



An
Bord
Pleanála

Board Direction
ABP-305698-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/01/2020.

The Board decided, as set out in the following Order, that the erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units, is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether to erect a concrete block wall in the centre of a building to divide into two smaller units is or is not development and or is or is not exempted development

AND WHEREAS Noel Hanlon requested a declaration on this question from Fingal County Council on 27th day of May 2019 and the Council issued a declaration on the 26th day of September 2019, stating that the matter was not exempted development:

WHEREAS Noel Hanlon referred this declaration for review to An Bord Pleanála on the 18th day of October 2019:

WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) The planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) internal works comprising the erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units would constitute “works” that are “development”,
- (b) the works necessary to subdivide the units come within the scope of Section 4(1)(h), and are, therefore, exempted development,

THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units is development and is exempted development.

Board Member:

Date: 31/01/2020

Michelle Fagan