



An
Bord
Pleanála

Board Order ABP-321946-25

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 24/61768

Application for Leave to Appeal against the decision of the planning authority by Reginald and Bernadette North of Upper Lenamore Road, Carrigart, Letterkenny, County Donegal having an interest in land adjoining the land in respect of which Donegal County Council decided on the 7th day of February, 2025 to grant subject to conditions a permission to Brid McLaughlin and Patrick McGroddy care of Kenneth McCorkell Engineering and Design of Drumlackagh, Carrigart, County Donegal in accordance with the plans and particulars submitted to the said Council.

Proposed Development: Construction of a dwellinghouse with septic tank, domestic garage and attached ancillary accommodation with all associated site development works, all at Carrigart, 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

Under section 37(6) of the Planning and Development Act 2000, as amended, the Board may, within four weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows 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 imposition by the planning authority of condition number 13, requiring site boundaries to be planted with hedgerow of semi-mature species native to the area, and at least 15 number semi-mature broadleaf trees, did not change part of the proposed development, and did not result in the development being materially different from the development in respect of which permission was sought.

Consequently, the Board considered that the applicant does not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act 2000, as amended, and, on this basis, the Board decided to refuse 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.



MaryRose McGovern

Member of An Bord Pleanála

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

Dated this 19th day of March 2025.