

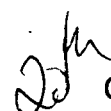


Comhairle Contae Chill Mhantáin Wicklow County Council

**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

Robert Kennedy
Kilbride Hill House,
Herbert Road,
Bray
Co. Wicklow

 Of July 2026

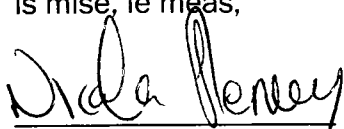
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 84/2026**

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.**



*To an dala meáin scríobh i nformáid eile ar fáil
This document is available in alternative formats on request*

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





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

Applicant: Robert Kennedy

Location: Kilbride Hill House, Herbert Road, Bray, Co. Wicklow

Reference Number: EX 84/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/878

A question has arisen as to whether *"the low-intensity, temporary, storage-only arrangement of a maximum of 3 cars at any time, on surplus lands adjoining private residence"* at Kilbride Hill House, Herbert Road, Bray, Co. Wicklow is or is not exempted development.

Having regard to:

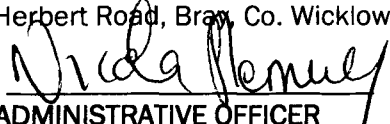
- The details submitted with the Section 5 Declaration Application
- Planning Permission Register Reference ABP-301577-18 (PRR 17/1085)
- Google Earth Aerial photographs
- Record of Protected Structures : B26 (Kilbride) Kilbride Hill – Herbert Road.
- An Coimisiún Pleanála Declarations Reference 06D.RL3386, RL27.312647 and RL3088
- Sections 2 , 3 , 4 and 57 of the Planning and Development Act 2000 (as amended)
- Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

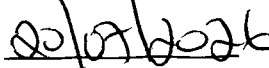
- From the details submitted under ABP-301577-18 (PRR 17/1085) the area the subject of this Section 5 declaration was defined as woodland.
- On review of Google Earth it is evident that the original pathway from the larger gravelled area to the front of Kilbride Hill House has been widened to allow for vehicular movements to the northeastern plot, the subject of this Section 5 declaration. In addition, this area has had vegetation removed and would appear to have been gravelled to facilitate parking.
- The operations of construction of widened access, removal of vegetation and provision of gravelled area are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- These works are therefore development given the meaning set out in Section 3(a) of the Act Planning and Development Act 2000(as amended).
- The lands in question form part of the curtilage/ setting of Kilbride Hill House, and the use for parking of vehicles as part of a commercial operation would not normally take place at this location. The usage would give rise to additional traffic movements, patterns of usage, and impacts on the character of the curtilage of the Protected Structure and therefore would give rise to planning considerations. The change of use would therefore be material and therefore development having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).

The Planning Authority considers that "the low-intensity, temporary, storage-only arrangement of a maximum of 3 cars at any time, on surplus lands adjoining private residence" at Kilbride Hill House, Herbert Road, Bray, Co. Wicklow is development and IS NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/878

Reference Number: EX 84/2026

Name of Applicant: Robert Kennedy

Nature of Application: Section 5 Referral as to whether *"the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence"* is or is not development and is or is not exempted development.

Location of Subject Site: Kilbride Hill House, Herbert Road, Bray, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence"* at Kilbride Hill House, Herbert Road, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

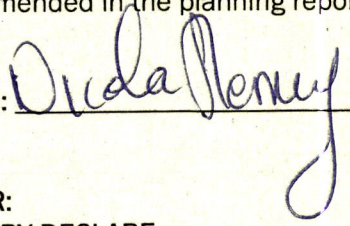
- a. The details submitted with the Section 5 Declaration Application
- b. Planning Permission Register Reference ABP-301577-18 (PRR 17/1085)
- c. Google Earth Aerial photographs
- d. Record of Protected Structures: B26 (Kilbride) Kilbride Hill – Herbert Road.
- e. An Coimisiún Pleanála Declarations Reference 06D.RL3386, RL27.312647 and RL3088
- f. Sections 2, 3, 4 and 57 of the Planning and Development Act 2000 (as amended)
- g. Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. From the details submitted under ABP-301577-18 (PRR 17/1085) the area the subject of this Section 5 declaration was defined as woodland.
- ii. On review of Google Earth it is evident that the original pathway from the larger gravelled area to the front of Kilbride Hill House has been widened to allow for vehicular movements to the northeastern plot, the subject of this Section 5 declaration. In addition, this area has had vegetation removed and would appear to have been gravelled to facilitate parking.
- iii. The operations of construction of widened access, removal of vegetation and provision of gravelled area are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- iv. These works are therefore development given the meaning set out in Section 3(a) of the Act Planning and Development Act 2000(as amended).
- v. The lands in question form part of the curtilage/ setting of Kilbride Hill House, and the use for parking of vehicles as part of a commercial operation would not normally take place at this location. The usage would give rise to additional traffic movements, patterns of usage, and impacts on the character of the curtilage of the Protected Structure and therefore would give rise to planning considerations. The change of use would therefore be material and therefore development having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).

