



# 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)

**Andreas Kracke & Luciana Godoy de Carvalho e Silva  
Winton Grove  
Ballybawn Road Lower  
Kilmacanogue  
Co. Wicklow  
A98 YE83**

 September 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000  
(As Amended) – EX103/2025**

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

## 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)

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

**Applicant:** Andreas Kracke & Luciana Godoy de Carvalho e Silva

**Location:** Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow

**Reference Number:** EX 103/2025  
**CHIEF EXECUTIVE ORDER NO.** CE/PERD/2025/1036

A question has arisen as to whether “the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing” at Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow is or is not exempted development.

#### Having regard to:

- The details submitted with the Section 5 Declaration.
- Planning Permission PRR06/6803
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 2, 6, 9 and Class 1: Part 1 of Schedule 2 : Part 4 of the Planning and Development Regulations 2001 (as amended).

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

- The conversion of the garage for habitable use involved operations of construction and alteration, and would therefore be works having regard to the definition of works under Section 2 of the Planning and Development Act 2000(as amended) . These works would be development as defined under Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- This conversion would not come within the provisions of Class 1: Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) as the garage is not attached to the dwelling and it would exceed the 40sqm limitation. Furthermore, having regard to Article 9 (1)(a) (i) the development would not be exempted development as the carrying out of such development would contravene Condition 12 (a) of PRR 06/6803, which provided that the garage was to be for private domestic use only and shall not be used for human habitation or for any commercial purpose.
- The change of use of the permitted use as a garage for domestic use only, to use for short term letting, would be materially different in character, and would have differing impacts i.e. increased traffic movements, pedestrian movements, increase in effluent discharge, water requirement which would all give rise to differing planning consideration from use as a garage, and such a change would be material, and therefore development having regard to Section 3 (a) of the Planning and Development Act 2000(as amended). There are no exemptions for such a change of use in the Planning and Development Regulations 2001(as amended).

The Planning Authority considers that “the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing” at Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow is development and is NOT exempted development

Signed:

*Diana Henry*  
ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 25<sup>th</sup> September 2025





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

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1036**

Reference Number: EX 103/2025

Name of Applicant: Andreas Kracke & Luciana Godoy de Carvalho e Silva

Nature of Application: Section 5 Referral as to whether or not "the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing" is or is not development and is or is not exempted development.

Location of Subject Site: Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow

Report from Andrew Spencer, EP & Edel Bermingham, A/SP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing" at Winton Grove, Ballybawn Road Lower, Kilmacanogue, 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.
- b) Planning Permission PRR06/6803
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 2, 6, 9 and Class 1: Part 1 of Schedule 2 : Part 4 of the Planning and Development Regulations 2001 (as amended).

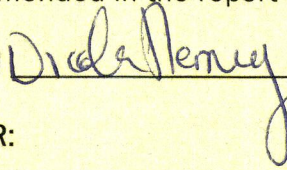
**Main Reason with respect to Section 5 Declaration:**

- i. The conversion of the garage for habitable use involved operations of construction and alteration, and would therefore be works having regard to the definition of works under Section 2 of the Planning and Development Act 2000(as amended) . These works would be development as defined under Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- ii. This conversion would not come within the provisions of Class 1: Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) as the garage is not attached to the dwelling and it would exceed the 40sqm limitation. Furthermore, having regard to Article 9 (1)(a) (i) the development would not be exempted development as the carrying out of such development would contravene Condition 12 (a) of PRR 06/6803, which provided that the garage was to be for private domestic use only and shall not be used for human habitation or for any commercial purpose.
- iii. The change of use of the permitted use as a garage for domestic use only, to use for short term letting, would be materially different in character, and would have differing impacts i.e. increased traffic movements, pedestrian movements, increase in effluent discharge, water requirement which would all give rise to differing planning consideration from use as a garage, and such a change would be material, and therefore development having regard to Section 3 (a) of the Planning and Development Act 2000(as amended). There are no exemptions for such a change of use in the Planning and Development Regulations 2001(as amended).



**Recommendation:**

The Planning Authority considers that "the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing" at Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow is development and is NOT exempted development as recommended in the report by the A/SP.

