



# 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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Michael Condon  
Property Director  
Resilience Healthcare Ltd  
Ballymaley Business Park  
Ballymaley  
Ennis  
Co. Clare

19<sup>th</sup> Of March 2026

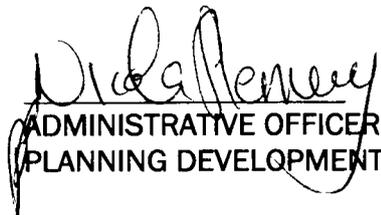
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX05/2026**

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:** Michael Condon, Resilience Healthcare Ltd

**Location:** Seaview House, Ballyvolan, Ashford, Co. Wicklow

**Reference Number:** EX 05/2026

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/317

A question has arisen as to whether *“the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence”* at Seaview House, Ballyvolan, Ashford, Co. Wicklow is or is not exempted development.

#### Having regard to:

- The details submitted with this Section 5 Application, and further information received on the 2nd of March 2026.
- Planning Permission Register Reference PRR 96/4943
- Sections 2, and 4 of the Planning and Development Act 2000 (as amended),
- Article 6, 9 and Schedule 2, Part 1, Class 14 of the Planning and Development Regulations 2001 (as amended).

#### Main Reasons with respect to Section 5 Declaration:

- The change of use of the existing dwelling to use as a residence for supported living would be a material change of use, as it would give rise to a change in the character of the use, traffic movements, and impacts which would give rise to planning considerations.
- The proposed change of use from use as a dwelling to use as a community dwelling, with maximum of 8 bedrooms (6 residents) would come within the provision of Class 14(f), Part 1, Schedule 2, of the Planning and Development Regulations 2001 as amended, and would meet the limitations thereunder.

**The Planning Authority considers that “the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence” at Seaview House, Ballyvolan, Ashford, Co. Wicklow is development and IS exempted development.**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 19/03/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/317

Reference Number: EX 05/2026

Name of Applicant: Michael Condon, Resilience Healthcare Ltd

Nature of Application: Section 5 Referral as to whether *"the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence"* is or is not development and is or is not exempted development.

Location of Subject Site: Seaview House, Ballyvolan, Ashford, Co. Wicklow

Report from: Chris Garde, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence"* at Seaview House, Ballyvolan, Ashford, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

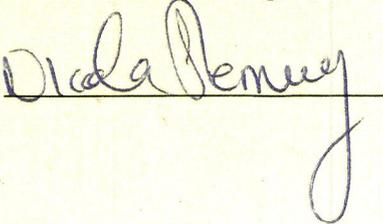
- (a) The details submitted with this Section 5 Application, and further information received on the 2nd of March 2026.
- (b) Planning Permission Register Reference PRR 96/4943
- (c) Sections 2, and 4 of the Planning and Development Act 2000 (as amended),
- (d) Article 6, 9 and Schedule 2, Part 1, Class 14 of the Planning and Development Regulations 2001 (as amended).

**Main Reasons with respect to Section 5 Declaration:**

1. The change of use of the existing dwelling to use as a residence for supported living would be a material change of use, as it would give rise to a change in the character of the use, traffic movements, and impacts which would give rise to planning considerations.
2. The proposed change of use from use as a dwelling to use as a community dwelling, with maximum of 8 bedrooms (6 residents) would come within the provision of Class 14(f), Part 1, Schedule 2, of the Planning and Development Regulations 2001 as amended, and would meet the limitations thereunder.

**Recommendation**

The Planning Authority considers that *"the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence"* at Seaview House, Ballyvolan, Ashford, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: 

Date: 19/03/2026

**ORDER:**

**I HEREBY DECLARE:**

THAT *"the conversion of an existing dwelling to a community dwelling, with a maximum of eight bedrooms (six residents) occupied as a group home under a single management providing supported living and residential services residence"* at Seaview House, Ballyvolan, Ashford, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: \_\_\_\_\_

T/Senior Planner

Planning, Economic & Rural Development

Date: \_\_\_\_\_

19/3/2026

**WICKLOW COUNTY COUNCIL**

**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

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**TO:** Edel Bermingham T.SP/ Patrice Ryan S.E.P.  
**FROM:** Chris Garde EP.  
**SUBJECT REF:** EX 05/2026  
**DECISION DUE DATE:** 10/02/2026  
**APPLICANT:** Michael Condon, Resilience Healthcare Ltd  
**ADDRESS:** Seaview House, Ballyvolan, Ashford, Co. Wicklow A67 F802  
**EXEMPTION QUERY:** Is planning permission required for the use of a dwelling as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services.

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See previous report dated the 5<sup>th</sup> February 2026, a request for further information issued on foot of this report.

**Assessment :**

**Item 1.**

1. The submitted details are noted; however, it is unclear as to what version of the structure the Section 5 is sought for. You are therefore requested to submit exact details of the structure for which the change of use is sought, as the submitted details include both the existing dwelling, and the existing dwelling with an extended area. The extent of the structure the subject of the Section 5 should be highlighted in red. Where a declaration is sought in respect to any additional proposals these should be clearly stated in the revised submission.

Please note that any changes to existing entrance, parking and landscaping may also require planning permission.

