



# Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings  
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OTE Solutions  
Dublin Road  
Arklow  
Co. Wicklow

*SJ* Of February 2026

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX04/2026**

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,

*Orla Heney*  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.





# Comhairle Contae Chill Mhantáin Wicklow County Council

## Pleanáil, Forbairt Eacnamaíochta agus Tuaithe 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:** Sean Behan

**Location:** Dunbur Lodge, Dunbur Lower, Wicklow Town

**Reference Number:** EX 04/2026

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/139

A question has arisen as to whether “*the change of use from a guest house to 6 residential apartments*” at Dunbur Lodge, Dunbur Lower, Wicklow Town is or is not exempted development.

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) Planning Permission Register Reference PRR 03/9857
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 9, 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- f) Planning Design Standards for Apartments: Guidelines for Planning Authorities:2025

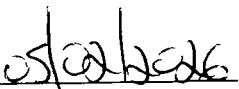
**Main Reasons with respect to Section 5 Declaration:**

- i. The change of use of the structure from use as a guest house to residential apartments would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as multiple apartments.
- ii. Insufficient Information has been submitted to confirm that the change of use would come within the provisions of Article 10(6)(c) (iii) of the Planning and Development Regulations 2001 ( as amended), as the documents do not provide evidence to confirm the structure has been vacant.
- iii. The change of use would not meet the restriction set out in Article 10 (6) (d)(ix), as the proposed development would contravene condition 4 attached to PRR: 03/9857 which requires that the structure(s) be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling. The proposal to subdivide the structure(s) into 6 individual apartments would contravene Condition 4 of PRR: 03/9857.

**The Planning Authority considers that “the change of use from a guest house to 6 residential apartments” at Dunbur Lodge, Dunbur Lower, Wicklow Town 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/2026/139

Reference Number: EX 04/2026

Name of Applicant: Sean Behan

Nature of Application: Section 5 Referral as to whether "*the change of use from a guest house to 6 residential apartments*" is or is not development and is or is not exempted development.

Location of Subject Site: Dunbur Lodge, Dunbur Lower, Wicklow Town

Report from: Holly O'Connor, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the change of use from a guest house to 6 residential apartments*" at Dunbur Lodge, Dunbur Lower, Wicklow Town 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.
- b) Planning Permission Register Reference PRR 03/9857
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Article 2, 9, 10 (6), and Schedule 2: Part 4 of the Planning and Development Regulations 2001 (as amended).
- e) Planning Design Standards for Apartments: Guidelines for Planning Authorities:2025

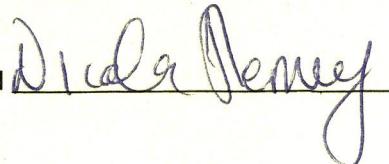
**Main Reasons with respect to Section 5 Declaration:**

- i. The change of use of the structure from use as a guest house to residential apartments would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as multiple apartments.
- ii. Insufficient Information has been submitted to confirm that the change of use would come within the provisions of Article 10(6)(c) (iii) of the Planning and Development Regulations 2001 (as amended), as the documents do not provide evidence to confirm the structure has been vacant.
- iii. The change of use would not meet the restriction set out in Article 10 (6) (d)(ix), as the proposed development would contravene condition 4 attached to PRR: 03/9857 which requires that the structure(s) be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling. The proposal to subdivide the structure(s) into 6 individual apartments would contravene Condition 4 of PRR: 03/9857.

**Recommendation**

The Planning Authority considers that "*the change of use from a guest house to 6 residential apartments*" at Dunbur Lodge, Dunbur Lower, Wicklow Town is development and is NOT exempted development as recommended in the planning reports.

Signed



Date: 05/02/2026

ORDER:

I HEREBY DECLARE:

That "the change of use from a guest house to 6 residential apartments" at Dunbur Lodge, Dunbur Lower, Wicklow Town is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: S. D. [Signature]

T/Senior Planner

Planning, Economic & Rural Development

Date: 5/12/2026

**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

**PLANNING REPORT SECTION 5 APPLICATION**

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**TO:** EDEL BIRMINGHAM S.P/ PATRICE RYAN S.E.P

**FROM:** HOLLY O'CONNOR E.P.

**SUBJECT REF:** EX 04/2026

**DECISION DATE:** 10/02/2026

**APPLICANT:** SEAN BEHAN

**ADDRESS:** DUNBUR LODGE, DUNBUR LOWER, WICKLOW TOWN A67RX06

**EXEMPTION QUERY:** CHANGE OF USE FROM 2 NO. BUILDINGS (FORMER GUESTHOUSE) TO 6 NO. APARTMENTS (RESIDENTIAL)

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**Site Location:**

The subject site is located in the urban settlement of Wicklow Town-Rathnew, c2.km to the south-east of Wicklow Town Centre along the Regional Road R750 (coast road/ prospect ID 31- prospect towards the sea). The subject site is on land zoned RE-Existing Residential. The site consists of a large, detached dwelling with several outbuildings/sheds to the rear. Access to the site is via a private laneway off the Regional Road.

**Planning History:**

**25/60146:** Applicant: Sean Behan  
 Development: change of use for two buildings on site from guest house accommodation to 7 apartments, internal modifications and associate works  
 Decision: Withdrawn- recommended for refusal

1. The proposed development would endanger public safety by reason of serious traffic hazard because
  - i. Given the location of the proposed entrance off the R750 at a point in proximity to a number of entrances, the road alignment, and the lack of assessment to show the sightlines would accord with current TII guidance, it is considered the turning movements generated would interfere with the free flow and safety of traffic on the regional road.
  - ii. Inadequate proposals for pedestrian connectivity to the existing footpath have been provided.
2. Having regard to
  - i. The proposal for the change of use for two buildings on site from guest house accommodation to 7 apartments
  - ii. The site size and proposed density at c. 37 units per hectare.
  - iii. Existing character and pattern of development in the vicinity of the site which is predominantly for single dwelling houses.
  - iv. The location of the development on the urban rural fringe of Wicklow Town
  - v. The zoning objective for the site RE : Existing Residential which seeks to protect, provide and improve residential amenities of existing residential
  - vi. Objective CPO 6.22 In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is

located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserviced, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

It is considered the development would not accord with the existing character and pattern of development in the area, would give rise to increased intensity of development at this point, and increased overlooking. The proposed development would therefore be contrary to the zoning objective of the Wicklow Town-Rathnew Local Area Plan 2025 which seeks to protect the existing residential amenities, would be contrary to Objective CPO 6.22 of the County Development Plan 2022-2028, would set a precedent for similar development, and would seriously injure the amenities of the area. The development would therefore be contrary to proper planning and sustainable development.

**20/307:**      Applicant:      Sean Behan  
 Development: (1) retention permission for the as-built porch to the front of the existing building and (2) permission for change of site boundary and relocation of car parking areas permitted under P.R.R. 03/9857 along with all associated site development works

Decision:      Grant

**12/6816:**      (Behan) - Permission REFUSED for change of site boundary and relocation of car parking from that permitted under 03/9857.

**03/9857:**      (Behan)- Permission GRANTED for Retention of two storey building as ancillary guest accommodation and retain single storey ancillary storage to existing guest house and connection to public sewerage system.

**00/2450:**      (King) - Permission GRANTED for extension, alterations & change of use of dwelling to guest house

Enforcement: Several UD files associated with the site- UD3705c, UD875, UD960. All issues resolved and cases closed.

**Land use:**

Settlement:      Wicklow Town – Rathnew Development Plan 2025-2031:  
 Zoning              RE- Existing Residential  
 Zoning Objective      To protect, provide and improve residential amenities of existing residential areas.

**Relevant legislation:**

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

**Section 2:**

“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,

"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.

#### **Development -Section 3:**

"development" means—

(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

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).

#### **Exempted Development 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;

(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.

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

#### **Changes of use (10) (1)**

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned

Article 10(6) – inserted by the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) -

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

< See Full Article for Restrictions >

### Schedule 2: Part 4

**CLASS 6** Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

## Planning Design Standards for Apartments: Guidelines for Planning Authorities (2025)

### Standards

#### Minimum overall apartment floor areas

Studio	32 sq m	(n/a) <sup>a</sup>
One bedroom	45 sq.m	(38 sq.m) <sup>b</sup>
Two bedrooms (3 person)	63 sq.m	(55 sq m) <sup>b</sup>
Two bedrooms (4 person)	73 sq.m	
Three bedroom (4 persons)	76 sq m	(70 sq m) <sup>b</sup>
Three bedrooms (5 persons)	90 sq.m	

<sup>a</sup>Figures in brackets refer to 1995 Guidelines

#### Recommended minimum widths for the main living/dining rooms

Apartment type <sup>a</sup>	Minimum width
Studio	4m <sup>c</sup>
One bedroom	3.3 m
Two bedrooms (3 person)	3.6m
Two bedrooms (4 person)	3.6 m
Three bedrooms (4 persons)	3.8 m
Three bedrooms (5 persons)	3.8 m

<sup>a</sup>Note: Variation of up to 5% can be applied to widths in all apartment types, subject to overall compliance with required minimum overall apartment floor areas

<sup>c</sup>Note: Combined living/dining/bedspace, also includes circulation

#### Recommended minimum bedroom widths

Apartment type <sup>a</sup>	Minimum width	Minimum floor area
Studio	4m <sup>c</sup>	25 sq.m <sup>c</sup>
Single bedroom	2.1 m	7.1 sq m
Double/Twin bedroom	2.8 m	11.4 sq m

<sup>a</sup>Note: Variation of up to 5% can be applied to widths and floor areas in all apartment types, subject to overall compliance with required minimum overall apartment floor areas.

