



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
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

Sean O'Connor
Riverside
Enniskerry
Co. Wicklow
A98 AE65

16th Of April 2026

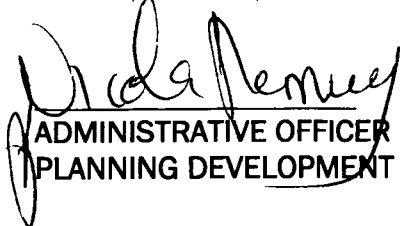
RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX40/2026

A Chara,

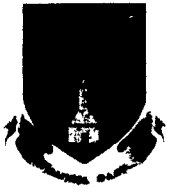
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning &
Development Act 2000.

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: Sean O'Connor

Location: Riverside, Enniskerry, Co. Wicklow

Reference Number: EX 40/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/439

A question has arisen as to whether *"the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works"* at Riverside, Enniskerry, Co. Wicklow is or is not exempted development.

Having regard to:


- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 5, 10 and Schedule 2 Part 1 and 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

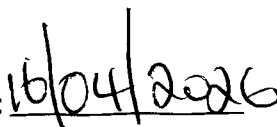
- i. The change of use of the structure for use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works would be materially different in character, have differing patterns of usage and amenity requirements to the use as an non-residential outbuilding/ ancillary outbuilding associated with a residential dwelling.
- ii. The use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility would come within the definition of an industrial process, and would therefore be classified as a light industrial building having regard to the definitions set out under Article 5 of the Planning and Development Regulations 2001 (as amended).
- iii. There is no exemption within the Planning and Development Regulations 2001 (as amended) or provision under the Planning and Development Act 2000 (as amended) which would allow for the change of use of a building which is ancillary to the main use of a dwelling, to a light industrial use.

The Planning Authority considers that "the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works" at Riverside, Enniskerry, Co. Wicklow is development and IS NOT 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/2026/439

Reference Number: EX 40/2026

Name of Applicant: Sean O'Connor

Nature of Application: Section 5 Referral as to whether "*the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works*" is or is not development and is or is not exempted development.

Location of Subject Site: Riverside, Enniskerry, Co. Wicklow

Report from: Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works*" at Riverside, Enniskerry, 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.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 5, 10 and Schedule 2 Part 1 and 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The change of use of the structure for use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works would be materially different in character, have differing patterns of usage and amenity requirements to the use as an non-residential outbuilding/ ancillary outbuilding associated with a residential dwelling.
- ii. The use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility would come within the definition of an industrial process, and would therefore be classified as a light industrial building having regard to the definitions set out under Article 5 of the Planning and Development Regulations 2001 (as amended).
- iii. There is no exemption within the Planning and Development Regulations 2001 (as amended) or provision under the Planning and Development Act 2000 (as amended) which would allow for the change of use of a building which is ancillary to the main use of a dwelling, to a light industrial use.

Recommendation

The Planning Authority considers that "the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works" at Riverside, Enniskerry, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

Signed: Nicola Henry

Date: 16/04/2026

ORDER:

I HEREBY DECLARE:

THAT "the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works" at Riverside, Enniskerry, Co. Wicklow is **development and is not exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Stella Gunnarsson

Date: 16/4/2026

T/Senior Planner

Planning, Economic & Rural Development

Section 5 Application : EX 40-2026

Date : 14/04/2026

Applicant: Sean O' Connor

Address : Riverside, Enniskerry, A98 AE65

Question:

Whether or not:

The change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works.

Is or is not exempted development.

Site Description.

The building is single storey in nature and forms part of a larger landholding occupied by a residential dwelling located further to the east. The building itself is located right along the western boundary of the landholding directly beside a number of dwellings known as 1-4 Riverside. The subject site is located within the boundary of the settlement of Enniskerry and is zoned RE- Existing Residential

Planning History of Site

24/60090: Planning permission GRANTED TO Sean and Liz O' Connor for the provision of a new 2 bedroom house.

The subject building is located in the curtilage of this planning application which has not commenced. Condition 9 of this grant of permission is noted and relates to the building in question:

Condition 9

The existing storage shed on site shall be used for private domestic use only and shall not be used for human habitation or for any commercial purpose.

REASON: *To safeguard the residential amenities of adjoining properties*

01/5325: Planning permission GRANTED to Sean O' Connor to demolish existing bungalow & to construct new 2 storey dwelling & associated site works.

98/9621: Retention permission granted to Elizabeth o' Connor for retention of upgraded farm outbuilding for storage purposes.