**Response :**

A response has been received stating the following:

*"The submission includes the following*

- *Site Layout Plan*
- *Existing Plan & Elevations*

*The Section 5 application relates solely to the existing dwelling as currently constructed. No extensions, alterations to the entrance, parking arrangements, landscaping, or other works form part of this Section 5 request.*

*For the avoidance of doubt. all other works, including extensions and any changes to the entrance, parking, or associated site works, are the subject of a separate planning application lodged under Planning Register Reference 25/60855."*

The applicant is seeking the change of use of a dwelling to a use as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services. It is stated that that the dwelling will accommodate a maximum of 6No. resident service users with 2No. full time staff working, but not residing on site. CLASS 14 allows for a change of use as follows:

*“(Column 1 - Description of Development) CLASS 14*

*(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

*(Column 2 - Conditions and Limitations)*

*The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.”*

There are no circumstances applicable in this instance under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

**Recommendation:**

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

The conversion of an existing dwelling to a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services residence at Seaview House, Ballyvolan, Ashford, Co. Wicklow A67 F802, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

**The Planning Authority considers that:**

The use of a dwelling as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services is development and is exempt development.

**Main Considerations with respect to Section 5 Declaration:**

- (a) The details submitted with this Section 5 Application, and further information received on the 2<sup>nd</sup> March 2026
- (b) Planning Permission Register Reference PRR 96/4943
- (c) Sections 2, ~~and 3~~ and 4 of the Planning and Development Act 2000 (as amended),
- (d) Article 6 , 9 and Schedule 2, Part 1, Class 14 of the Planning and Development Regulations 2001 (as amended).

**Main Reasons with respect to Section 5 Declaration:**

1. ~~The permitted dwelling under 96/4943 and compliance with conditions of same;~~  
The change of use of the existing dwelling to use as a residence for supported living would be a material change of use, as it would give rise to a change in the character of the use, traffic movements, and impacts which would give rise to planning considerations
2. ~~The proposed change of use from use as a dwelling to use as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services residence as detailed in the submission;~~ would come within the provision of Class 14(f) , Part 1.

Schedule 2, ~~Part 1, Class 14 (f)~~ of the Planning and Development Regulations 2001  
as amended, and would meet the limitations thereunder.



Chris Garde  
Executive Planner  
Date: 16/03/2026



Agreed as amended  
18/3/2026



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Chris Garde**  
**Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- EX05/2026 - 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 14/01/2026 along with FI received on 02/03/2026.

The due date on this declaration is the 22/03/2026.

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**Staff Officer**  
**Planning Development & Environment**





**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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**Michael Condon**  
**Property Director**  
**Resilience Healthcare Ltd**  
**Ballymaley Business Park**  
**Ballymaley**  
**Ennis**  
**Co. Claire**

21<sup>st</sup> January 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX05/2026**

A Chara

I wish to acknowledge receipt of Further Information received on 02/03/2026 in respect of the above Section 5 application. A decision is due in respect of this application by 22/03/2026.

Mise, le meas

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



2<sup>nd</sup> March 2026

Planning Department,  
Wicklow County Council,  
County Buildings,  
Whitegates,  
Wicklow Town, A67 FW96

**Re : Application for Certificate of Exemption under Section 5 of the Planning & development Acts 2000 (as amended) - EX05/2026**

*In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 14 January 2026, in order to fully assess the Section 5 query further information is required to confirm the full extent of works proposed. In this regard, the following should be provided:*

*1. The submitted details are noted; however, it is unclear as to what version of the structure the Section 5 is sought for. You are therefore requested to submit exact details of the structure for which the change of use is sought, as the submitted details include both the existing dwelling, and the existing dwelling with an extended area. The extent of the structure the subject of the Section 5 should be highlighted in red. Where a declaration is sought in respect to any additional proposals these should be clearly stated in the revised submission*

*Please note that any changes to existing entrance, parking and landscaping may also require planning permission.*

Dear Sir / Madam,

We refer to your request for further information dated 5<sup>th</sup> February 2026 in respect of the above-referenced Section 5 application.

In response, we enclose updated drawings clearly identifying, in red, the extent of the structure to which the Section 5 declaration is sought. The submission includes the following:

- Site Layout Plan
- Existing Plan & Elevations

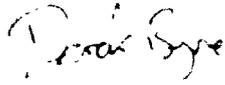
The Section 5 application relates solely to the existing dwelling as currently constructed. No extensions, alterations to the entrance, parking arrangements, landscaping, or other works form part of this Section 5 request.

For the avoidance of doubt, all other works, including extensions and any changes to the entrance, parking, or associated site works, are the subject of a separate planning application lodged under Planning Register Reference 25/60855.

We trust the above clarifies the extent of the proposal for the purposes of your assessment.

