



# 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  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Thomas Cullen  
132 Ardglass  
Baltinglass  
Co. Wicklow  
W91 P956**

13<sup>th</sup> October 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000  
(As Amended) – EX108/2025**

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 Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

**ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT**





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

**Applicant:** Thomas Cullen

**Location:** 132 Ardglass, Baltinglass, Co. Wicklow

**Reference Number:** EX 108/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1116

A question has arisen as to whether “the application of natural thin stone/veneer to partial front of existing detached dwelling” at 132 Ardglass, Baltinglass, Co. Wicklow is or is not exempted development.

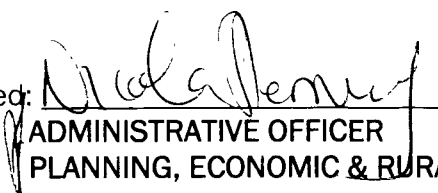
#### Having regard to:


- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

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

- a) The application of natural thin stone / veneer to partial front of existing detached dwelling would be an operation of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- b) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- c) The natural thin stone / veneer to partial front of existing detached dwelling is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The Planning Authority considers that “the application of natural thin stone/veneer to partial front of existing detached dwelling” at 132 Ardglass, Baltinglass, Co. Wicklow **is development and is exempted development**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  3<sup>rd</sup> October 2025





WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1116

Reference Number: EX 108/2025

Name of Applicant: Thomas Cullen

Nature of Application: Section 5 Referral as to whether or not "the application of natural thin stone/veneer to partial front of existing detached dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 132 Ardglass, Baltinglass, Co. Wicklow

Report from Andrew Spencer, EP & Sorcha Walsh, SP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the application of natural thin stone/veneer to partial front of existing detached dwelling" at 132 Ardglass, Baltinglass, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

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

- (a) The application of natural thin stone / veneer to partial front of existing detached dwelling would be an operation of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The natural thin stone / veneer to partial front of existing detached dwelling is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

**Recommendation:**

The Planning Authority considers that "the application of natural thin stone/veneer to partial front of existing detached dwelling" at 132 Ardglass, Baltinglass, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed \_\_\_\_\_

Dated 13<sup>th</sup> day of October 2025

**ORDER:**

**I HEREBY DECLARE:**

That "the application of natural thin stone/veneer to partial front of existing detached dwelling" at 132 Ardglass, Baltinglass, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

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

Dated 13<sup>th</sup> day of October 2025

Senior Planner

Planning, Economic & Rural Development





**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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

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<b>REF:</b>	<b>EX 108/2025</b>
<b>NAME:</b>	<b>THOMAS CULLEN</b>
<b>DEVELOPMENT:</b>	<b>APPLICATION OF NATURAL THIN STONE / VENEER TO PARTIAL FRONT OF DWELLING.</b>
<b>LOCATION:</b>	<b>132 ARDGLASS BALTINGLASS CO. WICKLOW.</b>

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Google Earth:



**The Site:** Existing 2-storey detached house within the housing estate/development known as Ardglass located off the R747 Parkmore Road c. 1 km from Baltinglass town centre.

Planning History (subject site):

991819 – Henry Moore – Housing Development at Baltinglass east Lathaleere. Granted.

**Question:**

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

- 1) The application of natural thin stone / veneer to partial front of existing detached dwelling within the housing estate known as Ardglass.

**Legislative Context:**

**Planning and Development Act, 2000 (as amended):**

**Section 3(1)** of the Act states the following in respect of 'development':

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

'Works' include "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

**Section 4** sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

In particular, section 4 (1) (h) states:

*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;*

**-Planning and Development Regulations, 2001 (as amended):**

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 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 - None are considered applicable in this instance. Article 9 (a)(i) (a) a development will not be exempt if the carrying out of such development would—(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

Having examined the planning permission upon which the subject dwelling was constructed and the conditions therein, PRR991819, there were no conditions stipulating that such cladding could not be applied to the subject dwelling type or requiring a definitive finish.

