



An
Coimisiún
Pleanála

Direction
CD-020660-25
ACP-323418-25

The submissions on this file were considered at a meeting held on 12/09/2025.

The Commission decided to grant leave to appeal based on the reasons and considerations set out below.

Planning

Commissioner:

Date: 12/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

It is considered that it has been shown 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 condition no. 1 and condition no. 5
 - (a) imposed by the planning authority to which the grant is subject, and

- (ii) the imposition of condition no. 1 and condition no. 5(a) 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.

Reasons and Considerations.

Condition no. 1 refers to revised particulars lodged with the planning authority on 23/06/2025. These revised particulars mean 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 the introduction of a hedge which is required to be maintained by the applicant to maintain sightline. The requirement to include this hedge and to maintain it to a certain form, is a material change to the development as originally applied for. The Further Information documentation also records a revised site layout plan (FI-24.038-1) which shows an extended red line area and with the text added 'site edge RED subject of this application has a total area of 0.17 hectares.' This is materially different to the original application site layout plan which recorded a site area of 0.14 hectares. This expanded site area extends into separate ownership.

Condition No. 5(a) states that the applicant shall remove the entire roadside boundary hedge and set it back at least 3 metres from the existing road edge. A grass verge, at least 3 metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary. This condition was recommended by the Transportation Department of the planning authority, post the submission of Further Information. It is at best uncertain as to whether this would require removal of the part of the roadside hedge set out in the Further Information drawings and which includes a length of hedge not in the ownership of the applicant. This condition would mean 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.

This hedge is not in the ownership of the applicant and no written details of consent of the owner of the hedge appear to be contained on file. In this regard the Commission notes the recommendation of the Transportation Department in its report dated 16/07/2025, post receipt of Further Information which states that prior to commencement the applicant shall submit written consent from the land owner for works on lands outside the ownership of the applicant required to provide and maintain unobstructed sightlines.

The imposition of condition no. 1 and condition no. 5(a) will materially affect the leave to appeal applicant's enjoyment of the land by reason of an imposed sightline obligation and consequent affect on the hedge of the leave to appeal applicant, for a development by a separate party.

In this context, it is appropriate that leave to appeal is granted.