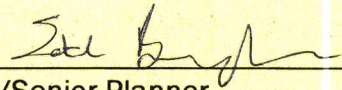
Signed 

Dated 2<sup>nd</sup> day of September 2025

ORDER:

**I HEREBY DECLARE:**

That "the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing" at Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

A/Senior Planner

Planning, Economic & Rural Development

Dated 25<sup>th</sup> day of September 2025





WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

---

REF:	EX103/2025
NAME:	ANDREAS KRACKE, LUCIANA GODOY DE, CARVALHO ESILVA
DEVELOPMENT:	CONVERTED GARAGE TO AIRBNB USE
LOCATION:	WINTON GROVE BALLYBAWN KILMACANOGUE CO. WICKLOW.

---

**Site Location and description:**

Winton Grove, Ballybawn Road Lower, Kilmacanogue, Co. Wicklow A98 YE83. Existing one off dwelling with detached garage.

**Question:**

Whether the short term letting of a converted detached garage used occasionally as a recreational space and Airbnb listing, remains ancillary to the principal private residence and exempt from change of use planning requirements.

**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."*

*3A.—(1) of the Act states the following in relation to short term letting:*

*The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be.*

**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.

**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 Restrictions on exemptions to which Article 6 Relates.

Below restriction is relevant:

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—(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

**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.

Section 3A provides that:

*The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be.*

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.

In light of the above, I am satisfied that the use of the garage for residential short term letting is a material change of use 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.

The original garage was constructed on foot of the grant of permission register reference no. 06/6803: Description - Permission for revised and widened site entrance, alterations to existing house (existing dwelling 160 sqm) including proposed entrance hall to the front, conversion of existing attic to habitable bedroom accommodation (154 sqm) including increased roof height with new dormer and roof windows to both front and rear, demolition of existing glazed conservatory to rear and **construction of a new single storey detached garage**, improved septic tank / waste water treatment system and all other related site work.

It is stated by the applicant's that the garage was converted in 2007 by previous owners and now includes a ground floor and upper floor. In addition it is noted that alterations to the side and front elevations to include additional windows and doors have also been carried out. Having examined the site's planning history I found no planning applications for permission/retention of the said changes and as such I am of the opinion that as constructed the garage unit is not in compliance with the submitted drawings and therefore non compliant with **Condition 1** of PRR066803, which states that *This permission refers to the development as described in the documents lodged save as the conditions hereunder require.*

In addition it is noted that the **Condition 12 (a)** of permission 06/6803 states:

*This garage shall be used for private domestic use only and shall not be used for any commercial purpose.*

As residential short term letting is a commercial activity the carrying on of same within the garage is a contravention of this condition.

Having regard to Article 9 (a) (i) of the Planning and development regulations 2001 (as amended) which states developments to which Article 6 of the Planning and development regulations 2001 (as amended) relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act:

It is considered that the short term letting of a converted garage used as an Airbnb listing contravenes Condition 12 (a) of PRR06/6803.

**Recommendation:**

As residential short term letting is a commercial activity the carrying on of same within the subject converted garage is a contravention of Condition 12(a) of PRR06/6803 and as the alterations to said garage as permitted do not have benefit of planning permission, the existing garage as built is a contravention of Condition 1 of PRR06/6803.

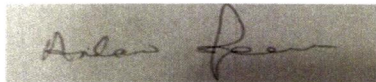
Having regard to the aforementioned and Article 9 (a) (i) of the Planning and development regulations 2001 (as amended) which states developments to which Article 6 of the Planning and development regulations 2001 (as amended) relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, I am of the opinion that the short term letting of a converted detached garage used occasionally as a recreational space and Airbnb listing, is **not** exempted development.

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

- The details received with this Section 5 application (EX103/2025) on the 1<sup>st</sup> September 2025
- Sections 2, 3, 3A and 4 of the Planning and Development Act 2000(as amended).
- Article 6(1) of the Planning and Development Regulations, 2001, (as amended).
- Article 9 (1) (a) of the Planning and Development Regulations, 2001(as amended).

