

An
Coimisiún
Pleanála

Commission Order
ACP-322885-25

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Authority Reference Number: R94925

WHEREAS a question has arisen as to whether the demolition of a boundary wall to the side of a dwelling and the construction of a boundary wall to the same specification at 49 The Crescent, Broadale, Maryborough Hill, County Cork is or is not development and is or is not exempted development:

AND WHEREAS Ray Murphy of 49 The Crescent, Broadale, Maryborough Hill, County Cork requested a declaration on this question from Cork City Council, and the Council issued a declaration on the 4th day of June 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Ray Murphy referred this declaration for review to An Coimisiún Pleanála on the 27th day of June 2025:

AND WHEREAS the Commission reconfigured the question to read whether demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of open space within the private open space of the dwelling is or is not development or is or is not exempted development;

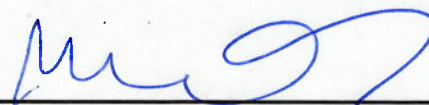
AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

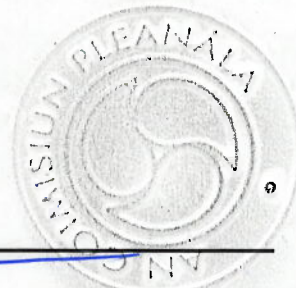
- (a) demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of public open space within the private open space of the dwelling constitutes works within the meaning of the Planning and Development Act, 2000, as amended ;
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000 as amended;
- (c) the development comes within the scope of Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (d) the open space would consist of the enclosure of land which is habitually open to or used by the public during the 10 years preceding such enclosure;
- (e) the restrictions on exemptions outlined in Article 9 (1)(a)(x) are applicable in this instance.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the demolition of a boundary wall to the side of a dwelling and construction of a new boundary wall enclosing an adjacent area of public open space within the private open space of the dwelling is development and is not exempted development.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 30th day of October 2025.