


# 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)

 December 2024

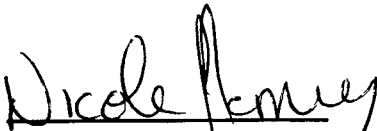
SCA Planning & Development Consultants  
17A Bridgecourt Office Park  
Walkinstown Avenue  
Dublin 12D12 VH61

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) - EX102/2024 - PK Investments Hospitality Ltd

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,



ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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

**Applicant:** PK Investments Hospitality Limited

**Location:** Knockanode, Rathdrum, Co. Wicklow

**Reference Number:** EX102/2024

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1431**

Section 5 Declaration as to whether “the use of Knockanode House to accommodate persons seeking international protection” at Knockanode, Rathdrum, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

### Having regard to:

- The details submitted with the Section 5 Declaration
- An Bord Pleanála PL 27/5/57992 (PRR 7266/81 ), PRR 2626/69, PRR 370/65
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 2, 6, 9, Schedule 2 : Class 21F of the Planning and Development Regulations 2001 (as amended).

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

- Having regard to the information submitted with respect to An Bord Pleanála PL 27/5/57992 (PRR 7266/81 ), it is evident that Knockanode House was in use as a residence in the eighties and therefore the established use of Knockanode House is as a habitable house.
- The change of use of Knockanode House from use as a house to use as a facility for the housing of Persons seeking International Protection would be materially different in character to use as a family dwelling, have differing volumes and pattern of traffic/ pedestrian movements, increased waste and water demands, increased noise and light pollution.
- The use of Knockanode House as a facility for the housing of Persons seeking International Protection would be development having regard to the definition of development set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- The change of use would not come within the provisions of Class 20F : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended) , as it would not come within any of the uses specified in the description. .

The Planning Authority considers that “the use of Knockanode House to accommodate persons seeking international protection” at Knockanode, Rathdrum, Co. Wicklow **is development and is NOT exempted development** within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  December 2024



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1431

Reference Number: EX102/2024

Name of Applicant: PK Investments Hospitality Limited

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the use of Knockanode House to accommodate persons seeking international protection" is or is not development and is or is not exempted development.

Location of Subject Site: Knockanode, Rathdrum, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the use of Knockanode House to accommodate persons seeking international protection" at Knockanode, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration
- b) An Bord Pleanála PL 27/5/57992 (PRR 7266/81 ), PRR 2626/69, PRR 370/65
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 6, 9, Schedule 2 : Class 21F of the Planning and Development Regulations 2001 (as amended).

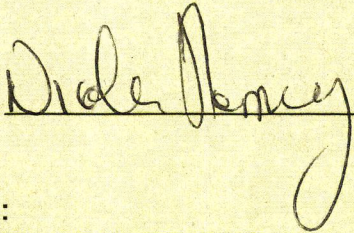
**Main Reason with respect to Section 5 Declaration:**

- i. Having regard to the information submitted with respect to An Bord Pleanála PL 27/5/57992 (PRR 7266/81 ), it is evident that Knockanode House was in use as a residence in the eighties and therefore the established use of Knockanode House is as a habitable house.
- ii. The change of use of Knockanode House from use as a house to use as a facility for the housing of Persons seeking International Protection would be materially different in character to use as a family dwelling, have differing volumes and pattern of traffic/ pedestrian movements, increased waste and water demands, increased noise and light pollution.
- iii. The use of Knockanode House as a facility for the housing of Persons seeking International Protection would be development having regard to the definition of development set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iv. The change of use would not come within the provisions of Class 20F : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended) , as it would not come within any of the uses specified in the description. .


**Recommendation:**

The Planning Authority considers that “the use of Knockanode House to accommodate persons seeking international protection” at Knockanode, Rathdrum, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed

  
\_\_\_\_\_

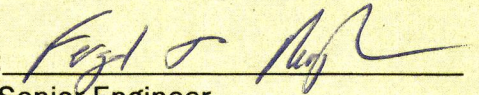
Dated

 day of December 2024

**ORDER:**

I HEREBY DECLARE THAT “the use of Knockanode House to accommodate persons seeking international protection” at Knockanode, Rathdrum, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).


Signed:

  
\_\_\_\_\_

Senior Engineer

Planning, Economic & Rural Development

Dated

 day of December 2024

## **Section 5 Application : EX 102/2024**

Date : 29<sup>th</sup> November 2024.

Applicant : PK Investments Hospitality Limited

Address : Knockanode House, Rathdrum , Co. Wicklow

Whether or not :

Use of Knockanode House, Rathdrum, to accommodate persons seeking international protection  
Is or is not development and is or is not exempted development.

### **Relevant Planning History**

PL 27/5/57992 ( PRR 7266/81 ) Outline Permission refused for dwelling on site.

PRR 2626/69 Motel Clogga, Arklow to Gunther Schutz Esq, Land Development (Clogga) Ltd.

PRR 370/65 Outline Permission granted for Erection of Motel at Clogga, Arklow to Holiday Site &  
Land Development Co. (Clogga) Ltd

### **Relevant Legislation :**

*Planning and Development Act 2000 (as amended)*

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

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use,  
as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

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

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

“unauthorised use” means, in relation to land, use commenced on or after 1 October  
1964, being a use which is a material change in use of any structure or other land and  
being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963  
or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the

Act of 1963 F24[or under F25[section 34, 37G, 37N or 293] of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

### Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires,

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

### 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.

### *Planning and Development Regulations 2001(as amended )*

#### Article 5 Interpretation

“business premises” means—

(a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

(b) a hotel, hostel (other than a hostel where care is provided) or public house, or

(c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;

“excluded premises” means—

(a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,

(b) any guest house or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or,

(c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

#### Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would— ( see Regulations for full details of restrictions)

#### Schedule 2 : Part 1

##### Class 20F

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

##### Limitation

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which

has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

### **Submission -**

Knockanode House built 1800 – 1830 with a site area of 1.64h. Indicated the full site represents the Planning Unit established for land use purposes at 1st Oct 1964. The planning context is that a single primary use became established at that time – as confirmed in ABP Reference 313060.

Indicated during the 1950's and 1970's Clogga Camping and Caravan Park , holiday destination was established on the land. Therefore the established use at 1st October 1964 was as a camping and caravan park throughout the planning unit.

In 1980's the site continued as a Yoga Retreat and Wine Tasting venue was in operation until the early 2000s as a continuation of lifestyle and leisure use, with events and short term accommodation provided. The house has never been a principal private residence during the course of modern planning history . No planning permission for change of use has been put into effect (no grant of planning permission found), so the established use has not been lost to a permitted replacement use. Currently Knockanode House is vacant , and has been vacant for 6-7years. Recent High Court judgement in the case of Leitrim Co. Co. v Dromaprop confirmed that temporary closing does not mean the long established use is lost.

Submitted that the established use of the property falls within ' event and exhibition space' , and therefore the change of use is exempted development having regard to Class 20F.

### **Assessment :**

The querist seeks confirmation that the use of Knockanode House, Rathdrum, to accommodate persons seeking international protection is or is not development and is or is not exempted development.

The submitted documents include a history of the lands and house indicating that a camping facility was set up on the land in the 1950's and 1970's Clogga Camping and Caravan Park. Indicated that Knockanode House forms part of this planning unit, and was used variously as a Yoga Retreat and Wine Tasting, with events and short term accommodation provided. Furthermore, it is stated that the house has never been a principal private residence during the course of modern planning history.



