



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

Jayne Gaffney & Graham Maher
The Grange
Merginstown Glen
Dunlavin
Co. Wicklow

27th
Of April 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX47/2026

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,

Nida Denny

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: Jayne Gaffney & Graham Maher

Location: The Grange, Merginstown Glen, Dunlavin, Co. Wicklow

Reference Number: EX 47/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/453

A question has arisen as to whether "the construction of a single storey storage structure of 25sqm to the side of the dwelling" at The Grange, Merginstown Glen, Dunlavin, Co. Wicklow is or is not exempted development.

Having regard to:

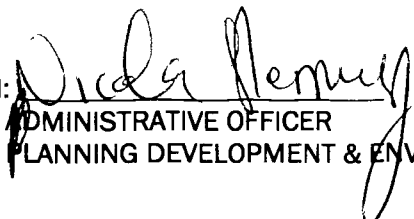
- a) The details submitted with the Section 5 Declaration application
- b) PRR 12/6464 Permission granted for extension to dwelling.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2, Class 3 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

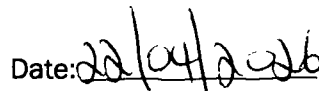
- i. The placement of a cabin comprises operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. Currently within the curtilage of the dwelling are approximately 4 shed structures, which would have a total area in excess of 100sqm
- iv. The cabin structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), notwithstanding the works would not accord with Limitation No. 2 and Limitation No 4 as set out under Class 3 as (a)given that there are existing shed structures within the curtilage of the dwelling which exceed c. 100sqm, the development would not meet the requirements of Limitation no. 2 of Class 3 which requires that.
The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres
(b)Limitation 4 of Class 3 requires that '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'
The log cabin would not conform with the finishes of the dwelling. As the log cabin would not meet the limitations of Class 3, it would not be exempt development.

The Planning Authority considers that "the construction of a single storey storage structure of 25sqm to the side of the dwelling" at The Grange, Merginstown Glen, Dunlavin, 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/2026/453

Reference Number: EX 47/2026

Name of Applicant: Jayne Gaffney & Graham Maher

Nature of Application: Section 5 Referral as to whether "*the construction of a single storey storage structure of 25sqm to the side of the dwelling*" is or is not development and is or is not exempted development.

Location of Subject Site: The Grange, Merginstown Glen, Dunlavin, Co. Wicklow

Report from: Lyndsey Blackmore, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of a single storey storage structure of 25sqm to the side of the dwelling*" at The Grange, Merginstown Glen, Dunlavin, 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 12/6464 Permission granted for extension to dwelling.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2, Class 3 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The placement of a cabin comprises operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. Currently within the curtilage of the dwelling are approximately 4 shed structures, which would have a total area in excess of 100sqm
- iv. The cabin structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), notwithstanding the works would not accord with Limitation No. 2 and Limitation No 4 as set out under Class 3 as
 - (a)given that there are existing shed structures within the curtilage of the dwelling which exceed c. 100sqm, the development would not meet the requirements of Limitation no. 2 of Class 3 which requires that
The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres
 - (b)Limitation 4 of Class 3 requires that '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'
The log cabin would not conform with the finishes of the dwelling. As the log cabin would not meet the limitations of Class 3, it would not be exempt development.

Recommendation

The Planning Authority considers that "the construction of a single storey storage structure of 25sqm to the side of the dwelling" at The Grange, Merginstown Glen, Dunlavin, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

Signed: Dickie Denny

Date: 22/04/2026

ORDER:

I HEREBY DECLARE:

THAT "the construction of a single storey storage structure of 25sqm to the side of the dwelling" at The Grange, Merginstown Glen, Dunlavin, Co. Wicklow is **development and is not exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Helena Doherty
Director of Services
Planning, Economic & Rural Development

Date: 22/4/26

Section 5 Application EX47 /2026

Date : 16th April 2026

Applicant : Jayne Gaffney and Graham Maher

Address : The Grange, Merginstown Glen, Dunlavin

Exemption: Whether or not :

Construction of single storey storage structure of 25sqm to the side of dwelling

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



Planning History :

PRR 12/6464 Permission granted for extension to dwelling.

Relevant legislation :

Planning and Development Act 2000 (as amended)

"habitable house" means a house which—

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

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

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes—
- (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

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

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 :

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

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

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

- (a) any of the developments specified in *subsection (1)*, or
- (b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

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

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 5

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

Article 6

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

Article 9(1) Note see Regulations for full Article

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

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

< See Regulations for List >

Schedule 2 : Part 1

CLASS 3

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

Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

Assessment :

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

The applicant has submitted photographs of a proposed structure with a total floor area of c. 25sqm.No floor plans or elevations submitted so building height is unknown.

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

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

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

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

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

Limitation 2 – The shed is 25sqm . However from review of the planning history it is evident that a number of additional sheds are located within the curtilage of the dwelling. These structures would consist of large shed structures to rear totalling around 92sqm (from google earth measurement) and smaller shed closer to dwelling measuring c. 14sqm (from google earth measurement) ~~house there are a number of shed structures on the lands associated with the dwelling with second large shed on the site with a floor area unknown but appears well in excess of 25sqm which results in~~ Therefore, -the total floor area of outbuildings exceeding the 25sqm limitation.