<sup>c</sup>Note: Combined living/dining/bedspace

## Planning and Development Department

**Minimum storage space requirements<sup>1</sup>**

Studio	3 sq m
One bedroom	3 sq.m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq.m
Three bedrooms (4 persons)	6 sq.m
Three bedrooms (5 persons)	9 sq.m

<sup>1</sup> Note: Where secure, allocated storage is provided in addition to that within individual units, it may be used to satisfy up to half of the minimum storage requirement for individual apartment units, but shall not serve to reduce the minimum floor area required to be provided within each individual apartment unit, as set out in these Guidelines.

**Minimum recommended floor areas for private amenity space, where provided**

Studio	4 sq.m
One bedroom	5 sq.m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

**Minimum recommended floor areas for communal amenity space, where provided**

Studio	4 sq.m
One bedrooms	5 sq m
Two bedrooms (3 person)	6 sq.m
Two bedrooms (4 person)	7 sq.m
Three bedrooms (4 persons)	7 sq.m
Three bedrooms (5 persons)	9 sq.m

**Submission details :**

The original building(s) was granted under PRR: 00/2450 and PRR: 03/9857 for guest house accommodation. It successfully operated for 8 years and struggled with the financial crisis and closed with the onset of the Covid 19 pandemic. The property has been vacant since 2020. The applicant seeks to convert the premises to 6 apartments.

**Apartment details submitted:**

Unit	Type	GFA m <sup>2</sup>	Width main living/dining (m)	Width bedrooms (m)	Floor area bedrooms m <sup>2</sup>	Storage m <sup>2</sup>	Private amenity m <sup>2</sup>
1	2 bed (4PE)	80	3.8	3.8 + 3.4	13 + 14	7.5	17
2	1 bed	53	4.4	3.8	11.4	5	12
3	1 bed	50	4.2	3.6	12	5	10
4	2 bed (4PE)	80	3.5	3.6 + 3.5	15 + 14	9	0
5	3 bed (5PE)	95	4.8	4.3 + 3.5 +3.8	15 + 12.5 + 13	7.5	0
6	2 BED (3PE)	80	3.2	2.8 + 4.1	11.4 + 7.7	8.5	12

- There is a communal garden proposed at 600m2.
- 12 no. car parking spaces are provided.

- The ground floor to ceiling height is 2.9m (as measured from drawings provided).
- All units have dual aspect- sufficient sunlight.
- 2 of the units do not have private amenity space (less than 50% of the scheme)- as this is a building refurbishment this can be accepted as per s.3.8 of the apartment guidelines.
- Bin & Bike shed detailed on the drawings.

**Assessment:**

The queriest seeks confirmation as to whether the change of use of a guest house to residential apartments is development and is exempted development.

From a review of the planning history the structures on site are permitted as guesthouse/ B&B accommodation. The structures are therefore Class 6 'Use as a residential club, a guest house or a hostel (other than a hostel where care is provided)'.

The change of use from the permitted use as a guesthouse to use as an apartment block/ residence would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as a short-term accommodation/ tourist B&B. It is therefore considered that the change of use would be material, and therefore **development**, having regard to the definition set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).

The next question is therefore would the conversion come within the provisions set out under Article 10 (6), and the following sets out compliance with respect to each element of Article 10 (6):

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

Yes – Structure would come with Class 6

(c) (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

Yes - structure was completed prior to the 8th February 2018

(c) (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, or 12,

Yes – evidence to show the structure was used as a guest house (class 6)

(c)(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

No clear evidence provided to show that the structure has been vacant for 2 years prior to date. The applicant should provide evidence such as ESB utility to clarify that the structure is not in use.

(d) (i) The development is commenced and completed during the relevant period.

The relevant period is the 18th of February 2018 until 31 December 2025 - it is stated that the development will be complete by 31st December 2028.

(d) (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

The works will primarily affect the interior of the structure; however, the drawings indicate that windows will be altered and additional windows will be provided at floor level and a new door to the south-west side.

(d) (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Proposal does not relate to ground floor shop.

(d)(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

Not applicable to this development.

(d)(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

6 residential units to be provided.

(d)(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The apartments meet the standards as set out in the guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Yes- all of the rooms have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Not applicable

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

Yes- Planning permission 03/9857 included condition (4) which requires the structures to be occupied as a single housing unit. The sub-division of the structures into 6 apartments would mean the structures are not occupied as a single housing unit and therefore the proposal would contravene a condition attached to a permission.

4. The existing guest house and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

REASON: To restrict the use of this extension in the interests of residential amenity.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not Applicable

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Not Applicable.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Not applicable, structure connected to public mains under PRR: 03/9857.

**Conclusion:**

The proposal would contravene a condition attached to planning permission 03/9857 and be inconsistent with the use specified or included in the permission. No evidence is provided to clarify that the structure has been vacant for 2 years.

**Recommendation:**

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

The change of use from guest house to 6 residential apartments at Dunbur Lower, Wicklow, Co. Wicklow

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

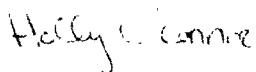
The Planning Authority considers that the change of use from guest house to residential apartments is Development and is **Not Exempted Development**

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

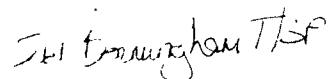
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**Main Reasons with respect to Section 5 Declaration:**

- i. The change of use of the structure from use as a guest house to residential apartments would be materially different in character, have differing traffic movement, patterns of usage, and amenity requirements to usage as multiple apartments.
- ii. Insufficient Information has been submitted to confirm that the change of use would come within the provisions of Article 10(6)(c) (iii) of the Planning and Development Regulations 2001 ( as amended), as the documents do not provide evidence to confirm the structure has been vacant.
- iii. The change of use would not meet the restriction set out in Article 10 (6) (d)(ix), as the proposed development would contravene condition 4 attached to PRR: 03/9857 which requires that the structure(s) be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling. The proposal to subdivide the structure(s) into 6 individual apartments would contravene Condition 4 of PRR: 03/9857.



Date : 04/02/2026



Agreed 4/2/2026



**Comhairle Contae Chill Mhantáin  
Wicklow County Council**  
**Pleanáil, Forbairt Eacnamaíochta agus Tuaithé  
Planning, Economic and Rural Development**

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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Holly O'Connor  
Executive Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- EX04/2026 - Declaration in accordance with Section 5 of the  
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration received 14/01/2026

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

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





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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**OTE Solutions  
Dublin Road  
Arklow  
Co. Wicklow**

14<sup>th</sup> January 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX04/2026 for Sean Behan**

A Chara

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

Mise, le meas

  
Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development



Planning Department  
Wicklow County Council  
County Buildings  
Wicklow

Date: 07-01-26

---

*Applicant: Sean Behan*

***Re: Section 5 Declaration on whether the change of use for two existing buildings from guest house accommodation to 6 residential apartments is or is not exempted development at Dunbur Lower, Wicklow Town, Co. Wicklow.***

---

A Chara,

Please find enclosed a completed section 5 application for the above client. We would like to add the following information in support of his application.

### **Planning History**

The original building was granted permission under P.R.R.:00/2450 and 03/9857 for guest house accommodation. It operated successfully for the first 8 years but struggled after the financial crisis in 2008 and closed with the onset of the Covid 19 epidemic. The property has been vacant since 2020.

### **Proposal**

Ireland is presently in the midst of a huge housing shortage with Government introducing a number of new policies in the past few years encouraging the reuse of vacant and derelict properties to help to alleviate the problem as buildings can be refurbished quicker and cheaper than new builds.

As a result, the applicant believes that a change of use back to residential and conversion to apartments represents a logical solution to bring the property back into use.

The applicant seeks a declaration that the change of use for two existing buildings from guest house accommodation to 6 residential apartments is exempted development under Article 10 (Amendment) (No.2) under the Planning Development Regulations 2018.

Article 2 of these Regulations amends Article 10 of the Principal Regulations, by inserting a new sub-article, to provide that development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, is exempt from the requirement to obtain planning permission.

#### *Article 10(6)*

*(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.*

➤ **The subject buildings are class 6, guest house accommodation.**

*(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*  
*(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018, Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th February, 2018.*

➤ **The structures were completed prior to the making of the regulations.**

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*

➤ **The subject buildings are class 6, guest house accommodation.**

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

- **The structures concerned have been vacant since 2020.**

*(d) (i) The development is commenced and completed during the relevant period.*

- **The proposed development will be completed by 31<sup>st</sup> December 2028.**

*(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*

- **Please see the proposed drawings attached showing the majority of works proposed are internal with only a few minor alterations to the elevations that would not materially affect the external appearance of the structures.**

*(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*

- **Please see the proposed drawings attached showing minor revisions to the existing ground floor windows that are consistent with the character of the original buildings.**

*(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*

- **The site is zoned “Existing Residential” As the proposed development causes no overlooking or negative impact to adjoining properties the proposed development is in accordance with the CDP existing residential zoning policy where apartments are acceptable.**

*(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.*

- **The proposed development is for 6 residential units.**

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

- In relation to unit size, please find enclosed our apartment floor area standards table confirming that the proposed apartments all achieve the minimum standard requirements as set out in the Planning Design Standards for New Apartments' DoHLG, 2025.

