



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](mailto:plandev@wicklowcoco)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

25<sup>th</sup> September 2024

Ian & Patricia Hynes  
Halpin's Town House  
Bachelor's Walk  
Wicklow Town  
A67 E244

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) - EX76/2024

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.

Please note that the Section 5 Declaration does not infer any rights to use the private laneway for traffic.

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





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

Applicant: Ian & Patricia Hynes

Location: Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244

Reference Number: EX76/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1192

Section 5 Declaration as to whether "the change of use of use of this accommodation as a hostel/B&B to accommodation for Protected Persons" at Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244" constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

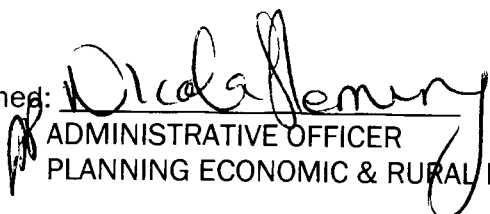
- The details submitted with this Section 5 Application.
- Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- Schedule 2, Part 1, Class 14 (h) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The permitted use of the existing structure onsite is for B&B accommodation use granted as part of a residential development under PRR16/419.
- The proposed use as Accommodation for Protected Persons comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (h) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

The Planning Authority considers that "the change of use of use of this accommodation as a hostel/B&B to accommodation for Protected Persons" at Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244 **is development and is exempted development**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  September 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1192

Reference Number: EX76/2024  
Name of Applicant: Ian & Patricia Hynes  
Nature of Application: Section 5 Declaration request as to whether or not: -  
"the change of use of use of this accommodation as a hostel/B&B  
to accommodation for Protected Persons" is or is not  
development and is or is not exempted development.  
Location of Subject Site: Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244  
Report from Chris Garde, EP and Fergal Keogh, SE

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the change of use of use of this accommodation as a hostel/B&B to accommodation for Protected Persons" at Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244 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 this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 1, Class 14 (h) of the Planning and Development Regulations 2001 (as amended).


Main Reason with respect to Section 5 Declaration:

1. The permitted use of the existing structure onsite is for B&B accommodation use granted as part of a residential development under PRR16/419.
2. The proposed use as Accommodation for Protected Persons comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (h) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

Recommendation:

The Planning Authority considers that "the change of use of use of this accommodation as a hostel/B&B to accommodation for Protected Persons" at Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244 is development and is exempted development as recommended in the report by the SE.

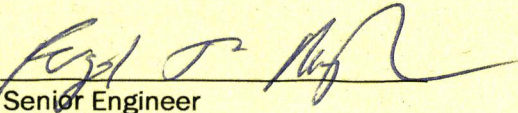
Signed: 

Dated  day of September 2024

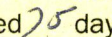
ORDER:

I HEREBY DECLARE:

That "the change of use of use of this accommodation as a hostel/B&B to accommodation for Protected Persons" at Halpin's Town House, Bachelors Walk, Wicklow Town A67 E244 is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer  
Planning, Economic & Rural Development

Dated  day of September 2024

**WICKLOW COUNTY COUNCIL**

**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

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**TO:** Fergal Keogh S.E. / Edel Bermingham S.E.P / Suzanne White S.E.P  
**FROM:** Chris Garde E.P.  
**SUBJECT REF:** EX 76/2024  
**DECISION DUE DATE:** 26/09/2024  
**APPLICANT:** Ian & Patricia Hynes  
**ADDRESS:** Halpin's Town House, Bachelors Walk, Wicklow Town, A67 E244  
**EXEMPTION QUERY:** change of use of this accommodation as a hostel/B&B to International Protection Accommodation.

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**Application Site:**

The subject site is located at 1-3 Bachelor's Walk, Wicklow Town. ~~Existing semi-detached, two storey dwelling on site. The site is located within a large housing development.~~

**Planning History:**

-File No.: 16/419

Applicant: Ian & Patricia Hynes

Application: Permission for proposed change of use of existing tourist hostel to bed & breakfast accommodation & associated works

Decision: Conditional

-File No.: 09/ 623364

Applicant: Ian & Patricia Hynes

Application: Permission for change of use of an existing dwelling house to tourist hostel and associated site works

Decision: Conditional

-File No.: 07/ 623157

Applicant: Ian & Patricia Hynes

Application: Permission for change of use of existing house to office use

Decision: Conditional

-File No.: 97/ 622144

Applicant: Ian & Patricia Hynes

Application: Permission for conversion of Coach House to Studio

Decision: Conditional

**Question:**

The contents of this application for a section 5 declaration are noted. The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

- 1) change of use of this accommodation as a hostel/B&B to International Protection Accommodation.

In support of the request the applicants point out the following:

- The applicants own the subject property.
- The applicants refer to the amendment of Part 1 of Schedule 2 Class 14H, in the application form.

