



# 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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Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

31<sup>st</sup> October 2024

Sarah & Anthony Cahill

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX86/2024**

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.

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: Sarah & Anthony Cahill

Location: Shillelagh, Ballynultagh, Co. Wicklow

Reference Number: EX86/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1304

Section 5 Declaration as to whether “the restoration of an existing derelict dwelling to its original state” at Shillelagh, Ballynultagh, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

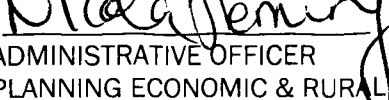
### Having regard to:


- i. The details submitted on 07/10/2024;
- ii. The site inspection
- iii. PRR17/1260
- iv. An Bord Pleanála referrals ABP-308807-20, RL.3352, and RL.3395
- v. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended), and associated Regulations

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

- a) The restoration works to the existing structure to facilitate the residential use of the now derelict structure would constitute “works” and are therefore “development” having regard to the definition under Section 3(1) of the Planning and Development Act 2000 (as amended)
- b) The scale of the works and alterations to reconstruct and restore the existing structure onsite would not come within the scope of section 4(1) (h) of the Act, being works which would materially affect the external appearance of the structure.
- c) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would constitute a change of use that is material, and would, therefore, constitute development.
- d) There are no exemptions within the Planning and Development Regulations, 2001 (as amended), for the works .

The Planning Authority considers that “the restoration of an existing derelict dwelling to its original state” at Shillelagh, Ballynultagh, 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  October 2024



WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5  
CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1304

Reference Number: EX86/2024

Name of Applicant: Sarah & Anthony Cahill

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the restoration of an existing derelict dwelling to its original state" is or is not development and is or is not exempted development.

Location of Subject Site: Shillelagh, Ballynultagh, Co. Wicklow

Report from Dara Keane, AP & ~~Suzanne White~~, SEP *Edel Bermingham*

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the restoration of an existing derelict dwelling to its original state" at **Shillelagh, Ballynultagh, Co. Wicklow** is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

- i. The details submitted on 07/10/2024;
- ii. The site inspection
- iii. PRR17/1260
- iv. An Bord Pleanála referrals ABP-308807-20, RL.3352, and RL.3395
- v. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended), and associated Regulations

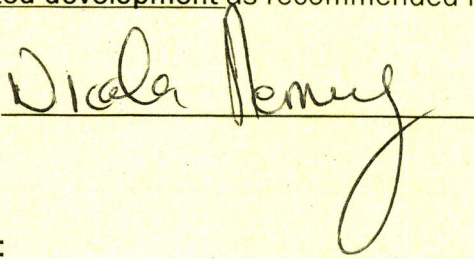
**Main Reason with respect to Section 5 Declaration:**

- a) The restoration works to the existing structure to facilitate the residential use of the now derelict structure would constitute "works" and are therefore "development" having regard to the definition under Section 3(1) of the Planning and Development Act 2000 (as amended)
- b) The scale of the works and alterations to reconstruct and restore the existing structure onsite would not come within the scope of section 4(1) (h) of the Act, being works which would materially affect the external appearance of the structure.
- c) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would constitute a change of use that is material, and would, therefore, constitute development.
- d) There are no exemptions within the Planning and Development Regulations, 2001 (as amended), for the works.

**Recommendation:**

The Planning Authority considers that “the restoration of an existing derelict dwelling to its original state” at Shillelagh, Ballynultagh, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed

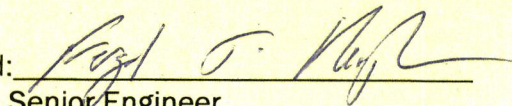


Dated 29<sup>th</sup> day of October 2024

**ORDER:**

I HEREBY DECLARE THAT: “the restoration of an existing derelict dwelling to its original state” at Shillelagh, Ballynultagh, 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 30<sup>th</sup> day of October 2024



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**To:** Fergal Keogh S.E / Edel Bermingham S.E.P / Suzanne White S.E.P  
**From:** Dara Keane A.P.  
**Type:** Section 5 Application  
**REF:** EX 86/2024  
**Applicant:** Sarah & Anthony Cahill  
**Date of Application:** 07/10/2024  
**Decision Due Date:** 03/11/2024  
**Address:** Shillelagh, Ballynultagh  
**Exemption Query:** Restore existing dwelling

**Application Site:** The application site is a derelict dwelling located within the rural townland of Ballynultagh, Co. Wicklow. The proposed dwelling is access via an existing private laneway from the L-7245-0 Local road. The proposed site is overgrown and includes the remains of a derelict dwelling.

