects or the creation of a separate planning unit.

Assessment

The proposed art studio use:

- Introduces **no customer access**
- Generates **no additional noise or traffic**
- Involves **no staff**
- Is carried out **solely by the owner**
- Results in **no material change to the external appearance** of the building
- Does not intensify the use of the property

Online sales do not affect the planning character of the site, as ordering and payment take place off-site and dispatch is carried out through standard household postal trips, with no customer access to the premises.

Conclusion

The proposed art studio use is ancillary and subordinate to the dwelling, does not constitute a material change of use, and is not development.

7. Overall Conclusion

Having regard to:

- The repair-based nature of the works
- Full retention of the building's form, height and openings
- Full material and visual consistency with the permitted extension flat roof
- The ancillary, non-habitable art studio use
- Absence of customer access, staffing, intensification or external impact
- Maintenance of the overall residential character of the site

It is submitted that:

1. The proposed works constitute development but are exempted development under Section 4(1)(h).
2. The proposed art studio use does not constitute a material change of use and therefore is not development.

The applicant respectfully requests that the Planning Authority issue a Section 5 Declaration confirming the above.

726260 mE, 687220 mN



Taithe Éireann

Clárúcháin, Liaschúil, Súlúcháin agus Rialáil, Valúcháin, Súlúcháin

Folio: WW222F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

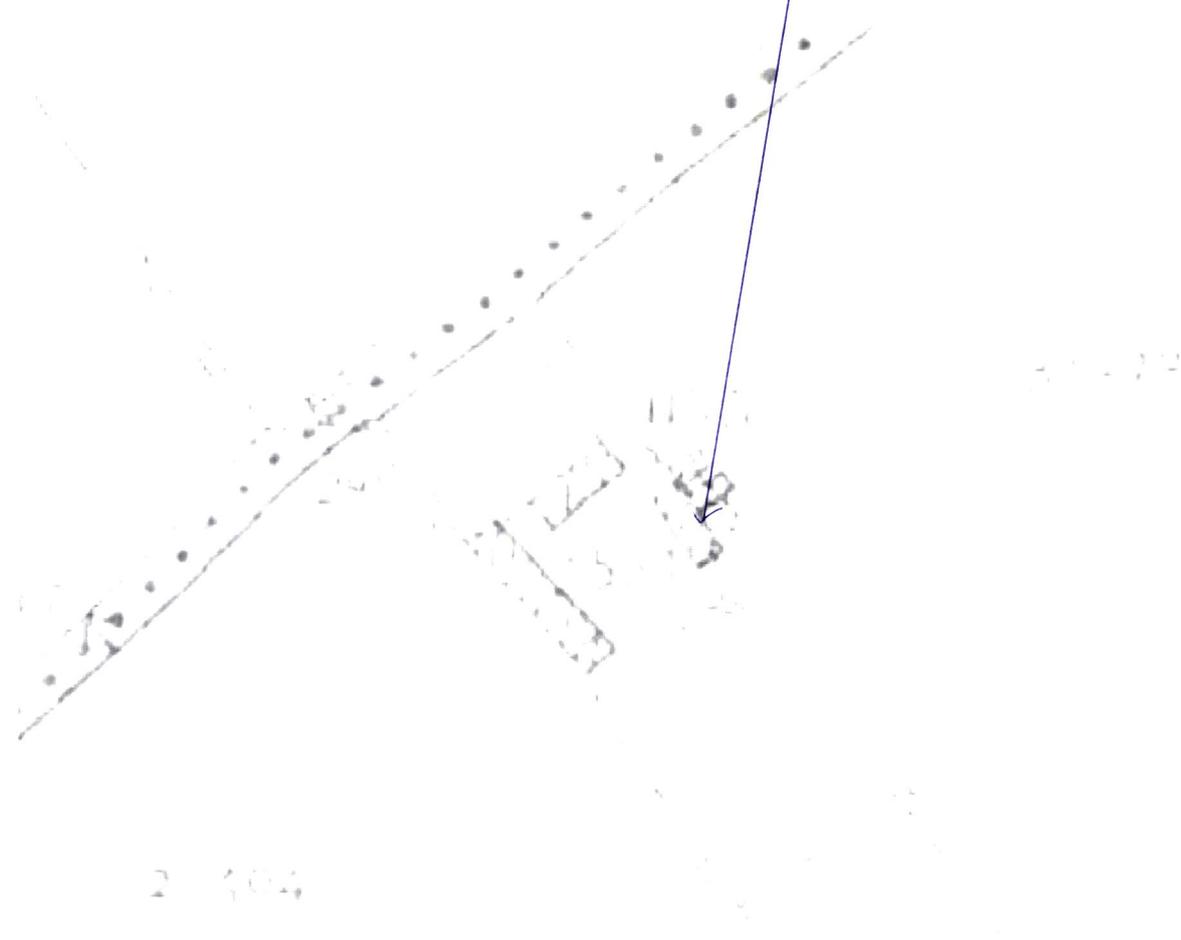
- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