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

- 1) The short term letting of a converted detached garage, used occasionally as a recreational space and Airbnb listing at Winton Grove Ballybawn Road Lower, Kilmacanogue, is a material change of use and is development having regard to Section 3 and Section 3A of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The short term letting of a converted detached garage, used occasionally as a recreational space and Airbnb listing at Winton Grove Ballybawn Road Lower, Kilmacanogue, falls outside the scope of Article 6(1) of the Planning and Development Regulations, 2001, (as amended) as per Article 9 (1)(a) of the Planning and Development Regulations, 2001, (as amended) as the development contravenes Conditions 1 and 12(a) of planning permission PRR06/6803 and therefore is **not** exempted development.



**Andrew Spencer E.P.**

**18/09/2025**

18/9/2025

The report of the Ex Planner is noted and assessment therein. From review it is noted that the garage is a standalone structure located to front of the dwelling on site. The garage was permitted by reference to PRR 06/6803. This garage was converted and extended by provision of an internal floor, and would have an overall area of c. 80sqm. The modifications provided a bar, toilet / bathroom, living room area and an upper floor bedroom for guest accommodation (as identified on My Home description). This garage was subject to a restriction under Condition 12(a) that it was to be for private domestic use only and shall not be used for human habitation or for any commercial purpose. The garage was clearly converted for human habitation, given provision of bedrooms and bathroom, the lack of a defined kitchen would not alter that conclusion. Therefore, the garage conversion was not solely for ancillary domestic use, and such a conversion would have involved operations of construction and alteration and would therefore be works having regard to the definition under Section 2 of the Planning and Development Act 2000(as amended). Those works would be development having regard to the definition set out under Section 3(1)(a) of the Act.

This conversion would not come within the provisions of Class 1 : Part 1 :Schedule 2 of the Planning and Development Regulations 2001(as amended) the garage is not attached to the dwelling and it would exceed the 40sqm limitation. In addition the provisions of Article 9 1(a) (i) would apply i.e. 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 contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. Note the inference by the applicant that as the structure was converted in 2007 that this would make it legitimate would not be the case, as while the Planning Authority may not have recourse to enforcement proceedings, this does not authorise the works undertaken.



In addition, as identified the permitted use of the structure is as a garage / for private domestic use to short term letting would be a material change of that use, as such a use would be different in character, and have differing impacts i.e. increased traffic movements, pedestrian movements, increase in effluent discharge, water requirement which would all give rise to differing planning considerations from use as a garage, and such a change would be material, and therefore development having regard to Section 3 (a) of the Planning and Development Act 2000(as amended). There are no exemptions for such a change of use in the Planning and Development Regulations 2001(as amended).

Therefore, as the change of use is not exempted development .

### **Recommendation :**

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

the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the short term letting of a converted detached garage used occasionally as recreational space and Airbnb listing is Development and is Not Exempted Development

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Planning Permission PRR( 6/6803
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 6, 9 and Class 1 : Part 1 of Schedule 2 : Part 4 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

i. The conversion of the garage for habitable use involved operations of construction and alteration, and would therefore be works having regard to the definition of works under Section 2 of the Planning and Development Act 2000(as amended) . These works would be development as defined under Section 3(1)(a) of the Planning and Development Act 2000(as amended).

ii. This conversion would not come within the provisions of Class 1 : Part 1 :Schedule 2 of the Planning and Development Regulations 2001(as amended) as the garage is not attached to the dwelling and it would exceed the 40sqm limitation. Furthermore, having regard to Article 9 (1)(a) (i) the development would not be exempted development as the carrying out of such development would contravene Condition 12 (e) of PRR 06/6803, which provided that the garage was to be for private domestic use only and shall not be used for human habitation or for any commercial purpose.

i. The change of use of the permitted use as a garage for domestic use only, to use for short term letting, would be material/ different in character, and would have differing impacts i.e. increased traffic movements, pedestrian movements, increase in effluent discharge, water requirement which would all give rise to differing planning consideration from use as a garage, and such a change would be material and therefore development having regard to Section 3 (a) of the Planning and Development Act 2000(as amended). There are no exemptions for such a change of use in the Planning and Development Regulations 2001(as amended).