From review of the adjoining area it is noted that outline permission PL 27/5/57992 (PRR 7266/81 ) was made for a dwelling on the lands which adjoin the current site for this Section 5 Declaration Application. The documents on that file, and as attached to this report identify a number of pertinent facts i.e.

- Una Mackey Schutz in a letter to An Bord Pleanala (received on 11/2/1982) indicated that the location of her present residence which was Knockanode House is too high and upkeep is high.
- Application Form indicates applicant and family live at Knockanode House.
- Indenture identifying that Una Mackey Schutz was of Knockanode House
- That applicants husband was from the Indenture stated to be Mr Gunther Schutz.

It is evident therefore that Knockanode House was in use as a dwelling in the 1980s. Furthermore the reference in the submission to Clogga Caravan Park , appears to refer to a caravan park located in proximity to Clogga, Arklow. There was an application in 1969 i.e. 2626/69 in the name of Land Development Clogga Ltd, which cover letter indicates was on behalf of Mr Gunther Schutz of that company. In addition PRR 370/65 had the applicants address as 'Knockanode House', Rathdrum. These developments are located in the townland of Askintinny to the south of Arklow Town, and are not connected to the lands the subject of this Section 5 Declaration, other than the company registration/ owner connection.

Therefore, from the information on the planning files, it is considered that the established use of Knockanode House is a habitable house having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended). Where uses were taken place after that time, there is no evidence that such uses were authorised.

The change of use from dwelling to occupation for persons seeking international protection would give rise to materially different uses/ planning consideration i.e. significant alteration in the pattern of traffic movements and volume of such movements, increased pedestrian movements on the adjoining road network, increase in wastes and water demands, increase noise and light pollution. This change in character would be material, and therefore would come within the definition of development as provided for in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

Class 20F would not be applicable in this instance as the change of use only applies to a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction

use as a dwelling/ habitable house is not provided for within this description.

Therefore, the change of use of Knockanode House Rathdrum, to accommodate persons seeking international protection is development and 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 use of Knockanode House, to accommodate persons seeking international protection at Knockanode, Rathdrum, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that use of Knockanode House, to accommodate persons seeking international protection at Knockanode, Rathdrum, Co. Wicklow **is Development and is Not Exempted**

**Development**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration
- b) An Bord Pleanala PL 27/5/57992 (PRR 7266/81 ), PRR 2626/69, PRR 370/65
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 2, 6, 9, Schedule 2 : Class 21F of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. Having regard to the information submitted with respect to An Bord Pleanala PL 27/5/57992 (PRR 7266/81 ), it is evident that Knockanode House was in use as a residence in the eighties and therefore the established use of Knockanode House is as a habitable house.
- ii. The change of use of Knockanode House from use as a house to use as a facility for the housing of Persons seeking International Protection would be materially different in character to use as a family dwelling, have differing volumes and pattern of traffic/ pedestrian movements, increased waste and water demands, increased noise and light pollution.
- iii. The use of Knockanode House as a facility for the housing of Persons seeking International Protection would be development having regard to the definition of development set out in Section 3(1)(a) of the Planning and Development Act 2000(as amended).
- iv. The change of use would not come within the provisions of Class 20F : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended) , as it would not come within any of the uses specified in the description. .

*31/11/2024*

30/11/2024

*Issue declaration as recommended  
04/12/24*

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Wicklow

Planning Register Reference Number: 7266/81

**APPEAL** by Una Schutz of Knockanode House, Rathdrum, County Wicklow against the decision made on the 14th day of January, 1982, by the Council of the County of Wicklow deciding to refuse to grant an outline permission for the erection of a house on a site at Knockanode, Avoca, County Wicklow:

**DECISION:** Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, outline permission is hereby refused for the erection of the said house for the reason set out in the Schedule hereto.

SCHEDULE

The site of the proposed development is located in close proximity to the "meeting of the waters" in an area of high scenic amenity and tourist and national importance. It is an objective of the planning authority as set out in the County Wicklow Development Plan to prohibit development in this area in order to preserve the views and character of the area. This objective is considered reasonable and the proposed development would be seriously in conflict with it because a house erected on this wooded hillside would constitute a visually obtrusive feature which would be at variance with and seriously injurious to the visual amenity of the area.



Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this 12 day of May 1982.

Una Schuetz-Mackey  
Knockanode House  
The Meetings  
Rathdrum  
Co. Wicklow.

5th March 1982

An Bord Pleanála  
Floor 3,  
Blocks VI & VII  
Lower Abbey Street  
Dublin. 1.

Re.: Appeal PL 27/5/57 992, your letter dated 25/2/82  
and telephone conversation 3/3/82

Dear Sirs,

Referring to your recent phone call I am enclosing the missing enclosure No. 3, showing three sites, coloured orange, for which Mr. W. Moran, Avoca, Garage has obtained full planning permission.

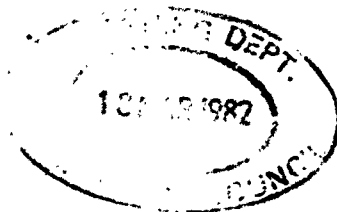
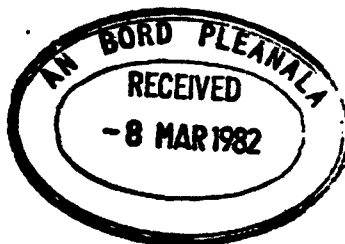
He has already started excavations.

It appears to be necessary to draw your attention to the fact that without our permission County Council have given Mr. Moran permission to use our spring as indicated on attached map which is located on our land. Neither has Mr. Moran asked us to use water from our spring which is just sufficient for our own purposes, including the proposed chalet or bungalow.

Thanking for your attention.

Yours sincerely,

*W. J. Keenan*



An Bord Pleanála  
Floor 3, Blocks 6&7  
Lower Abbey Street  
Dublin 1

10th February 1982 - Una Mackey - Schütz  
Knockanode House  
Rathdrum Co. Wicklow  
Phone 0402/5213

Ref.: Wickfow County Council - Refusal Planning(Outline) Application  
Ref. Application No. 7266/81 - Application rec. 26-11-1981  
Refusal Order - 14 - Jan. 1982.

Enclosures:

- 1) Architects Drawing attached to Application.
- 2) Indenture Deed and map attached showing my Property, c.9 Acres Woods. Also showing present Residence on my Property Folio 10978 Land Registry, Wicklow.
- 3) Map showing location of 3 housing units, full Planning permission granted to local Garage owner.
- 4) Local Government Planning and Development Act, Form Council of the County of Wicklow Refusal re. Application 7266/81 14/1/82 and Schedule points 1 to 4.

AN BORD PLEANALA

Received 11/2/82

Deposit 110 chg.

Receipt No. 20800

Dear Sirs,

I am herewith appealing against the above quoted Refusal of my Planning(Outline) Application to build 1 bungalow or Chalet.

Reasons.:

- 1) It is not necessary to remove any trees for building purposes. The proposed Site is inside the Woods, completely concealed on a Hill, behind an abundance of Hazelnut Bushes.
- 2) For Generations local Cottage Dwellers fell every year a large number of old trees including Oaks, Beech and Maple Trees without our permission and against our specific wishes.
- 3) Since Building Permission has already been granted, please see Enclosure No. 3, the word "sporadic" is not relevant particularly since I have applied for one(only) unit on an area of c.9 Acres.