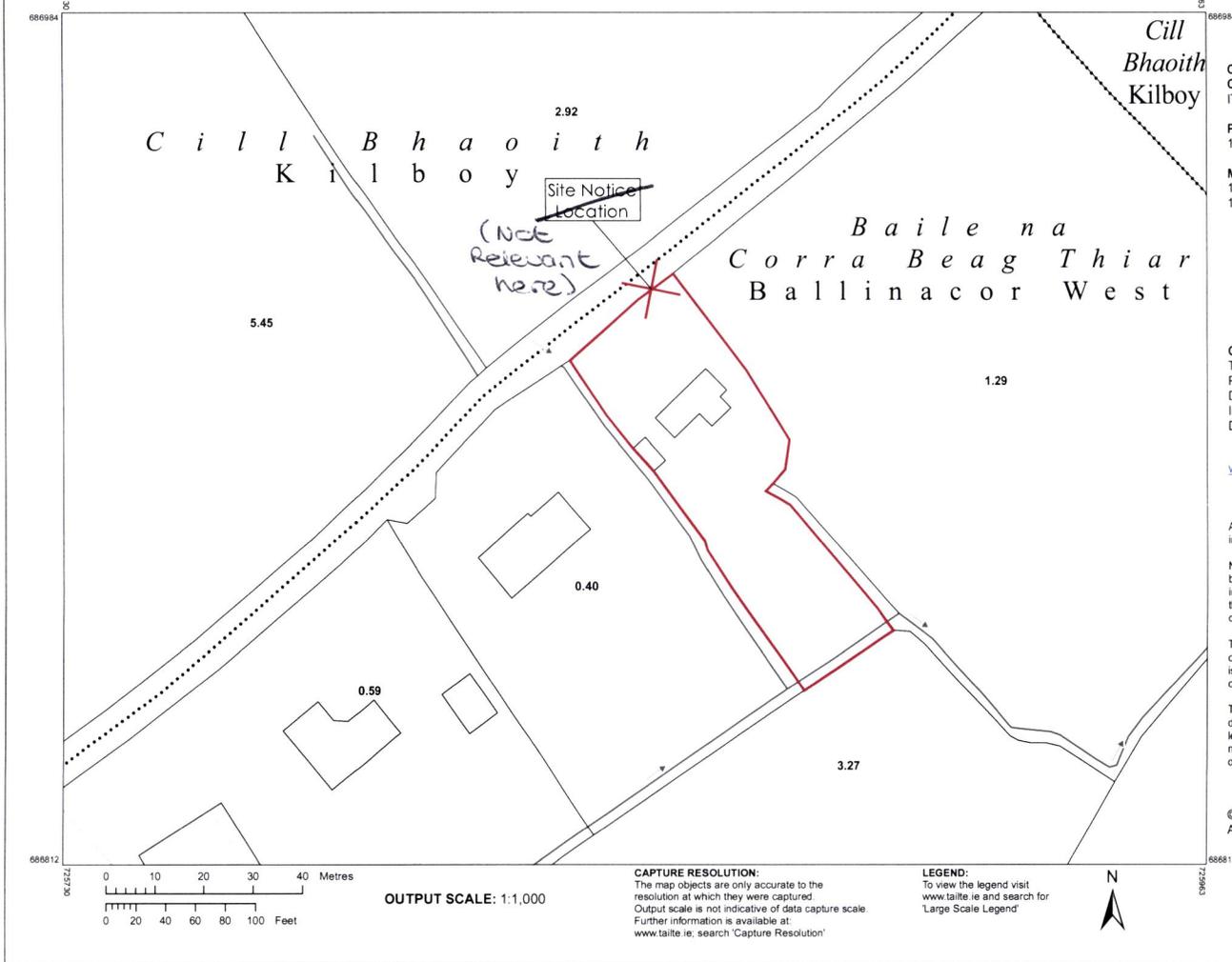
- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

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Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 725847,686898

PUBLISHED: 19/03/2025
ORDER NO.: 50455415_1
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MAP SHEETS: 4196, 4196-B

COMPILED AND PUBLISHED BY:
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D08F6E4

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-  Site Notice Location
-  Subject Site Boundary

archaus
architecture + interior design
www.archaus.ie 087 534 7611 info@archaus.ie