Relevant Legislation:

Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

“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,

“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,

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Section 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.

Planning and Development Regulations 2001(as amended)

Article 5 Interpretation

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

(a) for the retail sale of goods,

(b) as a post office,

(c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

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

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

(a) for or incidental to the making of any article or part of an article, or for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

and for the purposes of this paragraph, "article" includes-

(i) a vehicle, aircraft, ship or vessel, or

(ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database.

"industrial undertaker" means a person by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly.

Schedule 2 : Part 4

Exempted Development -Classes of Use

Relevant classes to this Section 5

CLASS 1-Use as a shop

CLASS 2 -Use for the provision of—

- a) financial services,
- b) professional services (other than health or medical services),
- c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 4

Use as a light industrial building.

Article 10 - Changes of Use

10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Assessment:

The question seeks confirmation as to whether

- a) The change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with;
- b) minor internal alterations and fit out works,

is development and is exempted development.

The details submitted indicate that:

- There will be no external alterations to the building in question or change in footprint.
- That the use is associated with the applicant's bee keeping and has been in use by the applicant for the storage of beekeeping equipment, hive materials and associated use ancillary to the keeping of bees.
- It is submitted by the applicant that the proposed use represents a natural and modest progression of this existing use but will incorporate the following a small-scale honey processing and pilot mead production on a non-industrial basis.
- Internal works comprise of:
 - The installation of a stainless steel sink and wash area.
 - Installation of stainless steel work surfaces.
 - Washable wall finishes.
 - Installation of a washable floor finish.
 - Minor internal partitioning to create a segregated maturing/storage area.
 - Installation of electrical points, lighting, heating and associated services.
 - Minor plumbing works.
 - Upgrading of doors and locks for operational and security purposes.
- It is submitted that the activity will be owner operated only and that there are no employees, no retail, visitor or public facing use is proposed from the building.

The current permitted use of the structure is as an outbuilding which is ancillary to the use/enjoyment of the main dwelling. This is consistent with the applicant's current indicated use of the building for the storage of their bee keeping equipment.

The proposed use is for processing raw honey from the applicant's beehives and for brewing mead at a small scale.

The applicant has submitted an internal layout and details of the proposed fit out to facilitate the processing of the raw honey to a finished packaged product. Based on the information submitted it is considered that this goes beyond a use that is considered ancillary to the main use of the dwelling on site and is an industrial process. The definition of industrial process is set out in Article 5 of the Planning and Development Regulations 2001 (as amended) as follows:

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

(a) for or incidental to the making of any article or part of an article, or for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

The proposal is therefore considered material as it would result in the intensification of use of the building in question beyond what would be considered ancillary to the enjoyment of the main dwelling as it would involve the processing of a raw material to a finished packaged product which is considered to be a light industrial process

given the details submitted under this Section 5, would be materially different in character, have differing patterns of usage and amenity requirements to its existing permitted use and is development having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

There is no exemption within the Planning and Development Regulations 2001 (as amended) or provision under the Planning and Development Act 2000 (as amended) which would allow for the change of use of a building which is ancillary to the main use of a dwelling, to a light industrial use.

It is therefore considered that the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works **is development and is not exempted development.**

Recommendation:

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

The change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works.

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

The Planning Authority considers that the change of use of an existing non-residential outbuilding for small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works, **is Development and is Not Exempted Development .**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 5, 10 and Schedule 2 Part 1 and 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The change of use of the structure for use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility together with minor internal alterations and fit out works would be materially different in character, have differing patterns of usage and amenity requirements to the use as an non-residential outbuilding/ ancillary outbuilding associated with a residential dwelling.
- ii. The use as a small scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility would come within the definition of an industrial process , and would therefore be classified as a light industrial building having regard to the definitions set out under Article 5 of the Planning and Development Regulations 2001 (as amended).
- iii. There is no exemption within the Planning and Development Regulations 2001 (as amended) or provision under the Planning and Development Act 2000 (as amended) which would allow for the change of use of a building which is ancillary to the main use of a dwelling, to a light industrial use.



Patrice Ryan SEP. 15/04/2026



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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Planning, Economic and Rural Development

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Patrice Ryan
Senior Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE: - EX40/2026 - 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 25/03/2026.

The due date on this declaration is the 21/04/2026.



