

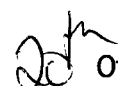


Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
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Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

David & Joan Murphy
16 Rockfield Park
Ballynacarrig
Co. Wicklow
A67 TD88

 Of November 2025

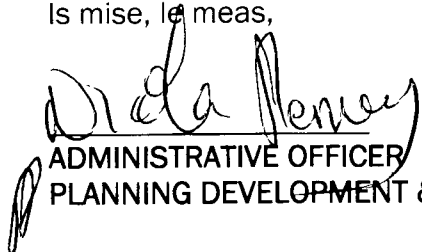
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 114/2025**

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,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**





Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: David & Joan Murphy

Location: 16 Rockfield Park, Ballynacarrig, Co. Wicklow

Reference Number: EX 114/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1262

A question has arisen as to whether “garden shed of 6m²” at 16 Rockfield Park, Ballynacarrig, Co. Wicklow is or is not exempted development.

Having regard to:

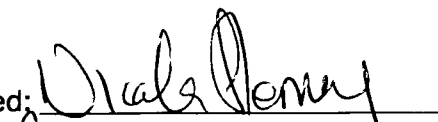
- (i) The details submitted with the Section 5 Declaration application received 03/10/2025.
- (ii) Solicitors letter dated 07/11/2025
- (iii) Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended).
- (iv) Articles 6 & 9 of the Planning and Development Regulations 2001 as amended.
- (v) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

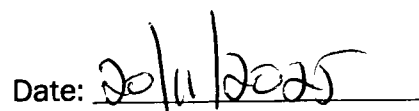
- (i) The construction of a shed comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- (ii) The shed is located to the side of the dwelling and cannot be seen from the public road.
- (iii) The shed structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.
- (iv) The shed does not obstruct any public right of way.

The Planning Authority considers that “garden shed of 6m²” at 16 Rockfield Park, Ballynacarrig, Co. Wicklow is development and IS exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1262

Reference Number: EX 114/2025

Name of Applicant: David & Joan Murphy

Nature of Application: Section 5 Referral as to whether "*garden shed of 6m²*" is or is not development and is or is not exempted development.

Location of Subject Site: 16 Rockfield Park, Ballynacarrig, Co. Wicklow

Report from: Maria Harte, GP, Edel Bermingham,T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*garden shed of 6m²*" at 16 Rockfield Park, Ballynacarrig, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (i) The details submitted with the Section 5 Declaration application received 03/10/2025.
- (ii) Solicitors letter dated 07/11/2025
- (iii) Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended).
- (iv) Articles 6 & 9 of the Planning and Development Regulations 2001 as amended.
- (v) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The 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 is located to the side of the dwelling and cannot be seen from the public road.
- (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.
- (iv) The shed does not obstruct any public right of way.

Recommendation

The Planning Authority considers that "*garden shed of 6m²*" at 16 Rockfield Park, Ballynacarrig, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: Dida Penney

Dated: 19th of November 2025

ORDER:

I HEREBY DECLARE:

That "garden shed of 6m²" at 16 Rockfield Park, Ballynacarrig, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Sarah Bennett

T/Senior Planner

Planning, Economic & Rural Development

Dated: 20th of November 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX114/2025 F.I.
Name:	David & Joan Murphy
Development:	Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
RE:	Garden Shed
Location:	16 Rockfield Park, Ballynacarrig, Wicklow. A67TD88

The Site: The subject site lies within an Area of outstanding Natural Beauty (AONB)- Coastal Areas c.35m from the beach at Ballynacarrig ; c.260m north east of the settlement boundary of Ballynacarrig- Brittas Bay Level 8 Village and c. 6km south of the Level 2 Core Region Key Town of Wicklow- Rathnew. The site currently comprises a detached dwelling house on a large site with views of the Irish sea to the east. The house has mature foliage on all boundaries. Maps submitted from Tailte Eireann identifies a burden of right of way/ wayleave running along the southern boundary of the property continuing through to the neighbouring property to the west. Vehicular access lies to the east of the site.



Google Earth

This section 5 application has been subject to a further information request. This report should be read in conjunction with the previous planning reports.

Further Information was requested as follows;

In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed garden shed and show that the proposed development does not obstruct any public right of way, given that the submitted details identify a right of way at this point. Any details should include confirmation from a solicitor that the works would not impact on any public right of way.

Response: The Applicant has submitted a letter from Niall T. Cawley & Co. Solicitors received 07/11/2025.

Assessment: The submitted solicitors' letter from Niall T. Cawley & Co. Solicitors received 07/11/2025 states that re: Folio 20466F County Wicklow the Applicants title is:

- (i) subject to a number of rights of way;
- (ii) these rights of way are private;
- (iii) that there is no public right of way;
- (iv) that these rights of way have not been operated for upwards of 40 years.
- (v) cannot be operated given the grant of planning PRR: 22/477 relating to the neighbouring property at 17 Rockfield Park, Ballynacarrig, Co Wicklow.