Title: [Residential Floor Area Standards \( 2025\)](#)

Minimum Overall Apartment Floor Area:	Requirement (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
Studio	32						
One Bedroom	45		53	50			
Two bedroom ( 3 person)	63						80
Two bedroom (4 person)	73	80			80		
Three bedrooms (4 persons)	76						
Three bedrooms (5 persons)	90					95	

Minimum aggregate floor areas for living/dining/ kitchen rooms	Width of living/ dining room (m)	Aggregate floor area of living / dining / kitchen area (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
Studio	4	30*						
One Bedroom	3.3	23*		4.4/23	4.2/23			
Two bedroom ( 3 person)	3.6	28*						3.2/28
Two bedroom (4 person)	3.6	30*	3.8/ 31			3.5/ 27		
Three bedrooms	3.8	34*					4.8/31	
Three bedrooms (5 persons)	3.8							

\* = 2023 rule ( N/A for 2025 standards)

Minimum bedroom floor widths/areas	Minimum width (m)	Minimum floor area (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
Studio	4	30						
Single Bedroom	2.1	7.1						2.8/7.7
Double/Twin bedroom	2.8	11.4	3.4/ 13	3.8/11.4	3.6/12	3.4/ 14	3.5/12.5	2.8/11.4

Minimum storage space requirements	Requirement (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
Studio	3						
One Bedroom	3		5	5*			
Two bedroom ( 3 person)	5						8.5
Two bedroom (4 person)	6	7.5*			9		
Three bedrooms	6					7.5*	
Three bedrooms (5 persons)	9						

\* = storage includes built in bedroom wardrobes

Minimum areas for private or communal amenity space	Requirement (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
Studio	4						
One Bedroom	5		12(Private)	10(Private)			
Two bedroom ( 3 person)	6						12(Private)
Two bedroom (4 person)	7	17(Private)			>7(Communal)		
Three bedrooms	7					>7(Communal)	
Three bedrooms (5 persons)	9						

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

- Please see the proposed drawings attached showing all habitable rooms shall have adequate natural lighting.

(viii) *No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.*

➤ **The structures are not protected buildings.**

(ix) *No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*

➤ **The proposed development will not contravene a condition.**

(x) *No development shall relate to any structure in any of the following areas:*

- (I) *an area to which a special amenity area order relates;*
- (II) *an area of special planning control;*
- (III) *within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.*

➤ **The proposed development will not contravene any of the above criteria.**

(xi) *No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article 9(1), would apply.*

➤ **The proposed development will not contravene any of the above criteria.**

(xii) *No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.*

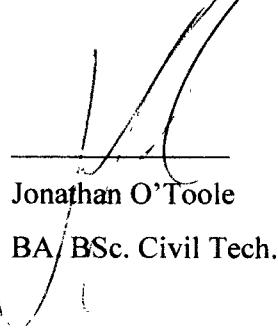
➤ **The proposed development is connected to existing mains services.**

Rebuilding Irelands “Bringing Back Homes” manual states that,

*“The exemption applies to existing completed commercial buildings, such as shops and offices, which have been in use for commercial purposes but which have been vacant for a period of two years prior to the proposed works commencing and are available and suitable for housing. As envisaged in Rebuilding Ireland, therefore, the regulations focus on bringing existing vacant commercial units back into use for residential purposes thereby facilitating increased housing supply.”*

The proposal submitted is compliant with all limiting conditions of the exempted development regulation 2018. and so we ask that it be determined that the proposal is an exempted development.

Yours sincerely,



Jonathan O'Toole  
BA/BSc. Civil Tech. IEI.

Title:

Residential Floor Area Standards ( 2025)

Minimum Overall Apartment Floor Area:	Requirement (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
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One Bedroom	45		53	50			
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Three bedrooms (4 persons)	76						
Three bedrooms (5 persons)	90					95	

Minimum aggregate floor areas for living/dining/kitchen rooms	Width of living/dining room (m)	Aggregate floor area of	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
		living / dining / kitchen area (m2)						
Studio	4	30*						
One Bedroom	3.3	23*		4.4/23	4.2/23			
Two bedroom ( 3 person)	3.6	28*						3.2/28
Two bedroom (4 person)	3.6	30*	3.8/ 31			3.5/ 27		
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Minimum bedroom floor widths/areas	Minimum width (m)	Minimum floor area (m2)	Apt 1	Apt 2	Apt 3	Apt 4	Apt 5	Apt 6
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Double/Twin bedroom	2.8	11.4	3.4/ 13	3.8/11.4	3.6/12	3.4/ 14	3.5/12.5	2.8/11.4

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Three bedrooms (5 persons)	9						

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Wicklow  
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14/01/2026 10 23 55

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

Total	80 00 EUR
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Tendered	
Cheque	80 00
ROCKY ROAD WICKLOW TOWN	

Change	0 00
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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: Mr Sean Ó Siadhail

Address of applicant: Roxby Road, Wicklow Town

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

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

(b) Name of Agent (where applicable) CTE Solutions

Address of Agent: 1 Austin Street, Arklow, Co Wicklow

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

WICKLOW

14 JAN 2020

PLANNING DEPT.

### **3. Declaration Details**

i. Location of Development subject of Declaration Orbital Lower  
Wicklow Town

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

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration  
Whether the change of use for two existing buildings from guest house accommodation to 6 residential apartments is or is not exempted development  
(see attached cover letter)

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

Article 10 (Annexure 2)  
Planning & Development Regulations 2018

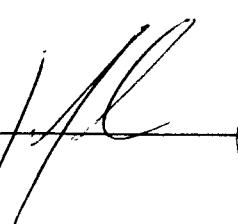
Additional details may be submitted by way of separate submission.

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 \_\_\_\_\_

- Existing Elevations Plans, Sections
- Proposed Elevations Plans, Sections
- OSi Maps

viii. Fee of € 80 Attached ? YES

Signed :  (AJC) Dated : 12.01.2026

**Additional Notes :**

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

## Record PLACE Map



733256,692730

733256,692730

**DESCRIPTION**

MAP SHEET  
WW025 6 inch  
WW03

Arts Council of India and Friends of Sahitya Akademi, Delhi  
Present an Exhibition, India Abhi Chalate Hain  
Curated and published by Odisha Sahitya  
Akademi, Puri, Patai, J. record.

Such a deal is consistent with the observation that a bacterial cell becomes a host cell when it takes up a plasmid and becomes non-viable in the absence of the plasmid. We can do the same with a *virulence plasmid* (i.e. a plasmid that encodes virulence factors) in any host cell by any means without the prior written permission of the copyright owner.

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691822

32026

Scale:- 1:10,560

Scála:- 1:10,560  
0 500 1,000 1,500 2,000 2,500 Feet

Plot Ref. No. 19766323\_2  
Plot Date 05-DEC-2017

Surveyed 1998  
Revised 2017  
Levelled

# Rural PLACE Map



733548  
692945

732985



## ITM CENTRE PT COORDS

733256,692730

## DESCRIPTION

## MAP SHEETS

1:2500  
4080-A



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AS BUILT

REVISIONS:		DATE:	DRAWN BY:
CLIENT:	MR. SEAN BEHAN		
TITLE:	SECTION 5 APPLICATION - WHETHER THE CONVERSION & CHANGE OF USE FOR TWO EXISTING BUILDINGS FROM GUEST HOUSE ACCOMMODATION TO 6 RESIDENTIAL APARTMENTS IS OR IS NOT EXEMPTED DEVELOPMENT AT DUNBUR LOWER, WICKLOW TOWN, CO WICKLOW.		
DRAWING:	EXISTING ELEVATIONS, PLANS & SECTION A-A & B-B		
SCALES:	1:100.		
SHEET No:	1 OF 8		
DRAWN BY: J. O'Toole.		CHECKED BY:	
DATE: 08/12/2025		DRAWING No: 2025-SB-00A	

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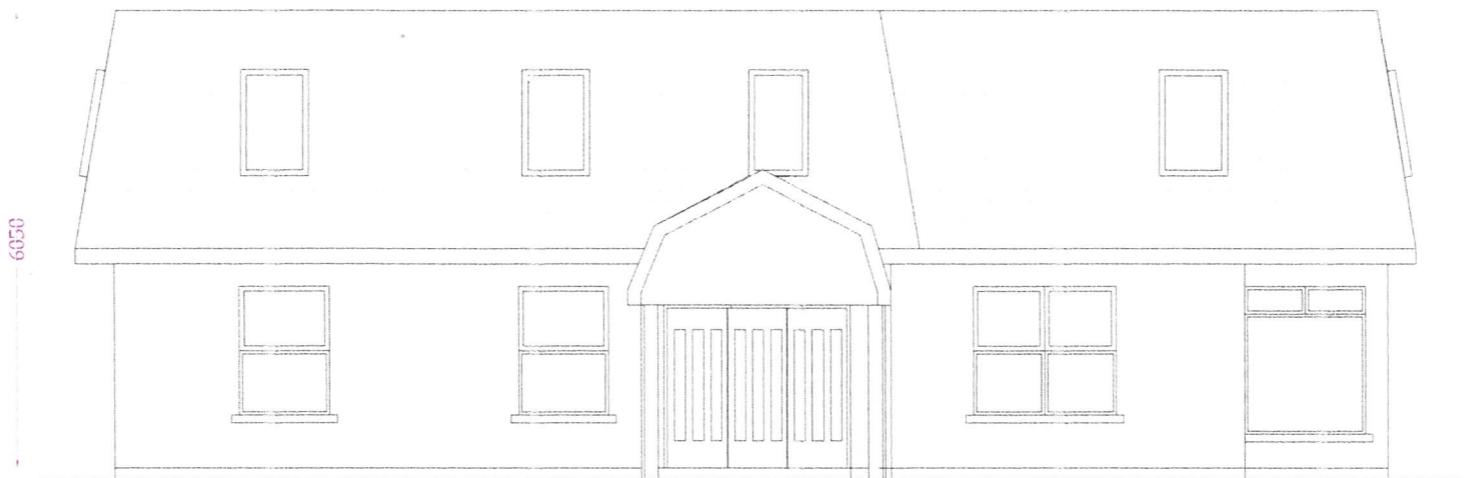
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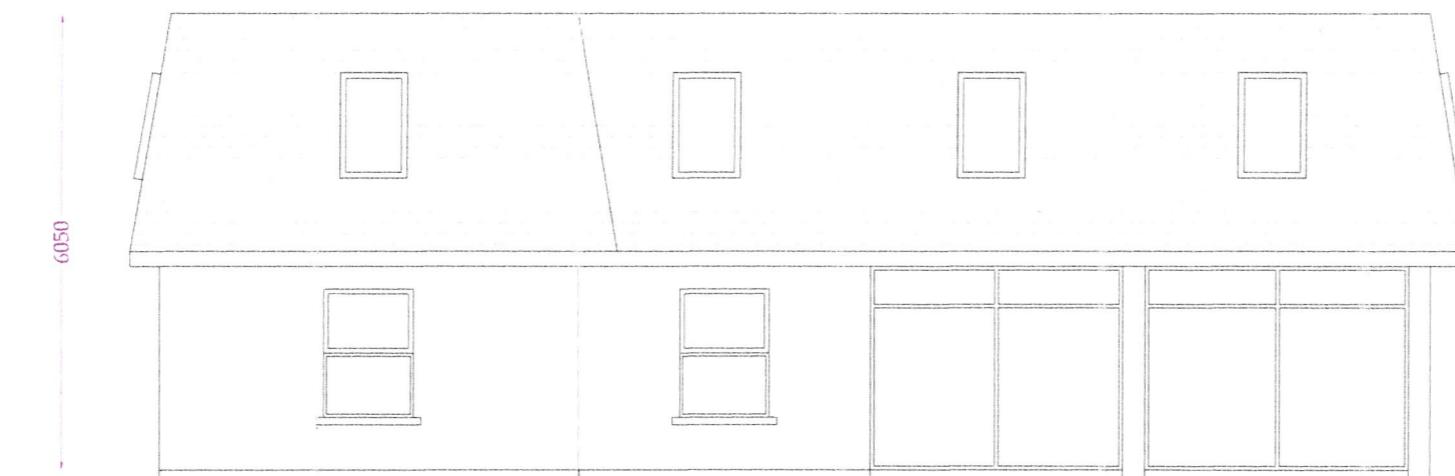
Any drawing errors or divergences should be brought to the attention of OTE Solutions at the address shown below.

