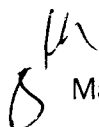




Comhairle Contae Chill Mhantáin Wicklow County Council

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 May 2025

Katarzyna Kostanska
4 Rivendell Grove
Greystones
Co. Wicklow
A63 VF90

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX46/2025**

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**





Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Katarzyna Kostanska

Location: 4 Rivendell Grove, Greystones, Co. Wicklow

Reference Number: EX46/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/450

Section 5 Declaration as to whether "construction of a shed" at 4 Rivendell Grove, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details submitted with the Section 5 Declaration application
- PRR 89/5015
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6, 9 and Schedule 2, Part 3 : Class 1 and Class 5 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of a shed comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- The shed is located to the rear of the dwelling, and is formed by the raising of the side rear boundary wall.
- The shed structure would come within the description set out under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, however as the shed structure involved the raising of the side rear wall to a height of 2.9m , this alteration would not come within the provisions of Class 5 : Part 1 : Schedule 2.

The Planning Authority considers that "construction of a shed" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 8 May 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/450

Reference Number: EX46/2025

Name of Applicant: Katarzyna Kostanska

Nature of Application: Section 5 Declaration request as to whether or not: -
"construction of a shed" is or is not development and is or
is not exempted development.

Location of Subject Site: 4 Rivendell Grove, Greystones, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "construction of a shed" at 4 Rivendell Grove, Greystones, 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 89/5015
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2, Part 3 : Class 1 and Class 5 of the Planning and Development Regulations 2001 (as amended)

Main Reason with respect to Section 5 Declaration:

- i. The construction of a shed comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The shed is located to the rear of the dwelling, and is formed by the raising of the side rear boundary wall.
- iii. The shed structure would come within the description set out under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, however as the shed structure involved the raising of the side rear wall to a height of 2.9m , this alteration would not come within the provisions of Class 5 : Part 1 : Schedule 2.

Recommendation:

The Planning Authority considers that "construction of a shed" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed Edel Bermingham

Dated 8th day of May 2025

ORDER:

I HEREBY DECLARE THAT the "construction of a shed" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Fergal T. May
Senior Engineer
Planning, Economic & Rural Development

Dated 20th day of May 2025

Section 5 Application EX 46/2025

Date : 2nd May 2025

Applicant : Katarzyna Kostanska

Address : 4 Rivendell Grove, Greystones, Co.Wicklow

Exemption Whether or not :

Construction of a shed

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

Planning History :

89/5015 Exemption Certificate applied for indicated in letter that as the works involve the raising of the boundary wall by over 2m it was not exempted development .

Note structure set out in Certificate details appears similar to that already constructed on site.

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.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

Assessment :

The application seeks a declaration as to whether the shed constructed within the curtilage of 4 Rivendell Grove is exempted development within the meaning of the Planning and Development Acts 2000 (as amended).

The applicant has submitted drawings which identifies that the structure which is formed by the rear side boundary wall is 2.9m and slopes to 2.3m in height. From the drawings the area is indicated as 5.4 x 3.6m, giving a total floor area of c. 19.44 sqm.



In the first instance it is considered that the construction of a shed 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.

The relevant exemption is 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 shed would come within the description set out above. There are a number of limitations i.e.

Limitation 1. – Structure to rear

Limitation 2 – shed below 25sqm

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

Limitation 4 – Finishes acceptable

Limitation 5 –would meet height criteria.

Limitation 6- Not for human habitation.

The structure separately involves the raising of the rear side wall which forms part of shed structure. As the raising of the wall exceeds 2m it would therefore not be exempt having regard to the provisions of Class 5 which provides that *the construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete, subject to the height of any such structure shall not exceed 2 metres*

Accordingly, the shed would not be exempted development.

Recommendation :

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

the shed constructed of 4 Rivendell Grove, Greystones, Co.Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the shed constructed of 4 Rivendell Grove, Greystones, Co.Wicklow Co. Wicklow is development and is **Not** exempted development.

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration application
- b) PRR 89/5015
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2, Part 3 : Class 1 and Class 5 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The construction of a shed comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The shed is located to the rear of the dwelling, and is formed by the raising of the side rear boundary wall.
- iii. The shed structure would come within the description set out under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, however as the shed structure involved the raising of the side rear wall to a height of 2.9m , this alteration would not come within the provisions of Class 5 : Part 1 : Schedule 2.

2/5/2025

2/5/2025

*Issue declaration as recommended
Fogal T May 2025
08/05/25*



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

**TO: Edel Bermingham
Senior Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX46/2025**

I enclose herewith application for Section 5 Declaration received completed on 12/04/2025.

The due date on this declaration is 12th May 2025

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





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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**Katarzyna Kostanska
4 Rivendell Grove
Greystones
Co. Wicklow
A63 VF90**

16th April 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX46/2025**

A Chara

I wish to acknowledge receipt on 15/04/2025 full details supplied by you in respect of the
above Section 5 application. A decision is due in respect of this application by 12/05/2025.