The Planning Authority is satisfied that considering the submitted letter dated 07/11/2025 in response to a Further Information request that the proposed development does not obstruct any public right of way.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for the 'garden shed of 6sqm' is or is not exempted development.

The Planning Authority considers that:

The proposal of the 'garden shed of 6m2 at 16 Rockfield Park, Ballynacarrig, Wicklow is development under ~~Article 6 Class 3 of the Planning and Development Act and that the proposed development~~ is exempt development.

Main Considerations with respect to Section 5 Declaration:

- (i) The details submitted with the Section 5 Declaration application received 03/10/2025.
- (ii) Solicitors letter dated 07/11/2025
- (iii) Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended);
- (iv) Articles 6 & 9 of the Planning and Development Regulations 2001 as amended;
- (v) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001(as amended);

Main reasons with respect to Section 5 Declaration:

- i. The 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 is located to the side of the dwelling and cannot be seen from the public road.
- iii. The shed structure would come within the description set out under Class ³~~X~~ of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.
- iv. The shed does not obstruct any public right of way.

Maria Harte GP

 Maria Harte (Graduate Planner)

Dated: 18/11/2025

For Sd NR
Ths. 18/11/2025



Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Maria Harte
Graduate Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- EX114/2025 - 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 03/10/2025 along with FI received on 07/11/2025.

The due date on this declaration is the 27/11/2025.



**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

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**David & Joan Murphy
16 Rockfield Park
Ballynacarrig
Co. Wicklow
A67 TD88**

7th October 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX114/2025

A Chara

I wish to acknowledge receipt on 03/10/2025 details supplied by you in respect of the above Section 5 application along with Further Information received on 07/11/2025. A decision is due in respect of this application by 27/11/2025.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**



Niall T. Cawley & Co.

(incorporating Ken J. Byrne & Co. Solicitors)

Solicitors, Notary Public, Commissioner for Oaths

Main Street, Blackrock, County Dublin, A94 N6W8.

Tel: 01 2832715 Fax: 01 2833453

niall@blackrocksolicitors.ie

DX 7010 Blackrock

Our Ref: NTC.Permis.25/LS

Your Ref: EX114/2025

6th November 2025

FAO: Nicola Fleming,

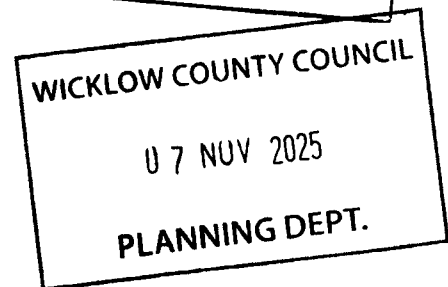
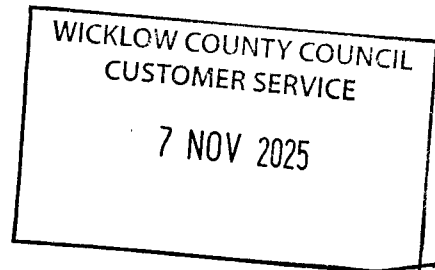
Staff Office,

Planning and Development & Environment Department

Wicklow County Council

County Buildings

Wicklow



Re: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as Amended)

Our Clients: David & Joan Murphy

Property: 16 Rockfield Park, Ballincarrick, Co Wicklow, A67 TD88

Dear Ms Fleming,

We are in receipt of your letter of the 28th of October 2025 passed on to us by our aforementioned Clients and we have had an opportunity to consider the position, as advised.

As are you are aware our Clients are seeking a Certificate of Exemption in respect of a construction of a shed in his garden.

We would point out that our Clients purchased this property originally in 1999 and the existing shed was built in 2001. The shed that is now proposed to be put in place is in substitution for that shed. We enclose photographs for your information.

We note your concerns in relation to a Right of Way but we enclose for your attention a copy of Folio 20466F County Wicklow, which is our Clients' Title, and as you can see same is subject to a number of Rights of Way.

The first point to make is that all of these Rights of Way are private. There is no public Right of Way. These Rights of Way have not been operated.

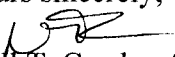
Secondly you will note from the copy Folio these Rights of Way were created as far back ago as 1949, 1950 and 1951.

These Rights of Way have not been exercised for upwards of 40 years and indeed cannot be exercised as the path of the Right of Way is now blocked by constructions that were built with Planning Permission, we might point out, under Reference 22477.

For all of the above reasons we do not believe that the Council has any need to be concerned in relation to the existence of a public Right of Way over the property or indeed an extant Right of Way given all of the above.

We hope that the above has been of assistance to you but if you need anything further from us please do not hesitate to contact us.

