

An
Bord
Pleanála

Board Direction
BD-019129-25
ABP-321885-25

The submissions on this file were considered at a Board meeting held on 07/03/2025.

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

Reasons and Considerations

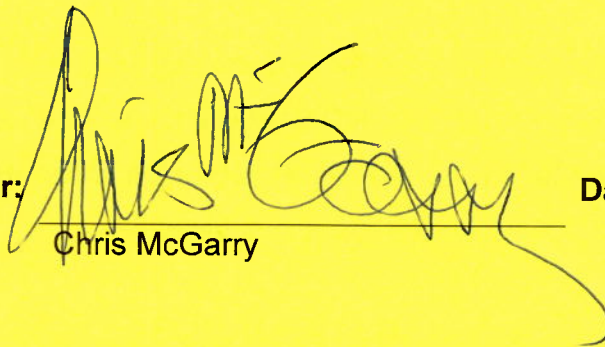
It is considered that -

- (i) while it has 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 Condition no.1, imposed by the planning authority to which the grant is subject,
- (ii) it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

Specifically, in relation to the submission of the applicant for leave, the Board noted that the proposed development will not materially affect the enjoyment of his land adjoining the land in respect of which it had been decided to grant permission (i.e. the residence of the applicant for leave). From the content of the submission of the applicant for leave, it appears that the substantive arguments presented therein, relate to the application site itself. This is not relevant land for the purposes of considering an application for leave to appeal in accordance with Section 37(6) of the Planning and Development Act 2000, as amended.

The Board also noted that matters set out in the submission of the applicant for leave, regarding valid consent to the making of the application and/or dispute over ownership of the application site, are not relevant to the specific legal exercise under Section 37(6) and that the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development, would be more relevant to such matters.

Board Member:

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

Date: 07/03/2025