Mise, le meas

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



*Ta an doiciméad seo ar fáil i bhformáid eile ar an ardas
This document is available in alternative formats on request*

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



Wicklow County Council
County Buildings
Wicklow
0404-20100

14/04/2025 09:43:18

Receipt No L1/0/343857

KATARZYNA KISPANSKA
4 RIVENDELL GROVE
GREYSTONES
CO WICKLOW

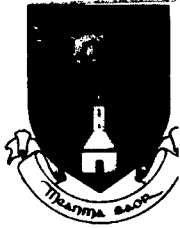
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GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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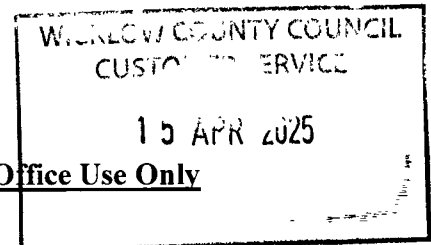
Tendered	
Credit Card	80.00

Change	0.00
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Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462



Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: Katarzyna Kostanska
Address of applicant: 4 Rivendell Greystones , Co Wicklow A63VF90

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 : _____

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

3. Declaration Details

i. Location of Development subject of Declaration 4 Rivendell Greystones , Co Wicklow A63VF90

ii. Are you the owner and occupier of these lands at the location under i. above ?
Yes

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, 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

When we bought house in 2010 there was already big shed in the back garden (marked as garage on the map provided but there are regular doors only) .Our solicitor back then – Manus Bray never informed us or the selling party that this structure must be approved first by CoCO. before we can buy the house. We are in the process of switching Bank for mortgage our current solicitor advised that this has not been done . We are unable to say when it was built and the structure is on maps as well. It is not habitable.

Please see attached Maps from Eircode , drawing from architect with structure being shown there , and dimension are

Length 5m

Width 2.5

Hight 2.9 - 2.3

Thank you

vi.

Additional details may be submitted by way of separate submission.

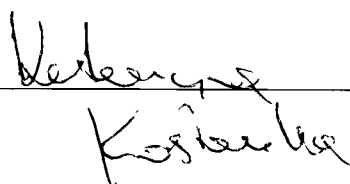
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

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 _____

- viii. Fee of € 80 Attached ? to be Paid 14.04 2025 by phone

Signed :  Dated : 12.04.15

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.