REC'D  
PLANNING DEPT.

Reason for applying to build 1 bungalow or chalet.

The location of present Residence, Knockanoge House, is too high and also the upkeep is high. The proposed location of new unit is further downhill and my husband and self are partly invalided. The proposed unit is nearer the Main Road and our Residence is offered for Sale.

Public Services are not required because we are self sufficing, for example own well and sewerage treatment unit. , the chalet or bungalow, applied for, is beside public road, also Electricity and telephone lines.

4) (Schedule)

As already stated building permission has been granted on a site facing the Road T7 and completely exposed and can be seen for several miles right beside us across existing public Road.

~~Thanking~~ Thanking for your attention .

Yours sincerely

Una Schutz - Mackey( Irish )

*Una Schutz*

Encl.: 1 cheque £ 10.-

COMHAIRLE CONRADH CHILLI MANNAIN

WICKLOW COUNTY COUNCIL

Ph. (0404) 2324

Planning Reference Number 7200/H1

18th February, 1982.

An Bord Pleanála,  
Floor 3, Blocks VI & VII,  
Irish Life Centre,  
Lower Abbey Street,  
Dublin 1.

RE: PLANNING APPEAL REFERENCE PL27/5/57002 - Mrs. Una Schutz - Erection of house  
at Knockanoda, Avoca.

A Chara,

As requested in your letter of the 16th February, 1982 enclosed herewith are the following documents:-

1. Copy of planning application submitted to the Council.
2. Applicant's interest in land or structure - stated in planning application to be Owner
3. Copy of public notice of application The Irish Press, November 14, 1981.
4. Copies of plans lodged by the applicant.
5. Copies of reports of CHD and KE Arklow as agreed by County Engineer.
6. Certified copy of County Manager's Order in relation to the planning application.
7. Copies of any objections received \_\_\_\_\_

Mise, le meas,  
Please see Planning Appeal Ref. PL27/5/57002 in relation to paragraph four of ~~my~~ letter.

STAFF OFFICER  
For County Secretary

Encls.

35185



WALTONALSON  
LAW PRINTERS

# This Indenture

made the *Seventeenth* day

of *August* One Thousand Nine Hundred and Seventy-Eight

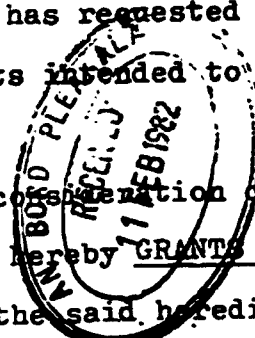
BETWEEN BALLYKNOCKAN FARMS LIMITED having its registered office at Knockanode House Avoca in the County of Wicklow (hereinafter called "the Company") of the one part and UNA MACKAY SCHUTZ of Knockanode House Avoca aforesaid wife of Gunther Schutz of the other part.

WHEREAS the Company is seised for an estate in inheritance in Fee Simple in possession in the hereditaments intended to be hereby assured under an Indenture of Conveyance dated the 4th day of October 1962 and made between James Dunne of the one part and the Company of the other part.

AND WHEREAS the consideration of One Hundred Pounds (£100) as the consideration in the said Indenture of Conveyance paid to the said James Dunne on behalf of the Company was provided by monies of the said Una Mackey Schutz.

AND WHEREAS the said Una Mackey Schutz has requested the Company to convey to her the hereditaments intended to be hereby assured.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises the Company as Beneficial Owner hereby GRANTS AND CONVEYS unto the said Una Mackey Schutz the said hereditaments described in the said Indenture of Conveyance and therein described as "ALL THAT AND THOSE that part of the lands of



REGISTERED IN THE REGISTRY OF DEEDS, (DUBLIN) A.T.K.  
25 MINUTES AFTER 3 O'CLOCK ON THE 21 DAY  
January 1980  
BOOK 8 NO. 125  
J. Dunne of

8851  
BD  
(146)



"Knockanode containing ten acres and twenty perches Statute  
"Measure or thereabouts more particularly delineated on the  
"Map hereto annexed and thereon surrounded by a red verge  
"line situate in the Barony of Arklow and County of Wicklow"  
TO HOLD the same unto and to the use of the said Una Mackey  
Schutz her Heirs and Assigns in Fee Simple.

IT IS HEREBY CERTIFIED that the transaction hereby effected  
does not form part of a larger transaction or series of  
transactions in respect of which the amount or value or the  
aggregate amount or value of the consideration exceeds Six  
Thousand Pounds (£6,000).

IT IS HEREBY FURTHER CERTIFIED by the said Una Mackey  
Schutz that she is an Irish Citizen and as such is a  
qualified person within the meaning of Section 45 of the  
Land Act, 1965.

IN WITNESS whereof the Company has caused its Common Seal  
to be affixed hereto and the said Una Mackey Schutz has  
hereunto signed her name and affixed her seal the day and  
year first herein written.

PRESENT when the Common Seal  
of BALLYKNOCKAN FARMS LIMITED  
was affixed hereto:-

*Arthur O'Hale, Solicitor  
c/o O'Mahony, Secretary  
Box of 15, St. Stephen's Green  
Dublin 2.*

SIGNED SEALED AND DELIVERED  
by the said UNA MACKEY SCHUTZ  
in the presence of:-

*Arthur O'Hale, Solicitor  
c/o O'Mahony,  
Secretary,  
15 Saint Stephen's Green  
Dublin 2.*

*Lolita E. Mackey  
Director  
Una Mackey S. Co. Ltd.*

*Original of this Document and  
previous original Document received  
from Mrs Gertrude Schutz  
30.9.80  
by Kevin Morgan 26*

*Director  
75 Morehampton Rd.  
Dublin 4*

Dated this <sup>55A</sup> 17<sup>th</sup> day of August 1978.

~~\_\_\_\_\_~~  
BALLYKNOCKAN FARMS LIMITED

One Part

UNA MACKEY SCHUTZ

Other Part

CONVEYANCE

CLARLANN NA nGNÍOMHAS

[REGISTRY OF DEEDS]

B 21 EAM 960 11<sup>8</sup>

BALLYKNOCKAN FARMS LIMITED

DUBLIN

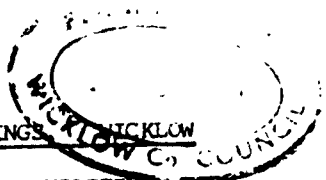
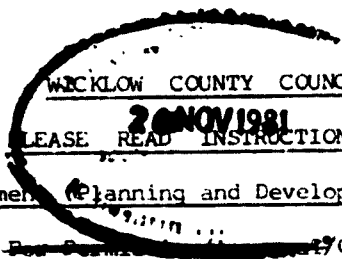
125

14

Hayes & Sons,  
Solicitors,  
15 Saint Stephen's Green N.,  
Dublin 2.