RECEIVED - 2 MAR 2026

Yours sincerely,



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**Derek Byrne**  
**PROPERTY PROJECT MANAGER**  
**RESILIENCE HEALTHCARE LTD**



# COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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**Michael Condon  
Property Director  
Resilience Healthcare Ltd  
Ballymaley Business Park  
Ballymaley  
Ennis  
Co. Claire**

5<sup>th</sup> February 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning & development Acts 2000 (as amended) – EX05/2026**

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on 14<sup>th</sup> January 2026, in order to fully assess the Section 5 query further information is required to confirm the full extent of works proposed. In this regard, the following should be provided:

1. The submitted details are noted; however, it is unclear as to what version of the structure the Section 5 is sought for. You are therefore requested to submit exact details of the structure for which the change of use is sought, as the submitted details include both the existing dwelling, and the existing dwelling with an extended area. The extent of the structure the subject of the Section 5 should be highlighted in red. Where a declaration is sought in respect to any additional proposals these should be clearly stated in the revised submission

Please note that any changes to existing entrance, parking and landscaping may also require planning permission.

Mise, le meas

**STAFF OFFICER,  
PLANNING DEVELOPMENT AND ENVIRONMENT.**



**WICKLOW COUNTY COUNCIL**

**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

---

**TO:** Edel Bermingham T.SP/ Patrice Ryan S.E.P.  
**FROM:** Chris Garde EP.  
**SUBJECT REF:** EX 05/2026  
**DECISION DUE DATE:** 10/02/2026  
**APPLICANT:** Michael Condon, Resilience Healthcare Ltd  
**ADDRESS:** Seaview House, Ballyvolan, Ashford, Co. Wicklow A67 F802  
**EXEMPTION QUERY:** Is planning permission required for the use of a dwelling as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services.

---

**Application Site:**

The subject site has a stated area of 0.458Ha and is located on a laneway off the L-1064-0 Local Road the townland of Ballyvolan Lower. The development site is noted to rise up slightly away from the laneway in an easterly direction and is bound by high hedges to the front and sides, with a lower broken hedge to the rear.

An existing bungalow and car garage are located on-site.

Detached dwellings are located to the east and west, with agricultural lands present to the rear (east). The M11/N11 is located c.70m to west.

**Relevant Plans/ Policies:**

**County Development Plan 2022-2028**

Settlement Strategy Level 10- Rural Area

**Planning History:**

Ref: 25/60855 – Resilience Healthcare Ltd – concurrent application – permission for alterations and extension to existing community dwelling as follows: a) construction of a single-storey extension to form a link between the existing detached garage and the main community dwelling. b) living accommodation formed in existing garage including additional door to front (west) elevation and additional window to rear (east) elevation. c) new access door to side (north) elevation and windows to rear (east) elevation of existing community dwelling. d) erection of 15no. solar PV panels to existing roof. e) alterations to existing entrance gates and boundaries. f) associated site development works including 10 additional car parking spaces.

**Further Information sought:**

1. (a) *The letter submitted with the application indicates that the development the use of the dwelling is exempted development having regard to the provisions of the Planning and Development Regulations 2001(as amended) You are requested to submit full details confirming that it is exempted development having regard to Class 14 (f): Part 1: Schedule 2 of the Regulations. Any submission should include full details of the maximum number of residents and staff.*

*(b) In respect to the proposal please confirm the following:*

- i. *explain the nature of the proposed creation of stand-alone living accommodation with own-door access as well as,*
- ii. *explain the need for 10No. parking spaces,*

2. *It is noted that the application form refers to connection to public mains, and the site layout identifies the existing septic tank and percolation area which serves the dwelling. As the development is served by an effluent treatment system, having regard to the extension and conversion works and the provisions of Wicklow County Councils Policy for Domestic Waste Water Treatment Systems for (Population Equivalent  $\leq 10$ ), the historic nature of the waste water treatment system serving the development it will be necessary to assess the effluent disposal system as for a completely new dwelling. You should thus supply details of the existing septic tank and percolation area, and show it is adequately sized and fit for purpose and that it accords with either the Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ ), Code of Practice, published by E.P.A 2009, Waste Water Treatment Manuals-Treatment Systems for Single Houses (published by E.P.A. 2000). The distribution box should be uncovered for inspection, and the exact nature and extent of the percolation area should be indicated.*

*Where the system is not in compliance with EPA Code of Practice 2009, or EPA Code of Practice 2000 you should submit proposals to upgrade the effluent treatment system to the provisions of the Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice published by the EPA 2021, and supply the following:-*

- (a) Certified results of percolation tests carried out as per Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice published by the EPA 2021, together with the qualifications of the person certifying the tests shall be submitted. The person certifying these tests shall have a 3rd level qualification in the natural or environment science, planning, engineering or architecture or other equivalent and shall have professional indemnity insurance, a copy of which must be submitted with the test results. Where it appears to the Planning Authority that test results are inconsistent with ground conditions, or previous tests in nearby areas, further tests will be requested, to be carried out under the supervision of a representative of the Planning Authority or an agreed third party.*
- (b) The length of percolation pipes required should be submitted and the percolation and reserve percolation areas amended, if necessary on the site layout and resubmitted. The percolation pipe used should be a smooth bored perforated pipe as per the EPA guidelines and NOT a ribbed land drain type.*
- (c) The design of the effluent disposal system must take into account the requirements of (distance from wells) Appendix E of the Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) Code of Practice published by the EPA 2021 and if necessary deeper trial holes should be opened to show compliance.*
- (d) A revised site layout plan should be submitted showing the location of all effluent disposal systems, water supplies, houses and streams within 100m of the site.*
- (e) A cross section through the site showing the proposed floor levels, septic tank inlet and outlet levels, distribution chamber level, percolation pipes invert levels and trench levels relative to existing ground levels should be submitted.*

*Note:*

*(i)The upgrading of a system prior to or during the course of an application for an extension to an existing dwelling to meet the provisions of EPA Manual 2000 or the EPA Manual 2009 is unacceptable and only upgrading to the current standards will be permissible.*

3. *The applicant should submit revised drawings including site plans confirming the materials proposed for the hard surfaced areas including the proposed expanded driveway, and parking areas noting that permeable surfaces would be appropriate as well demonstrating any other SuDS solutions. The applicant should further note that excessive hard-surfacing and especially impermeable hard-surfacing would not be acceptable.*

Ref: 96/4943

Applicant: Michael Harte

Application: permission for revised bungalow design, garage and septic tank.