#### LEGEND

- Proposed alterations outlined in red
- Original Structure
- New Blockwork
- New Studwork
- Structure outlined in blue to be removed



North West (Front) Elevation

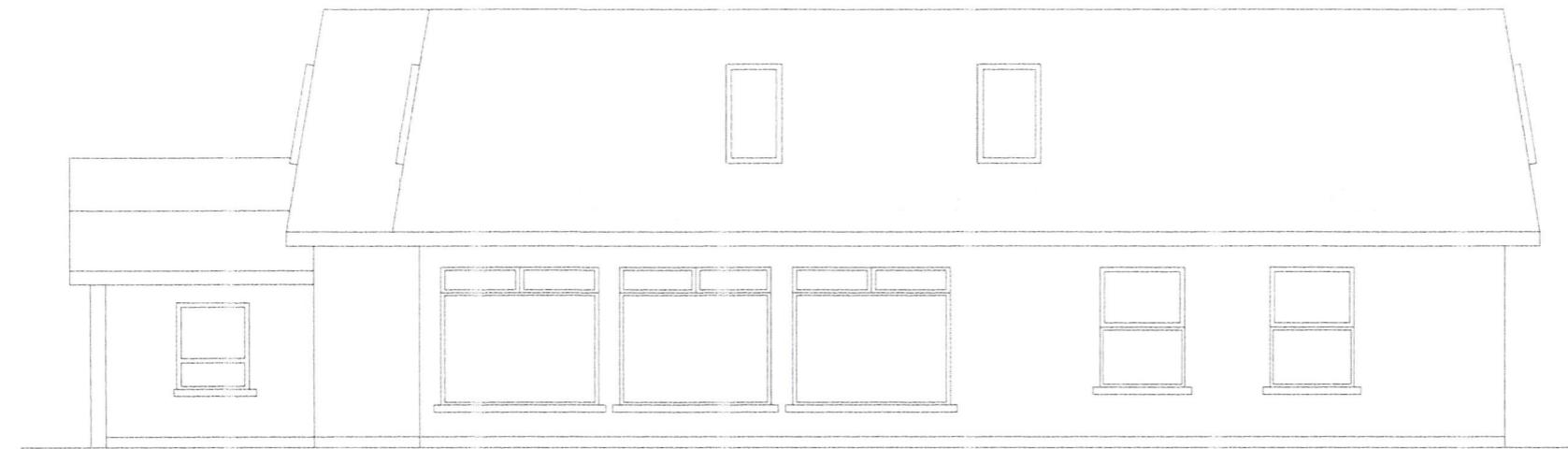


South East (Rear) Elevation

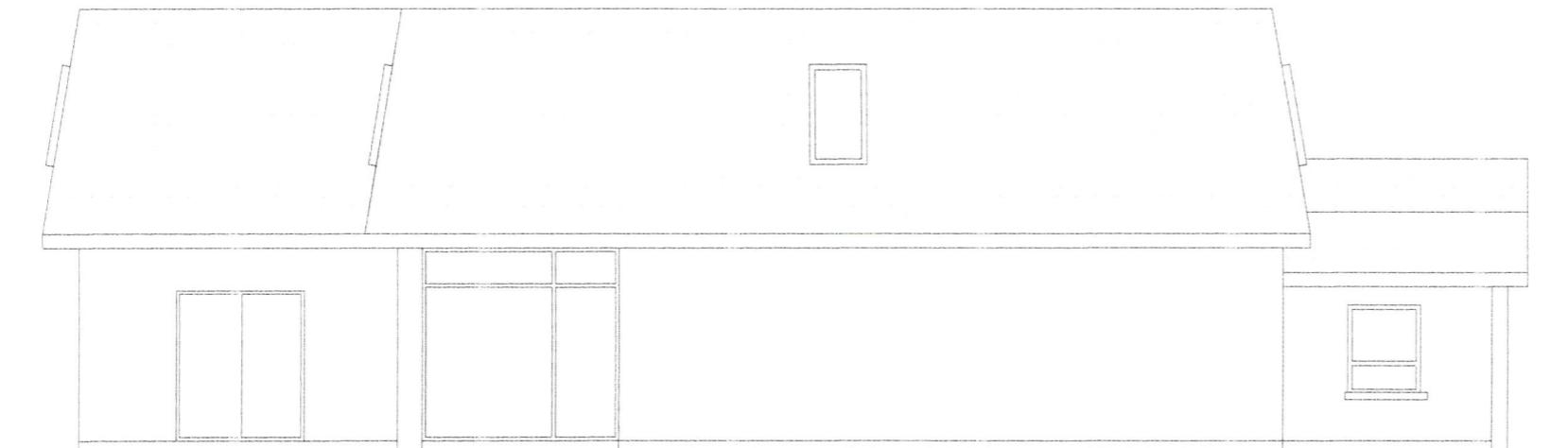
Drawing Number: 2025-SB-00B

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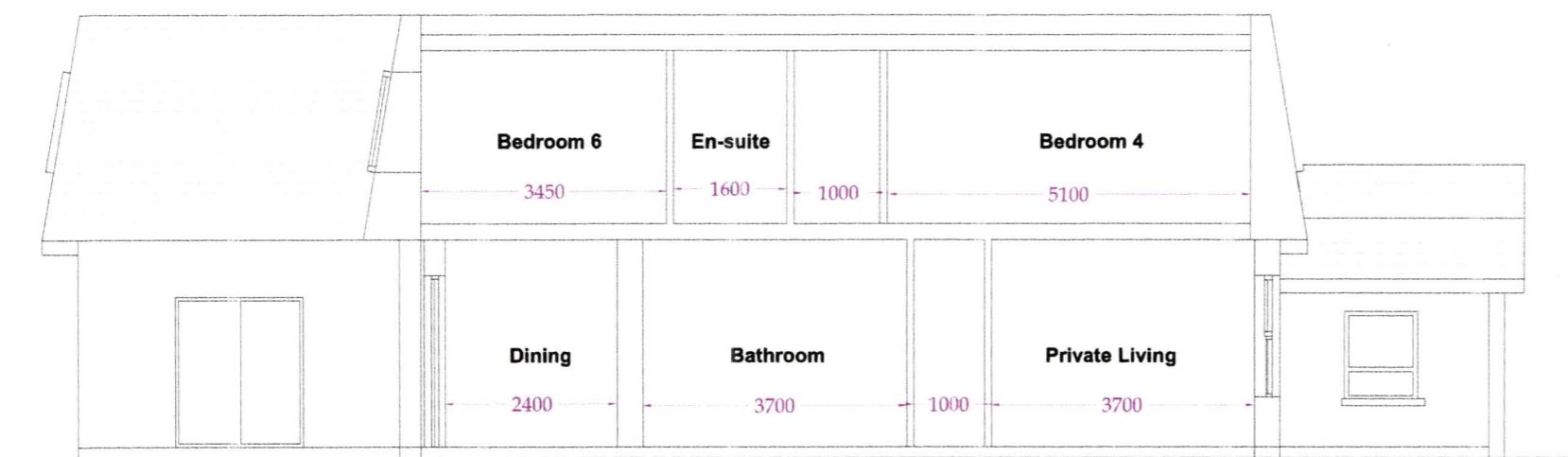
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South West (Side) Elevation



