

Planning and Development Acts 2000, as amended

Planning Authority: Monaghan County Council

Planning Register Reference Number: 2519

Appeal by Mark Cunningham care of Tiernans Solicitors of 15 Church Street, Dundalk, County Louth against the decision made on the 13th day of June 2025 by Monaghan County Council to grant, subject to conditions, a permission to Claire Cunningham of Marland, Lurgans, Carrickmacross, County Monaghan in accordance with the plans and particulars submitted to the said Council.

Proposed Development: Permission to construct a two-storey dwelling house, waste water treatment system and percolation area, new domestic entrance and to include all associated site works at Aghateskin, Broomfield, Castleblayney, County Monaghan.

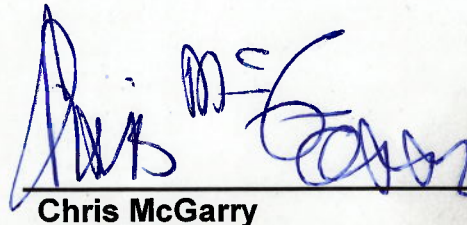
Decision

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

Reasons and Considerations

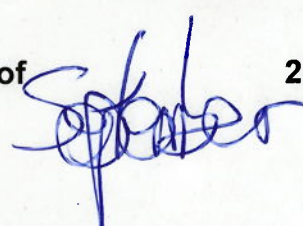
Having regard to the nature of the appeal, which is confined to a sole issue - that the ownership of the property is in dispute - to the response to the appeal from the applicant, received by the Commission on 21st day of July 2025, containing Folio detail in relation to the subject site, to section 5.14 of the, 'Development Management Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government, published in 2007, which states, 'the planning system is not designed as mechanism for resolving disputes about title to land or premises or rights over land' and to Section 34(13) of the Planning and Development 2000, as amended, which states that a person is not entitled solely by reason of a permission to carry out any development, the Commission determined that the nature of the appeal is such that the grounds of appeal set out do not relate to any material planning consideration relevant to the substance of the application. In this regard the Commission determined that the provisions of Section 138(1)(b)(1) apply.

In reaching this determination, all parties to the appeal are reminded of the provisions of Section 34(13) of the Planning and Development Act 2000, as amended.



Chris McGarry

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

Dated this  day of  2025.