

An
Bord
Pleanála

Board Direction
BD-019527-25
ABP-322188-25

The submissions on this file were considered at a Board meeting held on 23/04/2025.

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.

Specifically, the Board noted the reference to condition no. 5 and condition no. 4 (part) by the applicant for leave to appeal.

Condition No. 5 merely sets operational hours for the permitted take-away. This is a common condition on such applications and does not result in a material difference from the application as lodged. Condition No. 4(part) relates to signage. Again, this is a common condition and does not result in a material difference from the application as lodged.

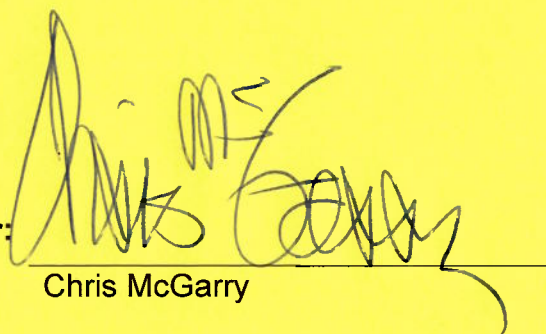
Even if any such material difference could be argued (which is not the determination of the Board on foot of the totality of the documentation on file), no material affect on the applicant for leave to appeal's enjoyment of land or a reduction in the value of

land arises. In this regard, the Board noted that the applicant for leave to appeal confirmed that he operates a similar land use (takeaway) on the far side of the public road from the application site, with opening hours comparable to those applicable to the permitted development, with established signage displayed on the premises from which he operates and utilising the shared on-street public parking resource along Granard Main Street, which is available to any and all members of the public. No rational argument therefore can be sustained that the permitted development (which is consistent with the town centre location) would result, by way of any condition attaching, in a material affect (within the meaning of Section 37(6) of the Planning and Development Act 2000, as amended) on the premises currently operated as a takeaway, by the applicant for leave to appeal.

Note:. The Board noted a Memorandum dated 16/04/2025, setting out a precis of the case. While the Memorandum also included a Comments section which states that, *'it would appear that the applicant for Leave has provided sufficient evidence that the proposed development differs materially from what was applied for'* and that *'the applicant for Leave to appeal has shown evidence of how the enjoyment of land will be hindered, or how the value of the land will be reduced'*, the recommendation as set out in the Memorandum is *'that the file is forwarded to the Board to decide whether to grant or refuse leave to appeal'*.

Noting the content of the Memorandum, the Board has made its determination by reference to the totality of the documentation on file and decided to refuse leave to appeal for the reasons and considerations set out above. These indicate the main reasons for not granting leave to appeal in this instance.

Board Member:



Chris McGarry

Date: 23/04/2025