



An
Bord
Pleanála

Board Order
ABP-318936-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: ED23/0051

WHEREAS a question has arisen as to whether the erection of a gate from private to public open space and change of use from publicly accessible open space to private use at 36 Monastery Crescent, Clondalkin, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Paul Campbell of 22 Monastery Crescent, Clondalkin, Dublin requested a declaration on the question from South Dublin County Council and the Council issued a declaration on the 11th day of January, 2024 stating that the matter could not be determined:

AND WHEREAS Paul Campbell referred the question for decision to An Bord Pleanála on the 26th day of January, 2024:

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

- (a) Sections 2(1) and 3(1) 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) Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the erection of a gate in excess of two metres from private to public open space is development and is not exempted development, and
- (b) the change of use from publicly accessible open space to private use is a material change of use that is development and is not exempted development as it would consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the erection of a gate from private to public open space and change of use from publicly accessible open space to private use at 36 Monastery Crescent, Clondalkin, Dublin is development and is not exempted development.



Tom Rabbette

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

Dated this 9th day of April 2025.