**Assessment:**

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

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

It should be noted that Section 2 of the Act defines works as:

*“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.

Given the provisions of *Section 3(1) (a)*:

I am satisfied that the proposal for the application of natural thin stone / veneer to partial front of existing detached dwelling within a housing estate known as Ardglass, involves works and therefore constitutes development.

***The second assessment*** is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

**Development Description:**

- 1) The application of natural thin stone / veneer to partial front of existing detached dwelling within the housing estate known as Ardglass.

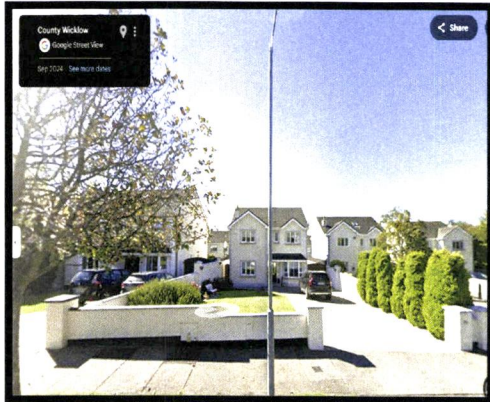
The subject dwelling is the middle dwelling of 5 two storey detached dwellings fronting onto a green space in the central area of a 148 dwelling estate. The 5 detached houses have all got render finishes. Fronting onto green space at its northern and western sides are two storey detached dwellings with a mix of render and stone cladding finishes to the front elevations

I note that the dwellings which have finishes with a mix of render and clad stone are of a different house type and that the clad stone areas to the front elevation are broken by ground floor and first floor bay windows. The proposed development is to clad the entire rendered area of a front gable with ground floor and upper floor windows being the only break.

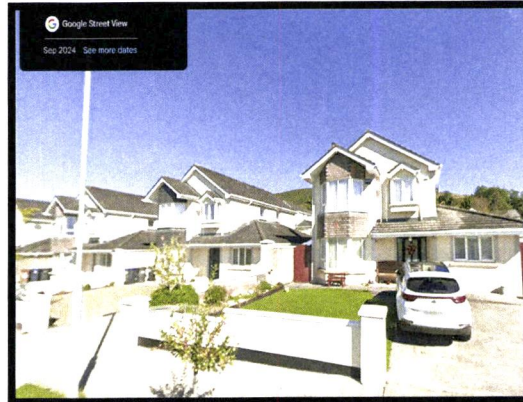
*Having regard to Section 4 (1)(h) it is considered that as the proposed stone cladding is to one gable side, somewhat similar to those which already have partial cladding, the proposal*

and extent of cladding to be used falls short of rendering the appearance inconsistent with the structure or of its neighbouring structures particularly given the context of its location within a large housing estate comprising a mix of render and cladding finishes.

It is therefore considered that given the prevalence of the partial front elevation cladding throughout the estate and an overall prominence respecting visible rendered finishes which would not be altered, the proposed external stone cladding to 132 Ardglass would **not** materially affect the external appearance so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.



*Subject dwelling (southside of green),*



*Houses to western/northern sides of green.*

**Recommendation:**

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

*The application of natural thin stone / veneer to partial front of existing detached dwelling at 132 Ardglass, Baltinglass .is development and is or is not exempted development:*

The Planning Authority considers that:

The application of natural thin stone / veneer to partial front of existing detached dwelling **is development and is exempted development.**

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

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

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

- (a) The application of natural thin stone / veneer to partial front of existing detached dwelling would be <sup>an</sup> operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The natural thin stone / veneer to partial front of existing detached dwelling is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

**Andrew Spencer**  
**Executive Planner 10/10/2025**

*Agreed* *Julius SP*  
*13.10.25*



**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Andrew Spencer**  
**Executive Planner**

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

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX108/2025**

I enclose herewith application for Section 5 Declaration received completed on 18<sup>th</sup> September 2025.