**Aerial Image**



## Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be reworded as follows:

'The restoration of an existing derelict dwelling to its original state

at Shillelagh, Ballynultagh, Co. Wicklow'

### Relevant Planning History:

**PRR17/1260 (Doyle)** - Permission for the demolish existing derelict dwelling and erect a replacement dwelling house with services, domestic garage and all associated site works

### Question:

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

'The restoration of an existing derelict dwelling at Shillelagh, Ballynultagh, Co. Wicklow'

is or is not development and is or is not exempted development:

### Legislative Context

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

#### Section 2(1) - Interpretation

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;

• “house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

• “structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate “use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

• "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 in, on, over or under land, or the making of any material change in the use of any land or structures situated on 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)**

*"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)**

**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 permission under Act or be inconsistent with any use specified in 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,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

**Other**

*Part XIII of the Planning and Development Act 2001 (as amended) refers to 'Amenities'.*

*Section 202 — (1) Where, in the opinion of the planning authority, by reason of—*

*(a) its outstanding natural beauty, or*

*(b) its special recreational value,*

*and having regard to any benefits for nature conservation, an area should be declared under this section to be an area of special amenity, it may, by resolution, make an order to do so and the order may state the objective of the planning authority in relation to the preservation or enhancement of the character or special features of the area, including objectives for the prevention or limitation of development in the area.*

### **Details submitted in support of the application**

Proposed site area: 0.36 Ha

Existing Dwelling GFA: 77.75sqm

Proposed works include restoration of existing derelict dwelling onsite to original state.

### **Relevant Case Law**

#### **Dublin County Council v. Tallaght Block Co. Ltd.**

This case determined that a use of land can be abandoned and that a change of use will occur when an abandoned use is recommenced. Hederman J in the Supreme Court stated: "Where a previous use of land has been not merely suspended for a temporary period and determined period, but has ceased for a considerable time, with no evidenced intention of resuming it at any particular time, the tribunal of fact was entitled to find that the previous use had been abandoned, so that the resumption constituted a material change of use."

#### **Cork County Council v. Ardfert Quarries Ltd.**

In this case a site had been used as an animal food processing plant from 1953 – 1966, it had been vacant from 1966 to 1970 and it had been used to manufacture and store tyres from 1970 to 1974. The High Court held that the use of the premises as a general industrial building from 1953-1956 had been abandoned by its none use from 1966-1970. Murphy J stated: "Having regard to the elapse of time and the absence of any satisfactory explanation therefore, I must conclude that the use as of the operative date was subsequently abandoned."

#### **Meath County Council v. Daly.**

The High Court held that the resumption of the use of premises which had been used for car repairs and petrol sales pre 1964, after that use had been abandoned since 1964 from time to time by the user of the premises for other purposes, and particularly by its user from 1969 for some years by a double glazing company, was a material change of use.

### **An Bord Pleanála Referrals**

#### **ABP-308807-20**

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the restoration of the previously permitted pre 1963 dwelling to its previous condition at Somerton Lane/Lower Lucan Road, Strawberry Beds, Dublin 15 is development and is not exempted development.

#### **ABP-306083-19**

An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that an extension to the existing vernacular stone cottage at Townleyhall, Drogheda, Co. Louth the constitutes development which is not exempted development.



