



An
Bord
Pleanála

Board Order
ABP-312636-22

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

Planning Register Reference Number: EX16/27

WHEREAS a question has arisen as to whether the works to reinstate the residential use of a derelict structure of which the residential use had been abandoned, at Drumquill, Castleblayney, County Monaghan is or is not development or is or is not exempted development:

AND WHEREAS Patrick Carragher of Drumquill, Castleblayney, County Monaghan requested a declaration on the question from Monaghan County Council and no declaration issued by the planning authority:

AND WHEREAS Patrick Carragher referred the question for decision to An Bord Pleanála on the 1st day of February, 2022:

AND WHEREAS having regard to the nature of the referral, An Bord Pleanála, is satisfied that, in the particular circumstances, the referral should not be further considered by it:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138(1)(b)(i) of the Planning and Development Act, 2000,

dismisses the said referral based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the separate determination by the planning authority on the 19th day of July 2010, under planning register reference 10/581, of the same or substantially the same question in respect of the same land,
- (b) the fact that the planning authority's determination had not been successfully challenged by way of section 50 of the Planning and Development Act 2000, as amended, and
- (c) the fact that, a different determination had not been made on the same or substantially the same question in respect of the same land, on the basis that a change in planning facts or circumstances had occurred,

it is considered that the subject referral amounts to an impermissible attack on the planning authority's declaration under section 5 of the Planning and Development Act, 2000, as amended, which, in substance, questions the validity of that declaration other than by way of section 50 of that Act, where such a challenge is prohibited by section 50(2) of that Act.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 29th day of JUNE 2022.