The due date on this declaration is 15<sup>th</sup> October 2025.

  
\_\_\_\_\_  
**Staff Officer**  
**Planning, Economic & Rural Development**



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23<sup>rd</sup> September 2025



Thomas Cullen  
132 Ardglass  
Baltinglass  
Co. Wicklow  
W91 P956

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX108/2025**

A Chara

I wish to acknowledge receipt on 18/09/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 15/10/2025.

Mise, le meas

  
\_\_\_\_\_  
 Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

18/09/2025 13:52:29

Receipt No L1/U/351745

THOMAS CULLEN  
132 ARDGLASS  
BALTINGLASS  
CO WICKLOW

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00

Change	0.00
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Issued By Joanne Tighe  
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Wicklow County Council  
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Wicklow  
Co Wicklow  
Telephone 0404 20148  
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Office Use Only

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

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

RECEIVED 18 SEP 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

1. Applicant Details

(a) Name of applicant: Thomas Cullen  
Address of applicant: 132 ARDGLASS  
Baltinglass Co. Wicklow  
W91P956

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 132 ARDGLASS  
BALTINGLASS CO. WICKLOW W91 P956

ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
☒ Yes ☐ No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration The application  
of natural thin stone / veneer to  
partial front of dwelling, as set  
out in submitted images and drawings.

*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.*



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.



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 \_\_\_\_\_

- drawing of existing dwelling
- drawing of proposed alteration
- images and description of the stone veneer
- images of adjacent dwellings
- site location maps.