Yours sincerely,


Niall T. Cawley & Co.

Encl.

Land Registry

County Wicklow

Folio 20466F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	The property shown coloured RED as Plan(s) 189, 232 on the Registry Map, situate in the Townland of BALLYNACARRIG, in the Barony of ARKLOW, in the Electoral Division of DUNGANSTOWN EAST.	From Folio WW7171F

Land Registry

County Wicklow

Folio 20466F

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares) :	Plan:	Folio No:

Land Registry

County Wicklow

Folio 20466F

Part 2 - Ownership

Title ABSOLUTE

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965		
1	01-SEP-1999 D99KW08736R	DAVID MURPHY of MONTEROSA, SORRENTO ROAD, DALKEY, COUNTY DUBLIN and JOAN MURPHY of MONTEROSA, SORRENTO ROAD, DALKEY, COUNTY DUBLIN are full owners.	Cancelled D2013LR032973X 30-APR-2013
2	30-APR-2013 D2013LR032973X	LAURA BEGLEY of 41 Bayview Drive, Killiney, County Dublin is full owner.	Cancelled D2017LR014254K 27-JAN-2017
3	27-JAN-2017 D2017LR014254K	DAVID MURPHY of Strawberry Hill, Vico Road, Dalkey, County Dublin and JOAN MURPHY of Strawberry Hill, Vico Road, Dalkey, County Dublin are full owners.	

Land Registry

County Wicklow

Folio 20466F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.
2	07-MAR-1949 361/3/49 Full right and liberty for Henry C. Delahunt his heirs and assigns the owners and occupiers of the part of the townland of Ballynacarring shown as Plan 12 edged red on the Registry Map of the townland (O.S. 31/15, 36/3) and his and their licensees, lessees, under-tenants and servants in common with Elizabeth Delahunt her heirs and assigns and with all other persons who have or may have hereafter have the said right at all times and for all purposes with or without animals or vehicles to pass and repass over the property herein by the way lettered YZ on the Plan thereof. The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.
3	09-MAR-1950 546/3/50 Full right and liberty for Laurence Albert Fairbairn his heirs executors administrators and assigns the owners or occupiers of other part of the townland of Ballynacarring shown as Plan 35 on the Registry Map thereof (O.S. 31/15) and his and their licensees under-tenants servants and agents and all persons hereafter acquiring building plots or sites on the said townland of Ballynacarring being transferred to Laurence Albert Fairbairn at all times and for all purposes with or without animals or vehicles to pass and repass over the property herein by the way lettered Y.Z on the Plan thereof.

Land Registry

County Wicklow

Folio 20466F

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

4

12-APR-1951
662/4/51

The right of Evelyn Hornidge and Julia F. Hoy the Lessees referred to at Entry No. 19 on Folio WW453 the survivor of them and their and her executors administrators and assigns in common with the registered owner herein and the tenants and occupiers of the adjoining lands or other persons having the like right to pass and repass over the property herein by the way shown coloured yellow and lettered Y.Z on the Plan thereof on the Registry Map.

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

5

01-SEP-1999
D99KW08736R

The covenants and conditions specified in Instrument No. D99KW08736R relating to the use and enjoyment of the property.

6

01-SEP-1999
D99KW08736R

~~Charge for present and future advances stamped to cover £75,000 repayable with interest.~~

~~ULSTER BANK LIMITED is owner of this charge.~~

~~Certificate of Charge issued. Rule 156~~

Land Registry

County Wicklow

Folio 20466F

7

~~04 MAY 2017~~

~~D2017LR061153W~~

~~Charge for present and future advances repayable with interest.
BBF CAPITAL LIMITED is owner of this charge.~~

