



An  
Bord  
Pleanála

**Board Direction**  
**ABP-312165-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/06/2023.

The Board decided, as set out in the following Order, that the question arising as to whether the request to regularise planning anomalies and to correct the flaw, both in procedure and interpretation, is development and is not exempted development

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the request to regularise planning anomalies and to correct the flaw, both in procedure and interpretation, is or is not development or is or is not exempted development:

**AND WHEREAS** David Murphy requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 30<sup>th</sup> day of November 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** David Murphy referred this declaration for review to An Bord Pleanála on the 10<sup>th</sup> day of December 2021:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to:

(a) Section 2 and 3 of the Planning and Development Act, 2000, as amended,

- (b) Section 4(1) and 4 (4) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the nature and extent of the works carried out,
- (f) the planning history of the site, in particular ABP 300822-18,
- (g) the pattern of development in the area.

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The works carried out to the exterior of the holiday chalet are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building.
- (b) The works carried out to the interior of the holiday chalet are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building.
- (c) The additional works to the holiday chalet including an extension, garage, greenhouse, boiler house and temporary accommodation for persons carrying out the works to the structure are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the internal and external alterations and proposed permanent and

temporary structures to the side and rear of the existing holiday chalet is development and is not exempted development.

Board Member: Una Crosse Date: 12/06/2023  
Una Crosse