*John Cunningham AICP*

19/9/2025





# 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)

## MEMORANDUM

### WICKLOW COUNTY COUNCIL

---

**TO: Andrew Spencer**  
**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).  
EX103/2025**

I enclose herewith application for Section 5 Declaration received completed on 1<sup>st</sup> September 2025.

The due date on this declaration is 28<sup>th</sup> September 2025.

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





# 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)

2<sup>nd</sup> September 2025

**Andreas Kracke & Luciana Godoy de Carvalho e Silva**  
Winton Grove  
Ballybawn Road Lower  
Kilmacanogue  
Co. Wicklow  
A98 YE83

**RE: Application for Certificate of Exemption under Section 5 of the Planning and  
Development Act 2000 (as amended). – EX103/2025**

A Chara

I wish to acknowledge receipt on 01/09/2025 full details supplied by you in respect of the  
above Section 5 application. A decision is due in respect of this application by 28/09/2025.

Mise, le meas

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



**Andreas Kracke**  
**Luciana Gedeoy de Carvalho e Silva**  
Winton Grove, Ballybawn Road Lower, Kilmacanogue, A98 YE83  
andreaskracke@yahoo.com  
087/166 8965

**Date:** 1. September 2025

**To:**  
**Planning Department**  
**Wicklow County Council**  
**County Buildings**  
**Station Road**  
**Wicklow Town**  
**Co. Wicklow**

RECEIVED 01 SEP 2025

**Subject: Section 5 Application – Ancillary Use of Converted Garage (Short-Term Let)**

Dear Sir or Madam,

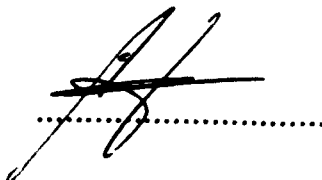

Further to your letter dated 18th August 2025, we are submitting our **completed Section 5 application** to request a formal declaration regarding the use of the converted garage located at our residence in Winton Grove, Ballybawn Road Lower, Kilmacanogue.

We have enclosed the following:

- **Completed Section 5 Application Form**
- **Sketch of the floorplan**
- **Explanatory cover letter dated 15 July 2025 (previously submitted)**
- **Proof of payment of the €80 fee, made via the Local Authority Payment App**

We trust this submission meets your requirements, and we would be grateful if you could process the application at your earliest convenience. Should any further information be required, we would be happy to provide it.

Yours sincerely,  
**Andreas Kracke**  
**Luciana Gedeoy de Carvalho e Silva**

.....  
.....

Wicklow County Council  
Courthouse Buildings  
Wick,  
0404-20100

01/09/2025 15:28:43

Receipt No L1/0/350834

ANDREAS KRACKE  
WINTON GROVE  
BALLYBAUN ROAD LOWER  
KILMACANOGUE  
CO WICKLOW

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
-------	-----------

Tendered	
Credit Card	80.00
Section 5 Application	

Change	0.00
--------	------

Issued By Joanne Tighe  
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 01 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: *Andreas Kracke & Luciana Godoy de Carvalho e Silva*

Address of applicant: *Winton Grove, Ballybawn Road Lower, Kilmacanogue,  
Co. Wicklow, A98 YE83*

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 : \_\_\_\_\_

\_\_\_\_\_

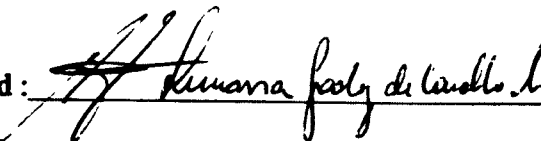
Note Phone number and email to be filled in on separate page.