## **RL.3352**

The Question arose as to whether works carried to a derelict single storey farmhouse for habitable use at Carrigmartin, Ballyneety, County Limerick are or are not development or are or are not exempted development. The Board noted the scale and nature of the works to be carried out and concluded that they did not come within the scope of section 4(1) (h) of the Planning and Development Act, 2000, as amended and are not otherwise within the exempted development legislation. Also, that there is no evidence on file of any residential use of this derelict building in over 20 years, or any evidence of an intent to resume such use over that time, the Board was satisfied that the residential use was abandoned, and that resumption of a habitable use of the subject building would now constitute a change of use that is material, having regard to the potential consequences in planning terms.. The Board decided that the works carried out on a derelict single storey farmhouse for habitable use are development and are not exempted development.

## **RL.3395**

A Question arose as to whether the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo is or is not development or is or is not exempted development. The Board's conclusion included that the works would not come within the scope of Section 4(1) (h) of the Act, as they were not works for the maintenance, improvement or other alteration of the original structure, but rather for the effective replacement of that structure. In addition, that there was no evidence on file of any residential use of this derelict building in over 30 years, and that the Board was satisfied that the use had been abandoned, and the resumption of a habitable use of the subject building would now constitute a change of use that is material having regard to the potential for consequences in planning terms. The Board decided that the reconstruction/renovation and extension of a derelict cottage/shed on the subject site is development and is not exempted development.

## **Assessment:**

The section 5 declaration application includes the restoration of an existing derelict dwelling to its original state at Shillelagh, Ballynultagh, Co. Wicklow'.

A site inspection carried out on the 22nd October 2024 as seen from the attached photos found that the remains of a once existing dwelling were present onsite which had very few physically identifiable features remaining with only a small number of walls and front porch section present as the previously existing dwelling structure (as stated) was in a very poor and derelict state without any of its roof covering, window frames, roof joists, tiles, chimney, window panes and doors. Furthermore, from a review of the planning history, it has also been noted that only 1 no. planning application has been submitted in the past 25 years under which the demolition of the existing structure onsite was permitted.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, 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

It should be noted that Section 2 of the Act defines works as:

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

I am satisfied that the proposals would involve works given that restoration of the structure on site would require works of construction, and therefore the proposal does constitute development having regard to the definition set out in Section 3 of the Planning and Development Act 2000 (as amended)

The second stage of the assessment is to determine whether or not the proposed works would be exempted.

Having regard to the definition of ‘structure’ under Section 2 of the Act, I consider that the existing development on the site constitutes a structure.

However, having regard to the information submitted as part of this section 5 query, the available planning history of the site, a review of old satellite photos, the site visit conducted and given that it is clear that this structure has not be used for a significant period, it is considered that the existing structure onsite has been derelict for some time and therefore it is considered that where any residential use previously existed on the proposed site, it has now been long abandoned. In particular references RL.3352, RL.3395 and ABP-308807-20 all indicated the reconstruction/renovation or extension of derelict buildings was not exempted development where their original use had been abandoned.

Furthermore, Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) details the following exemption:

“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.”

Having regard to Section 4(1) (h) of the Act as the proposal is to return the structure to its original appearance, I would also consider that the extent of the works to be undertaken to enable the restoration of the original structure on this site are such that they do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended as they would materially affect the external appearance of the structure.

There are no exemptions under the Planning and Development Regulations 2001 (as amended) for such works. It is

Therefore, it is considered that the restoration of the existing structure on site, 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 restoration of an existing derelict dwelling to its original state

at Shillelagh, Ballynultagh, Co. Wicklow' is or is not development and is or is not exempted development:

The Planning Authority considers that:

'The restoration of an existing derelict dwelling to its original state at Shillelagh, Ballynultagh, Co. Wicklow' **is development but is NOT exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 07/10/2024;
- ii. The site inspection
- iii. PRR17/1260
- iv. An Bord Pleanala referrals ABP-308807-20, RL.3352, and RL.3395
- v. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended), and associated Regulations

Main Reasons with respect to Section 5 Declaration:

- a) The restoration works to the existing structure to facilitate the residential use of the now derelict structure would constitute "works" and are therefore "development" having regard to the definition under Section 3(1) of the Planning and Development Act 2000 (as amended)
- b) The scale of the works and alterations to reconstruct and restore the existing structure onsite would not come within the scope of section 4(1) (h) of the Act, being works which would materially affect the external appearance of the structure.
- c) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would constitute a change of use that is material, and would, therefore, constitute development.
- d) There are no exemptions within the Planning and Development Regulations, 2001 (as amended), for the works .

