



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/5795

Appeal by Michael O'Donovan of Knockroe, Bandon, County Cork against the decision made on the 3rd day of May, 2023 by Cork County Council to grant subject to conditions a permission to Aisli Holland Fitzgerald and Steven Fitzgerald care of Tim O'Connor Engineering Services Limited of Killaneetig, Ballinadee, Bandon, County Cork.

Proposed Development: Construction of dwelling house, installation of on-site wastewater treatment system and associated site works at Knockroe and Rockhouse, Kilmacsimon, Bandon, County Cork.

Decision

DISMISS the said appeal under section 138 (1(a)(i)) of the Planning and Development Act, 2000, based on the reasons and considerations set out below.

Reasons and Considerations

The Board is satisfied that, in the particular circumstances, the appeal should not be further considered by it having regard to the nature of the appeal, where the matters raised refer solely to legal matters which are outside the remit of the Board.

Having regard to the nature of the appeal, which does not relate to any planning matters of material relevance to the proposed development, (the basis of the appeal instead being stated to relate to the ability or otherwise of the applicants to avail of an easement), the Board determined that in the particular circumstances, the appeal should not be further considered by it. In this regard, the Board also noted:

1. The provisions of section 34(13) of the Planning and Development Act 2000, as amended, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

2. Section 5.13 of the 'Development Management – Guidelines for Planning Authorities' (Department of the Environment, Heritage and Local Government, June, 2007) wherein it states, inter alia, "...The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts...".



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *30th* day of *September* 2024