Recommendation

The Planning Authority considers that *"the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence"* at Kilbride Hill House, Herbert Road, Bray, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

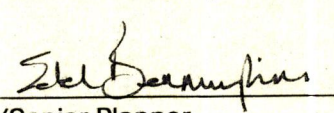
Signed: 

Date: 20/07/2026

ORDER:

I HEREBY DECLARE:

THAT *"the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence"* at Kilbride Hill House, Herbert Road, Bray, Co. Wicklow is **development and is not exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Date: 20/7/2026

Section 5 Application : EX 84/2026.

Date : 16/7/2026

Applicant : Robert Kennedy

Address : Kilbride Hill House, Herbert Road, Bray , Co. Wicklow

Query Whether or not :

the low-intensity, temporary, storage-only arrangement of a maximum of 3 cars at any time, on surplus lands adjoining private residence

is or is not exempted development

Relevant Planning History :

ABP-3O1577-18 (PRR 17/1085)

Development at a site of c3.7 ha located at Kilbride Hill House (protected structure 26) and ancillary woodlands to the west of Kilbride Hill House. The development will consist of construction of 43 no dwellings, the extension of the existing gate lodge and the creation of a new curtilage for Kilbride Hill House which will be retained as a private residence. An existing log shed, glass house and pump house will be demolished (total area c31.61 sqm). The ancillary woodland to the west of Kilbride Hill House will remain undeveloped excepting the proposed upgrading and lighting of an existing pedestrian path located adjacent to Aston Wood and accessed from Herbert Road.

Condition 15

15. The boundary treatment and access gate arrangements to the revised curtilage of Kilbride Hill House shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The gate, gate piers and railings of the existing entrance to Herbert Road shall be re-located to the new entrance to Kilbride Hill House, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of protecting architectural heritage



County Development Plan 2022-2028

Record of Protected Structures

B26 (Kilbride) Kilbride Hill – Herbert Road.

An Coimisiún Pleanála References

Reference RL27.312647

An Bord Pleanála has concluded that the use of Stable Lane as a facility for the parking of vehicles (parking being defined as the act of stopping, disengaging and leaving a vehicle unattended) is development and is not exempted development because

(a) the use comprises development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, (being a material change of use from a service lane to a car park),

(b) the use does not come within the scope of Section 4 of the Planning and Development Act 2000, as amended, and

(c) the use does not come within the scope of Article 6(1) or Article 10(1) of the Planning and Development Regulations 2001, as amended, (such exemptions relate to works and not use and, therefore, are not applicable),

1 Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act, 2000, as amended, hereby decides that the said provision of off-street car parking on the grassed area at the front of 18 Trafalgar Terrace, Monkstown, County Dublin, is development and is not exempted development.