LK

7266/51



WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW

PLEASE READ INSTRUCTIONS AT BACK BEFORE COMPLETING FORM

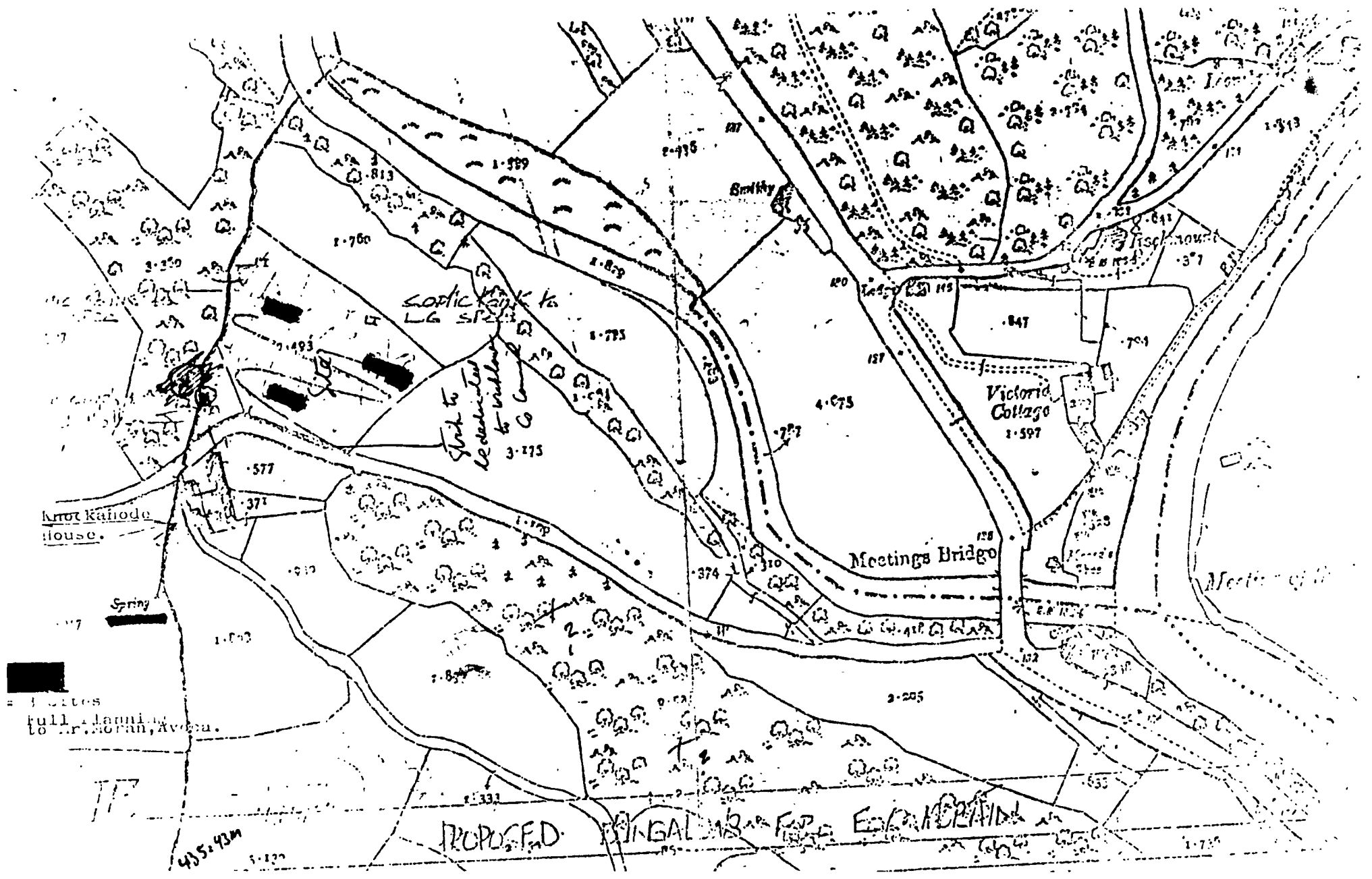
Local Government (Planning and Development) Act, 1963. PLANNING APPLICATION FORM

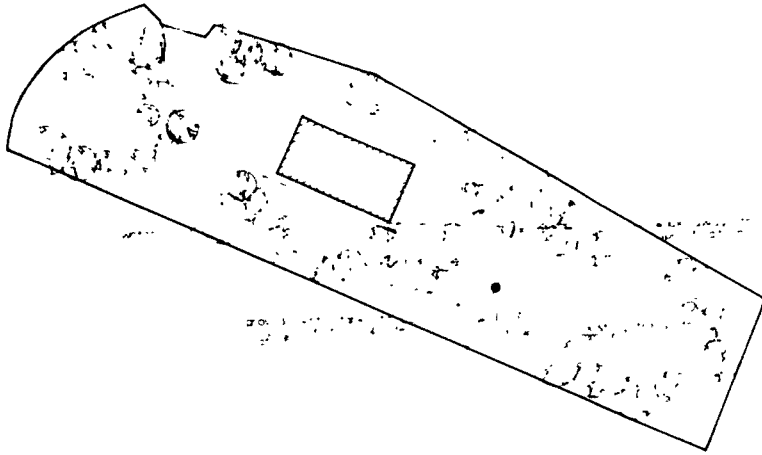
Outline Permission. Delete as necessary.

1. Name and Address of Applicant Mrs LINA SCHUTZ Knockanode  
(The Nest - 72) RATHDEAN CO. WICKLOW
  2. Brief Description of Development House & Septic Tank
  3. Location of Development (Street Name, Townland etc.) Knockanode
  4. Applicant's interest in land or structure (e.g. Owner, Purchaser, etc.) OWNER
  5. Area of Site 3/4 acre. 6. Floor area of proposed development 1,500 sq ft
  7. Present Use Woolshed 8. Proposed use House to live
  9. System of Water Supply well 10. System of sewage disposal Septic Tank
  11. Length of frontage to public road 230 ft
  12. List of Plans and Documents submitted 2 copies of Plans of Location of Site & 2 copies of Site Plan (1:500) 1 map paper with plan & elev. from 1:500
  13. Have any previous Planning Applications been submitted in respect of the above lands? If so, please give details or quote relevant Ref. No.(s) NO
  14. Does proposal involve the demolition of habitable house in whole or in part?  NO.
  15. Name and Address of Architect, Engineer or Agent to whom notification is to be sent  
STEFANIE KAVANAGH 40 HERRION COURT A Ballinacorney Road
- The following additional queries (16 - 21) should be answered by applicant's for single houses only.
16. Total area of land owned by applicant 15 acres
  17. Is there an existing house on this land Yes
  18. If so, name and relationship to applicant of occupiers of existing house  
Richard Maslunas Schutzy & husband in long term lease in this house
  19. Occupation of applicant Housewife
  20. Location of employment Home @ Knockanode
  21. Does applicant own a house at present at any other address No
22. Name and Address of person by whom plans and drawings were prepared  
STEFANIE KAVANAGH 40 HERRION COURT A Ballinacorney Road
  23. Signature of Applicant Lina Schutzy (Date) 20/11/81