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

Limitation 4 – ~~Finishes acceptable~~ Limitation 4 requires that *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,*

The log cabin would not conform with the finishes of the dwelling.

Limitation 5 –height unknown but given nature of build likely to meet criteria.

Limitation 6- Not for human habitation. -proposed building is stated for use as meditation and garden space.

Recommendation :

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

the construction of single storey storage structure of 25sqm to the side of dwelling

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

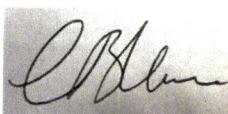
The Planning Authority consider that the cabin structure to side of, The Grange, Merginstown Glen, Dunlavin Co. Wicklow is development and is **Not** exempted development.

Main Considerations with respect to Section 5 Declaration :

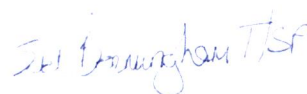
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- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2, Class 3 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The placement ~~construction~~ of a cabin comprises operations of construction and is therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are ~~and is therefore~~ development having regard to the provisions of ~~definition set out in~~ Section 3 of the Planning and Development Act 2000(as amended).
- ii. Currently within the curtilage of the dwelling are approximately 4 shed structures, which would have a total area in excess of 100sqm. ~~The cabin together with an existing outbuilding on the site would exceed a floor area of 25sqm~~
- iii. The cabin structure would come within the description set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), notwithstanding the works would not accord with Limitation No. 2 and Limitation No 4 as set out under Class 3 as
 - (a) given that there are existing shed structures within the curtilage of the dwelling which exceed c. 100sqm, the development would not meet the requirements of Limitation no. 2 of Class 3 which requires that -
The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres
 - (b) Limitation 4 of Class 3 requires that '*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*',
The log cabin would not conform with the finishes of the dwelling
~~as there is an existing shed structure on site, the total floor area of the two structures would exceed 25sqm , and this alteration~~ As the log cabin would not meet the limitations of Class 3, it would not be exempt development. ~~come within the provisions of Schedule 2: Part 1: Class 3: Part 3 of the Planning and Development Regulations, 2001.~~



Lyndsey Blackmore
Executive Planner
16/04/2026



Agreed as modified 17/4/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Lyndsey Blackmore **FROM: Aoife Kinsella**
Executive Planner **Clerical Officer**

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended) -EX47/2026

I enclose herewith for your attention application for Section 5 Declaration received 02/04/2026.

The due date on this declaration is the 29/04/2026.

Clerical Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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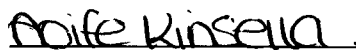
9th of April 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX47/2026**

A Chara

I wish to acknowledge receipt on 02/04/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 29/04/2026.

Mise, le meas



Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



W I C K L O W

Wicklow County Council
County Buildings
Wicklow
0404-20100

08/04/2026 16 16 47

Receipt No L1/0/361746
***** REPRINT *****

GRAHAM MAHER
THE GRANGE
MERGANSTOWN GLEN
DUNLAVIN

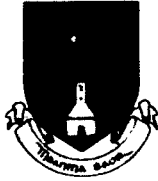
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By Adam Copeland
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Wicklow County Council
County Buildings
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Co Wicklow
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Fax 0404 69462

Office Use Only

Date Received _____
Fee Received _____

RECEIVED 02 APR 2026

**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: Jayne Gaffney & Graham Maher

Address of applicant: The Grange, Merginstown Glen, Dunlavin, Co. Wicklow,
W91 T9X4

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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

3. Declaration Details

- i. Location of Development subject of Declaration -
The Grange, Merginstown Glen, Dunlavin, Co. Wicklow, W91 T9X4

- 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

We want to build a log cabin for use as a garden & meditation space. We will build to the rear left hand side of our property. The cabin will be within 25 square meters in size. We have included a photo of a similar cabin from MyCabin.ie for illustration purposes. We have been informed by the company MyCabin that we don't need planning for this size cabin but after looking at your website it was unclear to us as to whether we needed to submit an application. After consulting two of your staff members at Wicklow Co Co they advised it would be best practice to submit an application.

We have 150 native trees planted & an area of biodiversity in a fenced off area in our garden. The location of the cabin is integral to protecting this.

We are seeking Section 5 for the purpose of building a Log Cabin of 25m2 to the rear left hand side of our property

We would welcome a site visit at any stage if you wish to visit.

Additional details may be submitted by way of separate submission.

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

Additional details may be submitted by way of separate submission.

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 _____

- Folio Maps for the site
- Aerial photograph to outline the location of the Cabin (Purple rectangle)(Please note this is an aerial marketing photograph when the property was for sale (approx Aug 2025) - we purchased the property in January 2026)
- Photograph of similar log cabin

viii. Fee of € 80 Attached ? Please call us to make the payment over the phone

Signed: Gyula Male Dated: 1/4/2026
Jane Gillon 1/4/2026

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.**





691460 mE, 698550 mN



Tailte Éireann
Clárachán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Folio: WW35636F

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 Surveying map scale.

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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



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

Tailte 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.