Cancelled

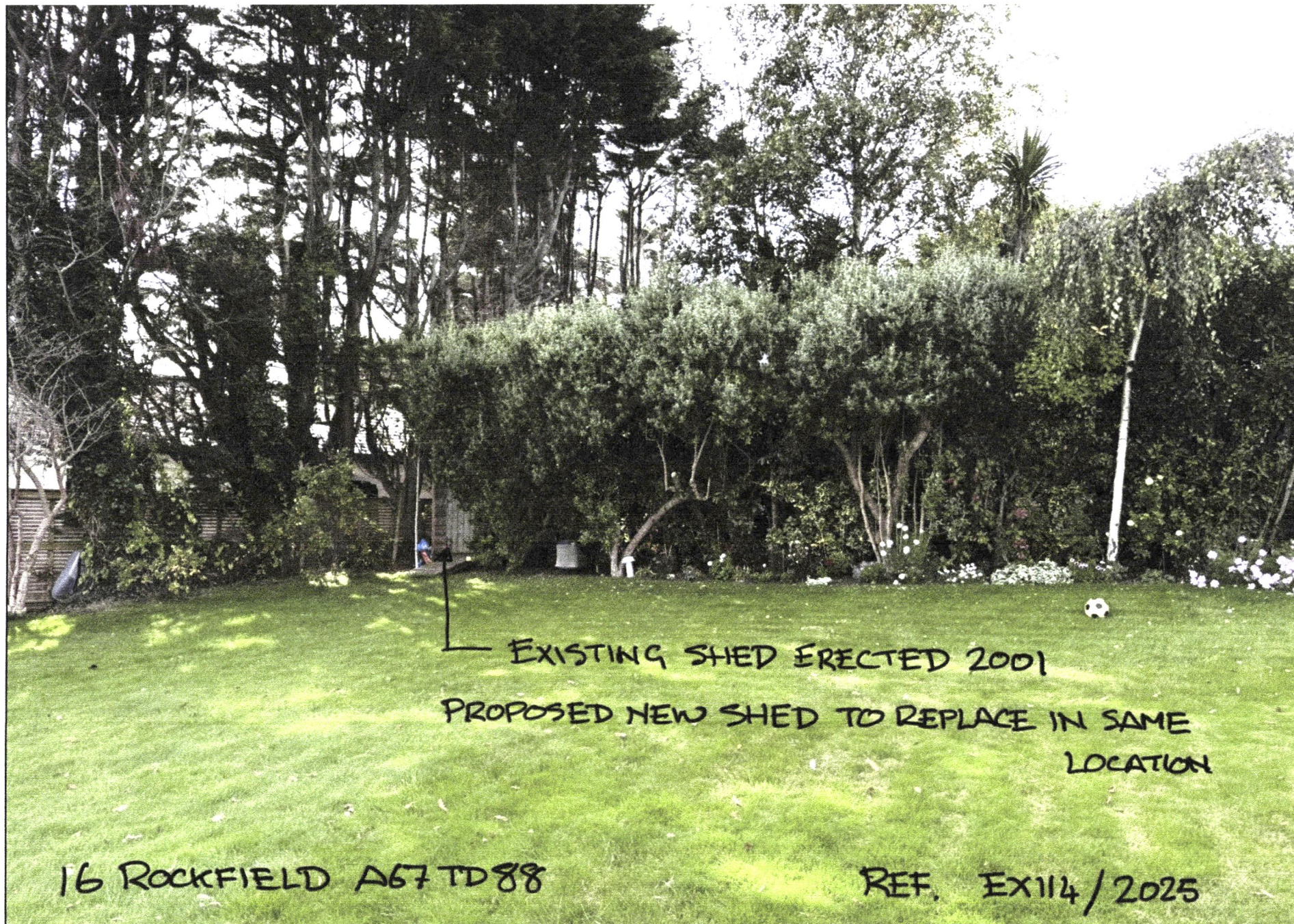
D2013LR052943C

03-JUL-2013

Cancelled

D2022LR159164X

18-OCT-2022



EXISTING SHED ERECTED 2001
PROPOSED NEW SHED TO REPLACE IN SAME
LOCATION

16 ROCKFIELD A67 TD88

REF. EX114/2025

STRUCTURE IN ADJOINING
PROPERTY P/T 22/477



EXISTING SHED 2001

REF EX114/2025

16 ROCKFIELD A67 TD88



Comhairle Contae Chill Mhantáin Wicklow County Council

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**David & Joan Murphy
16 Rockfield Park
Ballynacarrig
Co. Wicklow
A67 TD88**

29th October, 2025

**Re: Application for Certificate of Exemption under Section 5 of the Planning & development
Acts 2000 (as amended) - EX114/2025**

A Chara,

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 3rd October, 2025, in order to fully assess the section 5 query, you are requested to submit further details concerning the proposed garden shed and show that the proposed development does not obstruct any public right of way, given that the submitted details identify a right of way at this point. Any details should include confirmation from a solicitor that the works would not impact on any public right of way.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Development and Environment**





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

Ref: EX114/2025
Name: David & Joan Murphy
Development: Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
RE: Garden Shed
Location: 16 Rockfield Park, Ballynacarrig, Wicklow. A67TD88

The Site: The subject site lies within an Area of outstanding Natural Beauty (AONB)- Coastal Areas c.35m from the beach at Ballynacarrig ; c.260m north east of the settlement boundary of Ballynacarrig- Brittas Bay Level 8 Village and c. 6km south of the Level 2 Core Region Key Town of Wicklow- Rathnew. The site currently comprises a detached dwelling house on a large site with views of the Irish sea to the east. The house has mature foliage on all boundaries. Maps submitted from Tailte Eireann identifies a burden of right of way/ wayleave running along the southern boundary of the property continuing through to the neighbouring property to the west. Vehicular access lies to the east of the site.