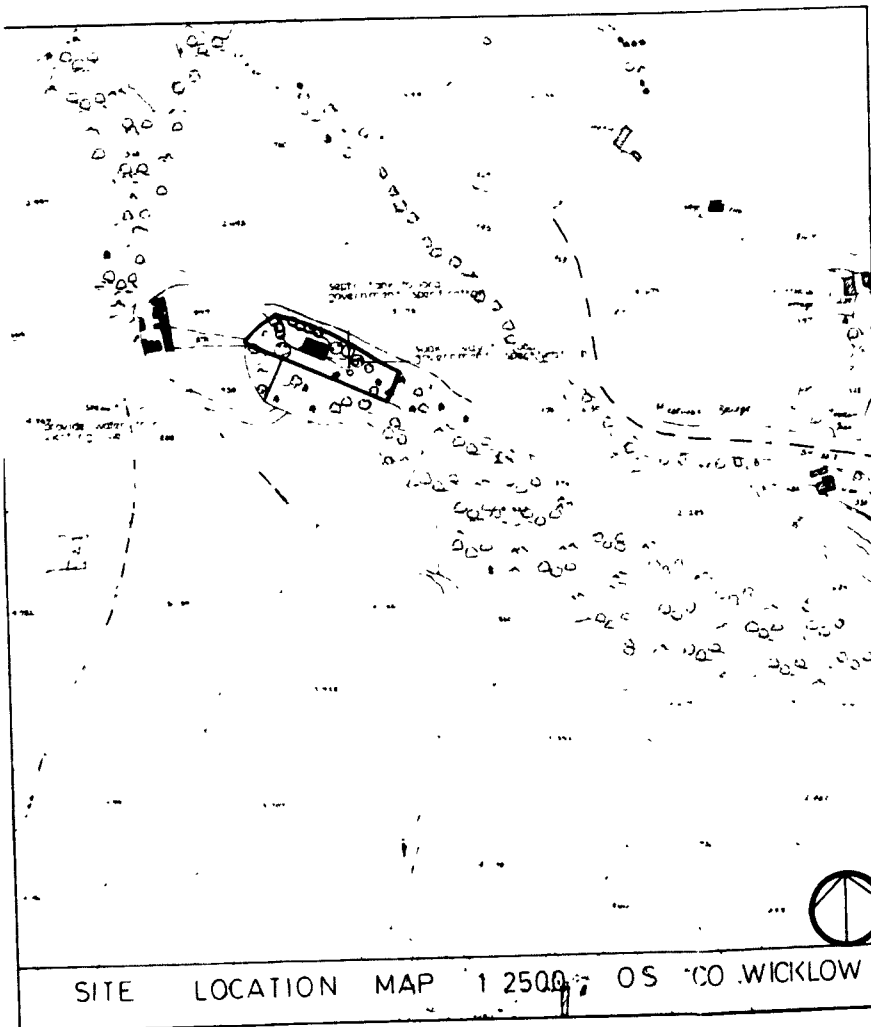
Where proposal is to use otherwise than for human habitation or includes the demolition or partial demolition of any habitable house other than a demolition for the purpose of providing an extension or other improvement or for the purpose of carrying out maintenance works, permission must first be obtained from the Council under the Housing Act, 1969, before a decision may be made on the Planning Application.

**ELECTRICITY SUPPLY IN RURAL AREAS:-** Applicants are advised before making application for Planning Permission to the County Council, to contact their local E.S.B. office to ensure that (a) electricity supply can be made available and (b) any development proposed will not be affected by existing or proposed cable lines.





Site Plan 1:500



SITE LOCATION MAP 1:2500 OS CO. WICKLOW

title	7266/81
OUTLINE PLANNING PERMISSION FOR HOUSE KNOCKANODE AVOCA	
client	MRS UNA SCHULTZ
architect	Stefanie Kavanagh
revisions	
scale	1:500
date	Nov 6 <sup>th</sup> 1997
	<b>dwg. no.</b>

Meehan Levins Associates

ARCHITECTS

43 MAIN STREET ARKLOW

TELEPHONE ARKLOW 2262

JWL/CD

30th June, 1969.

The Secretary,  
Wicklow County Council,  
Courthouse,  
Wicklow.



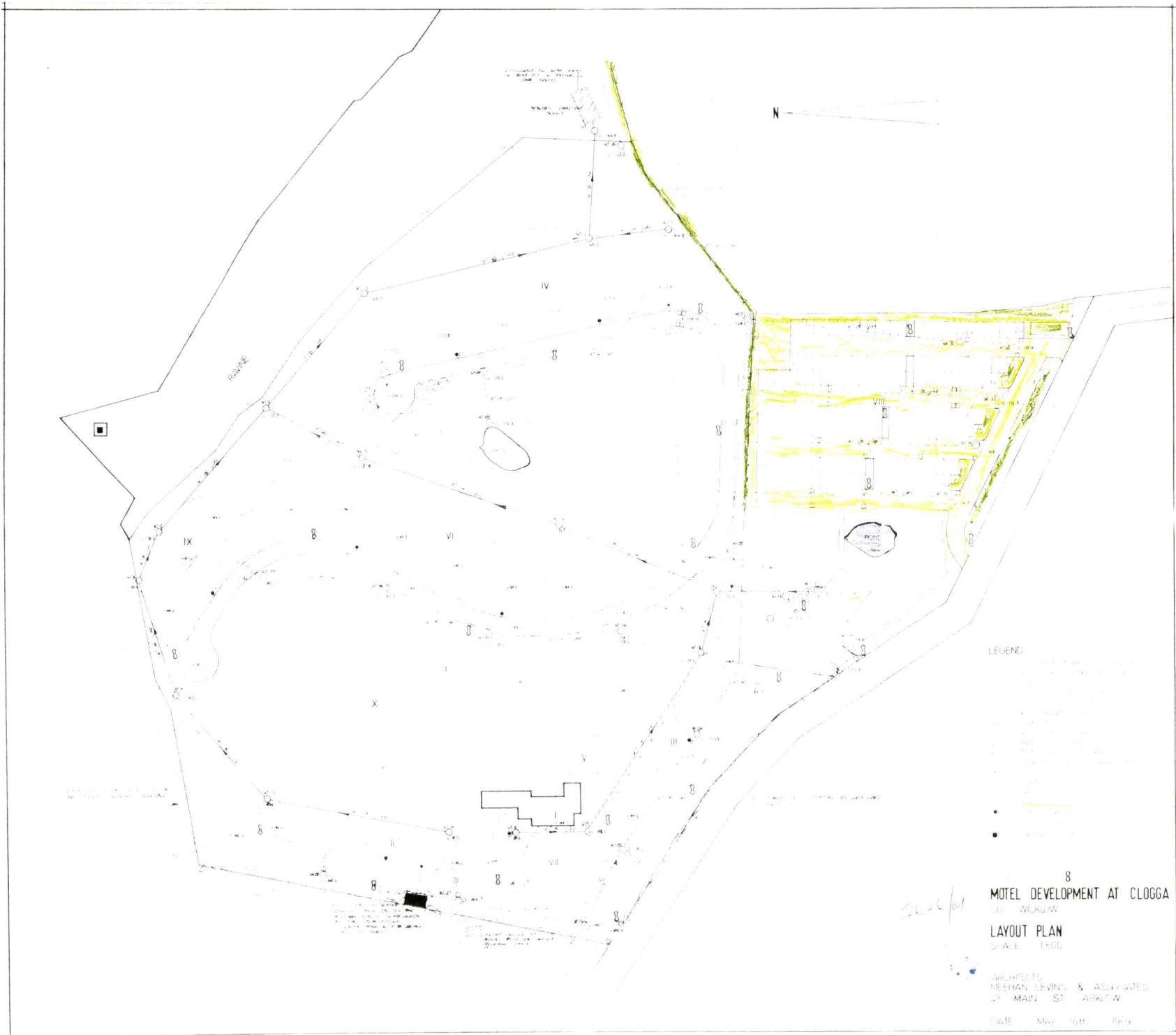
Dear Sir,

On behalf of our client Gunther Schütz Esq. of Land Development (Clogga) Ltd. Hamburg 11, Deichstrasse 48/50, West Germany. We wish to apply for permission under Town Planning and Bye-Laws to build a motel at Clogga, Arklow. We enclose herewith three copies of the drawings and specification together with the required public notice.