North East (Side) Elevation



Section A-A

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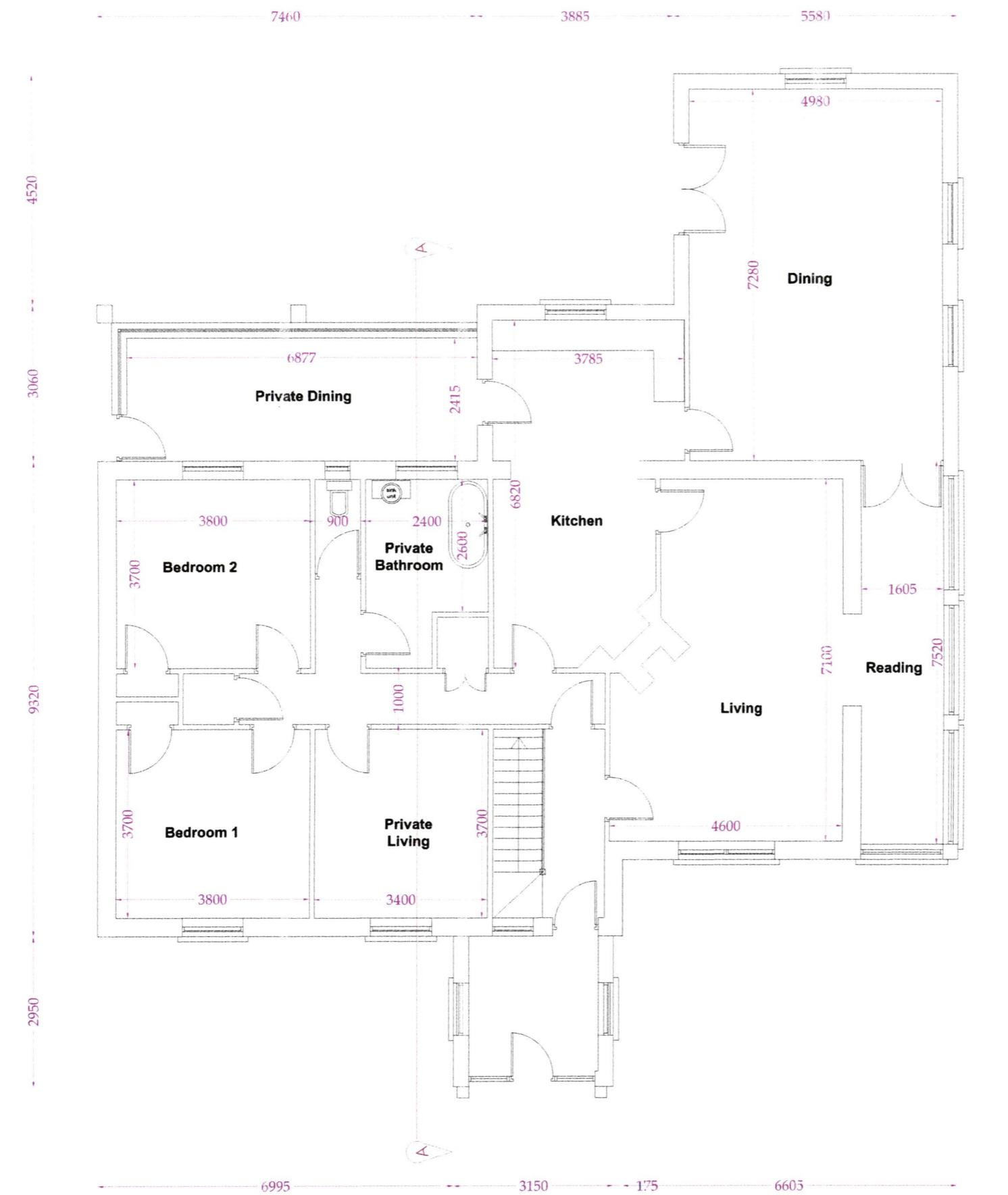
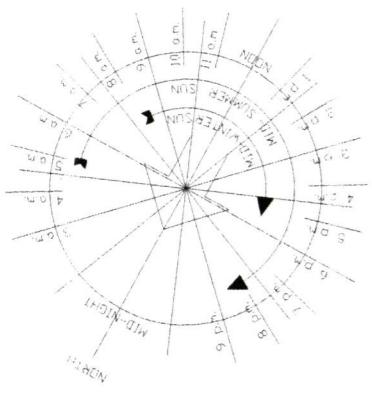
**LEGEND**

	Proposed alterations outlined in red
	Original Structure
	New Blockwork
	New Studwork
	Structure outlined in blue to be removed

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Drawing Number: 2025-SB-00C



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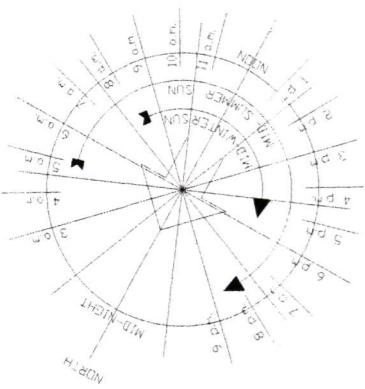
#### LEGEND

- Proposed alterations outlined in red
- Original Structure
- New Blockwork
- New Studwork
- Structure outlined in blue to be removed

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Drawing Number: 2025-SB-00D



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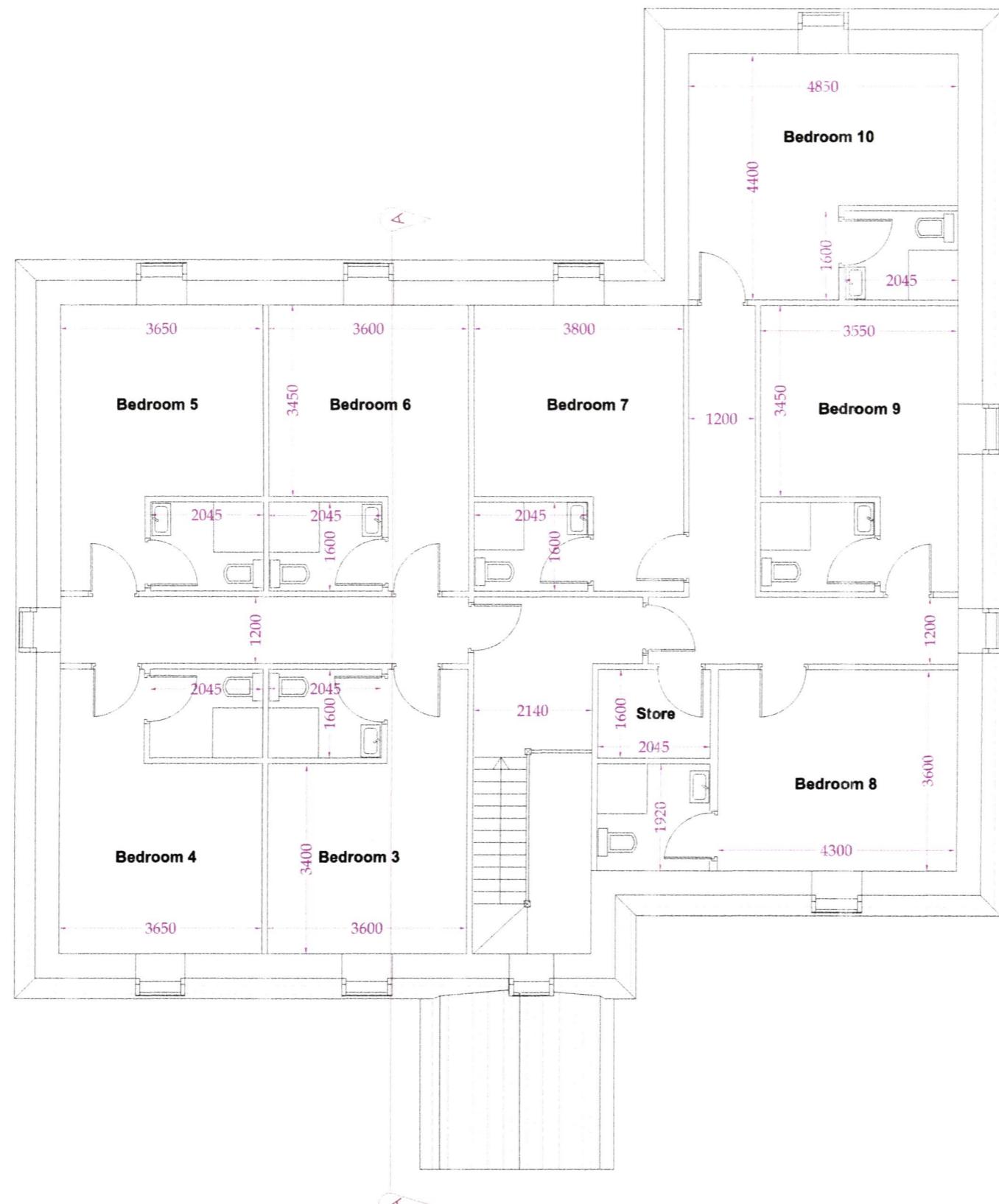
Any drawing errors or divergences should be brought to the attention of OTE Solutions at the address shown below.