An Bord Pleanála has concluded that –

- (a) the green area running along the front of Trafalgar Terrace is intrinsic to the character and setting of this terrace of protected structures, as follows:
 - (i) there is a historical relationship and functional connection between the protected structures that comprise Trafalgar Terrace and the shared green area to the front of these houses, serving the terrace as a whole as a communal amenity area,
 - (ii) this green area constitutes a landscaped setting complementing the design of this grouping of protected structures, and which is important for the appreciation of Trafalgar Terrace,
 - (iii) there is a fundamental visual inter-relationship between Trafalgar Terrace, the green area running along the front of the terrace, and the views from these protected structures towards the sea,
 - (iv) similarly, there is a relationship between Trafalgar Terrace and Seapoint Avenue, whereby the green area is integral to the setting and to public views of this group of protected structures,
- (b) the hard-surfacing of a grassed area to provide a car parking space comes within the definition of works as defined in section 2(1) of the Planning and Development Act, 2000, as amended, and accordingly constitutes development as set out in section 3(1) of the said Act,
- (c) the removal of the grassed area in front of number 18 Trafalgar Terrace and the provision of a hard-surfaced car-parking space would disrupt the visual relationship between Trafalgar Terrace and the green area which makes a significant and important contribution to its setting, would constitute a detrimental intervention to the visual appreciation of the design of this group of protected structures, including public views from Seapoint Avenue, would interfere with the historical relationship and functional connection between the protected structures of Trafalgar Terrace and the communal amenity area serving them, and therefore, would give rise to a detrimental and material effect on the character and setting of the protected structures comprising Trafalgar Terrace,
- (d) in accordance with section 57(1) of the Planning and Development Act, 2000, as amended, the proposed works, therefore, cannot avail of any provisions of exempted development legislation under the said Act, or under the Planning and Development Regulations, 2001, as amended, and
- (e) furthermore, the provision of an off-street car parking space on the shared grass amenity area:
 - (i) would constitute a change of use of the land,
 - (ii) which change of use is considered to be a material change of use, and therefore constitutes development, having regard to the implications that would arise in planning terms, including adverse impacts on the visual character of the green area, on the use and function of that green area arising

from its effective sub-division, the serious and detrimental impacts on the character and setting of the protected structures of Trafalgar Terrace, and in relation to the potential for implications for traffic safety and convenience and the obstruction of road users arising from the increased traffic turning movements generated by an additional car parking space at this restricted location, and

(iii) there are no provisions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, by which such a change of use could constitute exempted development:

RL3088

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said use of the set back area in front of house number 3 Dunville Close, Ranelagh, Dublin is not development.

the use of the set back area for the parking of cars is not a change of use of the area, being a use which is considered to be one that would normally take place on a public lane, and is within the terms of the said condition number 5 of An Bord Pleanála appeal reference number PL 29S.216967 (planning authority register reference number 1081/06).

Planning and Development Act 2000 (as amended)

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

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

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

“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,

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

(2) For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

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

Section 4

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

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

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

(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.

S57. (1) Notwithstanding *section 4(1)(a), (h), (i), (ia), (j), (k), or (l)* and any regulations made under *section 4(2)*, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations 2001(as amended)

Article 6

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 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—

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,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Article 10

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.

(2)

(a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—

- (i) as an amusement arcade,
- (ii) as a motor service station,
- (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
- (iv) for a taxi or hackney business or for the hire of motor vehicles,
- (v) as a scrap yard, or a yard for the breaking of motor vehicles,

- (vi) for the storage or distribution of minerals,
- (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the Greater Dublin Area and 3,000 square metres in the remainder of the State,
- (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
- (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

Information submitted with Section 5

Kennedy Auto Sourcing Limited operates on a low-intensity, part-time basis with the business model of sourcing private vehicles on behalf of clients. The proposed use of surplus land adjoining the private residence reflects the limited scale of the business.

The proposed arrangement is for the secure, temporary, storage only, of a maximum of three vehicles owned by, or in the lawful possession/control of, Kennedy Auto Sourcing Limited at any one time pending onward movement, off-site preparation or registration.

The limited vehicles would be the property of Kennedy Auto Sourcing Ltd. The arrangement would be storage/parking only and would not involve customers attending the property or any customer-facing motor trade activity at the property.

For clarity, the proposed arrangement would not involve any of the following:

- No more than three vehicles stored on site at any one time.
- No vehicle sales from the property.
- No public display of vehicles for sale.
- No customer visits or public access.
- No customer collections or handovers.
- No viewings or test drives at the property.
- No repairs, servicing or mechanical works.
- No inspection, detailing, preparation, washing or valeting operation.
- No signage or advertising at the property.
- No employees based at the property.
- No office use by Kennedy Auto Sourcing Limited at the property.
- No separate office, trade counter or public-facing business premises at the property.
- No forecourt or dealership activity.
- No change to the primary residential use of the property.
- No change to the existing access arrangements.
- No alteration to the existing residential lands, structures or boundaries.

