



Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/51879

Application for Leave to Appeal against the decision of the planning authority by Michael Heaney care of ADMs Limited Architects of 30A Clooney Terrace, Derry City having an interest in land adjoining the land in respect of which Donegal County Council decided on the 1st day of February, 2024 to grant subject to conditions a permission to Shaun and Louise Sweeney care of DML Architecture and Building Surveying of Market Street, Rathmullan, Letterkenny, County Donegal.

Proposed Development: New dwellinghouse, domestic garage and sewage treatment plant, all at Rathmullan and Ballyboe, Rathmullan, Letterkenny, County Donegal.

Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the condition(s) set out in the planning authority's decision, it is considered that it has not been shown that:

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject, and
- (ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

In considering the request for leave to appeal, the Board had regard to the conditions attached to the grant of planning permission by the planning authority and the documentation submitted by the applicant seeking leave to appeal. The Board considered that it has not been shown that the development in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject.



The Board considered that the matters raised by the applicant seeking leave to appeal relate to issues of land ownership where works are required to achieve visibility splays and enforcement issues relating to unauthorised works, both of which do not arise on foot of the conditions imposed by the planning authority. As such, the Board considered they do not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act 2000, as amended. On this basis, the Board decided to refuse the leave to appeal.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *2nd* day of *April* 2024.