viii. Fee of € 80 Attached ? \_\_\_\_\_

Signed : Thomas Cullen Dated : 17/9/25

**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

# Existing dwelling

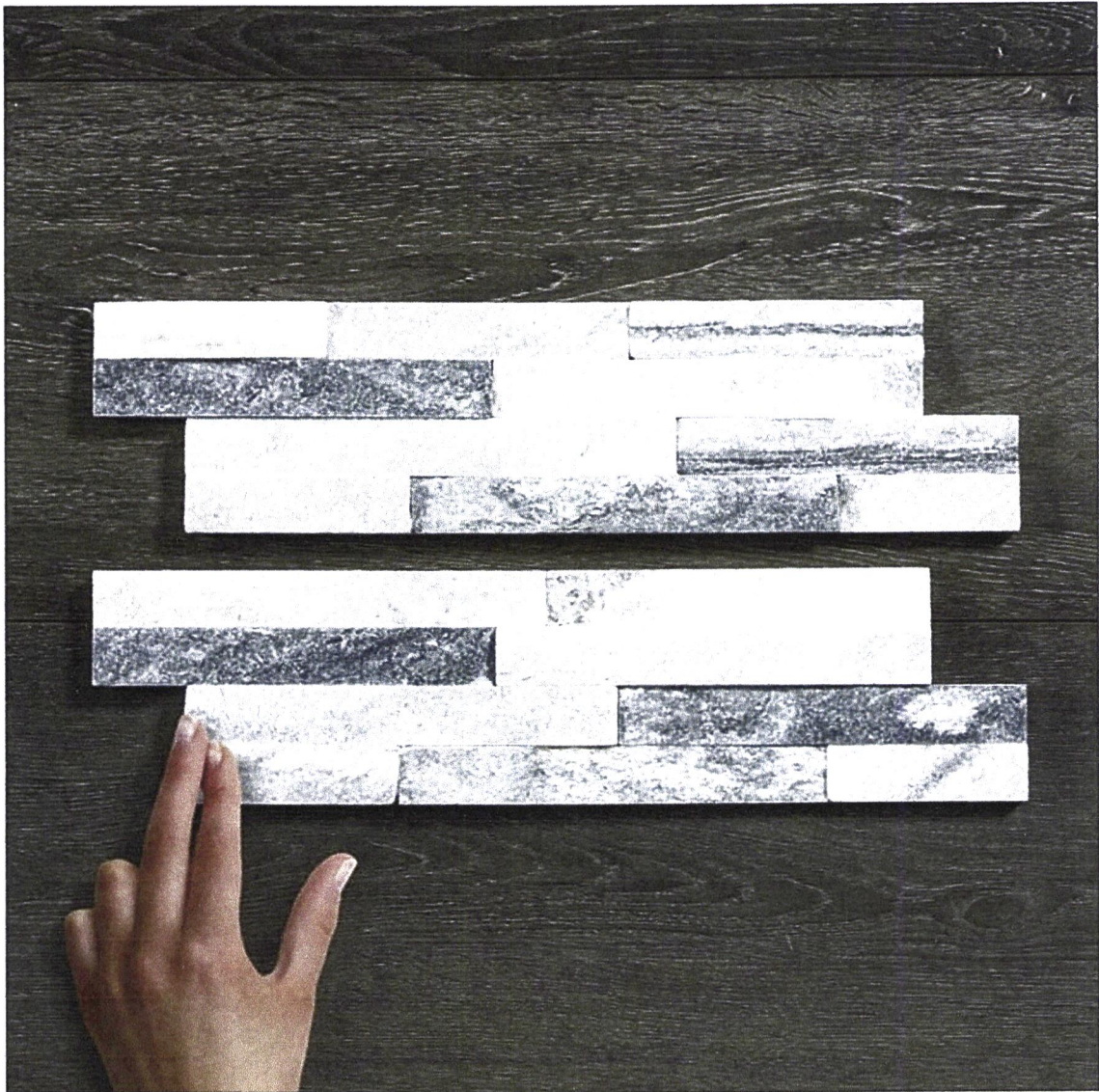




# proposed alteration



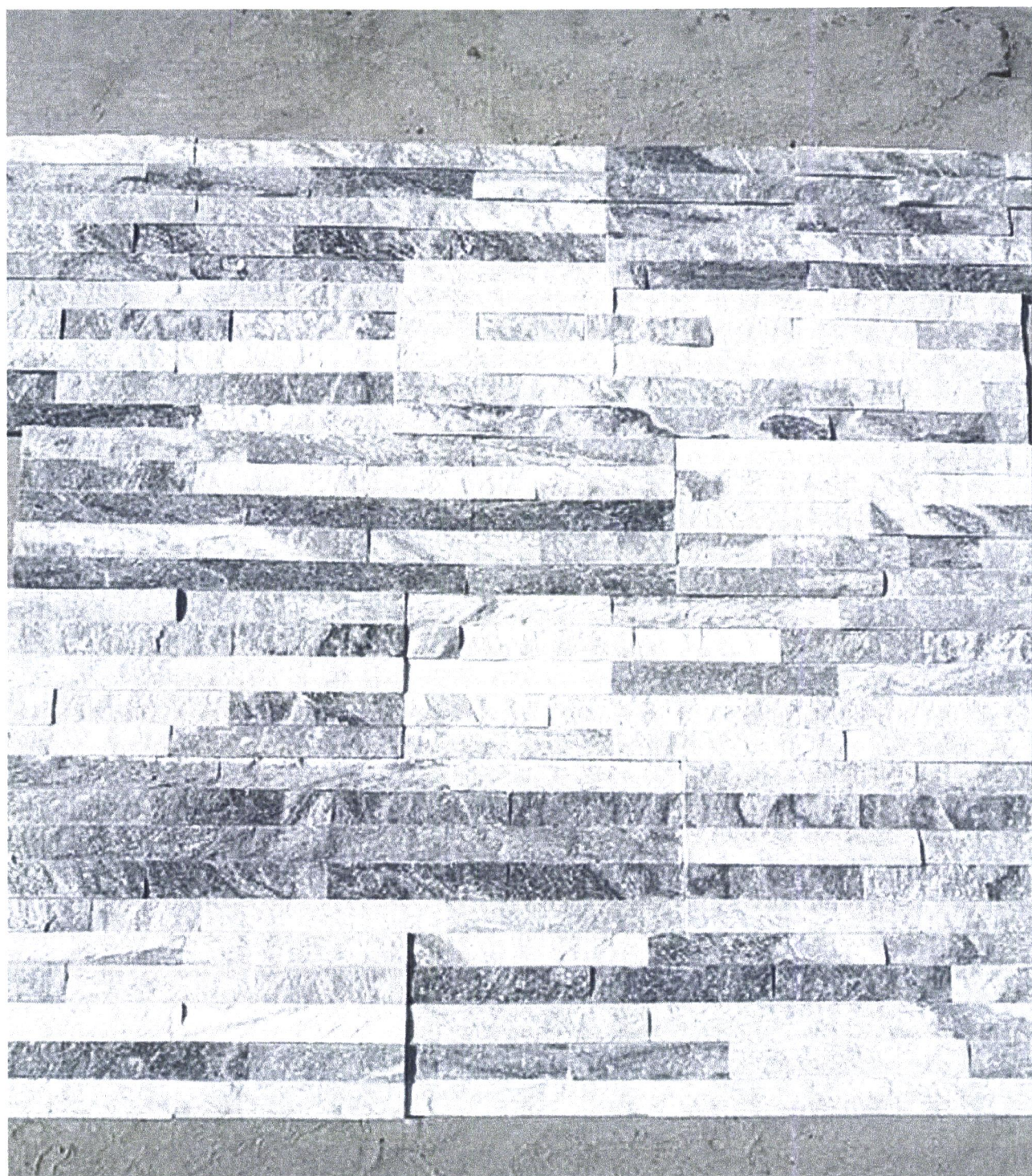




Thin Stone Cladding  
Cloud Natural Stone  
40x10cm









LOWI

RAHEEN

TUCKMILL  
UPPER

N81

TUCKMILL HILL

ORD  
GE

SRUHAUN

COC

ORD  
GE

PINNACLE

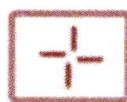