**3. Declaration Details**

- i. **Location of Development subject of Declaration:**  
*Converted detached garage structure on the grounds of Winton Grove, Ballyhawn Road Lower, Kilmacanogue, Co. Wicklow, A98 YE83.*
- 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** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 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**  
*We are seeking a declaration on whether the short-term letting of a converted detached garage, used occasionally as a recreational space and Airbnb listing, constitutes a material change of use requiring planning permission.*  
  
*This garage was converted in 2007 (by previous owners) and includes:*  
  
*A ground floor with a bar/playroom, basic cold-water sink, bathroom with shower, and the main heating/hot water unit for the property.*  
  
*An upper floor with a large open room with a table tennis areas and a pullout couch, a small bedroom with a double bed.*  
  
*No kitchen or hot water to the sink, no stove or cooking appliances, only a microwave.*  
  
*Clearly advertised on Airbnb as not self-contained, with no cooking or self-catering options.*  
  
*We respectfully request a determination on whether this use remains ancillary to our principal private residence and exempt from change-of-use planning requirements.*



- v. **Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration**
- *Section 5 of the Planning and Development Act 2000 (as amended)*
  - *Article 6 and Schedule 2 of the Planning and Development Regulations 2001, particularly in relation to exemptions for ancillary uses to a primary dwelling.*
  - *Short-Term Letting Regulations in Rent Pressure Zones under S.I. No. 235 of 2019 (Planning and Development Act 2000 - Exempted Development) and Housing regulations.*
- vi. **Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ?**  
*No — the property is not a protected structure, nor is it within the curtilage of one.*
- vii. **List of Plans, Drawings submitted with this Declaration Application**
- *Sketch of floorplan (attached)*
  - *Copy of Airbnb listing (previously submitted)*
  - *Copy of explanatory letter dated 15 July 2025 (attached again for completeness)*
- viii. **Fee of € 80 Attached? Payment via Payment App**

Signed :  Dated : 30. August 2025  
*Andreas Kracke, Luciana Godoy de Carvalho e Silva*

**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.

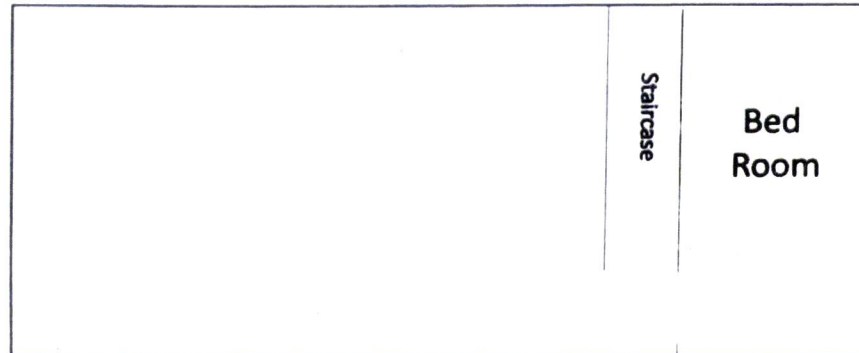
#### **C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.**

- 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.

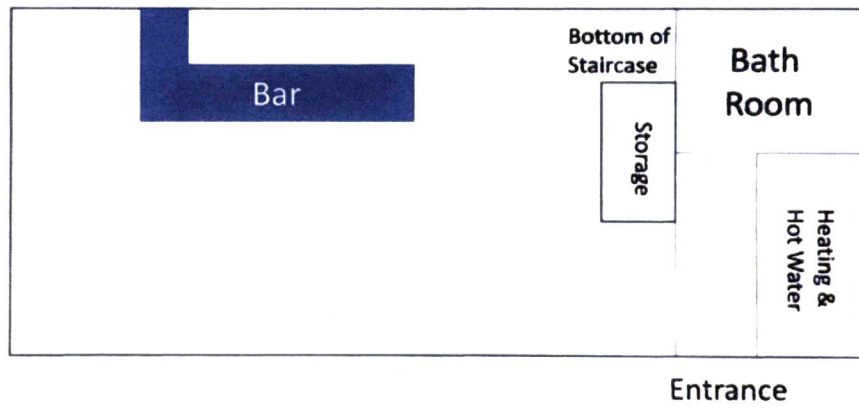
# Converted Garage – Winton Grove

Illustration only

First Floor



Ground Floor





## Winton Grove – for outdoor and tennis enthusiasts

[Share](#) [Save](#)



Entire cottage in Kilmacanoge, Ireland  
5 guests · 2 bedrooms · 3 beds · 1 bathroom

Prices include taxes and fees

[Guest favourite](#)