Decision: Grant

Ref: 95/2389

Applicant: Robert Stuart & Jean Bonus

Application: permission for change of house type

Decision: Further Information

Ref: 94/429

Applicant: Eileen O'Connor

Application: Bungalow and septic tank (without compliance with condition 10 (a) and (b) of permission ref. 8777/92).

Decision: Grant

Ref: 92/8777

Applicant: Eileen O'Connor

Application: permission for Bungalow and septic tank.

Decision: Grant

### **Legislative Context**

#### **Planning and Development Act 2000 (as amended)**

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

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon

#### **Section 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.

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Planning and Development Regulations 2001(as amended)

**Part 2**

“care” means personal care, including help with physical, intellectual or social needs;

“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;

**Section 10: Change of Use;**

(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.

Article 6(1) states that certain classes of development which are specified in Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

*Part 1- Exempt Development Classes of Use*

*CLASS 14*

*Development consisting of a change of use—*

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

*Conditions and limitations*

the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 9(1) (a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act, specifically (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

**Details Submitted in support of Application:**

The applicants are applying for a Section 5 Declaration in relation to the following;

*Is planning permission required for the use of a dwelling as a community dwelling, with maximum of 8 bedrooms (6 residents) occupied as a group home under a single management providing supported living and residential services.*

**Assessment:**

The query when related to the existing structure does not appear to be valid/relevant as the current structure as it does not have 8 bedrooms. The drawings submitted describes an existing single storey bungalow (234 sqm (given)) and car garage (37 sqm (given)) located on-site.

The applicant has also submitted drawings that are the same as the current planning application i.e. PRR25/60855; that proposed development proposes:

*alterations and extension to existing community dwelling as follows: a) construction of a single-storey extension to form a link between the existing detached garage and the main community dwelling. b) living accommodation formed in existing garage including additional door to front (west) elevation and additional window to rear (east) elevation. c) new access door to side (north) elevation and windows to rear (east) elevation of existing community dwelling. d) erection of 15no. solar PV panels to existing roof. e) alterations to existing entrance gates and boundaries. f) associated site development works including 10 additional car parking spaces.*

The drawings submitted describes the proposed alterations to the single storey bungalow (234 sqm (given)) linking area (17 sqm (given)) and converted car garage (37 sqm (given)) located on-site. Giving a total of 288sqm.

It would appear to the Planning Officer, that the applicant has confused the request made under Item 1 of the FI request (see Planning History above), that requested evidence of an existing Section 5 certification.

From the information supplied, the following information is unclear. Does the applicant have an existing Section 5 certificate for the current structure and if not what structure and layout are they seeking a Section 5 Certificate for?

**Recommendation:**

**FURTHER INFORMATION**

1. The submitted details are noted; however, it is unclear as to what version of the structure the Section 5 is sought for. You are therefore requested to submit exact details of the structure for which the change of use is sought, as the submitted details include both the existing dwelling, and the existing dwelling with an extended area. The extent of the structure the subject of the Section 5 should be highlighted in red. Where a declaration is sought in respect to any additional proposals these should be clearly stated in the revised submission **Please submit an exact query relating to the change of use that you refer to and the specific existing structure (i.e. not a proposed amended structure (that requires planning permission)).**

Please note that any changes to existing entrance, parking and landscaping may also require planning permission.



Chris Garde  
Executive Planner  
Date: 05/02/2026



Photographs:



# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Chris Garde  
Executive Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- EX05/2026 - 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 14/01/2026

The due date on this declaration is the 10/02/2026.

  
\_\_\_\_\_  
**Staff Officer  
Planning Development & Environment**

*A*



**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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Michael Condon**  
**Property Director**  
**Resilience Healthcare Ltd**  
**Ballymaley Business Park**  
**Ballymaley**  
**Ennis**  
**Co. Claire**

21<sup>st</sup> January 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX05/2026**

A Chara

I wish to acknowledge receipt on 14/01/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/02/2026.