*Question to be amended  
to include definition in  
the regulations of "protected  
1000" instead of "International Protection"*

**Legislative Context**

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

**Section 2(1)** of the Act states the following in respect of the following:

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

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

*“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”*

**Section 3(1)** of the Act states the following in respect of ‘development’:

*“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.”*

**Section 4** sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

**Section 4 (1) (h)** is relevant for the purposes of this declaration:

*“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.”*

**Section 4(2)** makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

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

<i>Schedule 2 Part 1- Exempt Development Classes of Use</i>	
<i>CLASS 6 Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).</i>	
<i>CLASS 14 Development consisting of a change of use— (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,</i>	<i>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</i>

*Limitation  
not applicable  
to class 14(h)*

<p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p>	
<p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>

**Article 6 (1):**

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

**Article 9 (1):**

*Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

*(a) If the carrying out of such development would—*

*(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*

*(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

*(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*

**Article 10: Change of Use;**

*(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.*

**Details Submitted in support of Application:**

The applicants are applying for a Section 5 Declaration in relation to the following;

Change of use of this accommodation as a hostel/B&B to International Protection Accommodation.

**Assessment:**

The B&B is located within the existing Town Centre of Wicklow town. From the site history the permitted B&B is shown to have 6No.Bedrooms, Kitchen, 2No. dining areas and 2No. lounge areas. The change of use displays 7No.Bedrooms, Kitchen, 2No. dining areas and 1No. lounge areas (i.e.

1No. lounge area has been converted to 1No. additional bedroom). It is noted that this is an internal change that would not impact on the existing PRR16/419 and is not considered to be material.

CLASS 14 (h) allows for a change of use from a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons

The proposed change of use comes with the scope and conditions & limitations of Class 14 (h) and there are no provisions of Article 9 that apply in this case.

**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 of this accommodation as a hostel/B&B to ~~International Protection~~ Accommodation at Halpin's Town House, Bachelors Walk, Wicklow Town, A67 E244, constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

**The Planning Authority considers that:**

The change of use of this accommodation as a hostel/B&B to ~~International Protection~~ Accommodation at Halpin's Town House, Bachelors Walk, Wicklow Town, A67 E244, is development and is exempted development.

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

- (a) The details submitted with this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 1, Class 14 (h) of the Planning and Development Regulations 2001 (as amended).

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

- 1. The permitted use of the existing structure onsite is for B&B accommodation use granted as part of a residential development under PRR16/419. *for Protected Persons*
- 2. The proposed use as ~~International Protection~~ Accommodation comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (h) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

*Chris Garde*

Chris Garde  
Executive Planner  
Date: 17/09/2024

*Agreed as modified  
23/09/24  
for Protected Persons*

*Issue declaration  
25/09/24*



**Comhairle Contae Chill Mhantáin  
Wicklow County Council**

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Chris Garde  
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).  
EX76/2024 for Ian & Patricia Hynes**

I enclose herewith application for Section 5 Declaration received completed on 30/08/2024.

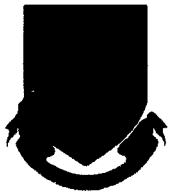
The due date on this declaration is 26<sup>th</sup> September 2024.

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







**COMHAIRLE CONTAE CHILL MhANTÁIN**  
**Wicklow County Council**

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3<sup>rd</sup> September 2024

**Ian & Patricia Hynes**  
**Halpin's Townhouse**  
**Bachelor's Walk**  
**Wicklow Town**  
**A67 E244**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX76/2024**

A Chara

I wish to acknowledge receipt on 30/08/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 26/09/2024

Mise, le meas

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



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

30/08/2024 15 35 20

Receipt No L1/0/333969  
\*\*\*\*\* REPRINT \*\*\*\*\*

IAN & PATRICIA HYNES  
HALPINS TOWN HOUSE  
BACHELORS WALK  
WICKLOW TOWN  
A67 E244

EXEMPTION CERTIFICATES	80 00
GOODS	80.00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Credit Card 80 00

Change 0 00

Issued By Annmarie Ryan  
From Customer Service Hub  
Vat reg No 0015233H



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

**Office Use Only**

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

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

**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: HN and PATRICIA HYNES  
Address of applicant: HALPIN'S TOWN HOUSE  
BACHELOR'S WALK, WICKLOW TOWN A67E244

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

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

(b) Name of Agent (where applicable) \_\_\_\_\_  
Address of Agent : \_\_\_\_\_  
\_\_\_\_\_

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

WICKLOW COUNTY COUNCIL  
30 JUL 2021  
PLANNING & DEVELOPMENT

**3. Declaration Details**

i. Location of Development subject of Declaration HALPIN'S TOWN HOUSE  
BACHELORS WALK, WICKLOW TOWN, CO. WICKLOW  
A67E244

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

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, 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 \_\_\_\_\_  
THIS APPLICATION IS TO CHANGE the USE of this  
accommodation as a hostel/B&B to  
International Protection Accommodation.