*Dara Keane*

Dara Keane  
Assistant Planner  
Date: 25/10/2024

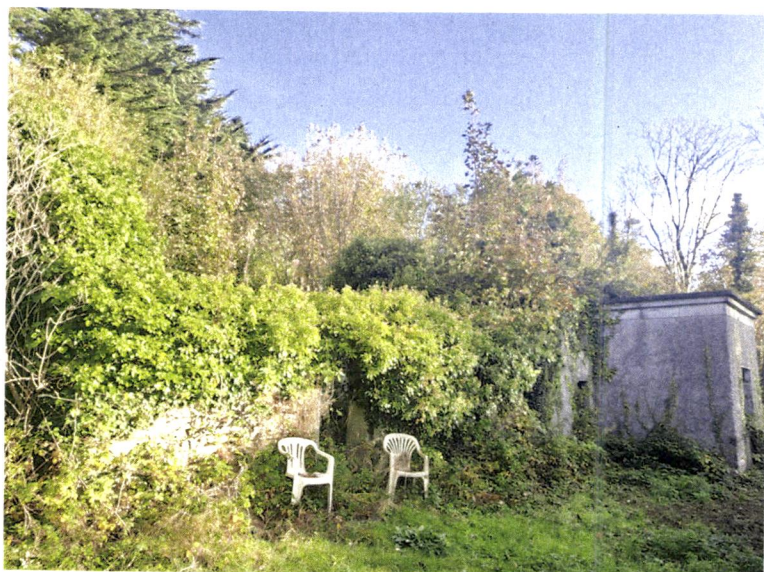
*Seán Cunningham*

Agreed 25/10/2024

*Issue declaration  
as recommended  
Fogal T. M. J. J.  
30/10/24*

Photos





# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Dara Keane**  
**Assistant 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).  
EX86/2024**

I enclose herewith application for Section 5 Declaration received 7<sup>th</sup> October 2024.

The due date on this declaration is 3<sup>rd</sup> November 2024.



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**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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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

8<sup>th</sup> October 2024

Sarah & Anthony Cahill

RE: **Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX86/2024 – Shillelagh, Ballynultagh, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 07/10/2024 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 03/11/2024.

Mise, le meas

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**NICOLA FLEMING**  
**STAFF OFFICER**  
**PLANNING ECONOMIC & RURAL DEVELOPMENT**





**Jason Walsh**  
**Architectural and Engineering Services**

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E [gjl.services@gmail.com](mailto:gjl.services@gmail.com)

## **Building/Site Inspection**



Site At,  
Ballynultagh, Shillelagh,  
Co. Wicklow.

For

**Sarah & Anthony**





## Jason Walsh

### Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E gjl.services@gmail.com

#### Introduction:

I have carried out a building/site inspection on the above named site location. This report is for the private and confidential use of Sarah & Anthony for whom the report is undertaken and should not be reproduced in whole or part of without the express written authority of Jason Walsh.

#### Date of Inspection:

The property was inspected by Jason Walsh on the 28<sup>th</sup> day of September 2024.

#### Weather:

The weather at the time of inspection was a mild and dry day.

#### Limitations of Inspection:

At the time of the inspection the building/structure was covered in by overgrown vegetation. The structure on site was accessible in places and was visual in places.

#### Images:

Photograph images were taken on the day of inspection. See appendix B.

#### Planning History:

I have conducted a planning search with Wicklow County Council and a development was granted planning permission under Ref: 17/1260 which was never developed.

#### Description:

##### Type:

On the land it is noted that a derelict dwelling structure is in existence but is covered in overgrown vegetation.

##### Accommodation:

(The accommodation is briefly as follows)

unkown



## Jason Walsh

### Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E gjl.services@gmail.com

#### Location:

This site is located in Ballynultagh, near the village of Shillelagh. It is located c.10 km south of Aughrim, c. 20 km from Arklow town and the M11, c. 20 km from Gorey and c. 80 km south of Dublin. Shillelagh is a quaint, quirky and scenic village in south Co. Wicklow along the Wicklow Way and is noted for its stone built cottages with the Derry River flowing through the village. It offers many amenities such as primary schools, churches, restaurants and pubs.