Staff 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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Sean O'Connor
Riverside
Enniskerry
Co. Wicklow
A98 AE65

25th March 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX40/2026

A Chara

I wish to acknowledge receipt on 25/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 21/04/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

25/03/2026 10 18 42

Receipt No L1/0/361024

SEAN OCONNOR
"RIVERSIDE
ENNISKERRY
A98AE65

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

Total ~~80 00~~ 80 00 EUR

Tendered
Cheque 80 00
A98 AE65

Change 0 00

Issued By Ruth Graham
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
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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: Sean O Connor

Address of applicant: Riverside, Enniskerry, A98 AE65

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

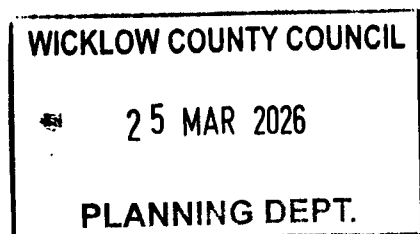
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) NA

Address of Agent : _____

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

3. Declaration Details



i. Location of Development subject of Declaration

Existing non-residential outbuilding located at Riverside, Enniskerry, Co. Wicklow, A98 AE65. The structure is situated at the entrance to the applicant's property and is historically referred to as the "pound"

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 _____

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

I seek a declaration under Section 5 of the Planning and Development Acts as to whether the proposed use of an existing non-residential outbuilding at Riverside, Enniskerry, Co. Wicklow, A98 AE65, for small-scale honey processing, honey extraction, honey bottling, associated food preparation/storage, and a very small-scale pilot mead production facility, together with minor internal alterations and fit-out works, is or is not development and/or is or is not exempted development. The building is an existing detached non-residential structure. No extension, enlargement, or external alteration to the building is proposed. The proposal relates solely to the continued use and modest upgrading of the existing structure. The building has been in use by the applicant for a number of years in connection with his beekeeping activities on the surrounding lands, including the storage of beekeeping equipment, hive materials, and associated use ancillary to the keeping of bees. The proposed use represents a natural and modest progression of this

*existing use,
remaining closely aligned with the applicant's established beekeeping
activity, but
incorporating small-scale honey processing and pilot mead production on
a non-industrial
basis.*

*The works proposed are limited to internal fit-out and upgrading works
required to meet*

basic hygiene and operational standards, including:

- installation of a stainless steel sink and wash area*
- installation of stainless steel work surfaces*
- application of washable wall finishes*
- installation of an epoxy or similar washable floor finish*
- minor internal partitioning to create a segregated maturing/storage area*
- installation of electrical points, lighting, heating and associated services*
- minor plumbing works*
- upgrading of doors and locks for operational and security purposes*

*The scale of the activity is small and owner-operated only. There are no
employees and no retail, visitor, or public-facing use is proposed from the
building.*

The query on which the declaration is sought is whether:

*1. the continued and extended use of this existing outbuilding for
beekeeping-related*

*storage, honey processing, and small-scale pilot mead production
constitutes a material*

change of use requiring planning permission, and/or

*2. the proposed internal works and fit-out constitute development or are
exempted*

development.

v. 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

The applicant considers the following provisions to be relevant:

- Section 5 of the Planning and Development Act 2000 (as amended)
- The Planning and Development Regulations 2001 (as amended)
- Article 9 of the Planning and Development Regulations 2001 (as amended)
- Part 4 of Schedule 2 to the Planning and Development Regulations 2001 (as amended)

- vi. This referral is made to obtain a formal determination from the Planning Authority as to
vii. whether the proposed use and associated internal works constitute development and/or
viii. exempted development.
No

ix. *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

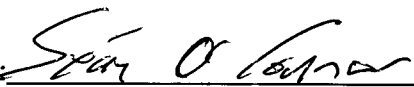
1. Site location map identifying Riverside, Enniskerry, Co. Wicklow, A98 AE65 – with the building concerned at the entrance

2 Photographs of the existing structure

4. Proposed internal layout drawing

5. Supporting description of the proposed use and works

viii. Fee of € 80 Attached ? _____

Signed:  Dated: 23-3-20

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.

**Appendix – Summary of Internal Works
Riverside, Enniskerry, Co. Wicklow (A98 AE65)**

The proposed works relate to minor internal upgrades only to an existing non-residential outbuilding currently used in connection with the applicant's beekeeping activities.