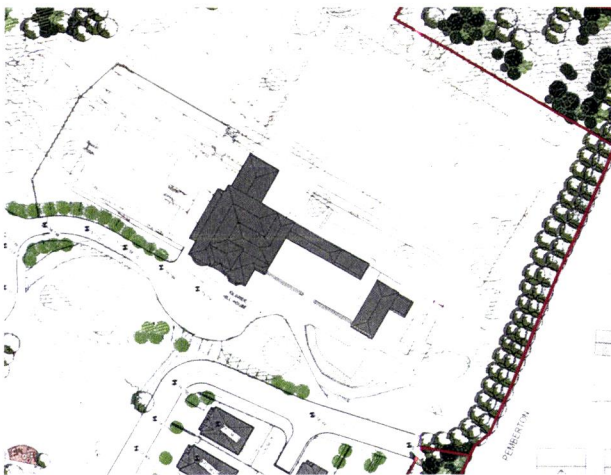
Assessment :

The querist seeks confirmation as to whether the low-intensity, temporary, storage-on arrangement of a maximum of 3 cars at any time, on surplus lands adjoining private residence or is not exempted development.

The lands are located to the east of the existing Kilbride Hill House a protected structure. Originally the overall lands formed the curtilage of the house included the lands between this Protected Structure and the public road. The decision ABP-301577-18 (PRR 17/1085) for the housing development, created a new curtilage for Kilbride Hill House which itself was retained as a private residence.



The permitted development excluded permission for development of a roadway to the northeastern side and rear of Kilbride House, and for houses to rear of the Protected Structure. The permitted site layout adjoining Kilbride House, as submitted in compliance to condition 2(a) identified the layout as follows



Compliance with Condition 15 of ABP-301577-18 further provided that only a low parkland railing was to be provided to the front of Kilbride Hill House, which were to have an overall height of 1.2m high. Note currently leylandii have been planted to front where it adjoins the estate roads.

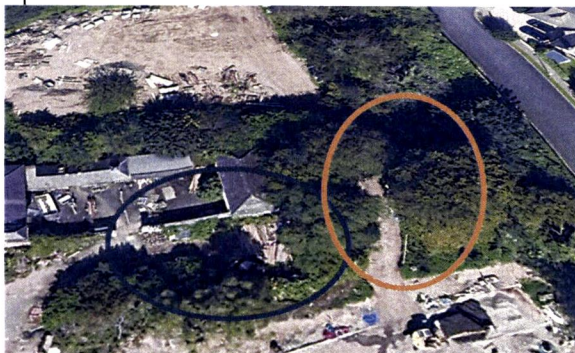


Google Earth Aerial photos identify the alteration of the lands the subject of this Section 5 over time as identified below

July 2022



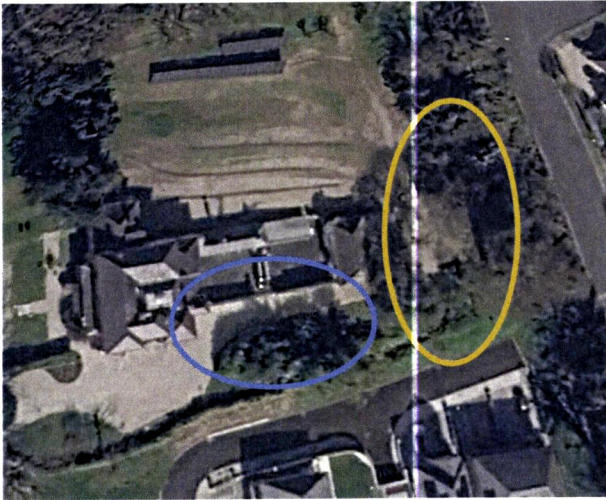
April 2023



November 2025



March 2026



It is evident that works have been undertaken in the area the subject of this Section 5 over the last number of years. From the details submitted in respect to ABP-301577-18 (PRR 17/1085) it was evident from the Appropriate Assessment Screening information, in particular the Habitat Assessment submitted that this area was identified as being woodland.

The first question to be asked is whether works or a material change of use has taken place. Whilst not indicated in the submitted documentation it is evident that the existing pathway from the larger gravelled area to the front of Kilbride Hill House has been widened to allow for vehicular movements to the northeastern plot and the area in that location has had vegetation removed and has been gravelled to facilitate access to the parking, and provide for the parking area. This course of works is evident from the google earth photos over the time period which identify the original dense vegetation at this location, and the more recent operations which have altered the area from its original woodland habitat to gravelled area.

It is therefore clear that operations of construction have been undertaken, and are therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended). These works are therefore development given the meaning set out in Section 3(a) of the Act.