## LEGEND

- Proposed alterations outlined in red
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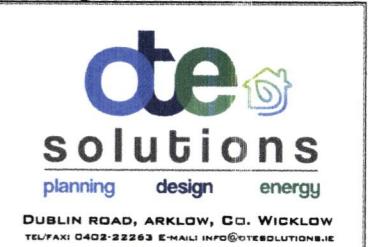
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## First Floor Plan (190m<sup>2</sup>)

Drawing Number: 2025-SB-00E



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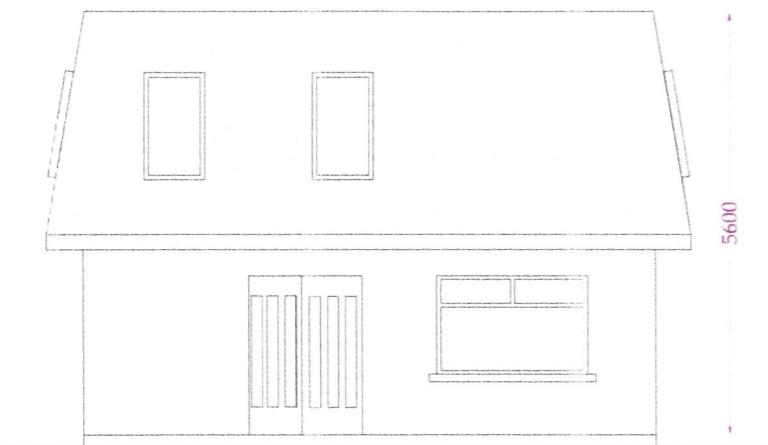
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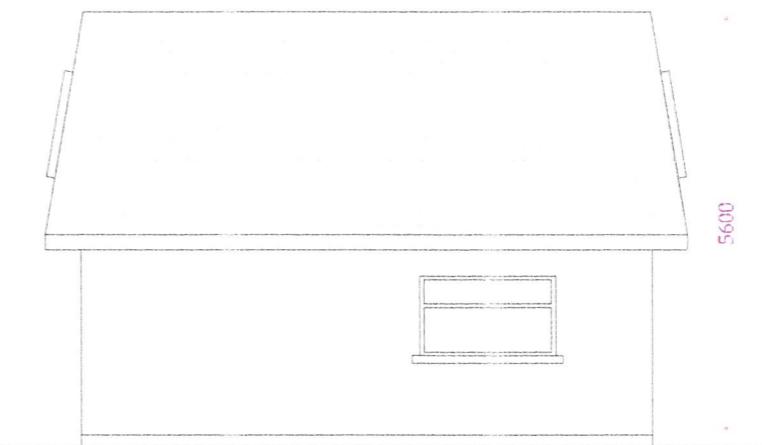
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#### LEGEND

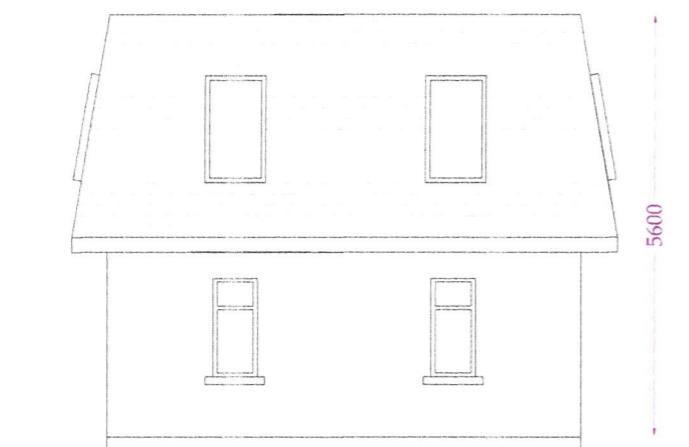
- Proposed alterations outlined in red
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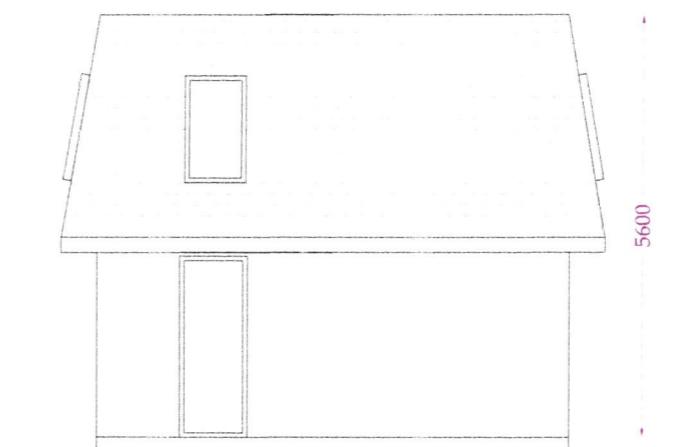
West (Front) Elevation



East (Rear) Elevation



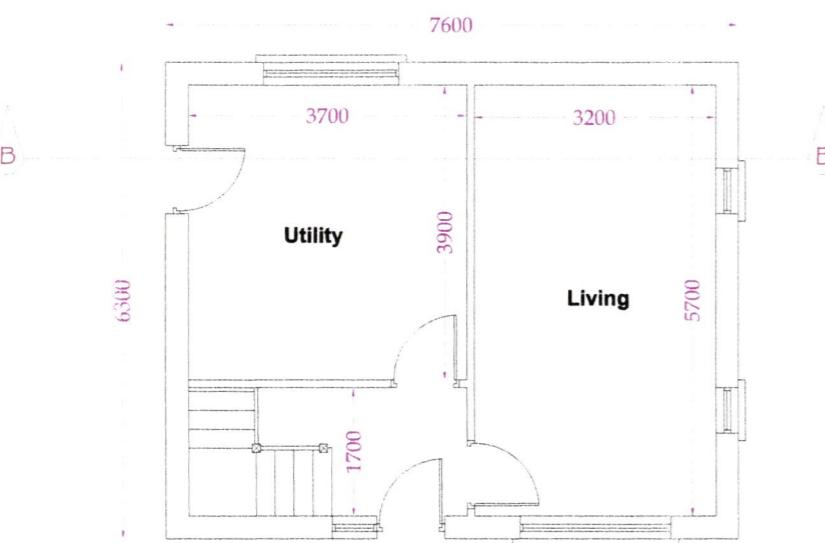
South (Side) Elevation



North (Side) Elevation

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Purposes Only  
All dimensions to  
be checked on site

Drawing Number: 2025-SB-00F

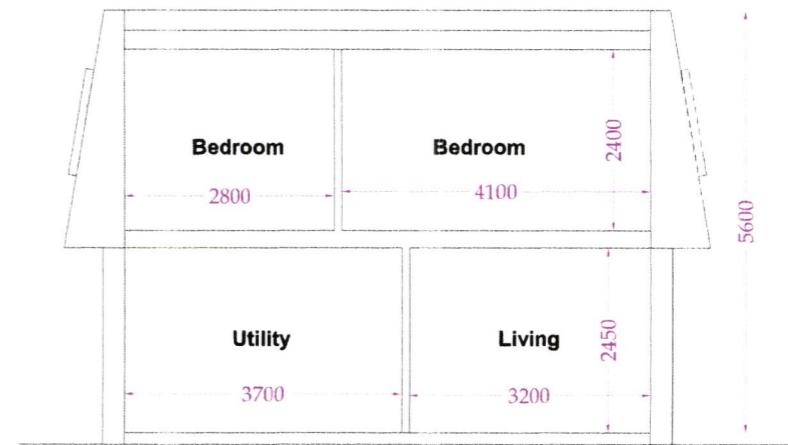


AS BUILT

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**LEGEND**

	Proposed alterations outlined in red
	Original Structure
	New Blockwork
	New Studwork
	Structure outlined in blue to be removed



For Planning  
Purposes Only  
All dimensions to  
be checked on site

Drawing Number: 2025-SB-00G





REVISIONS:		DATE:	DRAWN BY:
CLIENT:	MR. SEAN BEHAN		
TITLE:	SECTION 5 APPLICATION - WHETHER THE CONVERSION & CHANGE OF USE FOR TWO EXISTING BUILDINGS FROM GUEST HOUSE ACCOMMODATION TO 6 RESIDENTIAL APARTMENTS IS OR IS NOT EXEMPTED DEVELOPMENT AT DUNBUR LOWER, WICKLOW TOWN, CO WICKLOW.		
DRAWING:	PROPOSED ELEVATIONS, PLANS & SECTION A-A & B-B		
SCALES:	1:100.		
SHEET No:	1 OF 10		
DRAWN BY: J. O'Toole.		CHECKED BY:	
DATE: 08/12/2025		DRAWING No: 2025-SB-001	

For Planning  
Purposes Only

All dimensions to  
be checked on site

PROPOSED

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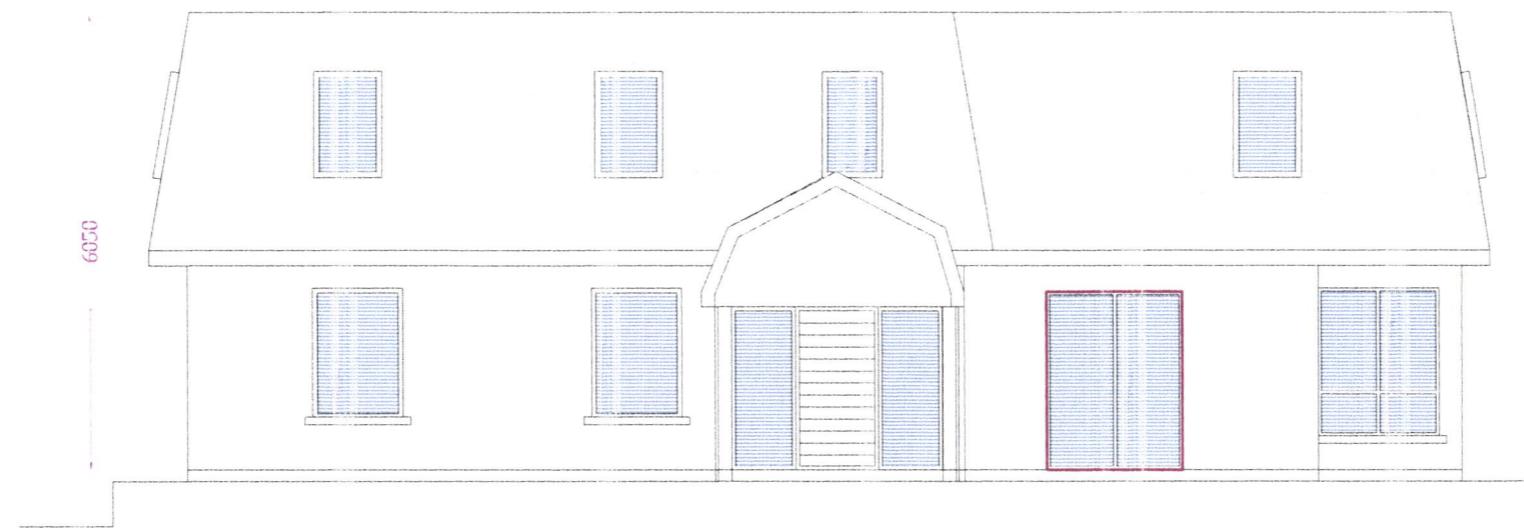
All dimensions should be checked on site.

