

An
Coimisiún
Pleanála

Direction
ACP-322885-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/10/2025.

The Commission decided, as set out in the following Order, as follows:-

WHEREAS a question has arisen as to whether demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of open space within the private open space of the dwelling, is or is not development, and is or is not exempted development:

AND WHEREAS Ray Murphy requested a declaration on this question from Cork City Council and the Council issued a declaration on the 04th day of June 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Ray Murphy referred this declaration for review to An Coimisiún Pleanála on the 27th day of June 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

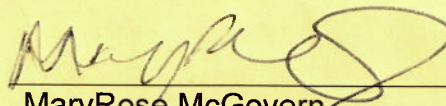
- (a) demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of open space within the private open space of the dwelling constitutes works within the meaning of the Planning and Development Act, 2000, as amended,
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, as amended;
- (c) the development comes within the scope of Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (d) the open space would consist of the enclosure of land which is habitually open to or used by the public during the 10 years preceding such enclosure;
- (e) the restrictions on exemptions outlined in Article 9 (1)(a)(x) are applicable in this instance.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of open space within the private open space of the dwelling is development, and is not exempted development.

Planning

Commissioner:

Date: 29/10/2025


MaryRose McGovern