Mise, le meas

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



For more details visit our website at [www.wicklowcoco.ie](http://www.wicklowcoco.ie)  
(Ina dhiaidhbh an t-áiríocháin seo, seiceáil ár weebáir)

Ba chóir gach comhfhreagras a sheoladh chuig an Stiurthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



**Cola Fleming**

---

**From:** Siobhan O'Brien  
**Sent:** Wednesday 14 January 2026 15:43  
**To:** Nicola Fleming  
**Subject:** FW: SC137 - Seaview, Ashford, Section 5 Exempted Development Application  
**Attachments:** SC137 - Section 5 application\_2018.pdf; SC137 P 0001 - Record & Rural Place Maps.pdf; SC137 P 1000 - Site Layout Plan.pdf; SC137 P 1001 - Existing & Proposed GF Plan.pdf; SC137 P 1002 - Existing & Proposed Elevations.pdf; SC137 P 1003 - Existing & Proposed Sections.pdf; SC137 - FI Request.pdf

**From:** Derek Byrne <derek.byrne@resilience.ie>  
**Sent:** Wednesday 14 January 2026 14:59  
**To:** Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>  
**Cc:** Conor McAlary <Conor.McAlary@resilience.ie>; Clodagh Dunne <Clodagh.Dunne@resilience.ie>  
**Subject:** SC137 - Seaview, Ashford, Section 5 Exempted Development Application

Some people who received this message don't often get email from [derek.byrne@resilience.ie](mailto:derek.byrne@resilience.ie). [Learn why this is important](#)

**External Sender - From: (Derek Byrne**  
**<derek.byrne@resilience.ie>)**

[Learn More](#)

This message came from outside your organisation.

*CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.*

Hi,

Please see attached Section 5 Exempted Development Application at Seaview House, Ballyvolan, Ashford, Co. Wicklow. A67 F802.

Attached is the completed application form and the relevant drawings as listed on the application form.

**Also, please note that this application is in Response to Further Information Request dated 11/12/2025. Planning Ref No: 2560855**

(FI Request attached for ease of reference)

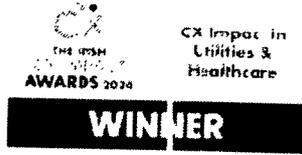
Please call Clodagh Dunne for payment of €80 by credit card at (086) 0841748 when required.

Regards,  
Derek

**Derek Byrne (RIAI Arch.Tech.)**  
Property Project Manager

**Resilience**  
Healthcare

T: 065-672 2875 | E: [derek.byrne@resilience.ie](mailto:derek.byrne@resilience.ie) | M: 086 203 4246  
A: Block 3, Ballymaley Business Park, Ballymaley, Ennis, Co. Clare, V95 XD79  
W: [www.resilience.ie](http://www.resilience.ie)



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There is no expectation on you to read, respond or action it outside your own regular working hours*

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Wicklow County Council  
County Buildings  
Wicklow  
0404 20100

21/01/2026 12 34 05

Receipt No L1/0/357666

RESILIENCE HEALTHCARE  
BALYMALET  
BUSSINESS PK  
ENNIS  
CO CLARE

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

Total 80 00 EUR

Tendered  
Credit Card 80 00  
2560855

Change 0 00

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



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

**Office Use Only**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

RECEIVED 14 JAN 2025

**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**

**In Response to Further Information Request dated 11/12/2025.  
Planning Ref No.: 2560855**

**1. Applicant Details**

- (a) Name of applicant: Michael Condon, Property Director  
Address of applicant: Resilience Healthcare Ltd, Ballymaley Business  
Park, Ballymaley, Ennis, Co. Clare

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

**2. Agents Details (Where Applicable)**

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

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

**3. Declaration Details**

i. Location of Development subject of Declaration Seaview House, Ballyvolan, Ashford, Co. Wicklow. A67 F802

\_\_\_\_\_

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

v. a) Is planning permission required for the use of a dwelling as a community dwelling, with a maximum of 8 bedrooms (6 Residents) occupied as a group home under a single management providing supported living and residential services,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

Change from Purpose Group 1 (a) to 1 (d) is considered exempted development not

requiring a change of use under PLANNING AND DEVELOPMENT REGULATIONS 2001, SCHEDULE 2, Part 1:

v. *Class 14 (f): Part 1: Schedule 2 of the Regulations* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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

SC137 P 0001 – Record & Rural Place Maps

SC137 P 1000 – Site Layout Plan

SC137 P 1001 – Existing & Proposed GF Plan

SC137 P 1002 – Existing & Proposed Elevations

SC137 P 1003 – Existing & Proposed Sections

viii. Fee of € 80 Attached ? Payment once lodged over the phone

Signed : Michael Condon Dated : 14/01/2026

**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.

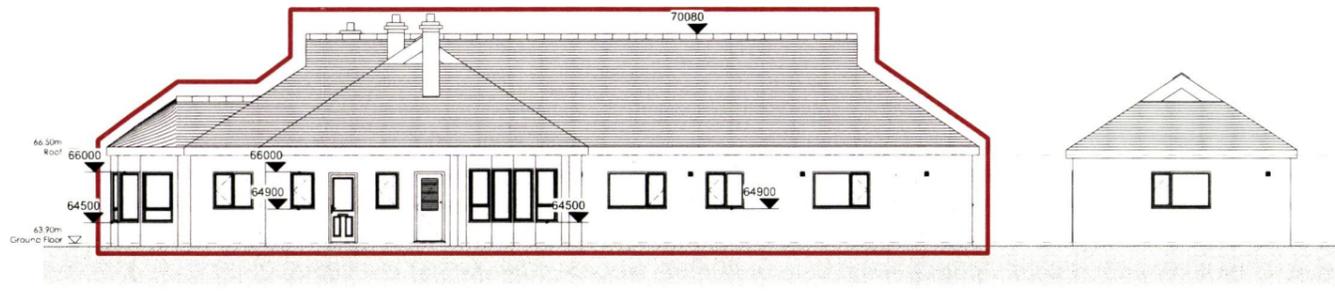
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