#### Land and Boundaries

The land and boundaries are defined by tree lines. Access to the site is by private road.

#### Foundations:

The foundations on visual inspection of the main walls to the structure seem to be in a stable condition as there are no signs of subsidence of the main walls.

#### Main Walls:

The main walls are a mixture of textures. Some are of natural stone construction, some on visual inspection are of shuttered concrete with internal sand and cement render with external dash render on parts of the structure. The walls are at different heights but it is noted that gable walls are still at peak level.

#### Roof:

The main roof to the structure has been removed or has rotten over time. The only roof still in existence is a precast concrete slab roof.

#### Compliance with Legislation

Consideration has **not** been given to any issues concerning compliance with legislation.

#### Flooding Risk:

No detailed investigation was carried out of the potential risk of flooding of the property.

#### Radon Risk:

Levels of radon inside the building have not been measured.

#### Electromagnetic Fields:

During the inspection there were visual indications that electrical power cables are located over the property.



Jason Walsh

Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

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**Microwave Exposure:**

The inspection did not note the presence of any mobile telecommunications apparatus affixed to the property.

**Conclusion:**

**Structural Movements:**

The dwelling/structure on visual inspection has shown no signs of movement.

**Risk of Future Movement:**

The risk of any future movement is considered low due to the year of construction.

**Overall Assessment:**

The dwelling structure has shown no signs of any structural movement due to poor foundations but has shown movement to walls due to the overgrown vegetation. In my professional opinion the movement caused to the structure above ground level is due to the overgrown vegetation and the year the dwelling structure became derelict with no maintenance to the dwelling or lands.

In my professional opinion to reconstruct/repair the existing dwelling/structure would be exempt from planning.

*Jason Walsh*  
Jason Walsh

Dated: 01.10.2024.



**Jason Walsh**  
**Architectural and Engineering Services**

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E [gjl.services@gmail.com](mailto:gjl.services@gmail.com)

**Appendix A**  
**Limitations Applying to this Professional Service**



Jason Walsh

Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E gjl.services@gmail.com

### **Concealed Parts**

If evidence to suggest that concealed parts of the structure may be defective, you will be advised accordingly and recommendations made for further investigation. Opening up of concealed parts of the structure or fabric of the building for inspection is excluded from the services provided in this report.

### **Deleterious and Hazardous Materials**

You will be advised if we consider that there exists a significant possibility that deleterious or hazardous materials exist at the property. Unless otherwise instructed, we will not undertake or commission inspections or laboratory test to confirm the extent of any such materials.

### **Services Installations**

The report on the services installations is based on a cursory inspection only to provide a general description. The installations will not be tested. Unless otherwise instructed we will not commission the inspection or testing of the installations by specialist consultants. If visual evidence suggests that there may be significant problems with any of the installations you will be advised accordingly and recommendations made for further investigation.

### **Building Occupancy**

The subject property of this report was unoccupied and therefore access to all areas was possible.

### **Land Contamination**

No formal enquiries or investigations were carried out into the possible contamination of the site or neighboring land. If evidence of such contamination is noted during the inspection you will be notified.

### **Compliance with Legislation**

Compliance with legislation such as Building Regulations, Planning Regulations, Workplace Regulations, Fire Regulations etc. involve a more detailed study and the preparation of a separate risk analysis and is beyond the scope of this report.

### **Liability and Confidentiality**

This inspection report may be relied upon by Sarah & Anthony only, to whom we owe a duty of care. The report may not be passed for information or for any other purpose to any third party without our prior written consent, which consent will not be unreasonably withheld or delayed. Such consent shall not entitle a third party to place any reliance on the report and shall not confer on any third party any benefit or right.



Jason Walsh  
Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

T 0858070432

E [gjl.services@gmail.com](mailto:gjl.services@gmail.com)

**Appendix B**  
**Photograph images**



**Jason Walsh**  
**Architectural and Engineering Services**

12 Ard Mor Crescent, Tallaght, Dublin 24

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**Inspection:** Existing entrance to the site.