Mr. G. Schutz of Land Development (Clogga) Ltd. has freehold possession of the site,

Yours faithfully,

John W. Levins  
John W. Levins.



LEGEND

- Proposed building footprint
- Existing building footprint
- Proposed road
- Existing road
- Proposed drainage
- Existing drainage
- Proposed boundary
- Existing boundary
- Proposed fence
- Existing fence
- Proposed utility
- Existing utility
- Proposed tree
- Existing tree
- Proposed water feature
- Existing water feature

8  
 MOTEL DEVELOPMENT AT CLOGGA  
 CO. WICKLOW  
 LAYOUT PLAN  
 SCALE 1:500  
 ARCHITECTS  
 NEEHAN LEVINS & ASSOCIATES  
 27 MAIN ST. ARRILW  
 DATE MAY 16th 1969

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963.

NOTIFICATION OF DECISION TO GRANT AN OUTLINE PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 26 OF THE ACT.

COUNCIL OF THE COUNTY OF WICKLOW.

To Holiday Site & Land  
Development Co. (Clogga) Ltd.,  
"Knockanode House",  
Rathdrum,  
Co. Wicklow.

Reference No. in  
Planning Register: 370/65.

Application  
Received: 26th July, 1965; further  
information required received 29th July

In pursuance of the powers conferred upon them by the above-mentioned Act the Wicklow County Council have by Order dated 8<sup>th</sup> September, 1966. decided to grant an outline permission for the development of land, namely:-

Erection of Motel at Clogga, Arklow, Co. Wicklow.

SUBJECT TO the conditions set out in column 1 of the Schedule hereto. The reasons for the proposed imposition of the said conditions are set out in column 2 of the Schedule.

If there is no appeal against the said decision a grant of outline permission in accordance with the decision will be issued as soon as possible after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that an outline permission is a permission subject to the subsequent approval of the Planning Authority and that until such approval has been obtained to detailed Plans of the development proposed the development is NOT AUTHORISED.

Signed on behalf of Wicklow County Council.

[Signature]  
COUNTY SECRETARY.

Date: 8<sup>th</sup> September, 1966

SCHEDULE

<u>Column 1 - Conditions</u>	<u>Column 2 - Reasons for Conditions</u>
<u>1. It is to be understood that the decision to grant Outline Permission is not an acknowledgement by the Council of any liability or responsibility to improve the public access road to Clogga beach.</u>	

NOTE: An appeal against a decision of a Planning Authority under Section 26 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

Appeals should be addressed to the Secretary Department of Local Government, (Planning Appeals Section), Custom House, Dublin 1. An appeal should be accompanied by this form. In



MECHAN & PARTNER, B.B. Arch., M.R.I.A.I.

ARCHITECTS

Main Street,

Wicklow, Co. Wicklow

OUR REF.

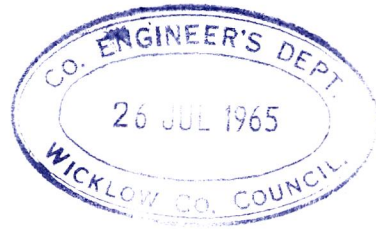
YOUR REF.

DATE 23rd July 1965

TELEPHONE ARKLOW 167

or DUBLIN 805150

T.J. Donovan Esq.,  
County Engineer,  
Wicklow County Council,  
Wicklow.



Re: Planning - 370/65.

Dear Sir,

We wish to acknowledge receipt of your letter of the 22nd inst.

The name of the Company has recently been changed from 'Caravan Site and Land Development Company (Clogga) Ltd' to 'Holiday Site and Land Development Company (Clogga) Ltd' as there has been a change in the management and ownership. Mr. Gabriell F. Haughton, Solicitor, Dublin is at present attending to the necessary formations.

The registered office at Knockanode House has been taken over and the old address is still valid. The address is Knockanode House, Rathdrum, Co. Wicklow. Telephone Avoca 13.

The above mentioned Company hold the land freehold.

Yours Faithfully

*John K. Meahan*  
John K Meahan

Balers.

WRITE BOX 71  
THE PEOPLE, WEXFORD.

(p1397-7)

(p1414-7)

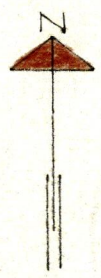
POULTERER,

3 LOWER MAIN ST., GOREY

(jp1452-7)

day season. They are Garda Ml. Fogarty from Carnew, and Garda John Halpin from Bunclody. This will bring the strength of the Courtown Station to a Sergeant and five men.

370/65



COUNTY COUNCIL  
JUN 1966

Large Septic tank with  
filtration beds - size of construction  
in accord. with Local Govern. Requirements.

Large Septic tank with  
filtration beds - size of construction  
in accord. with Local Govern. Requirements. Sea Shore.  
100.00 BM.

Clogga Strand.

wood well & pump  
to give water  
pump house.

TOILETS  
SHOWERS

WATERLOO COUNTY COUNCIL  
MAY 1966

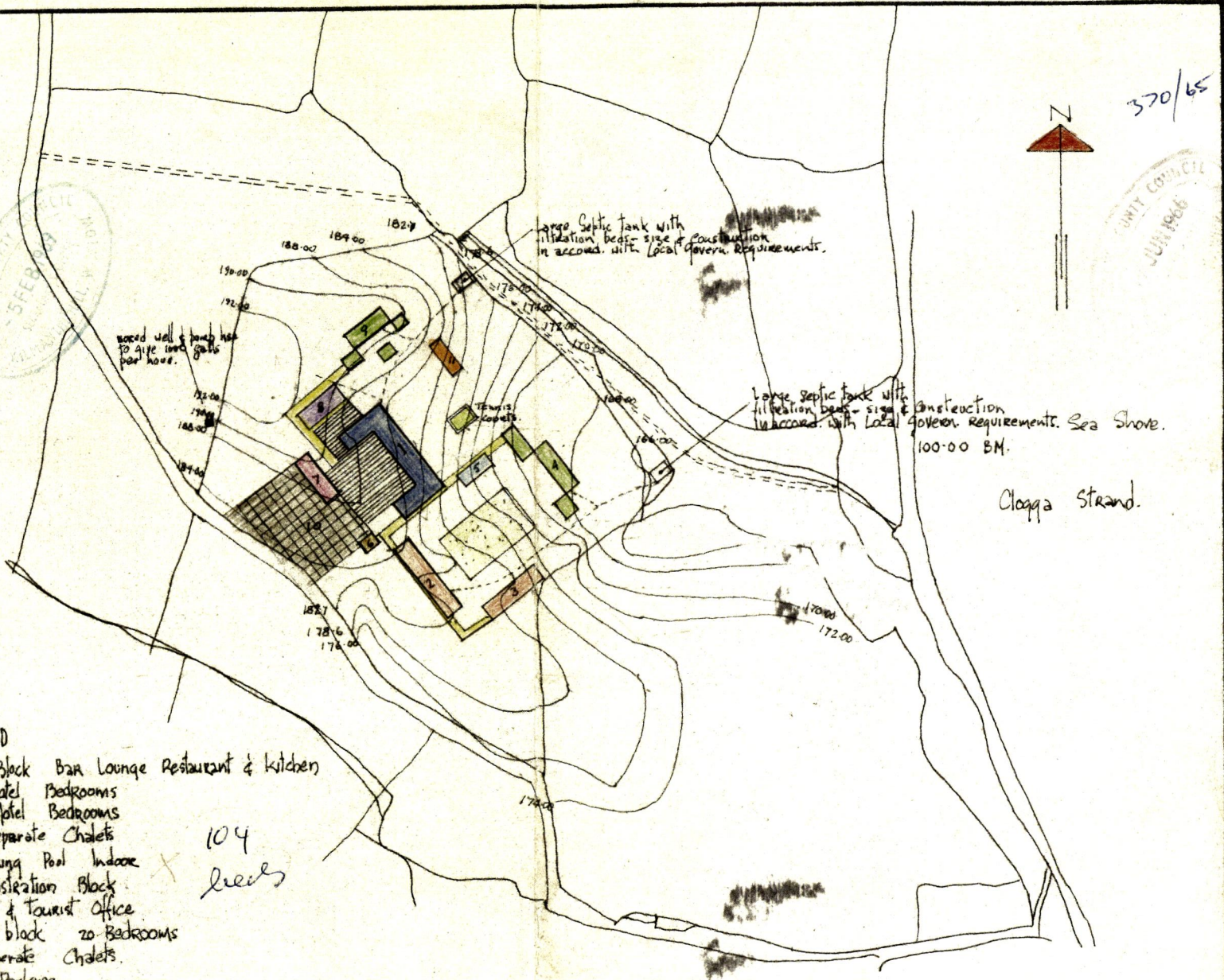
- LEGEND**
- 1 Main Block Bar Lounge Restaurant & kitchen
  - 2 30 Motel Bedrooms
  - 3 30 Motel Bedrooms
  - 4 6 Separate Chalets
  - 5 Swimming Pool Indoor
  - 6 Administration Block
  - 7 Shops & Tourist Office
  - 8 Staff block 20 Bedrooms
  - 9 6 separate Chalets.
  - 10 Car Parking
  - 11 Riding school.