English | Gaeilge

4 RIVENDELL GROVE

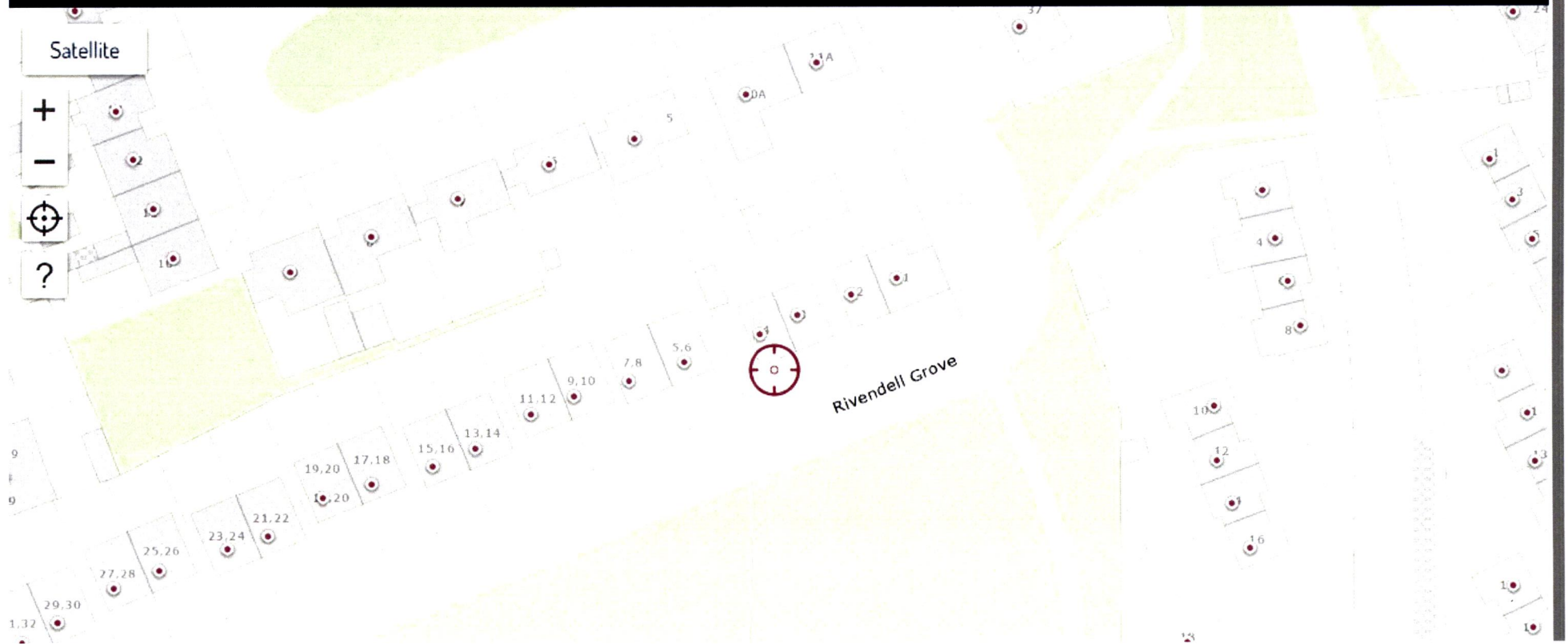
GREYSTONES

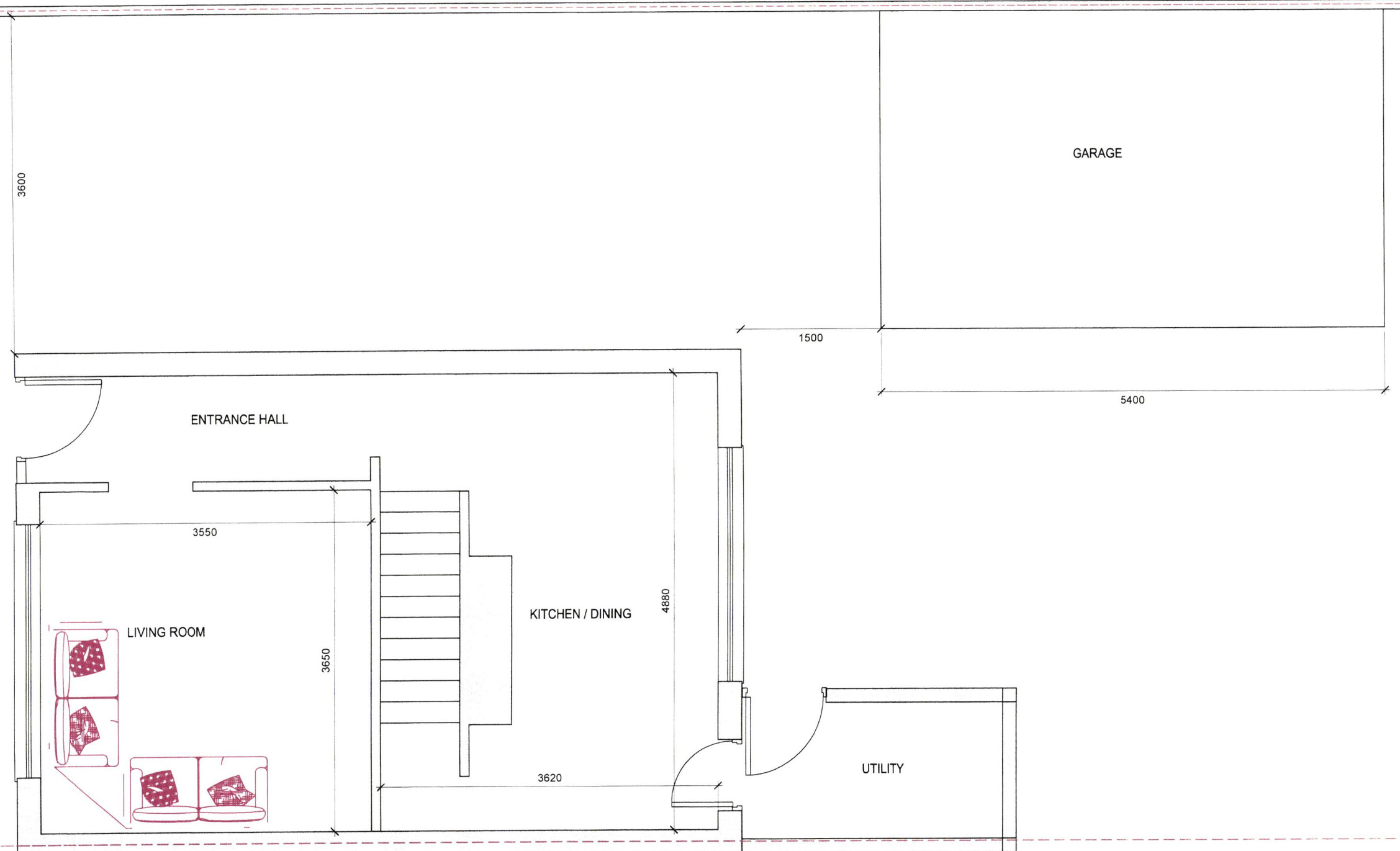
CO. WICKLOW

A63 VF90



EIRCODE





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All discrepancies to be notified
All works to comply with current Building Regulations
This drawing is copyright

CLIENT:

TITLE: GROUND FLOOR PLAN EXISTING
PROPOSED EXTENSION TO
4 RIVENDELL GROVE GREYSTONES

DRG. NO: 19/05/01
SCALE: 1: 50
DATE: JAN 19
REV:

LIAM INNES

MCIAT MCIQB C Build MCABE RIAI ArchTech. P.Eng. ASCSI ARICS
MOB: 086 8188425 EMAIL: linnes@potarch.ie L: 01 2829617
ONE EIGHTY THREE Killarney Park Herbert Road Bray Co. Wicklow