**Inspection:** Overgrown vegetation.



**Inspection:** Existing external wall.



**Jason Walsh**  
**Architectural and Engineering Services**

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**Inspection:** Overgrown vegetation which is causing movement of the existing walls.



**Inspection:** Internal walls and floor slab.

**Inspection:** Internal wall showing signs of excess moisture penetrating the walls.







Jason Walsh

Architectural and Engineering Services

12 Ard Mor Crescent, Tallaght, Dublin 24

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**Inspection:** Internal wall showing overgrown vegetation is causing the walls to crack.

**Inspection:** Internal wall showing overgrown vegetation.



**Inspection:** Existing stone

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

07/10/2024 11 56 34

Receipt No L1/0/335505  
\*\*\*\*\* REPRINT \*\*\*\*\*

SARAH CAHILL  
126 CASHEL AVE  
CRUMLIN  
DUBLIN 12

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Cash 80 00

Change 0 00

Issued By Cindy Driver  
From Customer Service Hub  
Val reg No 0015233H



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

Office Use Only

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

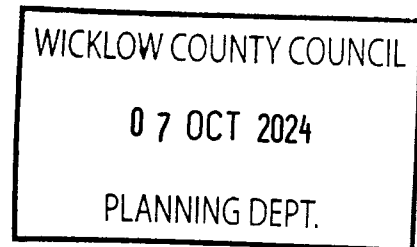
APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

**1. Applicant Details**

(a) Name \_\_\_\_\_ of \_\_\_\_\_ applicant  
Sarah & Anthony Cahill  
Address of applicant \_\_\_\_\_

Crumlin Dublin 12. D12E2T9.

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



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

(b) Name of Agent (where applicable)  
Quinn Property  
Address of Agent :  
26 main street Gorey co. Wexford.

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

**3. Declaration Details**

i Location of Development subject of Declaration

L7245 Shillelagh Ballynultagh  
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

Dermot Scully L7245  
Shillelagh Ballynultagh Co. Wicklow

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

*Additional details may be submitted by way of separate submission.*

Restore Existing Dwelling.

v Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

*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.  
Floor area Plan,  
Site layout Plan,  
Site Survey.

viii Fee of € 80 Attached ?

Site location map,

L7245 Shillelagh Ballynultagh,

CO. Wicklow.

Gaeilge



BALLYNULTAGH

XY	
Scale	1 : 10K
Townland	Ballynultagh
Barony	Shillelagh
County	Wicklow

Shillelagh

Property Details

> Back

<b>Folio Number</b>	WW272F
<b>Title Level</b>	Freehold
<b>Plan Number</b>	40
<b>Property Number</b>	1
<b>Area of selected plans</b>	0.36 hectares.
<b>Number of Plans on this folio:</b>	1
<b>Address</b>	Not Available

[Add to Basket](#) [Create Alert](#)

\*Title, Easement, Registration, Boundaries and Plan Area **are not conclusive**. See [Section 6\(2\) of Registration of Title Act, 2006](#), and [Rule 8\(3\) of the Land Registration Rules, 2012](#).

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Gaeilge



BALLYTRILLYM

XY  
Scale 1 : 2500  
Townland Ballynultagh  
Barony Shillelagh  
County Wicklow



Property Details

> Back

<b>Folio Number</b>	WW272F
<b>Title Level</b>	Freehold
<b>Plan Number</b>	40
<b>Property Number</b>	1
<b>Area of selected plans</b>	0.36 hectares.
<b>Number of Plans on this folio:</b>	1
<b>Address</b>	Not Available

[Add to Basket](#) [Create Alert](#)

\*Taithe Éireann: Registration Boundaries and Plan Area are not conclusive. See [Section 6\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

