

Planning Enforcement Frequently Asked Questions and Answers

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When is a development unauthorised?

A development is unauthorised when: -

- Planning Permission is required and has not been obtained.
- Planning Permission has been obtained but the development has not been carried out in accordance with the approved plans and/or conditions attached to the Planning Permission
- It does not comply with all of the conditions and limitations to qualify as exempt development.

What is exempt development?

Exempt development is development for which Planning Permission is not required. It generally relates to developments of a minor nature such as: -

- Works of improvement, maintenance or other alterations that affect only the interior of a structure.
- Works that do not materially affect the external appearance of a structure.
- Building of an extension, shed, garage, boundary walls, etc. within the curtilage of a house subject to conditions and limitations.
- Certain changes of use of commercial premises.

Full details of exempted development may be found in Section 4 of the Planning & Development Act 2000, Articles 6 - 10 and Schedule 2 of the Planning & Development Regulations, 2001.

It is important to note that most exemptions do not apply to structures that are included on the Council's Register of Protected Structures or that are situated in an architectural conservation area.

How can I find out if a development has Planning Permission?

You can inspect the Planning Register in the Planning Department. This can be done in person by calling to the public counter in the County Hall, by telephone or by e-mail. You can also perform a search using our online Planning Applications search and view utility by [clicking here Planning Portal \(agileapplications.ie\)](http://agileapplications.ie).

What should I do if I think that there is a breach of the Planning Regulations? You should submit a complaint in writing (letter, or e-mail) to the Planning Enforcement Section. Contact details are:

Planning Enforcement Section, South Dublin County Council, County Hall, Tallaght, Dublin 24 Fax: 01-4149000.
E-mail: planenforcement@sdblincoco.ie

PLANNING ENFORCEMENT REGISTER

You can inspect the Enforcement Register in the Planning Department. This can be done in person by calling to the public counter at County Hall by appointment which can be made by telephone or by e-mail. Please note Photography and photocopying of documents is not permitted.

Documents available on the Planning Enforcement register as per statutory requirements are limited to Statutory Notices.

Planning Enforcement Section, South Dublin County Council, County Hall, Tallaght, Dublin 24

01-4149000. E-mail: planenforcement@sdblincoco.ie

What information do I need to provide when making a complaint?

You should provide the exact location of the site, details of the suspected breach, details (where known) of the property owner/occupier/developer, the date the development began, your correspondence details, name, address and a daytime contact number. Be assured, complainant's details are treated with the greatest confidence and are not released to any third party and are not included in the Council's Planning Register

How can I be of assistance during the investigation?

- By supplying as much relevant and accurate information as possible
- By keeping a log of dates, times, and other relevant information in cases where an unauthorised use is intermittent.
- By agreeing to give evidence and/or to sign a sworn affidavit, if required

What are the statutory time limits for taking Enforcement Action?

Under the Planning & Development Act, 2000, enforcement action must be taken within **seven years** of commencement for development that commenced on or after 11 March 2002. Action must be taken within five years for development that began before that date. Therefore, the Council is now precluded from taking enforcement action in respect of development that occurred before 11 March 2002.

If I breach the Planning Laws unintentionally, what should I do?

If you think that you are in breach of the planning laws, you should contact the Council's Planning Department to discuss rectifying the situation. Even if the development is outside the time frame for taking enforcement action, it remains unauthorised and could have a negative impact on the value of the property. In addition, further works that may normally be considered exempt (such as alteration, repair, or renewal) may not be carried out to an unauthorised structure or a structure whose use is unauthorised. It is in the interest of every property owner to ensure that any unauthorised development is regularised.