It is also considered that the use of this gravelled area for the parking of vehicles in association with a commercial enterprise would not be a use ancillary to the use of the private dwelling. In this regard the lands in question form part of the curtilage/ setting of Kilbride Hill House, and the use for parking of vehicles as part of a commercial operation would not normally take place at this location. The usage would give rise to additional traffic movements, patterns of usage, and impacts on the character of the curtilage of the Protected Structure, and therefore gives rise to planning considerations. The change of use would therefore be material and therefore development given the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

The exemptions under Section 4(1)(h) and 4(1)(j) are not applicable, and there are no exemptions under the Planning and Development Regulations 2001(as amended) that would allow for the works/ change of use.

Recommendation :

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

the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence at Kilbride Hill House, Herbert Road, Bray , Co. Wicklow

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

The Planning Authority consider that the low-intensity, temporary, storage-only arrangement of a maximum of 3cars at any time, on surplus lands adjoining private residence at Kilbride Hill House, 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. Planning Permission Register Reference ABP-3O1577-18 (PRR 17/1085)
- c. Google Earth Aerial photographs
- d. Record of Protected Structures : B26 (Kilbride) Kilbride Hill – Herbert Road.
- e. An Coimisiún Pleanála Declarations Reference 06D.RL3386, RL27.312647 and RL3088
- f. Sections 2 , 3 , 4 and 57 of the Planning and Development Act 2000 (as amended)
- g. Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. From the details submitted under ABP-3O1577-18 (PRR 17/1085) the area the subject of this Section 5 declaration was defined as woodland.
- ii. On review of Google Earth it is evident that the original pathway from the larger gravelled area to the front of Kilbride Hill House has been widened to allow for vehicular movements to the northeastern plot , the subject of this Section 5 declaration. In addition this area has had vegetation removed and would appear to have been gravelled to facilitate parking.
- iii. The operations of construction of widened access, removal of vegetation and provision of gravelled area are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- iv. These works are therefore development given the meaning set out in Section 3(a) of the Act Planning and Development Act 2000(as amended).
- v. The lands in question form part of the curtilage/ setting of Kilbride Hill House, and the use for parking of vehicles as part of a commercial operation would not normally take place at this location. The usage would give rise to additional traffic movements, patterns of usage, and impacts on the character of the curtilage of the Protected Structure, and therefore would give rise to planning considerations. The change of use would therefore be material and therefore development having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).

- i. There are no exemptions provided for such works/ change of use under the Planning and Development Act 2000(as amended) or Associated Regulations.

St. Brannigan TSP

16/7/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
T/Senior Planner**

**FROM: Aoife Kinsella
Clerical Officer**

**RE: Declaration in accordance with Section 5 of the Planning &
Development Acts 2000 (as amended) -EX84/2026**

I enclose herewith for your attention application for Section 5 Declaration received 03/07/2026.

The due date on this declaration is the 30/07/2026.

Aoife Kinsella..

**Clerical Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Robert Kennedy
Kilbride Hill House
Herbert Road Bray
Co. Wicklow

03rd of July 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended) – EX84/2026**

A Chara

I wish to acknowledge receipt on 03/07/2026 full details supplied by you in respect of the
above Section 5 application. A decision is due in respect of this application by
30/07/2026

Mise, le meas

Aoife Kinsella

Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Nicola Fleming

From: Siobhan O'Brien
Sent: Thursday 2 July 2026 12:01
To: Nicola Fleming
Subject: FW: Section 5 application
Attachments: Section_5_Application_KHH_Kennedy_Auto_Sourcing.docx; Land Registry Maps Kilbride Hill House.pdf; Land Registry Maps Land adjoining Kilbride Hill House (Proposed area shaded in yellow).pdf; Existing private gravel area proposed for limited temporary storage only (1).jpeg; Existing private gravel area proposed for limited temporary storage only (3).jpeg; Existing private gravel area proposed for limited temporary storage only (2).jpeg

From: Rob Kennedy <robertkennedy316@gmail.com>
Sent: Thursday 2 July 2026 11:42
To: Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>
Subject: Section 5 application

**External Sender - From: (Rob Kennedy
<robertkennedy316@gmail.com>)**
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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 Wicklow Coco.

I would like to submit this section 5 application for your consideration please.

I have attached the following:

- Section 5 application form
- Land Registry Maps of the area proposed
- Photos of the area proposed

In summary, this declaration request stems from an application for a Trader Account Number "TAN" from Revenue who subsequently requested confirmation from the relevant local authority that: "the proposed business activity may lawfully operate from the premises in that a number of vehicles may be stored on the residential site in connection with that activity without the requirement of a change of use or commercial rates being applied."