Google Earth

Question: *Whether or not:*
The erection of a 6sqm shed is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

WCC Planning History:

Subject site

REF: 04/870
Applicant: David & Joan Murphy
Development: Retention of variations to house design (93/1037) plus the addition of sun room and basement garage and boat store
Decision: Grant.

Overall development

REF: 93/1037
Applicant: Littondale Ltd.
Development: 12 Dwellings
Decision: Refused. Granted conditional on appeal.

REF: 00/1117
Applicant: Zara & Marc Copeland
Development: extend the appropriate period of plan.perm.ref.1037/93 - 12 residential units (sites 24 & 25)
Decision: Unconditional grant.

Question: *Whether or not:*
The erection of a 6sqm shed is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Relevant Legislation:

Planning and Development Act, 2000 (as amended):

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

“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 situated, 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) of the Act states the following in respect of ‘development’

- (a) In this act development means, except where the context otherwise requires, as: “The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land”, or

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

Section 4:

4.—

- 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

- 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

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

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

It should be noted that Section 2 (1) defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

I am satisfied the proposal would involve works and therefore the proposal does constitute development having regard to section 3 (1) (a) of the Planning and Development Act 2000 (as amended).

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended), or its associated Regulations. Schedule 2, Part 1 Class 3 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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

The proposed works are considered to fall under schedule 2, Part 1 Class 3. The following checklist will determine if the development complies with associated conditions and limitations.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.	Yes. The structure to be constructed lies along the western boundary line to the side of the dwelling.
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 sqm.	Yes. It is stated that the development is 6sqm.
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 sqm.	Yes. The remaining amount of private open space is not less than 25sqm.
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.	Yes. The roof of the wooden shed is of felt and acceptable.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 m or, in any	Yes. The height of the structure is stated as 4m.

other case, 3 m.	
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.	Yes. The structure is considered ancillary to the dwelling.

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

Upon review of the subject sites planning history, and the Tailte Eireann Map which identifies the burden of right of way/ wayleave running along the southern boundary of the property continuing through to the neighbouring property to the west. For this reason, the PA considers that clarification is required to ensure the outright exemption of the proposed development. In this regard, documentation to facilitate the proposal will need to be provided, noting that development which will

- (i) obstruct any public right of way shall not be deemed as exempt. (As per the Planning and Development Act 2001 (as amended)).

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for the 'garden shed of 6sqm' is or is not exempted development.

The Planning Authority considers that:

The proposal of the 'garden shed of 6m2 is development under Article 6 Class 3 of the Planning and Development Act and that **Further Information** is required to determine if the proposed development is exempt development.

Recommendation:

FURTHER INFORMATION

In order to fully assess the section 5 query, you are requested to submit further details concerning the proposed garden shed and show that the proposed development does not obstruct any public right of way, given that the submitted details identify a right of way at this point. Any details should include confirmation from a solicitor that the works would not impact on any public right of way.

Maria Harte GP

 Maria Harte (Graduate Planner)

Dated: 28/10/2025

Paul E. R. Harte
 28/10/2025



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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Maria Harte
Graduate Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX114/2025 - 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 03/10/2025.

The due date on this declaration is the 30/10/2025.



Staff Officer
Planning Development & Environment





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

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 Suíomh / Website: www.wicklow.ie

David & Joan Murphy
16 Rockfield Park
Ballynacarrig
Co. Wicklow
A67 TD88

7th October 2025

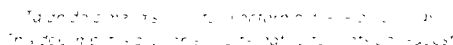
RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX114/2025

A Chara

I wish to acknowledge receipt on 03/10/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 30/10/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

03/10/2025 15 52 34

Receipt No 11/0/352592

DAVID AN JOAN MURPHY
16 ROCKFIELD PARK
BALLYNACARIG
CO WICKLOW
A67TD88

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

Total	80 00 EUR
-------	-----------

Tendered	
Cheque	80 00

Change	0 00
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Issued By Ruth Graham
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: DAVID & JOAN MURPHY

Address of applicant: 16 ROCKFIELD PARK

BALLYNACARRIG CO. WICKLOW A67 TD 88

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.

WICKLOW COUNTY COUNCIL

03 OCT 2025

PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration 16 ROCKFIELD PARK
BALLYNACARRIG CO. WICKLOW A67 TD 88

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 THAT THE PROPOSED
GARDEN SHED OF 6M² IS AN EXEMPTED
DEVELOPMENT UNDER ARTICLE 6 CLASS 3
OF THE ACTS.