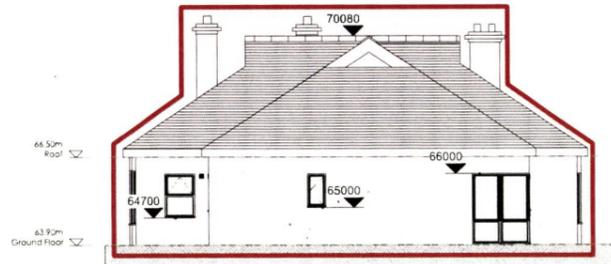
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



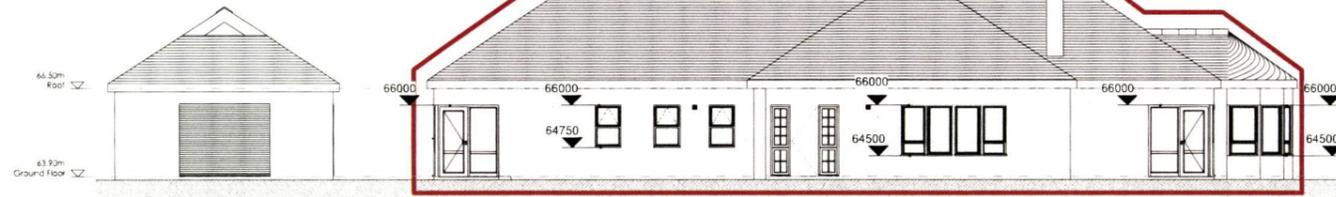
Existing South Elevation  
1:100



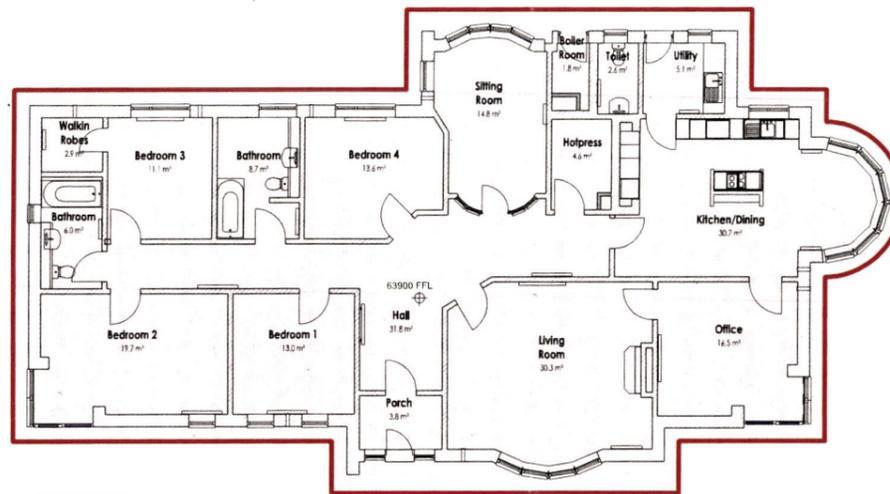
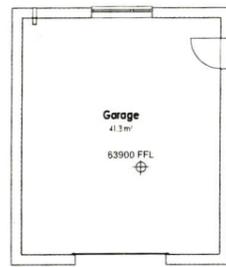
Existing East Elevation  
1:100



Existing North Elevation  
1:100



Existing West Elevation  
1:100



Existing GF Plan  
1:100

Extent for which Section 5 Exempted Development is being sought shown in red

Floor Area of Existing Dwelling (excluding garage) 234 m²

RECEIVED - 2 MAR 2026



Site Area  
4588 m²  
0.4588 Hectares  
1.1337 Acres

- Indicates Entrances
- Site Boundary
- Extent of landowners property
- Finished Floor Level
- Extent of Alterations for which permission is sought



STANDARD INSTRUCTIONS

THE MAIN CONTRACTOR, SUB-CONTRACTOR OR SUPPLIER SHALL VERIFY ALL DIMENSIONS ON SITE AND IMMEDIATELY REPORT TO THE ARCHITECT ANY DISCREPANCIES ON THE DRAWINGS.  
WORK TO FIGURED DIMENSIONS ONLY (EXCEPT WHERE FULL SIZE DETAILS ARE PROVIDED).  
NOT VARY ANY WORK SHOWN ON THE DRAWINGS WITHOUT OBTAINING PRIOR APPROVAL FROM THE ARCHITECT.  
BE RESPONSIBLE FOR REQUESTING FROM THE ARCHITECT ANY ADDITIONAL INFORMATION REQUIRED.  
SUPPLY TO THE ARCHITECT ALL SHOP DRAWINGS, E. OPERATING SPECIFICATIONS, ETC. OF ALL SPECIAL E. WORK TO BE INCORPORATED IN THE MAIN CONTRACT WORKS.

