



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: ED 19/48

WHEREAS a question has arisen as to whether changes to the internal layout of three-bedroom houses permitted under planning reference numbers 07/518, 12/411, 17/1264 and 18/1615 (An Bord Pleanála reference ABP-303680-19) at Gortnamona, Headford, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Sathel Limited care of Rocktop Assess Management Limited of Moneyquid, Killeigh, County Offaly requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 9th day of August, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS the said Sathel Limited referred this declaration for review to An Bord Pleanála on the 5th day of September, 2019:

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

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the pattern of development in the area,
- (e) the submissions made to the Board, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the proposed change which is to the internal layout of thirty-four houses involves works and therefore, is development,
- (b) these works constitute change to the permitted layout of thirty-four houses, the development of which has not yet taken place,
- (c) these works involve a house design which is different to that for which planning permission has been granted,
- (d) these works do not fall within the meaning of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as there are no structures in place, to which the change in layout is proposed, and
- (e) there are no other provisions within the Act or Regulations, which provide an exemption for these works:

NOW THEREFORE An Bord 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 the changes to the internal layout of three-bedroom houses permitted under planning reference numbers 07/518, 12/411, 17/1264 and 18/1615 (An Bord Pleanála reference ABP-303680-19) at Gortnamona, Headford, County Galway is development and is not exempted development.

In deciding not to accept the recommendation of the Inspector, the Board considered the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended, and noted the fact that the permitted houses have not yet been constructed and therefore no structures exist to which the provisions of Section 4(1)(h) could apply and having regard to the difference between the development as proposed and as permitted, the Board considered that these changes are not de-minimis, as suggested by the Inspector.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.