Do no scale from this drawing.

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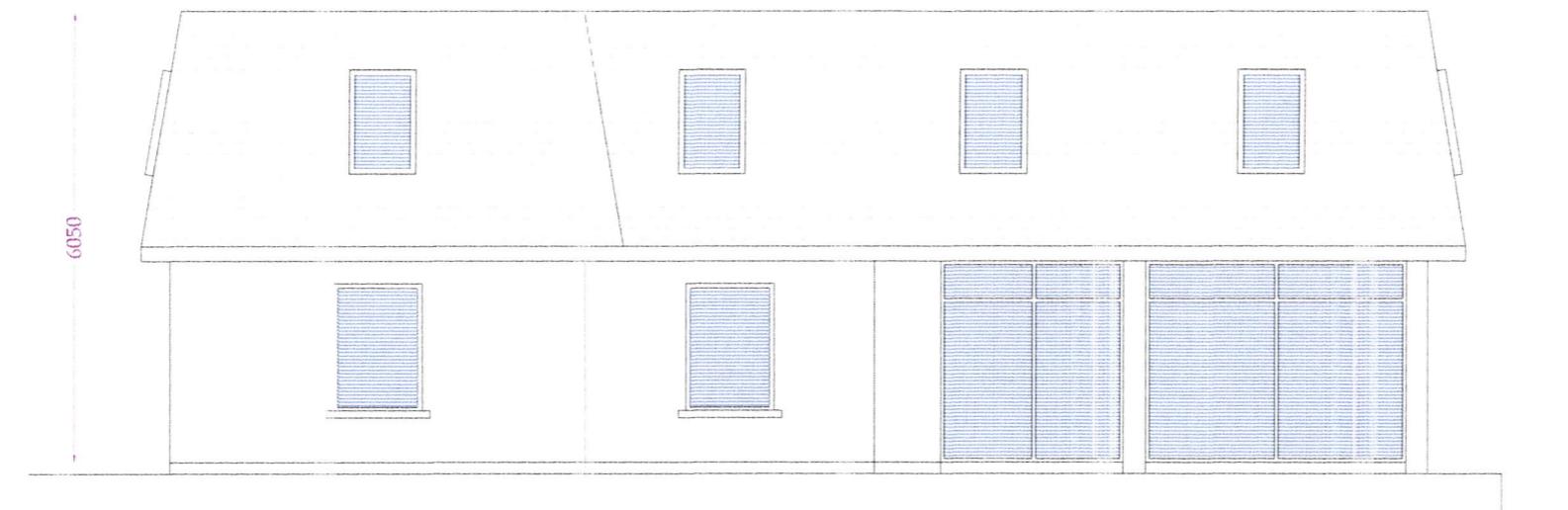
#### LEGEND

- Proposed alterations outlined in red
- Original Structure
- New Blockwork
- New Studwork
- Structure outlined in blue to be removed



North West (Front) Elevation

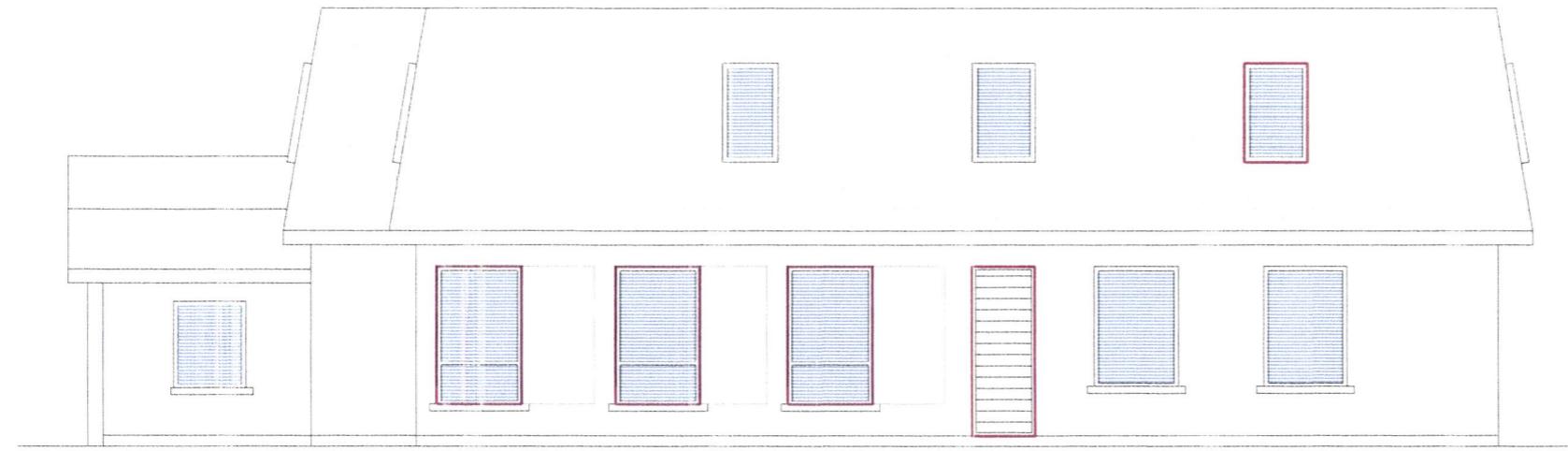
PROPOSED



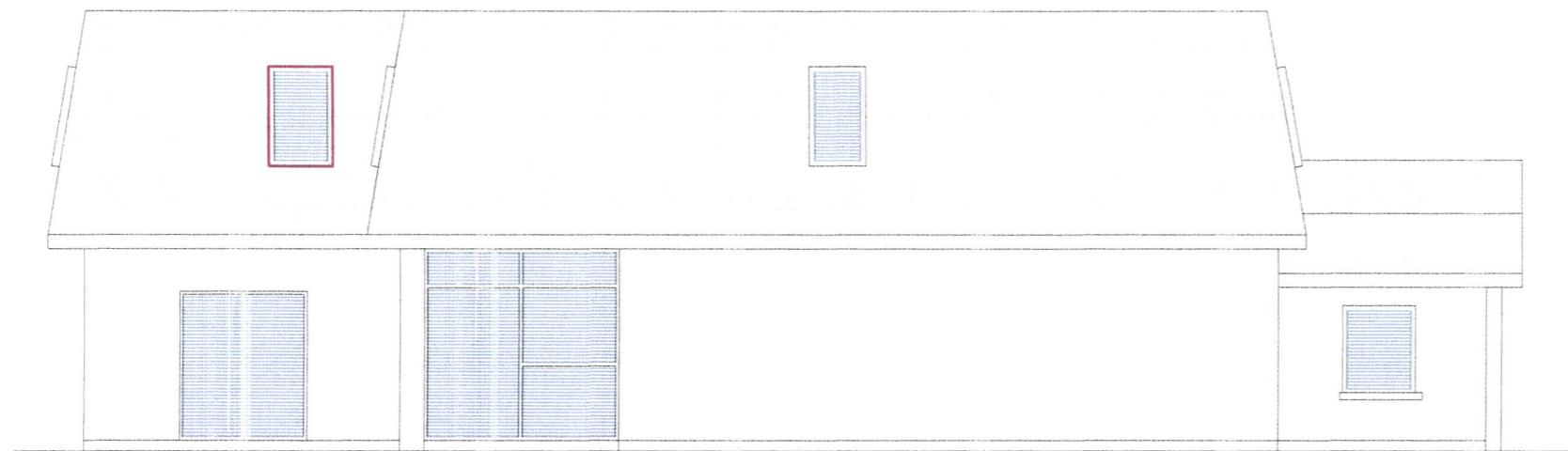
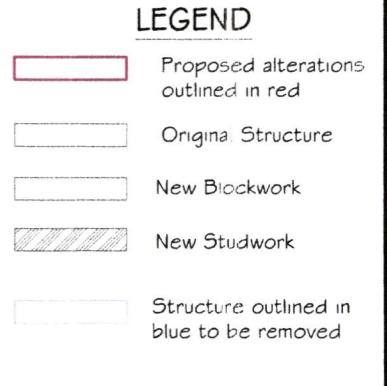
South East (Rear) Elevation