IMMEDIATELY INFORM THE ARCHITECT IF ANY WORK SHOWN ON THIS DRAWING IS NOT IN ACCORDANCE WITH THE RELEVANT CODES OF PRACTICE, RECOGNIZED GOOD PRACTICE THROUGHOUT THE INDUSTRY AND DOES NOT COMPLY WITH THE RELEVANT LOCAL AUTHORITY BY-LAWS OR BUILDING REGULATIONS.  
IMMEDIATELY ADVISE THE ARCHITECT / QUANTITY SURVEYOR OF THE EFFECT UPON PROGRAMME AND COST OF ANY ALTERATIONS TO THE PROPOSED WORKS SHOWN ON THIS DRAWING.  
THIS DRAWING SUPERSEDES ALL PREVIOUS ISSUES OF THE SAME DRAWING NUMBER WITH LATER REVISIONS.  
THIS DRAWING IS COPYRIGHT © TO RESILIENCE HEALTHCARE LTD AND THE CONTENTS MUST NOT BE REPRODUCED TO ANYONE WITHOUT THEIR AGREEMENT.

GENERAL NOTES

A.1. DIMENSIONS TO BE CHECKED ON SITE.  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS AND DRAWINGS.  
IN THE EVENT OF ANY DISCREPANCIES BETWEEN DRAWINGS THE CONTRACTOR IS TO INFORM THE ARCHITECT IMMEDIATELY.  
DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.  
ALL WORK TO COMPLY WITH CURRENT BUILDING REGS & B.S.

REVISION REGISTER

| REV | DATE       | DESCRIPTION                                  | DRAWN | CHECKED | APPROVED |
|-----|------------|--|-------|---------|----------|
| 02  | 02/03/2026 | Section 5 Further Information. Red Ex05/2026 | DB    | MC      | MC       |
| 01  | 23.10.25   | Planning Issue                               | CM    | DB      | MC       |

**Resilience Healthcare**

Block 3, Ballymaley Business Park, Drumgranagh, Ennis, Co. Clare, V95 XD79  
Tel: 086 084 1748 Email: michael.condon@resilience.ie

SCALE: As indicated@A1 STATUS: Planning

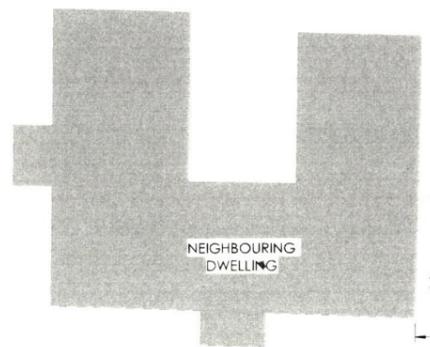
|   |
|---|
| CLIENT: RESILIENCE HEALTHCARE LTD                                   |
| PROJECT: NEW RESPITE SERVICE at SEAVIEW HOUSE, ASHFORD, CO. WICKLOW |
| DRAWING TITLE: Existing Plan, Sections & Elevations                 |
| DRAWING NUMBER: SC137 P 1001  |
| REVISION: R 02  |