If you need further information, documentation, or clarity please don't hesitate to contact me.

Kind regards
Rob Kennedy
+353-87-4638808

Wicklow County Council
County Buildings
Wicklow
0404-20100

03/07/2026 10 46 26

Receipt No L1/0/366218
***** REPRINT *****

ROBERT KENNEDY
KILBRIDE HILL HOUSE
HEBERT ROAD
BRAY
CO WICKLOW
A98 AX29

EXEMPTION CERTIFICATE S	80 00
GOODS	80 00
VAT Exempt/Non taxable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00
SECTION 5	

Change	0 00
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**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: Robert Kennedy

Address of applicant: Kilbride Hill House, Herbert Road, Bray, Co. Wicklow

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: Land adjoining Kilbride Hill House, Herbert Road, Bray, Co. Wicklow.

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and/or occupier: N/A.

iv. Query for which the Section 5 Declaration is sought: See Appendix A - Section 5 Query and Supporting Details, Section 6, Question for declaration.

Additional details may be submitted by way of separate submission.

v. Sections/Regulations considered relevant: Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), insofar as relevant.

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)? Kilbride Hill House is understood to be a Protected Structure. The proposed storage area is on land adjoining the private residence and is not proposed to involve any works to Kilbride Hill House, any protected structure, or any structure within the residential curtilage. No physical works, alterations, signage or public access are proposed.

vii. List of Plans, Drawings submitted with this Declaration Application: Land registry map and photographs of the relevant area; Appendix A - Section 5 Query and Supporting Details.

viii. Fee of EUR 80 Attached? Yes - EUR 80 fee to be attached on submission.

Signed: Robert Kennedy Dated: 02/07/2026

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 100 metres of that complex.

APPENDIX A - SECTION 5 QUERY AND SUPPORTING DETAILS

1. Purpose of request

The applicant requests a declaration under Section 5 of the Planning and Development Acts 2000 as to whether the low-intensity, temporary, storage-only arrangement described below constitutes development, and if so, whether it constitutes exempted development.

2. Background and prior correspondence

This request follows prior email correspondence to Wicklow County Council Planning Department in relation to a Revenue TAN authorisation application for Kennedy Auto Sourcing Limited.

In that correspondence, the applicant clarified that the company's registered office / business administration address is 51 Bracken Road, Sandyford, D18 CV48, and that the Bray property is not proposed to operate as a car dealership, forecourt, garage, repair business, valeting business, customer-facing sales premises or public motor trade premises.

The proposed address is for limited, temporary vehicle storage on land adjoining our private residence.

3. Property and area concerned

The area concerned is the land to the right of the property as per the land registry map (shaded in yellow). No physical works, alterations, new structures, signage, change to access, change to surfacing or change to boundaries are proposed.

4. Proposed limited arrangement

Kennedy Auto Sourcing Limited operates on a low-intensity, part-time basis with the business model of sourcing private vehicles on behalf of clients. The proposed use of surplus land adjoining the private residence reflects the limited scale of the business.

The proposed arrangement is for the secure, temporary, storage only, of a maximum of three vehicles owned by, or in the lawful possession/control of, Kennedy Auto Sourcing Limited at any one time pending onward movement, off-site preparation or registration.

The limited vehicles would be the property of Kennedy Auto Sourcing Ltd. The arrangement would be storage/parking only and would not involve customers attending the property or any customer-facing motor trade activity at the property.

5. Operational limits

For clarity, the proposed arrangement would not involve any of the following:

- No more than three vehicles stored on site at any one time.
- No vehicle sales from the property.
- No public display of vehicles for sale.
- No customer visits or public access.
- No customer collections or handovers.
- No viewings or test drives at the property.
- No repairs, servicing or mechanical works.
- No inspection, detailing, preparation, washing or valeting operation.
- No signage or advertising at the property.
- No employees based at the property.
- No office use by Kennedy Auto Sourcing Limited at the property.
- No separate office, trade counter or public-facing business premises at the property.
- No forecourt or dealership activity.
- No change to the primary residential use of the property.
- No change to the existing access arrangements.
- No alteration to the existing residential lands, structures or boundaries.

Any of the above activities will be carried out off-site by third-party providers or at the registered business address of 51 Bracken Road, Sandyford, D18CV48.

