



An
Coimisiún
Pleanála

Direction
CD-020020-25
ABP-321760-25

The submissions on this file were considered at a meeting held on 23/06/2025.

The Commission decided to dismiss this appeal under section 138(1)(b) of the Planning and Development Act 2000, as amended, based on the following reasons and considerations.

Planning

Commissioner:

Date: 23/06/2025

Eamonn James Kelly
Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to sections 2 and 3 of the Planning and Development Act 2022, as amended, setting out the definitions of “unauthorised works”, “works” and “development”, to the provisions of section 32(1)(b) of the Act where permission shall be required amongst other things “in the case of development which is unauthorised, for the retention of that unauthorised development”, to section 37 of the Act where an applicant may appeal to the Board against a decision of the planning authority, to the submissions of the Applicant upon appeal that clearly state the application is for permission of an authorised house previously granted permission by the planning authority under Planning Reg. Ref D09A/0131, to the Applicant’s submission in relation to the section 137 notice issued by the Board on the 21st day of May 2025

that does not clarify whether the application relates to development or involved the carrying out of works, the Board considers that the retention application made relates to a development that is authorised and established, that no further development or carrying out of works are being proposed for retention, and therefore that this application, by itself or by the precedent it would set for other relevant development would not be in accordance with the requirements of the Act.

In accordance with section 138(1)(b) of the Planning and Development Act 2000, as amended, the Board is satisfied that in the particular circumstances of this application for retention, the appeal or referral should not be further considered by it having regard to (i) the nature of the appeal whereby there is no development or carrying out of works involved in the application, and (ii) the previous permission under Planning Reg. Ref D09A/0131 which authorised the development and said dwelling was subsequently established.