4.86  
\*\*\*\*\*

81  
Reviews



Hosted by Luciana  
2 years hosting



**Perfect ratings from families**  
100% of families who stayed here in the past year rated it 5 stars overall.



**Self check-in**  
Check yourself in with the keypad.



**Free cancellation before 29 Sept**  
Get a full refund if you change your mind.

**£1,078** for 5 nights

CHECK-IN	CHECKOUT
04/10/2025	09/10/2025
GUESTS	
4 guests	

Reserve

You won't be charged yet

[Report this listing](#)

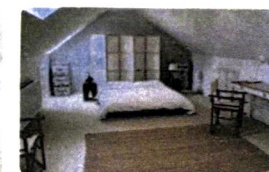
Situated in the beautiful countryside of Wicklow County just 4 km south of the picturesque village of Enniskerry, you are surrounded by the best of what the "Garden of Ireland" has to offer. From the courtyard you have a view of the Great Sugarloaf Mountain and surrounding hills with fantastic views over the Wicklow Mountains and Dublin Bay. Powerscourt House & Gardens, Golf Club and Waterfall as well as some of the best mountain bike and hiking trails in Djouce Mountain are just 5 min. away....

[Show more](#)

### Where you'll sleep



**Bedroom 1**  
1 king bed



**Bedroom 2**  
2 sofa beds

### What this place offers

- Mountain view
- Wifi
- Dedicated workspace
- Free parking on premises
- TV
- Bath
- Private back garden - Not fully fenced

- Luggage drop-off allowed
- Hair dryer
- Exterior security cameras on property

Show all 35 amenities

### 5 nights in Kilmacanoge

4 Oct 2025 - 9 Oct 2025

October 2025							November 20			
M	T	W	T	F	S	S	M	T	W	T
		1	2	3	4	5				
6	7	8	9	10	11	12	3	4	5	6
13	14	15	16	17	18	19	10	11	12	13
20	21	22	23	24	25	26	17	18	19	20
27	28	29	30	31			24	25	26	27

4.86

#### Guest favourite

This home is a guest favourite based on ratings, reviews and reliability

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5	5.0	4.9	5.0	5.0	5.0	4.8
4						
3						
2						



Sean  
9 years on Airbnb

\*\*\*\*\* · 2 weeks ago

The place was perfect for a two night stay for our family in beautiful surroundings. The cottage was very clean, exactly as described and great having use of the tennis court. The Wicklow mountains nearby are stunning and the info pack suggestions were very helpful. Luciana was very responsive when we contacted her.

[Show more](#)

Raquel Xenia  
3 months on Airbnb

\*\*\*\*\* · June 2025

We had a wonderfull stay at Winton Grove. Luciana and her family were very kind and hospitable. The place was exactly as described and also very clean. The location is absolutely perfect. You are in the center of 'The gardens of Ireland'! If you're here please take the Wicklow Mountains Sally Gap road trip, it is crazy beautiful 🍷 ...

[Show more](#)

Denis  
4 years on Airbnb

\*\*\*\*\* · July 2025

Very nice place in the perfect location for getting out & about. Luciana was very friendly & responsive. Only negative was no welcoming milk or water on a late arrival. (Only a tip for when we return again) Thank you Luciana

[Show more](#)

Vethani  
7 years on Airbnb

\*\*\*\*\* · July 2025

Wonderful cottage, beautiful scenery. Private and quiet with an amazing tennis court. Luciana was very responsive and very helpful and really lovely.

Only thing I didn't realise there wasn't a Cooker in the cottage so couldn't cook meals.

[Show more](#)

Tina  
Boston, Massachusetts

\*\*\*\*\* · July 2025 · Group trip

We loved our recent stay while in Ireland for a wedding nearby at Powerscourt. Hosts were wonderful and cottage was perfect, it was during a very unlikely hot spell, hosts went above and beyond even burying us another fan to keep the bedroom space cool!!

[Show more](#)

Linda

10 years on Airbnb

\*\*\*\* June 2025

We loved the area - Glendalough, Powerscourt Gardens, Sally Gap and Bray in particular. Lovely walks including Sugarloaf Mountain. We also spent a day in Dublin - used the Park and Ride as recommended by Luciana. A great end to our trip to Ireland!