6. Question for declaration

Whether the low-intensity storage only of a maximum of three vehicles owned by, or in the lawful possession/control of, Kennedy Auto Sourcing Limited within the land adjoining our private residence at Kilbride Hill House, in the manner and within the limits described in this referral, constitutes development or a material change of use requiring planning permission; and if so, whether it constitutes exempted development.

7. Notes

This declaration stems from an application for a Trader Account Number "TAN" from Revenue who subsequently have requested confirmation from the relevant local authority that;

"the proposed business activity may lawfully operate from the premises in that a number of vehicles may be stored on the residential site in connection with that activity without the requirement of a change of use or commercial rates being applied."

Land Registry Compliant Map



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ITM 724689,717349

PUBLISHED: 24/02/2025
ORDER NO.: 50450635_1

MAP SERIES: 1:1,000
1:2,500
MAP SHEETS: 3568-22
3568-C

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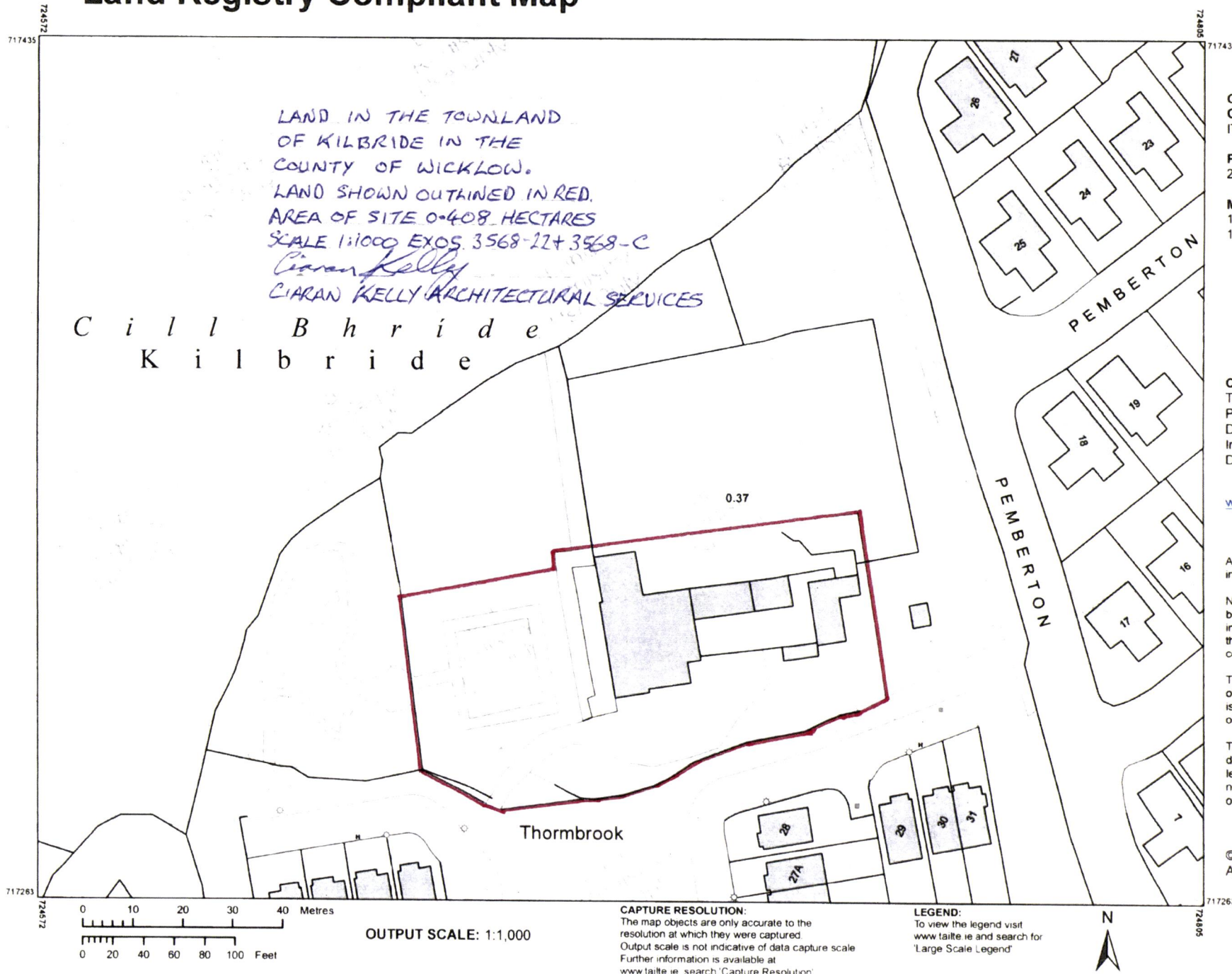
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Land Registry Compliant Map