CARSROCK

BALTINGLASS  
EAST

Baltinglass

GLASS  
ST

DEERPARK



N81

BAWNOGE

LATHALEERE

CLOGH LOWER

NEWTOWNSAUNE

CLOGH





CARSROCK

GLASS  
ST

more  
Sq

more

Parkmore Rd

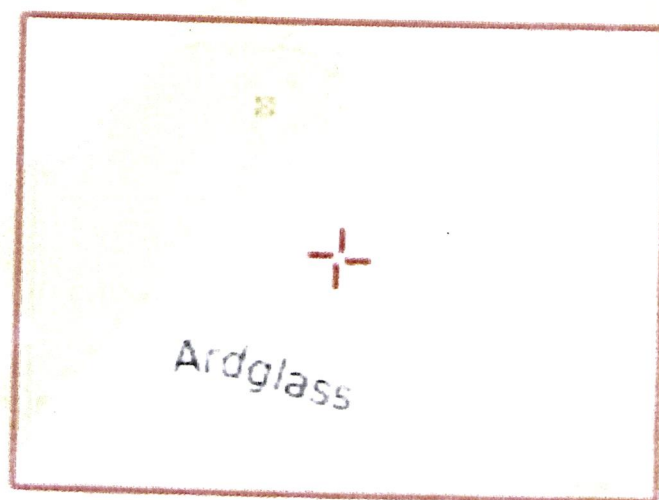
Beech Ave

White hall  
pk

Arglas

Deerpark





Beech Ave  
Parkmore Rd





ARE Lator  
Centre



Ardglass

Beech Ave  
Parkmore Rd



Picture 1

Adjacent houses with stone cladded front.





Picture 2

Adjacent houses with stone cladded front.

