1. When do I need planning permission?

Generally, you need planning permission for any development of land or buildings. There are usually certain thresholds relating to, for example, size, height. Where these thresholds are exceeded, the exemption no longer applies. The purpose of exemption is to avoid controls on developments of a minor nature. Leaflets PL.5, 6, 6.L and 6.P cover details of the exemptions.

2. What is exempted development?

Exempted development is development for which planning permission is not required. Categorized in outline, it includes development on land or buildings and the making of a material (i.e. significant) change of use of land or buildings.

3. Are there different types of permission?

Yes. There are two types of planning permission. An application may be for:
- permission;
- outline permission;
- combination of permission and outline permission, where the permission is specifically exempted from the need.

The most common type of application made is for permission, sometimes referred to as a full application. 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 this is the case, you may make an outline application before starting work. In most cases, a subsequent application for planning permission must be made within 2 years of the date of grant of outline permission. However outline permission is not sought for privacy of a dwelling, 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, Borough Council, City Council or Town 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 in the application form. You must pay the correct fee with your application. Any application not returned to you if it is not 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 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 this application is made to the final decision. The period can particularly if the planning authority seeks further information from the applicant (which is within the first 8 weeks). The planning authority then has 4 weeks from the date the further information is received to make a decision on the application. The following table illustrates the timescales involved in most cases:

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>Notice published in newspaper and site notice erected</td>
</tr>
<tr>
<td>2 weeks later</td>
<td>Latest date for lodging application</td>
</tr>
<tr>
<td>Between 2 weeks and 5 weeks</td>
<td>Application is validated by the planning authority. Submission or objections are considered</td>
</tr>
<tr>
<td>Between 5 and 9 weeks later</td>
<td>Planning authority issue notice of their decision on the application. (Alternatively, they may request further information)</td>
</tr>
<tr>
<td>4 weeks after issue of notice of decision</td>
<td>If an appeal is made, the planning authority will issue grant of permission, or outline permission, or decision. If there already indicated a decision to refuse</td>
</tr>
</tbody>
</table>

An appeal may take longer than the application to deal with. An appeal to An Bord Pleanála has to decide appeals within 18 weeks of receipt of an appeal.

7. Can I consult the planning authority in advance?

You do not need to consult the planning authority before preparing or making a planning application, but it is advisable to do so where you are uncertain of local planning policies, how to apply, etc. Depending on the type of development, you may need to consult the water authority. The consultation process proposed, 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 planning office and local libraries. Copies and extracts from the plan are available at a nominal charge. Lists of planning applications displayed in council offices, public libraries and circulated to certain interest groups. The plan is also available on the planning authority’s website. The development policies and objectives of the planning authority when determining your application. For more information see Commenting on a Planning Application.

9. How do I make a planning application?

Your application will be acknowledged and placed on the planning register in the planning authority’s offices, for public inspection. It may also be included on the lists of planning applications displayed in council offices, public libraries and circulated to certain interest groups. These lists may also be available on the planning authority’s website. A planning authority official will usually inspect the development site, and you may be asked to make an appointment to allow access to him.

11. What information is required?

If an application is made, the planning authority will issue grant of permission, or outline permission, or decision. If there already indicated a decision to refuse;

- lacks any of the required documents;
- its own development plan;
- the appropriate land use (zoning), road safety, development density, size, location, adherence to planning policies, objectives of the planning authority when determining your application. For more information see Commenting on a Planning Application.

If you have more than one application, make sure you get the right one and choose the conditions which suit you best.

12. Can projects be completed after permission is granted?

Conditions set by the planning authority when granting permission must be followed. If the project is not completed within the agreed period, the planning permission will be revoked, and you may have to carry out substantial works for which approval is required.

13. Where do I send my planning permission application?

The planning authority on whose area the development site, and you may be asked to make an appointment to allow access to a planning authority official. The planning authority will issue grant of permission, or outline permission, or decision. If there already indicated a decision to refuse.

14. What if I have permission and grants?

Yes. Any person can see a copy of your application and make written submissions or objections, on payment of the appropriate fee, to the planning authority on the application. The decision to grant permission, with or without conditions, will be notified to you, and to anyone who made written submission or objection. The planning authority will formally give the grant of permission. The decision is appealable to An Bord Pleanála. Where there is no appeal, the planning authority will formally give the grant of permission. The decision is appealable to An Bord Pleanála. Where there is no appeal, the Planning Register in the planning authority’s offices, for public inspection. The application will be invalid and will be returned to you with the Administrator. The statutory 8 week period for deciding the application begins from the time you submit a valid application. At the end of the statutory period, you will receive from An Bord Pleanála either the grant of permission, without or without conditions. Where the planning authority decide to refuse your application, the reasons will be included in the notification of refusal. The same period for appeal (4 weeks) will apply.

15. Can condition be attached to my permission?

Projects can 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 the cost of making and publishing the decision. These contributions differ from place to place and for different types of development. You must comply with all of the conditions of your planning permission and fresh work in accordance with them. Even if you have more than one application, make sure you get the right one and choose the conditions which suit you best.

16. How long does permission last?

The lifespan of a planning permission (or outline permission) is five years from the date of the grant of the permission by the planning authority or An Bord Pleanála. In certain circumstances the planning authority may extend the life of a planning permission but only where;

- substantial works have been carried out during the lifetime of the permission and
- the planning authority is satisfied that the development will be completed in reasonable time.

If a planning permission expires and you apply for a new one for the same development, the planning authority may refuse permission or attach significantly different conditions. These conditions may affect the requirements for the proper planning and environmental development of the area have changed in the interim.
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 rectify 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 rectification or you may be required to carry out costly modifications. The application fee is also three times more than the fee for an application made before development starts. Permission for rectification does not automatically absolve you from prosecution if enforcement action has already been taken against you. You may be buying property, check that the building itself and any extensions or alterations to it have proper planning permission. If you undertake unauthorised development you may apply for permission to retain it. You may also need other approvals, depending on the type of development you may apply for permission to retain it.

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. Developments other than residential will probably require a fire safety certificate under the regulations. The law governing the planning system is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002. The leaflets in this series are:

A Guide to Planning Permission
PL 1
Making a Planning Application
PL 2
Commenting on a Planning Application
PL 3
Building A House - The Planning Issues
PL 4
Doing Work around the House - The Planning Issues
PL 5
Agriculture and Farm Development - The Planning Issues
PL 6
Planning for the Business Person
PL 7
The Development Plan
PL 8
Environmental Impact Assessment
PL 9
Making a Planning Appeal
PL 10
A Guide to the Building Regulations
PL 11
A Guide to Architectural Heritage
PL 12

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 7 years of the breach of the planning laws taking place. Care should be taken to ensure that such condition of a permission is fully complied with in order to avoid incurring such action, and also to avoid difficulties when the property is being sold at a later date (see Question 21 below).

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, in writing, who will issue a warning letter to the person carrying out the development. The planning authority will investigate the matter to determine if an enforcement notice should issue. Any person may 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 €1605 can be imposed together with fines of up to €4307 per day for continuing offences or a term of imprisonment of 6 months. On conviction in the Higher Courts, the maximum fine is €2,700,000 (€12,700 per day for continuing offences) and up to 2 years imprisonment or both.

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 rectify 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 rectification or you may be required to carry out costly modifications. The application fee is also three times more than the fee for an application made before development starts. Permission for rectification 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.