A Guide to Planning Permission

This leaflet is a simple guide to understanding the planning system. You may wish to build or extend your house or a neighbourhood development is taking place which may affect you. Either way you want to know more about how the planning system works.

This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you may consult your local planning authority at the address given at the end of this leaflet.

1. When do I need planning permission?

Generally, you need planning permission for any development of land or property unless the development is specifically exempted from this need. The term development includes the carrying out of works (building, demolition, alteration) on land or buildings and the making of a material (i.e. significant) change of use of land or buildings.

2. What is exempted development?

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law. There are usually certain thresholds relating to, for example, size or height; where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature, such as small extensions to houses. Leaflets PL.5, PL.6 and PL.7 give details of the main exemptions.

3. Are there different types of permission?

Yes. There are three types of planning permissions. An application may be made for:

* permission;
* outline permission;
* approval;

The most common type of application made is for permission, sometimes referred to as full permission. There are circumstances when you may want to make an application for outline permission. For example, you may want to see whether the planning authority agrees with your proposal in principle before you go to the trouble of making detailed plans. If you obtain outline permission, you must obtain full permission before starting work. In most cases, a subsequent application for permission must be made within 3 years of the date of grant of outline permission. However outline permission cannot be sought for retention of a structure, works to a protected structure or a proposed protected structure or developments which require an environmental impact assessment, integrated pollution control licence or a waste licence.

4. Where do I get planning permission?

From the planning authority for your area i.e. your local County Council, County Borough or Borough Corporation or Urban District Council.

5. How much will this cost?

A fee is payable with an application for planning permission. Fees for the different classes of development are listed with the application form. You must pay the correct fee with your application as the planning authority is prohibited by law from deciding an application until this is paid. Voluntary organisations may qualify for an exemption from the fee.

6. How long will it take to get planning permission?

This will be affected by the completeness of the application and by whether there is an appeal or not. Generally, a valid application will be dealt with by a planning authority in 12 weeks from the date the application is made to the final grant of a permission. However, the period can vary, particularly if the planning authority seeks further information from the applicant (which it should do within the first 8 weeks). The planning authority then has 4 weeks from the day the further information is received to make a decision on the application. The following table illustrates the time scale involved in most cases.

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7. Can I consult the planning authority in advance?

You do not have to consult the planning authority before making a planning application but it is often advisable to do so where you are unsure of local planning policies, how to apply, etc. Depending on the type of development, you may need to discuss connections to the public water supply, sewer etc. The larger the development proposal the greater the need for prior consultation.

8. Where can I find out about local planning policies?

The development policies and objectives of the planning authority are in the local development plan. You can view the plan at any time during office hours at the local authority offices and local libraries. Copies and extracts from the plan are available at a reasonable cost from the planning authority. For more information on the plan see the leaflet The Development Plan (PL.8).

9. How do I make a planning application?

Forms and information are available from the planning authority. For more information see the leaflet Making a Planning Application (PL.2).

10. I have lodged a valid planning application. Now what?

Your application will be acknowledged (within a few days) and be placed on the planning register in the planning authority offices, for public inspection. It will also be included on the lists of planning applications displayed in council offices, public libraries and circulated to certain interest groups. A council official will usually inspect the development site; you may be asked to make an appointment to allow access.

11. What if my application is incomplete?

If your application

* lacks some of the required documentation
* lacks the appropriate fee or
* is in any other way inadequate, (e.g. no proper public notice of your application)

(e.g does not meet the statutory requirements for public notice of your application). The application will be invalid and will be returned to you with the fee. The statutory 8 week period for deciding the application begins from time you submit a valid application with the required information in full, pay the correct fee and give proper public notice of the application.

12. Can other people comment on my application?

Yes. Any person can see a copy of your application and make written submissions or observations to the planning authority on any planning aspect of it. These must be considered by the planning authority when determining your application. There is no fee for making such a submission or observation. For more information see the leaflet Commenting on a Planning Application (PL.3).

13. How is the decision made?

In making the decision, the planning authority takes a number of matters into account, including:

the proper planning and development of the area (e.g. appropriate land use (zoning), road safety, development density, size, location, adherence to established planning and development practices),

their own development plan,
submissions and observations made by members of the public on the application.

Government policy

the provision of a Special Amenity Area Order;

any European site (e.g. Special Areas of Conservation Special Protection Areas);

submissions and observations made by members of the public on the application;

It may not take non-planning issues into account e.g. boundary or other disputes, questions more properly resolved through legal means, etc.