Extent for which Section 5 Exempted Development is being sought shown in red

Floor Area of Existing Dwelling (excluding garage) 234 m<sup>2</sup>

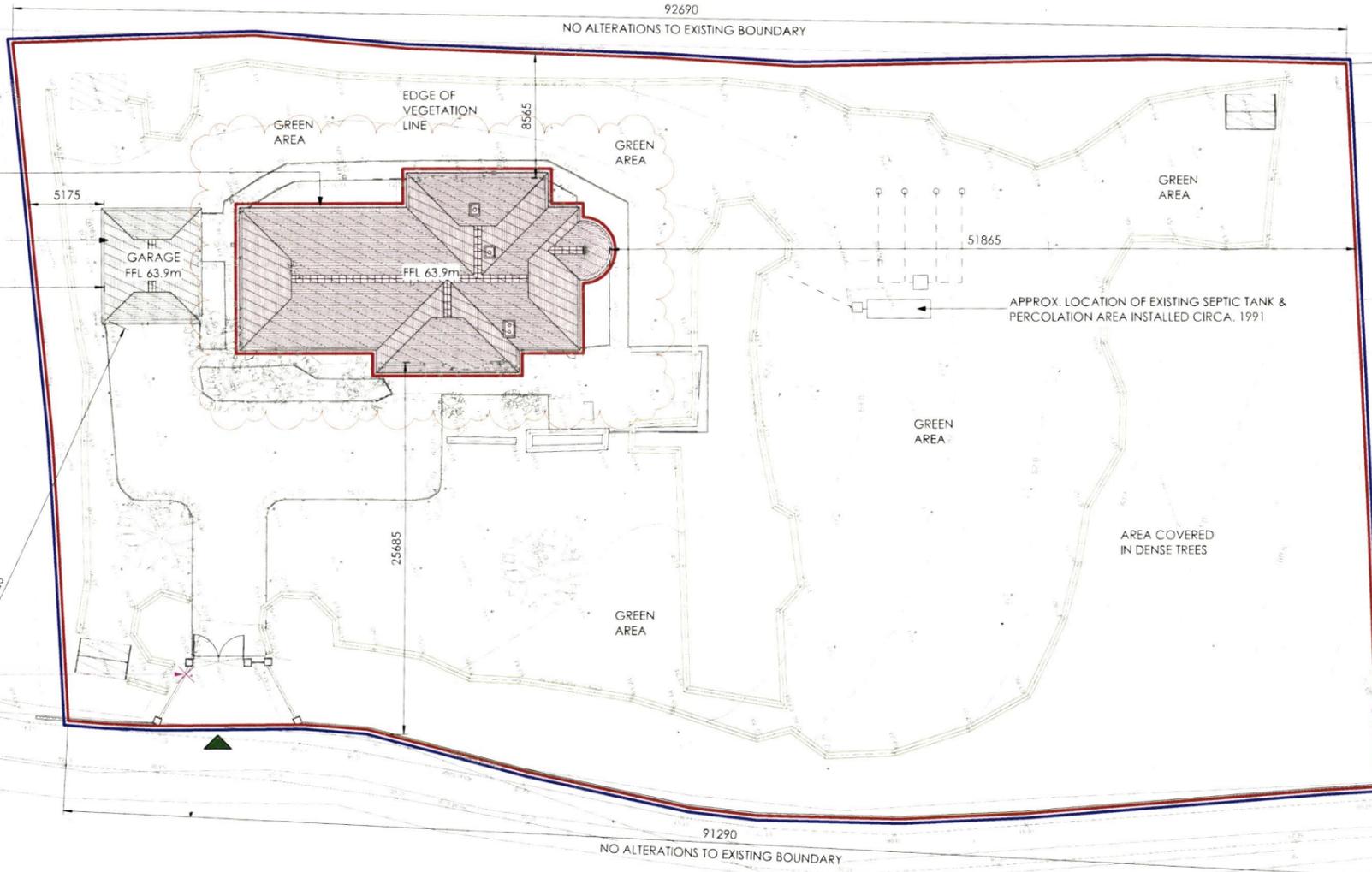
ADJACENT BUILDING



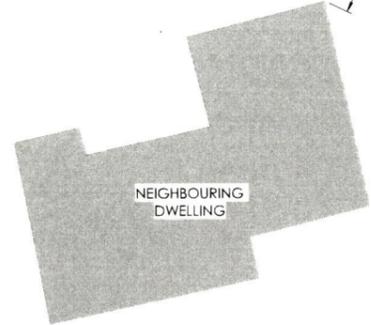
NEIGHBOURING DWELLING

SOLAR PANELS TO EXISTING ROOF  
AREA OUTLINED IN GREEN FOR WHICH PERMISSION IS SOUGHT

20485



LOCATION OF SITE NOTICE



NEIGHBOURING DWELLING

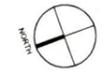
Proposed Site Layout Plan  
1:200



RECEIVED - 2 MAR 2026

Site Area  
4588 m<sup>2</sup>  
0.4588 Hectares  
1.1337 Acres

- Indicates Entrances
- Site Boundary
- Extent of landowners property
- Finished Floor Level
- Extent of Alterations for which permission is sought



STANDARD INSTRUCTIONS

THE MAIN CONTRACTOR, SUB-CONTRACTOR OR SUPPLIER SHALL IMMEDIATELY INFORM THE ARCHITECT IF ANY WORK SHOWN ON THIS DRAWING IS NOT IN ACCORDANCE WITH THE RELEVANT CODES OF PRACTICE (REGONISED GOOD PRACTICE) THROUGHOUT THE INDUSTRY AND DOES NOT COMPLY WITH THE RELEVANT LOCAL AUTHORITY BY-LAWS OR BUILDING REGULATIONS.

IMMEDIATELY ADVISE THE ARCHITECT / QUALITY SUPERVISOR OF THE EFFECT UPON PROGRAMME AND COST OF ANY ALTERATIONS TO THE PROPOSED WORKS SHOWN ON THE DRAWING.

THIS DRAWING SUPERSEDES ALL PREVIOUS ISSUES OF THE SAME DRAWING NUMBER WITH LATER REVISIONS.

SUPPLY TO THE ARCHITECT ALL SHOP DRAWINGS, UTILITATIONS, SPECIFICATIONS, ETC. OF ALL SPECIALIST WORK TO BE INCORPORATED IN THE MAIN CONTRACT WORKS.

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DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.

A: WORK TO COMPLY WITH CURRENT BUILDING REGS & BS.

REVISION REGISTER

| REV | DATE       | DESCRIPTION                                  | DRAWN | CHECKED | APPROVED |
|-----|------------|--|-------|---------|----------|
| 02  | 02/03/2026 | Section 5 Further Information: Red Ex05/2026 | DB    | MC      | MC       |
| 01  | 23.10.25   | Planning Issue                               | CM    | DB      | MC       |

**Resilience Healthcare**

Block 3, Ballymaley Business Park, Drumgranagh, Ennis, Co. Clare, V95 XD79  
Tel: 086 064 1748 Email: michael.condon@resilience.ie

CLIENT: RESILIENCE HEALTHCARE LTD

PROJECT: NEW RESPITE SERVICE at SEAVIEW HOUSE, ASHFORD, CO. WICKLOW

DRAWING TITLE: Site Layout Plan

DRAWING NUMBER: SC137 P 1000

REVISION: R 02

SCALE: As indicated@A1

STATUS: Planning