CLIENT:
Rachel + Leigh Heritage

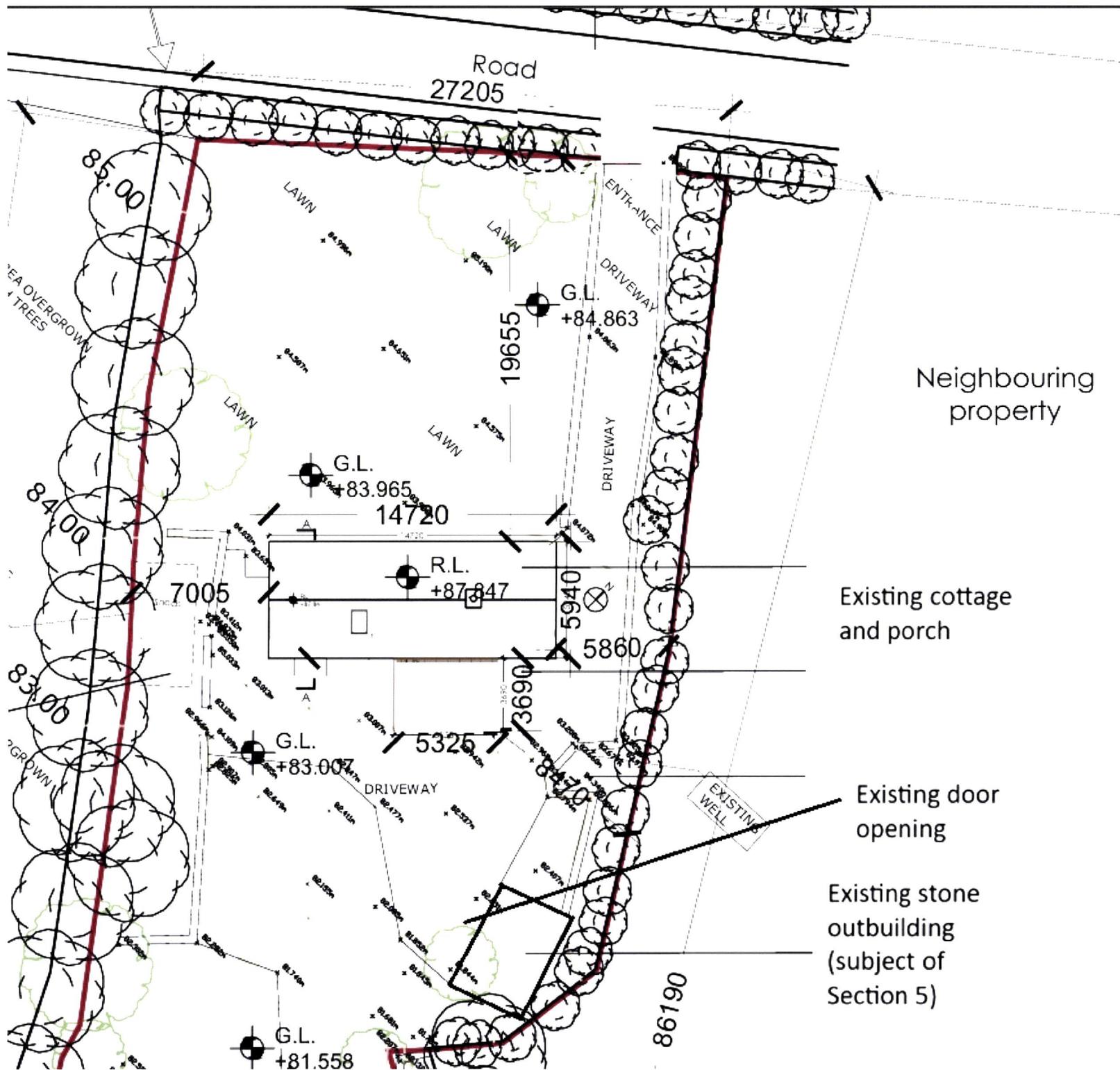
PROJECT:
Mayfield Cottage Extension
Ballinacor West, Kildare, Co. Wicklow