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____
ARTICLE 6 CLASS 3

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 LOCATION MAP (TAILTE EIREANN)

~~84~~ SITE MAP 1: 200 (A3)

DETAIL DRAWING OF PLAN, SECTION, ELEVATIONS

viii. Fee of € 80 Attached ? YES - cheque

Signed : David Murray Dated : 3-10-2025

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 -

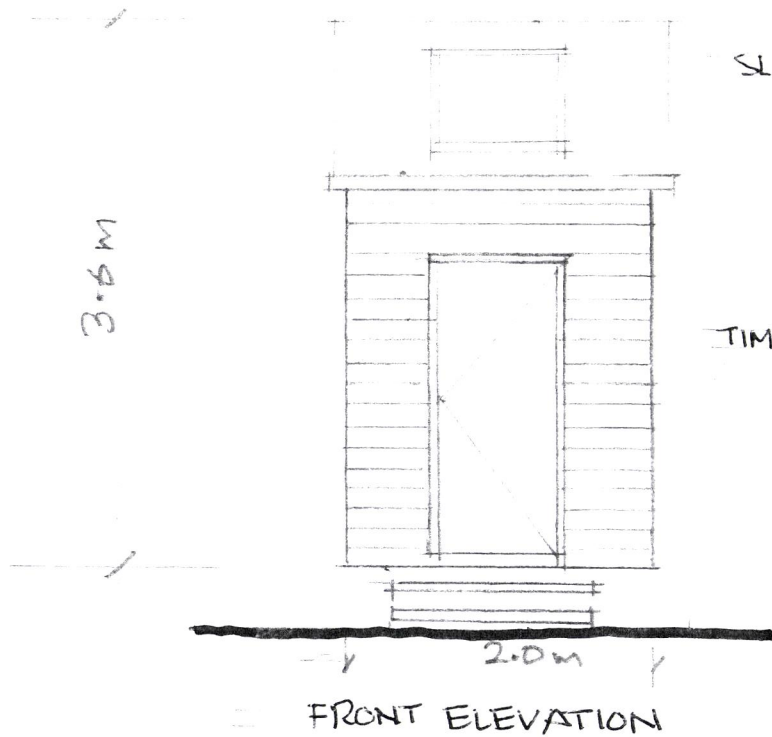
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

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.