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Freehold Boundaries

Find address or place

Freehold ID Number: 1292637

3,646m<sup>2</sup>







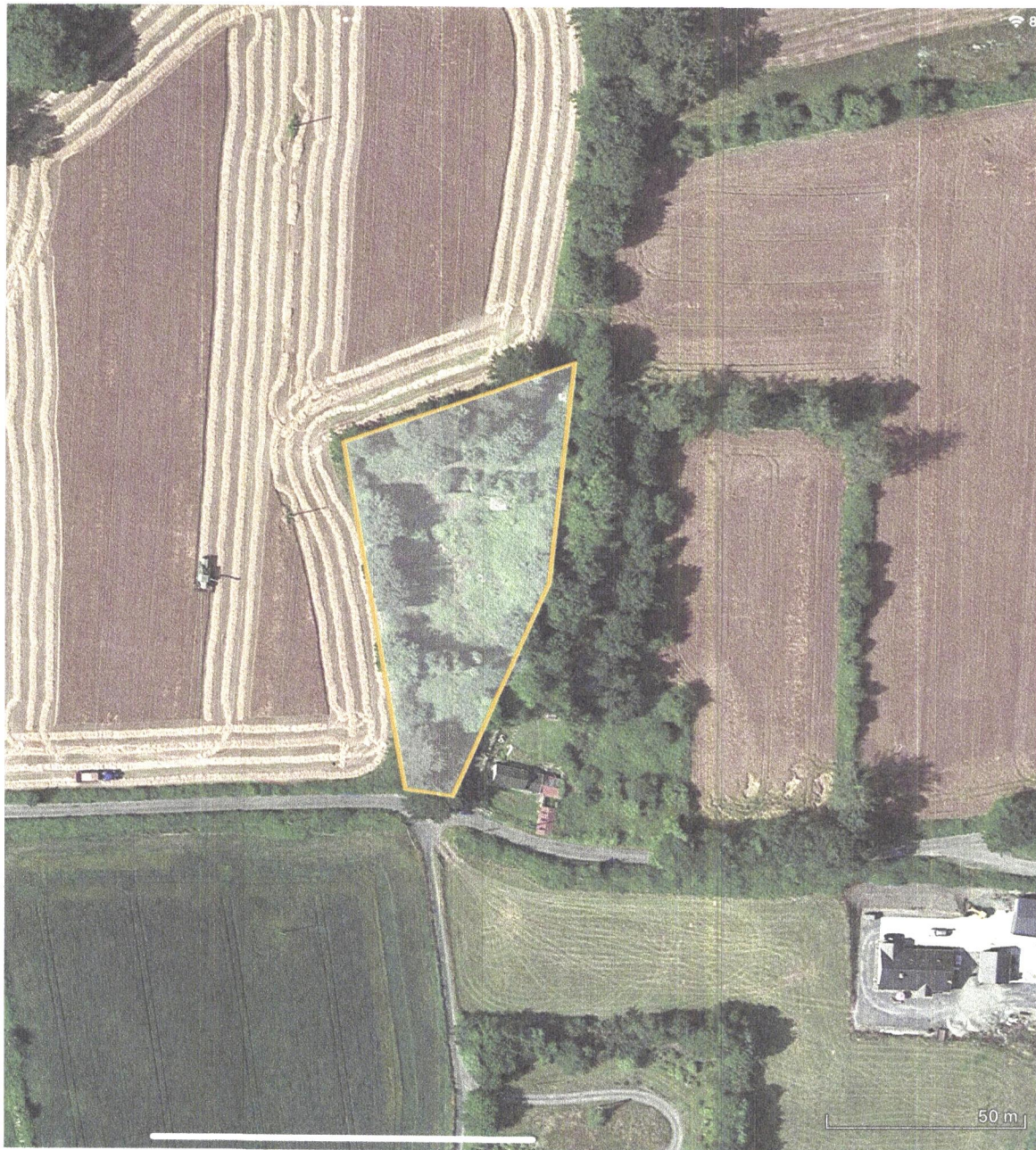
① Floor Area.

Floor area of existing Dwelling,  
approximately 77.75 m<sup>2</sup>.



②

Existing site Boundaries 0.88 acres.



# Site Layout Plan,

Distance of Dwelling to Boundaries,

- N: 22 M
- S: 74.5 M
- E: 12 M
- W: 22 M