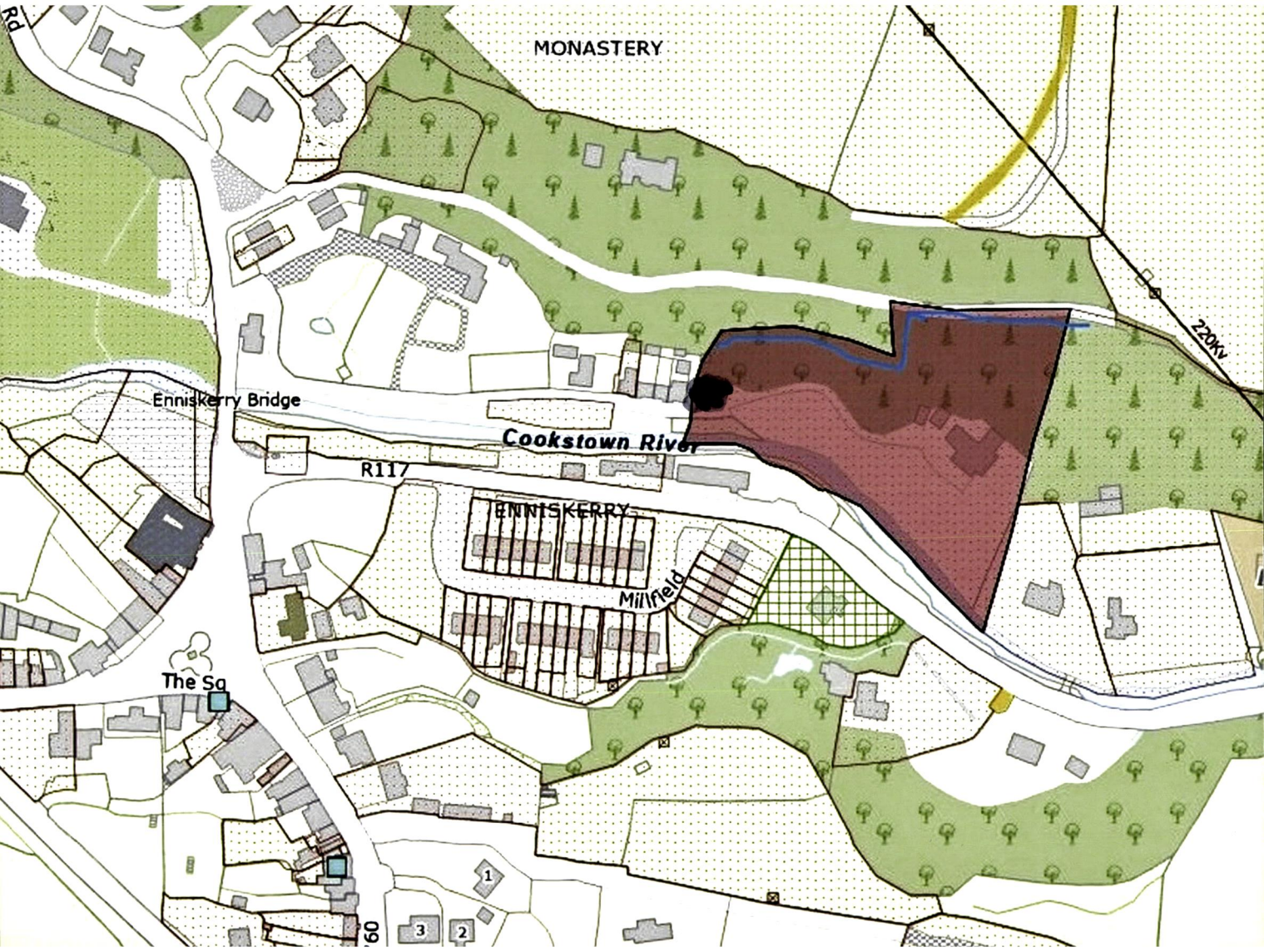
No external works, extensions, or structural alterations are proposed.

Internal works comprise:

- Construction of one internal partition wall to create a segregated maturing/storage area, including a door
- Installation of a new stainless steel sink, located adjacent to the existing wash hand basin
- Upgrade of front door locks for security and compliance
- Application of a sealed, washable epoxy (or similar) floor finish
- Upgrade of wall finishes to washable surfaces
- Minor plumbing and electrical works associated with the above
- Any additional minor works required to meet food hygiene and statutory requirements

Summary

The works are limited in scale and entirely internal, representing a modest upgrade of the existing building for continued use associated with beekeeping and related activities.



MONASTERY

Enniskerry Bridge

Cookstown River

R117

ENNISKERRY

Millfield

The Square

220KV

60

1

3

2