104  
acres

# PROPOSED MOTEL AT CLOGGA

## SITE & LAYOUT PLAN.

Meehan Lennys & Lennon  
Architects & Engineer  
52 Main Street Arklow  
Scale: 1:2500  
Tel: 2262.



Planning Department  
Wicklow County Council,  
County Buildings,  
Whitegates,  
Wicklow Town,  
Co. Wicklow

15<sup>th</sup> November 2024

**Re: Section 5 Declaration for Knockanode House, Rathdrum, Co. Wicklow**

Dear Sir/Madam,

On behalf of PK Investment Hospitality Ltd we wish to make an application for a Declaration under Section 5 of the Planning and Development Act 2000, in respect of the question below;

*Whether the use of Knockanode House, Rathdrum, to accommodate persons seeking international protection is or is not development and, if development is it exempted development or not exempted development under Class 20F of the Planning and Development (Exempted Development) (No. 4) Regulations 2022.*

Please find enclosed: -

- Section 5 Application Form
- Site Location Map
- Fee €80.00 (paid by EFT)

## Background

Knockanode House was built between 1800 and 1830 with a site area of 1.64 Hectares. The full site area represents the Planning Unit established for land use purposes at 1<sup>st</sup> October 1964. The planning context is that a single primary use became established at that time. This is confirmed in a recent decision by An Bord Pleanála (Ref. 313060), on 10<sup>th</sup> July 2024, based inter alia on the history and nature of the original use.



During the 1950's into the 1970's, Clogga Camping and Caravan Park, a holiday destination was established on the land. Therefore, the established use at 1<sup>st</sup> October 1964 was as a camping and caravan park throughout the planning unit – short term tourist accommodation use.

In the early 1980s the site continued in use as a Yoga Retreat and Wine-Tasting venue and was in operation until the early 2000s, as a continuation of lifestyle and leisure use, with events and short-term accommodation provided. The house has never been a principal private residence during the course of modern planning history.

A planning register and enforcement search conducted by Wicklow County Council has confirmed that no planning permission for change of use has been put into effect (no grant of planning permission found), so the established use has not been lost to a permitted replacement use.

Currently, Knockanode House is vacant and has been vacant for circa 6 to 7 years. A recent High Court judgement in the case of Leitrim Co. Co. v Dromaprop (IEHC 233/2024) confirmed that temporary closing does not mean the long-established use is lost.

### **Purpose of Declaration**

The subject building has been offered to the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) for the accommodation of International Protection applicants. As part of the application process the DCEDIY require a Section 5 Declaration from the relevant Local Authority confirming the use of the building for accommodating International Protection applicants is exempted development.

### **Class 20F**

Under the Planning and Development (Exempted Development) (No. 4) Regulations 2022, Class 20F was introduced to assist in meeting Ireland's legal obligation to provide accommodation to international protection applicants. This new Class permitted the change of use of certain specified structures for the purpose of providing the necessary facilities and accommodation for international protection applicants.

*This new Class permits the change of use of the following structures for the purpose of providing the necessary facilities for international protection applicants:*

*“school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.”*

Compliance with Building Regulations, including Fire Safety, still apply. It is submitted that the established use of the property falls within the ‘event and exhibition space’ use above and is therefore exempted development for accommodation of international protection applicants under Class 20F.

#### **Conclusion and Request for Declaration**

The applicant is aware of and will comply with the conditions on the exemption and this request relates to the use of the property only.

It is requested Wicklow County Council declare that the use of the subject building to accommodate persons seeking international protection is exempted development under Class 20F of the Planning and Development (Exempted Development) (No. 4) Regulations 2022.

Should you have any queries please do not hesitate to contact the undersigned.

Yours sincerely,

Paula Shannon



**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**

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**TO: Edel Bermingham  
Senior Executive Planner**

**FROM: Nicola Fleming  
Staff Officer**

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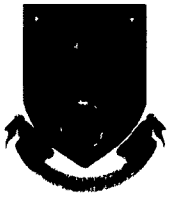
**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX102/2024**

I enclose herewith application for Section 5 Declaration received completed on 20/11/2024.

The due date on this declaration is 17<sup>th</sup> December 2024.

  
\_\_\_\_\_  
**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  
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Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

22<sup>nd</sup> November 2024

**SCA**  
**Planning & Development Consultants**  
**17 A Bridgecourt Office Park**  
**Walkinstown Avenue**  
**Dublin 12**  
**D12 VH61**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX102/2024 for PK Investments Hospitality Limited**

A Chara

I wish to acknowledge receipt on 20/11/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 17/12/2024.

Mise, le meas

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





## Nicola Fleming

---

**From:** BankRec  
**Sent:** Wednesday 20 November 2024 09:50  
**To:** Planning - Admin  
**Cc:** Edwina Cairnduff; Charles Redmond; Jacqueline Sayers; SarahJane Cooke  
**Subject:** New Payment 19/11/2024 €80.00 Section 5 Fee Knockanode House ~ SCA Planning Ltd.