[Show more](#)

Show all 81 reviews

[Learn how reviews work](#)

Where you'll be

Kilmacanoge, County Wicklow, Ireland

Attractions in the neighbourhood:

. Powerscourt Waterfall: 4 min by car (2.4 Km)

. Powerscourt House & Gardens: 9 min by car (4.2 Km)...

[Show more >](#)

Meet your host



81

Reviews

4.86★

Rating

2

Years hosting

Host details

Response rate: 100%

Responds within an hour

Message host

[This listing is offered by an individual. Learn more](#)



To help protect your payment, always use Airbnb to send money and communicate with hosts.

Things to know

House rules

Check-in: 15:00 – 23:00

Checkout before 11:00

5 guests maximum

[Show more >](#)

Safety & property



Exterior security cameras on property

Carbon monoxide alarm

Smoke alarm

[Show more](#) >

Cancellation policy

Free cancellation before 29 Sept. Cancel before check-in on 4 Oct for a partial refund.

Review this Host's full policy for details.

[Show more](#) >

Airbnb > Ireland > Leinster

Support

Help Centre

Get help with a safety issue

AirCover

Anti-discrimination

Disability support

Cancellation options

Report neighbourhood concern

Hosting

Airbnb your home

Airbnb your experience

Airbnb your service

AirCover for Hosts

Hosting resources

Community forum

Hosting responsibly

Join a free Hosting class

Find a co-host

Airbnb

2025 Summer Release

Newsroom

Careers

Investors

Gift cards

Airbnb.org emergency stays

🇬🇧 English (GB) £ GBP

📧 ✕ 📷

© 2025 Airbnb, Inc.

Privacy · Terms · Sitemap · UK Modern Slavery Act · Company details · Airbnb UK Limited S.172 Statement · Airbnb Payments UK Limited S.172 Statement

# Description in the AirBnb Listing:

[https://www.airbnb.co.uk/rooms/855663183815865667?adults=2&children=2&search\\_mode=regular\\_search&check\\_in=2025-10-04&check\\_out=2025-10-09&infants=0&pets=0&source\\_impression\\_id=p3\\_1756547025\\_P31m\\_9bykJeZaiO&previous\\_page\\_section\\_name=1000&federated\\_search\\_id=02de3b01-b776-480a-9a22-027ec0e374&modal=DESCRIPTION](https://www.airbnb.co.uk/rooms/855663183815865667?adults=2&children=2&search_mode=regular_search&check_in=2025-10-04&check_out=2025-10-09&infants=0&pets=0&source_impression_id=p3_1756547025_P31m_9bykJeZaiO&previous_page_section_name=1000&federated_search_id=02de3b01-b776-480a-9a22-027ec0e374&modal=DESCRIPTION)

## About this space

Situated in the beautiful countryside of Wicklow County just 4 km south of the picturesque village of Enniskerry, you are surrounded by the best of what the "Garden of Ireland" has to offer. From the courtyard you have a view of the Great Sugarloaf Mountain and surrounding hills with fantastic views over the Wicklow Mountains and Dublin Bay. Powerscourt House & Gardens, Golf Club and Waterfall as well as some of the best mountain bike and hiking trails in Djouce Mountain are just 5 min. away.

## The space

The ground floor of the cosy cottage has a spacious room with a seating area for four and a bar. A Nespresso coffee machine, a toaster, an egg boiler, a kettle and a fridge are provided along with a microwave and integrated grill. **There is no kitchen.** A TV set with Apple TV (incl. Netflix) is also at your disposal in the room.

The bathroom with shower is located also on the groundfloor.

Reaching the first floor via a staircase you are entering another large, light room, which can be either used as a living room with a couch or as a bed room with a sofa bed for two and a sofa bed for one. Separated by a door, there is a bed room with a king size bed for two.

The tennis court on the property offers a unique opportunity to practice your game while the cottage has everything you need to relax and plan your next day's adventure in the Wicklow Mountains.

## Guest access

You are able to access the courtyard, the tennis court and the green outside the tennis court. Please stay out of the heating room on the groundfloor of the cottage and refrain from accessing the backyard of the main house.

## Other things to note

The property is not accessible with public transportation.

**There is no kitchen.**