

An
Coimisiún
Pleanála

Direction
ABP-320476-24

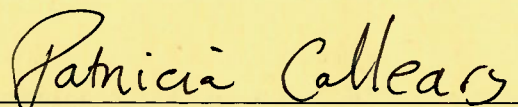
The submissions on this file and the Inspector's report were considered at a meeting held on 23/10/2025.

The Commission decided, as set out in the following Order as set out below:

Planning

Commissioner:

Date: 29/10/2025


Patricia Calleary

DRAFT WORDING FOR ORDER

WHEREAS a question has arisen as to whether the line marking of on-street parking spaces within a privately managed housing estate road where car parking is otherwise permitted by law (there are no single or double yellow lines) at Cairnbrook Estate, Glenamuck Road, Carrickmines, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Cairnbrook OMC CLG c/o Indigo Real Estate Management care of BPS Planning and Development Consultants of PO Box 13658, Dublin 14 requested a declaration on the said question from Dún Laoghaire-Rathdown County Council,

and the said Council issued a declaration on the 11th day of July 2024 stating that the said matter is development and is not exempted development:

AND WHEREAS Cairnbrook OMC CLG c/o Indigo Real Estate Management referred the declaration for review to An Coimisiún Pleanála on the 6th day of August 2024:

AND WHEREAS An Coimisiún Pleanála reframed the question to reflect the evidence on file to read as follows: Whether the act of painting or marking of individual parking spaces on the road within a privately managed housing estate at Cairnbrook Estate, Glenamuck Road, Carrickmines, Dublin is or is not development or is or is not exempted development:

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

- (a) Section 2, 3 and Section 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (c) the planning history of the site, in particular An Bord Pleanála reference PL.06D 128136, including conditions 13 and 17 of that permission.

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The act of line marking of on-street parking spaces within a privately managed housing estate road constitutes a change of use from an estate road to parking, which is a material change of use and which is development under Section 3 of the Planning and Development Act 2000, as amended.

- (b) There is no evidence furnished that demonstrates that parking on the road was authorised, taking account of the planning history, including An Bord Pleanála reference PL 06D.128136 and conditions 13 and 17 of that permission.
- (c) The development comprising the material change of use of the estate road does not fall within any class of exempted development set out in Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended and therefore does not benefit from any exemptions under Article 6 of these regulations.
- (d) No provision of the Planning and Development Act 2000, as amended, affords the development an exemption.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the act of painting or marking of individual parking spaces on the road within a privately managed housing estate at Cairnbrook Estate, Glenamuck Road, Carrickmines, Dublin is development and is not exempted development.