An Coimisiún Pleanála

Direction
ACP-324196-26

The submissions on this file and the Inspector's report were considered at a meeting held on 15/10/2026.

The Commission decided, as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether

(a) the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan)

(b) the proposed construction of 1.2m high stone wall within the boundary of site with lime mortar pointing (outlined in blue on the submitted plan)

is or is not development or is or is not exempted development.

AND WHEREAS John Larkin, requested a declaration on this question from Roscommon County Council, and the Council issued a declaration on the 9th day of March 2017 stating that:

(a) The elements of the said development described as "restore 1.2m hight stone wall within the boundary of the site and surrounding house (lime and mortar pointing)" indicated on plans and particulars received as "reinstate wall using reclaimed stone and lime mortar pointing" and outlined red on the site layout plan received is exempted development.

(b) The elements of the said development described as "restore 1.2m high stone wall within the boundary of the site and surrounding house (lime and mortar pointing)" indicated on plans and particulars received as "wall to be built along the eastern site boundary" and outlined in green on the site layout plan received is deemed as not exempted development.

AND WHEREAS John Larkin referred this declaration for review to An Coimisiún Pleanála, on the 7th day of April 2026.

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

(a) Section 2(1) of the Planning and Development Act, 2000, as amended,

(b) Section 3(1) of the Planning and Development Act, 2000,

(c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

(d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(f) the planning history of the site and immediate vicinity,

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) Under Section 3(1) of the Planning and Development Act, 2000 as amended, the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan), and the proposed construction of 1.2m high stone wall within the boundary with lime mortar pointing (outlined in blue on the submitted plan) of site is development,

(b) Under Class 11 of Part 1 of Schedule 2 to Article 6(1) of the Planning and Development Regulations, 2001 as amended, the restoration of an existing boundary wall as indicated in item (A) of the referral is exempted development, and

(c) Under Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001 as amended, the construction of the proposed boundary wall as indicated in item (B) of the referral is not exempted development as it was deemed to endanger public safety by reason of traffic hazard or obstruction of road users,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that

i. the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan) is development and is exempted development

ii. the proposed construction of 1.2m high stone wall within the boundary of site with lime mortar pointing (outlined in blue on the submitted plan) is development and is not exempted development.

Planning Commissioner:

Date: 19/10/2026

Mary Henchy