\_\_\_\_\_  
*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 \_\_\_\_\_  
S.I. No 582/2015 - PLANNING AND DEVELOPMENT  
(AMENDMENT) (No.4) REGULATIONS 2015  
AMENDMENT OF PART 1 OF SCHEDULE 2 CLASS 14 H

\_\_\_\_\_  
*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

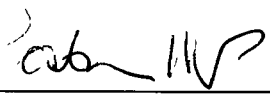
vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_

1. GROUND FLOOR LAYOUT

2. FIRST FLOOR LAYOUT

3. Satellite Image

viii. Fee of € 80 Attached ? \_\_\_\_\_

Signed :  Dated : 30<sup>th</sup> August 2024  
John Murphy

**Additional Notes :**

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

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

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

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the

European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

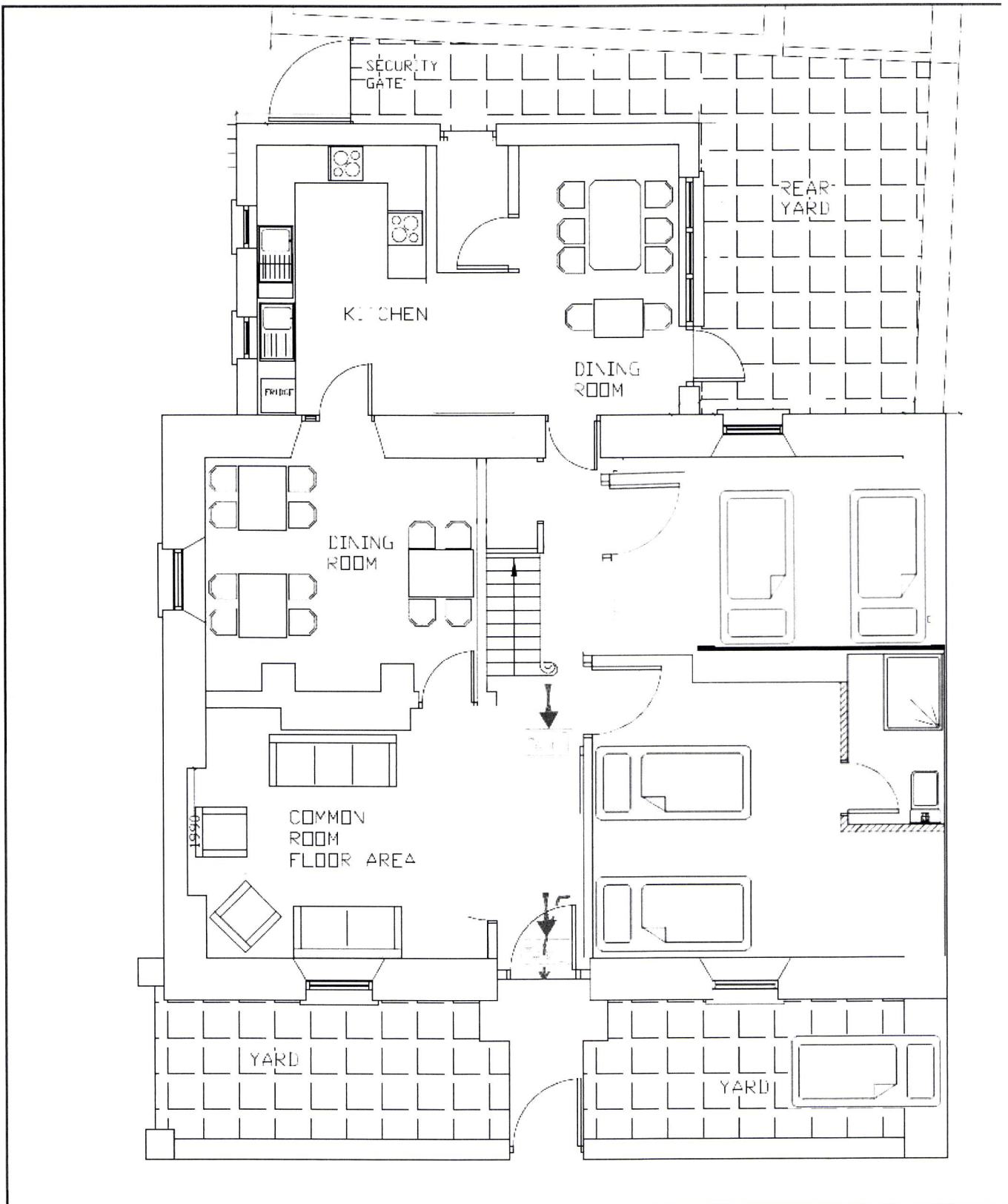
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



# ZONE 1

## GROUND FLOOR





# ZONE 2

## FIRST FLOOR