Good morning

The below is on the bank file today 19/11/2024

⊖ SECTION 5 FEEKNOCK SP + €80.00

Payee Name:	WICKLOW COCO
Payee IBAN:	IE78 BOFI 9067 3415 5875 61
Originator Name:	SCA PLANNING LIMITED
Amount:	+ €80.00
Value Date:	19/11/2024
Payment Reference:	SECTION 5 FEE
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	KNOCKANODE HOUSE

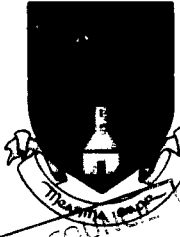
We are going to receipt it to PLG250 Planning Applications unless otherwise instructed

Regards

Ronan

Bank Reconciliation



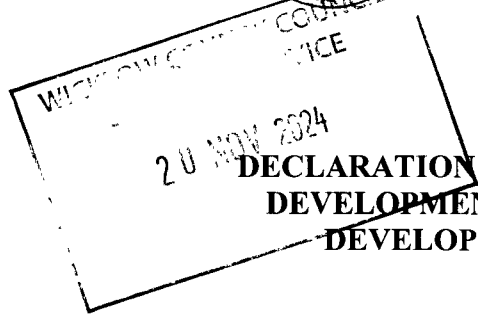


Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

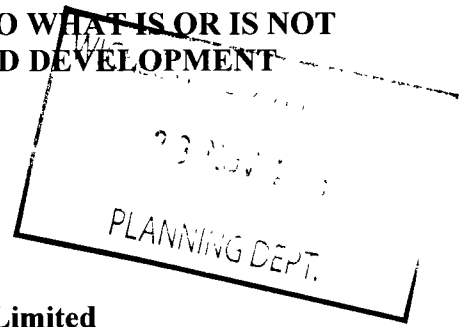
**Office Use Only**

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

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



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



**1. Applicant Details**

(a) Name of applicant: **PK Investments Hospitality Limited**

Address of applicant:

**Rowley Law Solicitors,**  
**56 Main St,**  
**Rathfarnham, Dublin 14**

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

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

(b) Name of Agent (where applicable) **SCA Planning**  
Address of Agent : **17a Bridgecourt Office Park, Walkinstown Avenue, Dublin**  
**12**

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

**3. Declaration Details**

i. Location of Development subject of Declaration **Knockanode House, Rathdrum, Co. Wicklow**

---

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier **Yvonne Dunne LPR Frances More (Deceased) 56 Main Street, Rathfarnham, C/o Rowley Low Solicitors.**

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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

**Whether the use of Knockanode House, Rathdrum, to accommodate persons seeking international protection is or is not development and, if development is it exempted development or not exempted development under Class 20F of the Planning and Development (Exempted Development) (No. 4) Regulations 2022.**

---

*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 **Class 20F of the Planning and Development (Exempted Development) (No. 4) Regulations 2022.**

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---

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*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 \_\_\_\_\_ **Site**  
**Location Map and Planning Cover Letter**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

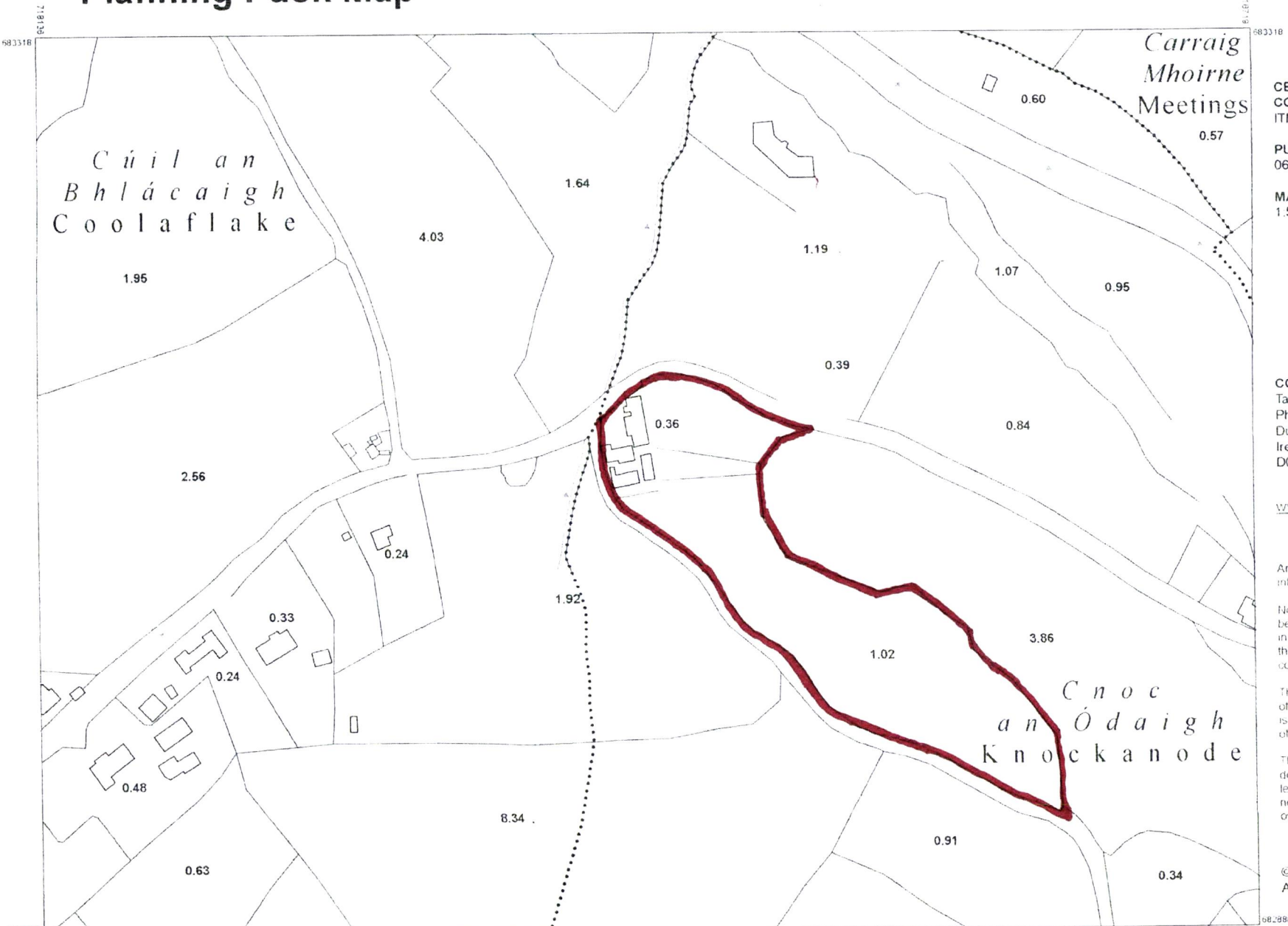
viii. Fee of € 80 Attached ? **Yes, paid by EFT and proof enclosed** \_\_\_\_\_

\_\_\_\_\_

Signed : Paula Shannon Dated : 18/11/2024

# Planning Pack Map

**Tailte Éireann**



**CENTRE COORDINATES:**  
ITM 718428,683103

**PUBLISHED:** 06/06/2024     **ORDER NO.:** 50404978\_1

**MAP SERIES:** 1.5,000     **MAP SHEETS:** 4252

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

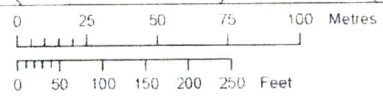
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way

This topographic map does not show legal property boundaries nor does it show ownership of physical features

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All rights reserved.



**OUTPUT SCALE:** 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured  
Output scale is not indicative of data capture scale  
Further information is available at [www.tailte.ie](http://www.tailte.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