14. **How will I know permission has been granted or not?**
The decision to grant permission, with or without conditions, will be notified to you, and to anyone who commented on the application. What you get is a notice of intention to grant permission. During a period of one month beginning on the date of making of this decision, you or anyone else may appeal it to An Bord PleanSla. Where there is no appeal the planning authority will finally give you the grant of permission at the end of the appeal period. You must not commence work until you receive this notification. If the decision is appealed, you will receive from An Bord PleanAia either the grant of permission, with or without whatever conditions the Board considers appropriate, or if the Board decides, refusal of permission. Where the planning authority decide to refuse your application, their reasons will be included in the notification sent to you. The same period for appeal (4 weeks) will apply here also.

15. **Can conditions be attached to my permission?**
Planning permission may be subject to certain conditions, which will be listed on the decision. These may require changes to your proposal (e.g. new arrangements for the disposal of surface water, revised height/colour/material for boundary walls, improved landscaping of the site). You may also be required to make a contribution to the local authority for services (e.g. water, sewerage). These contributions differ from place to place and for different types of development. You must comply with all of the conditions attached to the permission and finish work in accordance with them. Even if you have more than one permission for a site, you cannot pick and choose the conditions which suit you best.

16. **How long does permission last?**
The standard duration for planning permission (permission or outline permission) is five years from the date of the grant of the permission by the planning authority or An Bord Pleanala. A longer period may be allowed if the development is complex. In certain circumstances the planning authority may extend the period of validity of a planning permission but only where:
* substantial works have been carried out during the lifetime of the permission and
* the planning authority are satisfied that the development will be completed in reasonable time.

The lifetime of an approval is determined by the date of the grant of the outline permission, so you should apply for the approval well in advance of the expiry of the outline permission to ensure you complete the works within its lifetime. Remember the decision of the planning authority on your application for approval may be appealed to An Bord Pleanala so this factor should be taken into account. If a planning permission expires and you apply for a new permission for the same development, the planning authority may refuse permission or attach significantly different conditions. This can happen if planning policies or the requirements for the proper planning and development of the area have changed in the interim.

17. **Can I get copies of documents relating to a planning application?**
Yes. While they are not legally obliged to do so, planning authorities have been asked to sell, on request, copies of any part of a planning application file at a reasonable cost. The exceptions are plans or other drawings or photographs. Any documents for sale will be available while they are open for public inspection.

18. **Who enforces planning decisions?**
This is the responsibility of the planning authority which has wide enforcement powers to ensure development is carried out in conformity with planning permission and to halt and rectify unauthorised development. Any legal action must, however, be started within 5 years of the breach of the planning laws taking place. Care should be taken to ensure that each condition of a permission is fully complied with in order to avoid incurring such action. and also
19. **How can I stop unauthorised development?**

If you think somebody is developing or using land without, or contrary to, a planning permission, you should contact the planning authority who will investigate the matter. Any person has the right to apply in either the Circuit or High Courts for an order restraining unauthorised development or use of land, or requiring compliance with a planning permission. Court orders can, depending on the circumstances, be obtained at extremely short notice and the Courts will ensure compliance with any order made.

20. **Are there penalties for breaches of planning law?**

Yes. It is an offence to undertake any work needing permission without that permission. Planning authorities have powers to stop unauthorised development and this can be a costly experience for the offender. You may be required to rectify any unauthorised works and will have to pay whatever costs are involved. On conviction in the District Court, fines of up to £1,000 can be imposed together with fines of up to £200 per day for continuing offences. The District Courts also have power to impose prison sentences of up to 6 months. On conviction in the higher Courts, the maximum fine is £1,000,000 (£10,000 per day for continuing offences) and up to 2 years imprisonment.
21. Can I rectify a planning error?
Genuine mistakes can be made about the need for planning permission. If you undertake unauthorised development you may apply for permission to retain it. However, this approach should not be relied upon in order to avoid seeking planning permission before starting work as you may not necessarily be granted permission for retention or you may be required to carry out costly modifications. The application fee is also 50% more than the fee for an application made before development starts. Permission for retention does not automatically absolve you from prosecution if enforcement action has already been taken against you. If you are buying property, check that the building itself and any extensions or alterations to it have proper planning permission or are exempt from planning permission, since you, as the new owner, may be liable to enforcement action.

22. Do I need any other type of permission?
You will not be entitled solely by reason of a planning permission to carry out your proposed development. You may need other approvals, depending on the type of development. For example, all new buildings, extensions, alterations and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Development other than residential will probably require a fire safety certificate under the regulations. See leaflet PL. 11 A Guide to the Building Regulations for more details. Further information may be obtained from your local authority. You may also need permission if making a connection to a public water main or sewer.

The law governing the planning system is set out in the Local Government (Planning and Development) Acts, 1963 to 1993 and Local Government (Planning and Development) Regulations, 1994 and 1995. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, Telephone (01) 661 3111. Please note that the law may be updated from time to time.