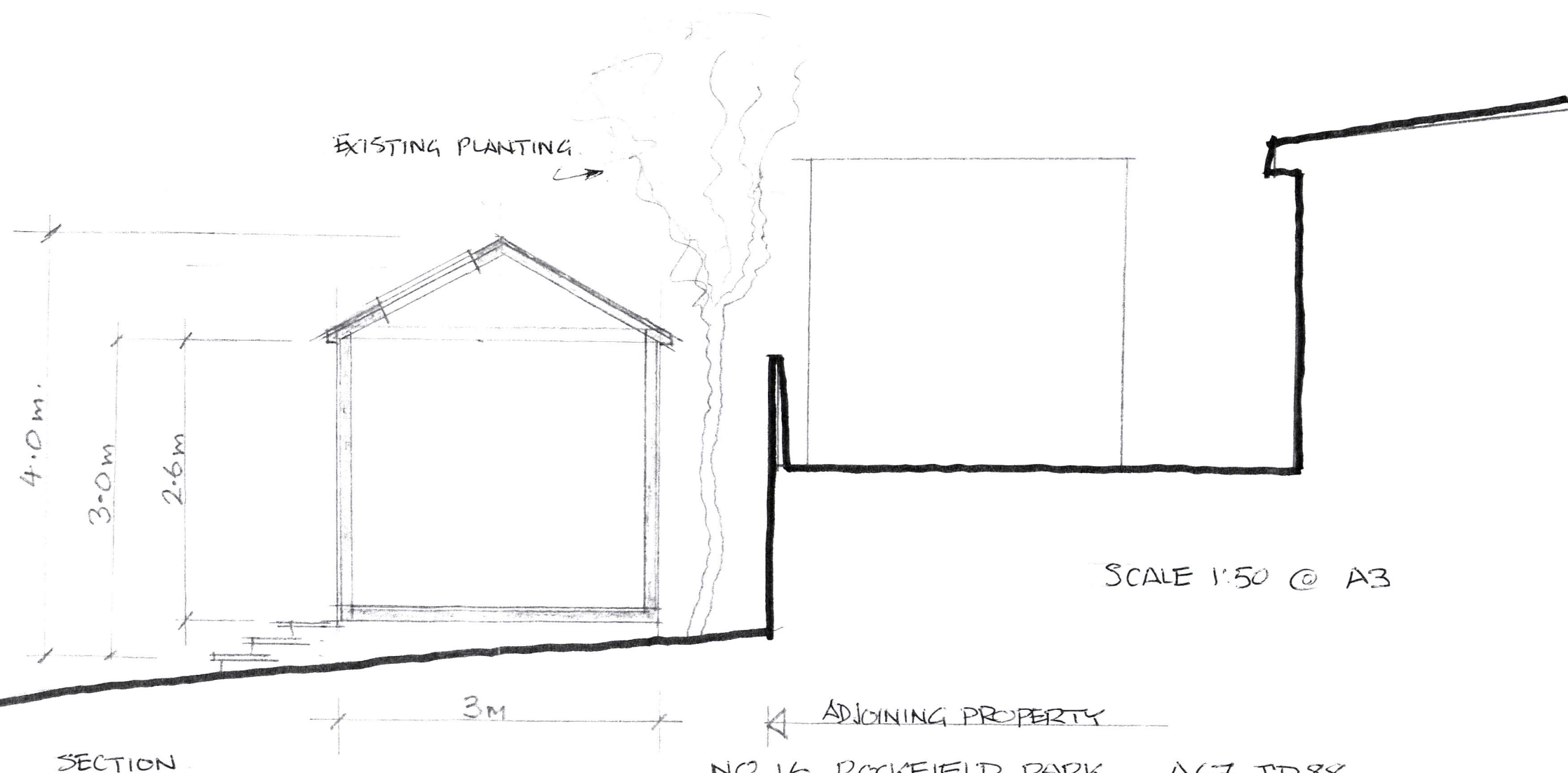
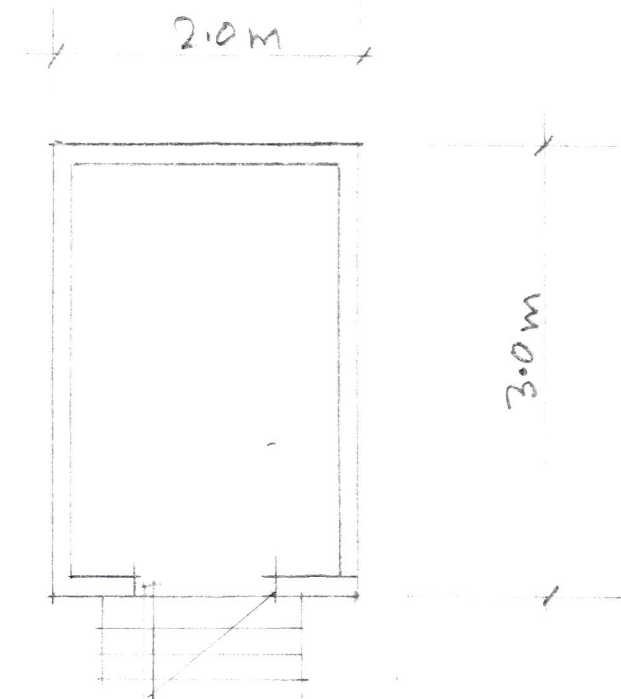
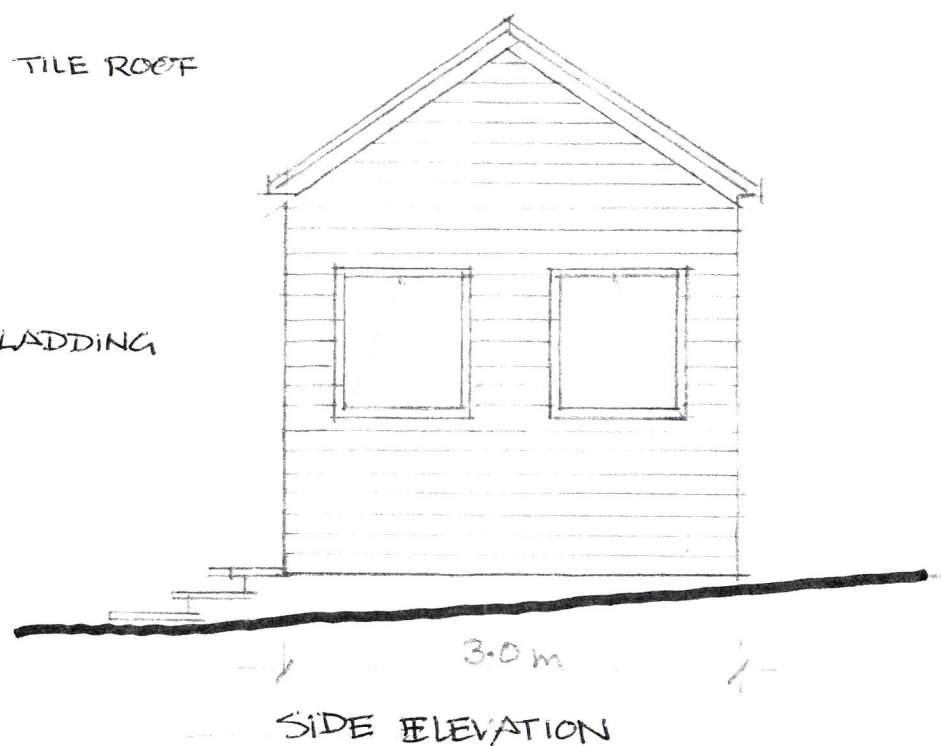
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.



