

An
Bord
Pleanála

Board Direction
BD-019216-25
ABP-321946-25

The submissions on this file were considered at a Board meeting held on 18/03/2025.

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

Reasons and Considerations

Under section 37(6) of the Planning and Development Act, as amended, the Board may, within 4 weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows that:

- i) 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, and
- ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

In considering the request for leave to appeal, the Board had regard to the conditions attached to the grant of planning permission by the planning authority and the documentation submitted by the applicant seeking leave to appeal. The Board 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

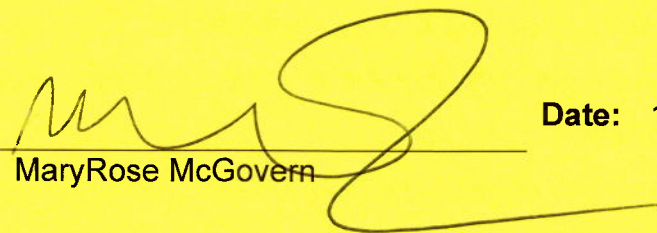
development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject.

The Board considered that the imposition by the planning authority of condition 13, requiring site boundaries to be planted with hedgerow of semi-mature species native to the area, and at least 15 no. semi-mature broadleaf trees, did not change part of the proposed development, and did not result in the development being materially different from the development in respect of which permission was sought.

Consequently, the Board considered that the applicant does not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act, as amended, and on this basis, the Board decided to refuse the appeal.

The Board 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.

Board Member:


MaryRose McGovern

Date: 18/03/2025