

An
Bord
Pleanála

Board Direction
BD-018707-25
ABP-321504-24

The submissions on this file were considered at a Board meeting held on 20/01/2025.

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

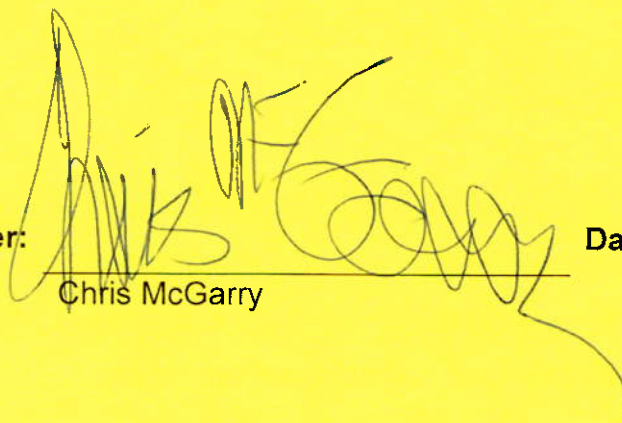
Reasons and Considerations

It is 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.

In reaching this decision, the Board considered the totality of the documentation on file. With respect to the development in respect of which a decision to grant planning permission has been made, this does not differ materially from that as set out in the original application. The Board also noted that the further information submitted to the planning authority did not introduce any element of the development which differed materially from that originally submitted. Specifically, by reference to the expressed concerns of the applicant for leave, the original development included a proposed pedestrian gate along the north eastern boundary. The further information did not materially differ, save that the proposed gate opening was reduced slightly in width.

Furthermore, the Board considered the arguments as presented by the applicant for leave and determined that on the issue of the gate, the applicant for leave's principal concern is the fact that it adjoins lands stated by him to be in his ownership. This reasonable expressed concern was noted by the Board but considered not to be relevant to the provisions of Section 37(6) of the Planning and Development Act 2000, as amended. (It may be relevant to the provisions of Section 34(13) of the Act, but any such scenario is not a material consideration under the current application for leave). In addition, the comments of the applicant for leave related to the accuracy, or otherwise, of the description of the development – retention and/or proposed development – while noted, are not relevant to the provisions of Section 37(6) of the Act.

Board Member:

A handwritten signature in black ink, appearing to read 'Chris McGarry', written over a horizontal line.

Date: 21/01/2025

Chris McGarry