

An
Coimisiún
Pleanála

Direction
CD-021448-25
ABP-320572-24

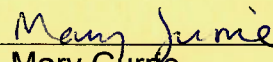
The submissions on this file and the Inspector's report were considered at a meeting held on 01/12/2025.

The Commission decided to refuse permission for the following reasons and considerations.

Planning

Commissioner:

Date: 04/12/2025



Mary Gurne

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the entirety of the information on file the Commission was not satisfied that the applicant had satisfactorily demonstrated a sufficient legal estate or interest in the entirety of the site, or has the approval of the person who has such legal estate or interest in the site, to make a planning application and decided therefore that permission should be refused on this basis.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission noted that ownership of part of the site, namely Folio KY16185 is

disputed and that such disputes are not a matter for the Commission to resolve. However, in the circumstances of this case, and having regard to the information submitted by the third parties, and in particular the submission of Mr Cornelius O'Shea in relation to his claim to ownership of the disputed part of the site, the Commission considered that the applicant had not provided sufficiently robust evidence in either the application, or by way of a response to the submissions made on appeal, to demonstrate the applicant's legal interest in the land or to counter the doubt raised by the third parties.