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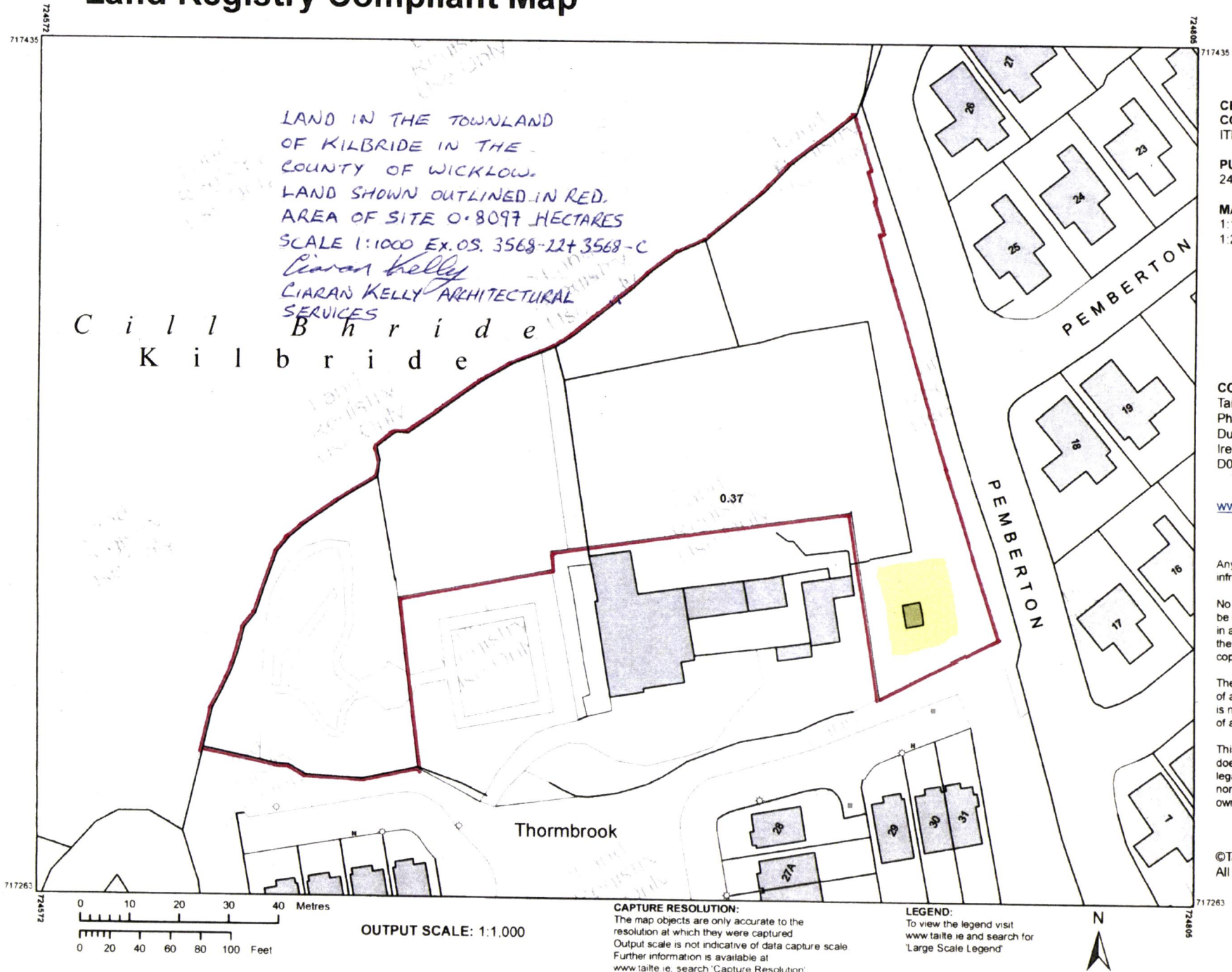
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