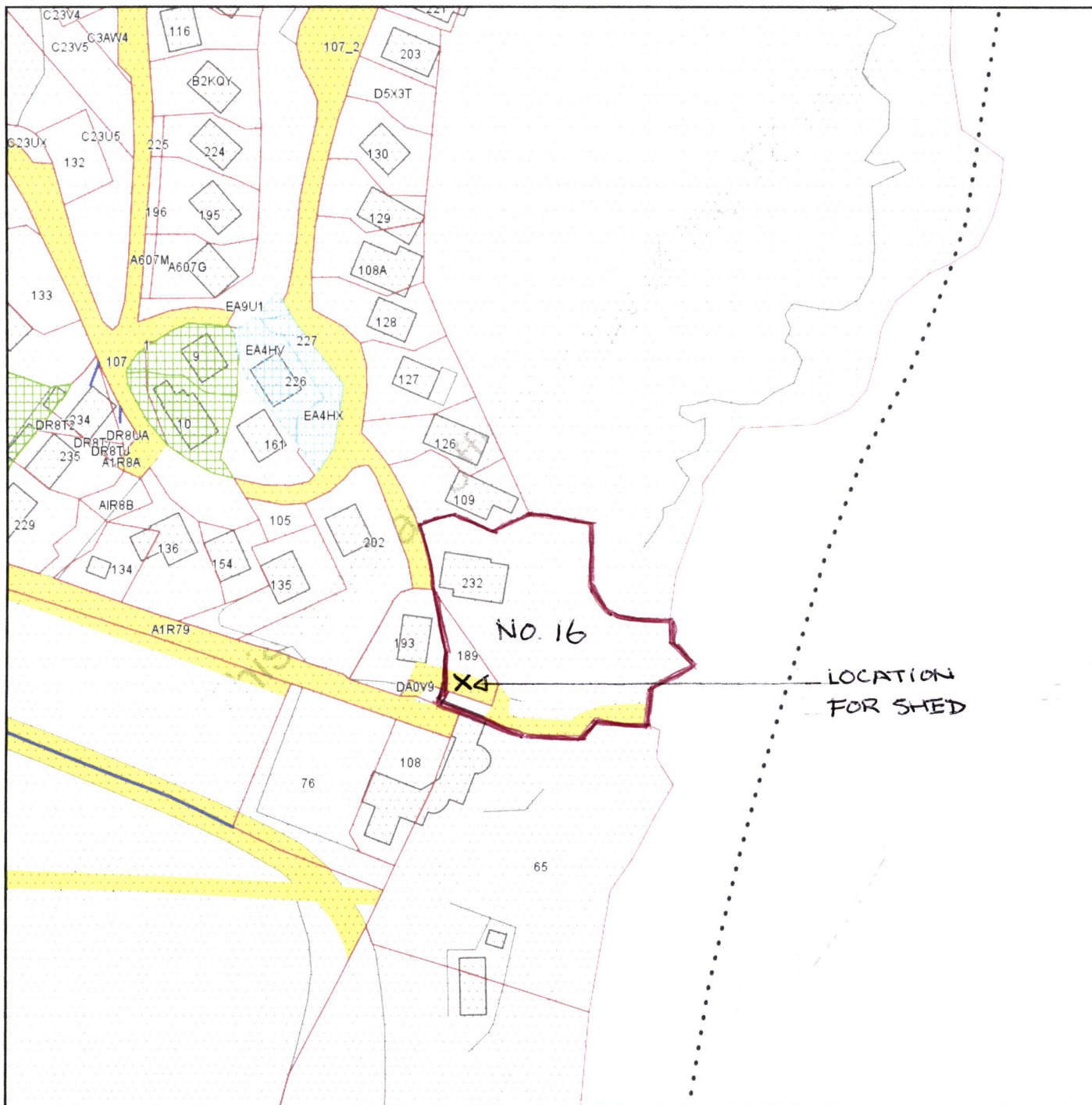
SLATE OR TILE ROOF

TIMBER CLADDING



SCALE 1:50 @ A3

NO 16 ROCKFIELD PARK AG7 TD88
 GARDEN SHED: SECTION 5 DECLARATION APPLICATION
 DAVID MURPHY 086 2530057.



Tailte Éireann

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Survey map scale.

For details of the terms of use and limitations of scale, accuracy and conditions relating to T   Registration maps, see www.tailte.ie.

This map incorporates T  Surveying map data under a licence from T 
Copyright   Tailte  ireann and Government of Ireland.

(centre-line of parcel(s) edged)

-  Freehold
-  Leasehold
-  SubLeasehold
-  'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

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

A full list of burdens and their symbology can be found at: www.landdirect.ie

Taille Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

SITE LOCATION: NO 16 ROCKFIELD
DAVID MURPHY A67 TD88