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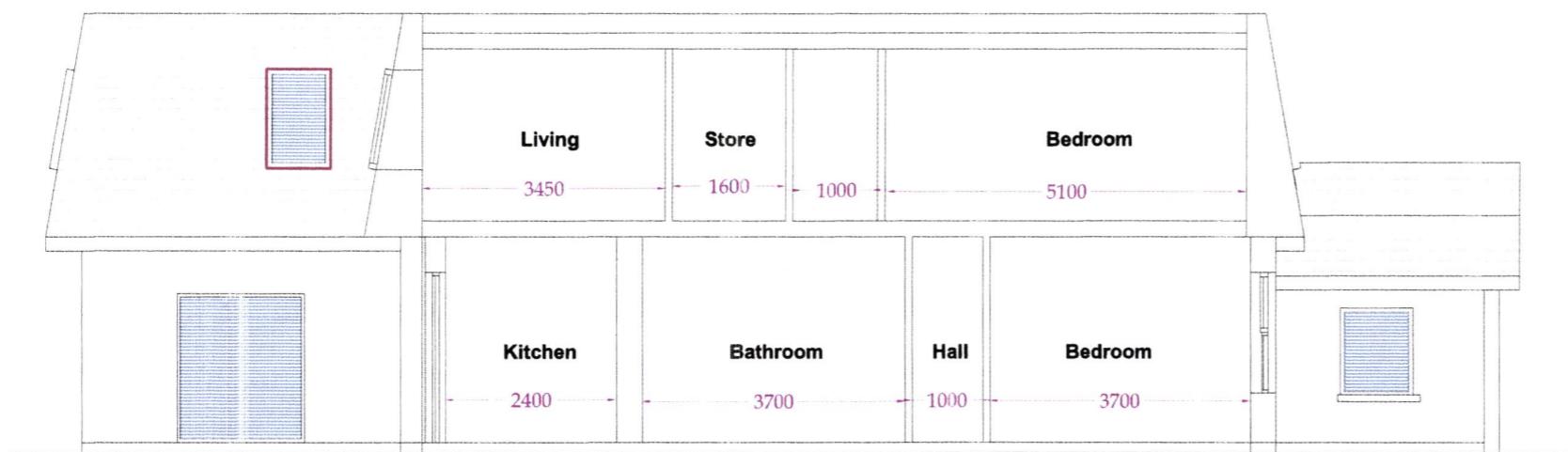
Drawing Number: 2025-SB-002



South West (Side) Elevation



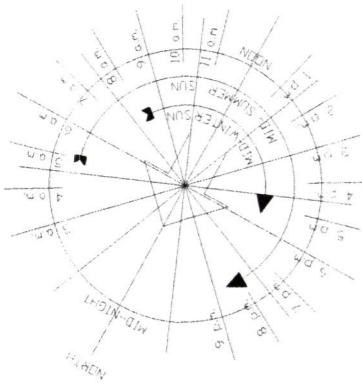
North East (Side) Elevation



Section A-A

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Drawing Number: 2025-SB-003



7460

3885

5580

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## LEGEND

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- Proposed alterations outlined in red
- Original Structure
- New Blockwork
- New Studwork
- Structure outlined in blue to be removed

## PROPOSED

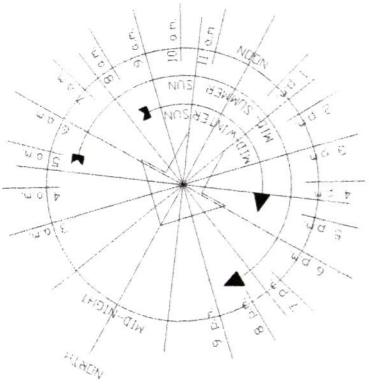
**For Planning  
Purposes Only**

**All dimensions to  
be checked on site**

Drawing Number: 2025-SB-004



## Ground Floor Plan (195m<sup>2</sup>)



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#### LEGEND

	Proposed alterations outlined in red
	Original Structure
	New Blockwork
	New Studwork
	Structure outlined in blue to be removed

**PROPOSED**



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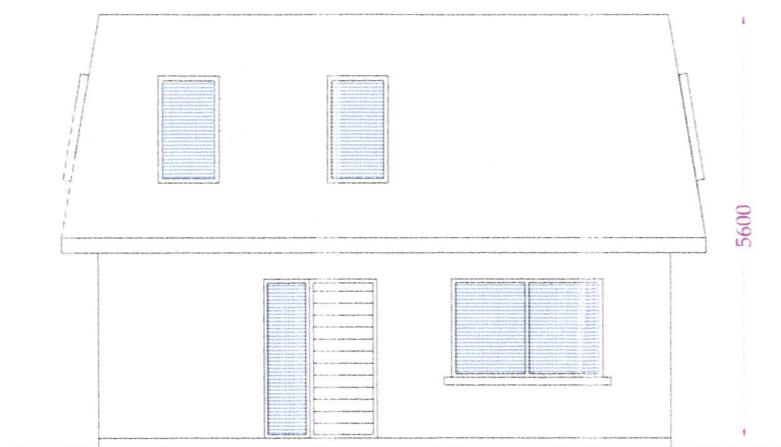
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Do no scale from this drawing.

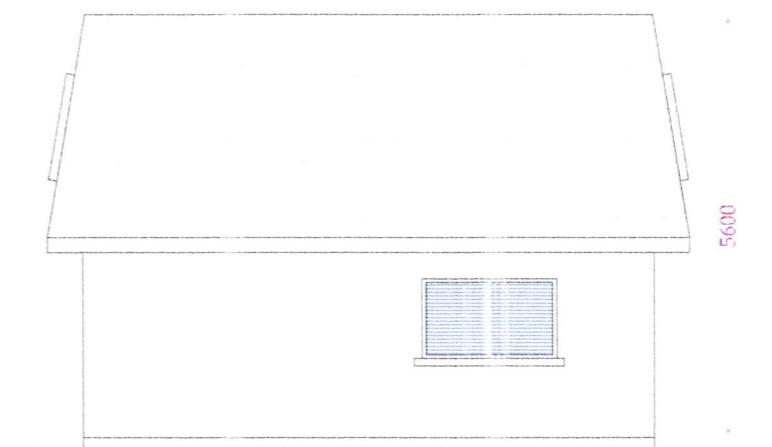
Any drawing errors or divergences should be brought to the attention of OTE Solutions at the address shown below.

#### LEGEND

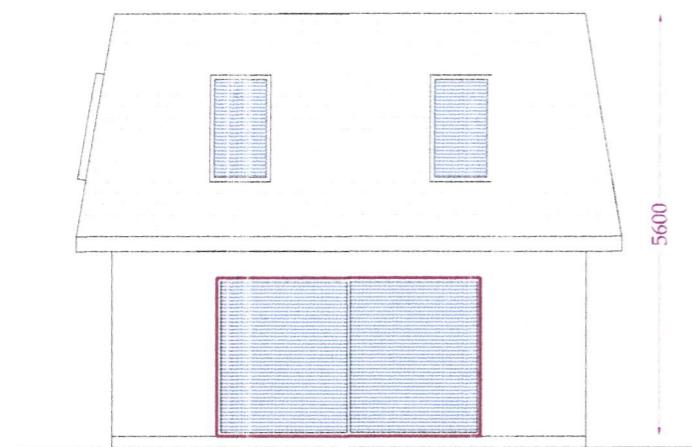
- Proposed alterations outlined in red
- Original Structure
- New Blockwork
- New Studwork
- Structure outlined in blue to be removed



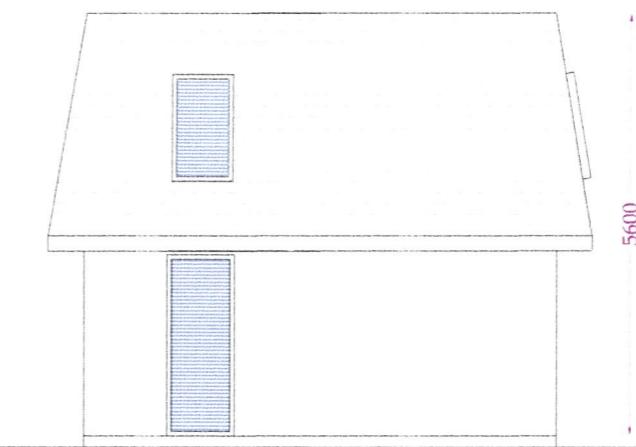
West (Front) Elevation



East (Rear) Elevation



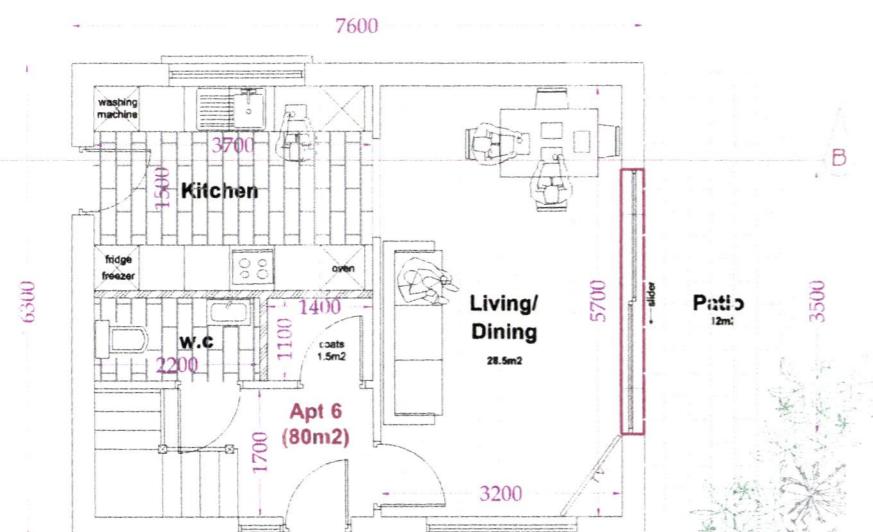
South (Side) Elevation



North (Side) Elevation

For Planning  
Purposes Only  
All dimensions to  
be checked on site

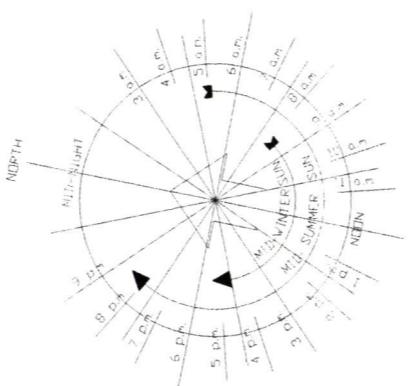
Drawing Number: 2025-SB-006



Ground Floor Plan (40m2)



First Floor Plan (40m2)



Section B-B

For Planning  
Purposes Only  
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be checked on site