DRAWING:
Site Location/ OS Map

SCALE:	1:1000 @ A3	JOB NO.:	2519
DATE:	September 2025	DRAWN BY:	RM
DRAWING NUMBER:	2519-P-001	REVISION:	-

DRAWING STAGE: **PLANNING**

Site Location/ OS Map
1:1000 @ A3



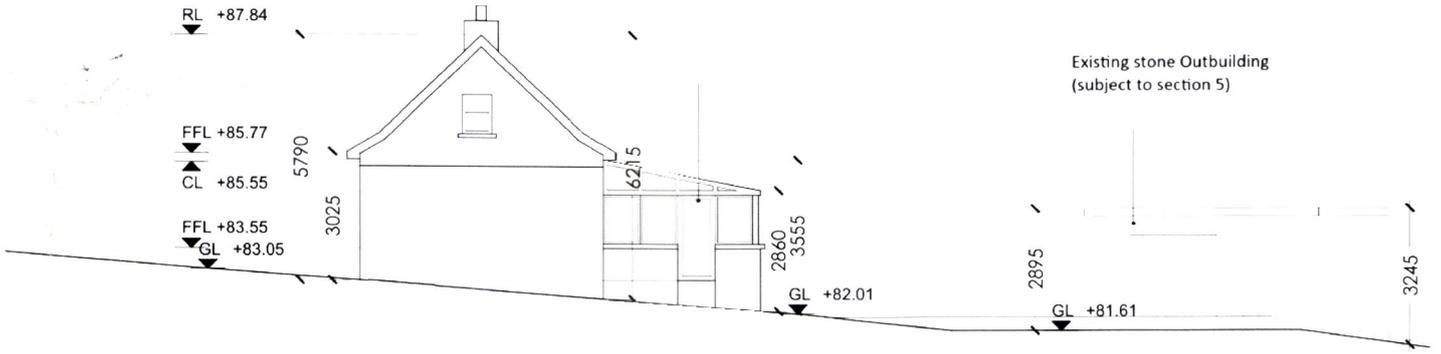
Neighbouring property

Existing cottage and porch

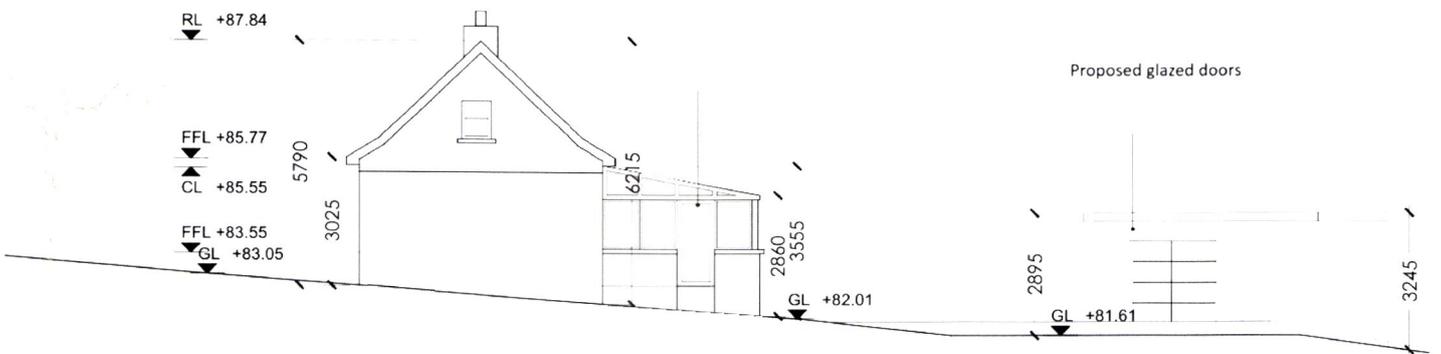
Existing door opening

Existing stone outbuilding (subject of Section 5)

Existing side elevation (west)



Proposed side elevation (west)





Outbuilding Subject
to section 5

MAYFIELD



Wicklow County Council
County Buildings
Wicklow
0404 20100

12/02/2026 16 16 09

Receipt No L1/0/358867

***** REPRINT *****

RACHEL HERTAGE
MAYFIELD
BALINCLOR WEST
KILBRIDE
WICKLOW

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

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By Annmarie Ryan
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: Rachel Heritage
Address of applicant: Mayfield, Ballinacor West, Kilbride, Wicklow, A67 CD35

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A
Address of Agent : N/A

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

3. Declaration Details

- i. Location of Development subject of Declaration:

Outbuilding located to the rear (north-eastern side) of the dwelling at Mayfield,
Ballinacor West, Kilbride, Co. Wicklow, A67 CD35

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier 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 works to the existing outbuilding and its use as an ancillary art studio are or are not development and are or are not exempted development

Additional details may be submitted by way of separate submission.

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

Sections 2, 3 and 4(1)(h) of the Planning and Development Act 2000 (as amended)

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, Site location map, 25inch OS map, Section 5 Supporting Statement, Existing side elevation (west), Proposed side elevation (west), Picture of outbuilding from the road, Picture of outbuilding west elevation.

viii. Fee of € 80 Attached ? Yes

Signed : *Donoel Heilaga* Dated : 12-02-2026

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.