



An
Bord
Pleanála

Board Direction
BD-015870-24
ABP-319171-24

The submissions on this file were considered at a Board meeting held on 20/03/2024.

The Board decided to refuse leave to appeal based on the reasons and considerations set out below.

Reasons and Considerations

Under section 37(6) of the Planning and Development Act, as amended, the Board may, within 4 weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows that:

- i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject, and
- ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

In considering the request for leave to appeal, the Board had regard to the conditions attached to the grant of planning permission by the planning authority and the documentation submitted by the applicant seeking leave to appeal. The Board considered that it has not been shown that the development in respect of which a decision to grant permission has been made, will differ materially from the

development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject.

The Board considered the matters raised by the applicant seeking leave to appeal relate to issues of land ownership where works are required to achieve visibility splays and enforcement issues relating to unauthorised works, both of which do not arise do not arise on foot of the conditions imposed by the planning authority. As such, the Board considered they do not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act, as amended, above. On this basis, the Board decided to refuse the appeal.

Board Member:


Martina Hennessy

Date: 21/03/2024