



Introduction to Planning Enforcement

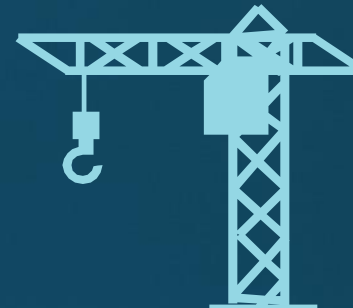


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Dublin City Council

The key objectives of Planning Enforcement

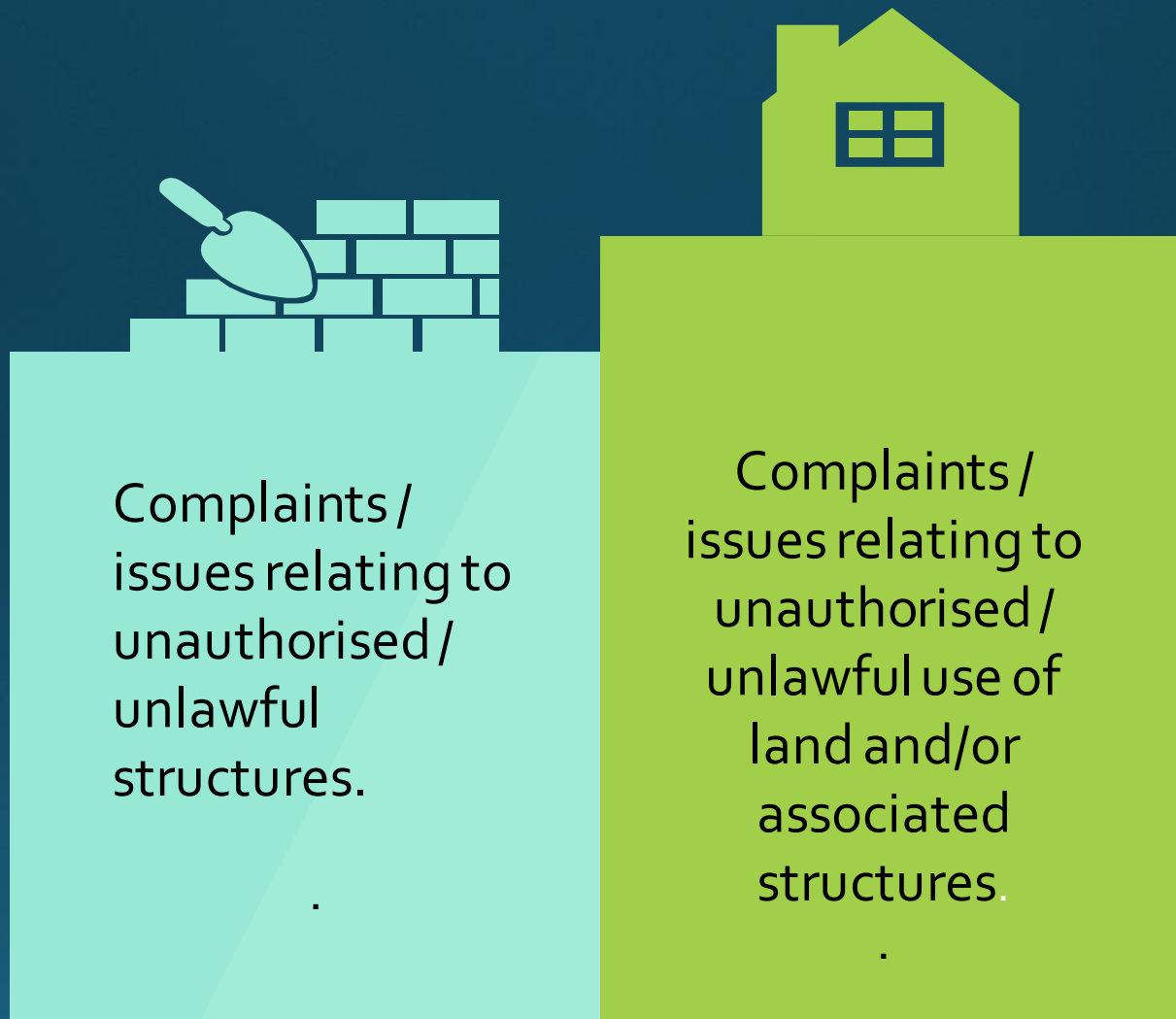


Take appropriate action to resolve complaints/issues relating to unauthorised/unlawful development



Promotes compliance with the legal requirement to obtain planning permission where such permission is required.

Catagories of unauthorised / unlawful development



Planning Legislation



Enforcement Provisions, Part VIII of the Planning and Development Act 2000 (as amended).

S151: Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence.

Enforcement Mechanisms

- Warning Letter (S152 PDA)
- Enforcement Notice (S154 PDA)
- Criminal prosecution for unauthorised development
- Injunction proceedings (S160 PDA).



S152: A warning Letter:

- A warning letter is generally issued to the owner, occupier or any other person carrying out the alleged unauthorised development following receipt of the complaint.



Contents of a warning letter

- Outlines the allegation received.
- States the matter is currently under investigation.
- Invites submissions / observations in writing to the local authority within 4 weeks.
- Outlines penalties for planning enforcement offences.



S154: Enforcement Notice

Objective to serve within 12 weeks from the date the warning letter issued



Informs the recipient:

- of the extent of the unauthorised development.h
- of the specific steps required to ensure compliance with the notice.
- of the timeframe within which the notice shall be complied with.
- of penalties for offences
 - €5,000 or 6 months imprisonment or both if convicted in court.
 - Continuation of an offence after conviction maximum fine of €1,500 for each day on which the offence is continued.

S157: Legal proceedings where an enforcement notice has not been complied with



Proceedings to be taken within 6 months from when sufficient evidence is obtained that the Enforcement Notice has not been complied with.



These proceedings are criminal proceedings and carry criminal sanction as outlined.



S160: Injunctions in relation to unauthorised development can be taken by a Local Authority or **any other interested party.**



Very Important:

Statute of Limitations relating to Planning Enforcement

No warning letter or enforcement notice shall issue and no proceedings for an offence shall commence

- I. in respect of a development where no permission has been granted, after seven years from the date of the commencement of the development.
- II. in respect of a development for which permission has been granted under Part III, after seven years beginning on the expiration, as respects the permission authorising the development, of the appropriate period within the meaning of section 40 or, as the case may be, of the period as extended under section 42

The above mentioned statute of limitations does not apply to a condition of permission pertaining to a use.

Exemption Provisions:

Planning and Development Regulations 2001, Act 2000 (both as amended)

There are planning exemptions (subject to limitations) that permit a range of developments without requiring planning permission including:

- Works within the curtilage of a house
- Changes of use
- Temporary structures and uses
- Advertisements
- Short Term Letting

Section 4.1.h (PDA): General Exemption

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

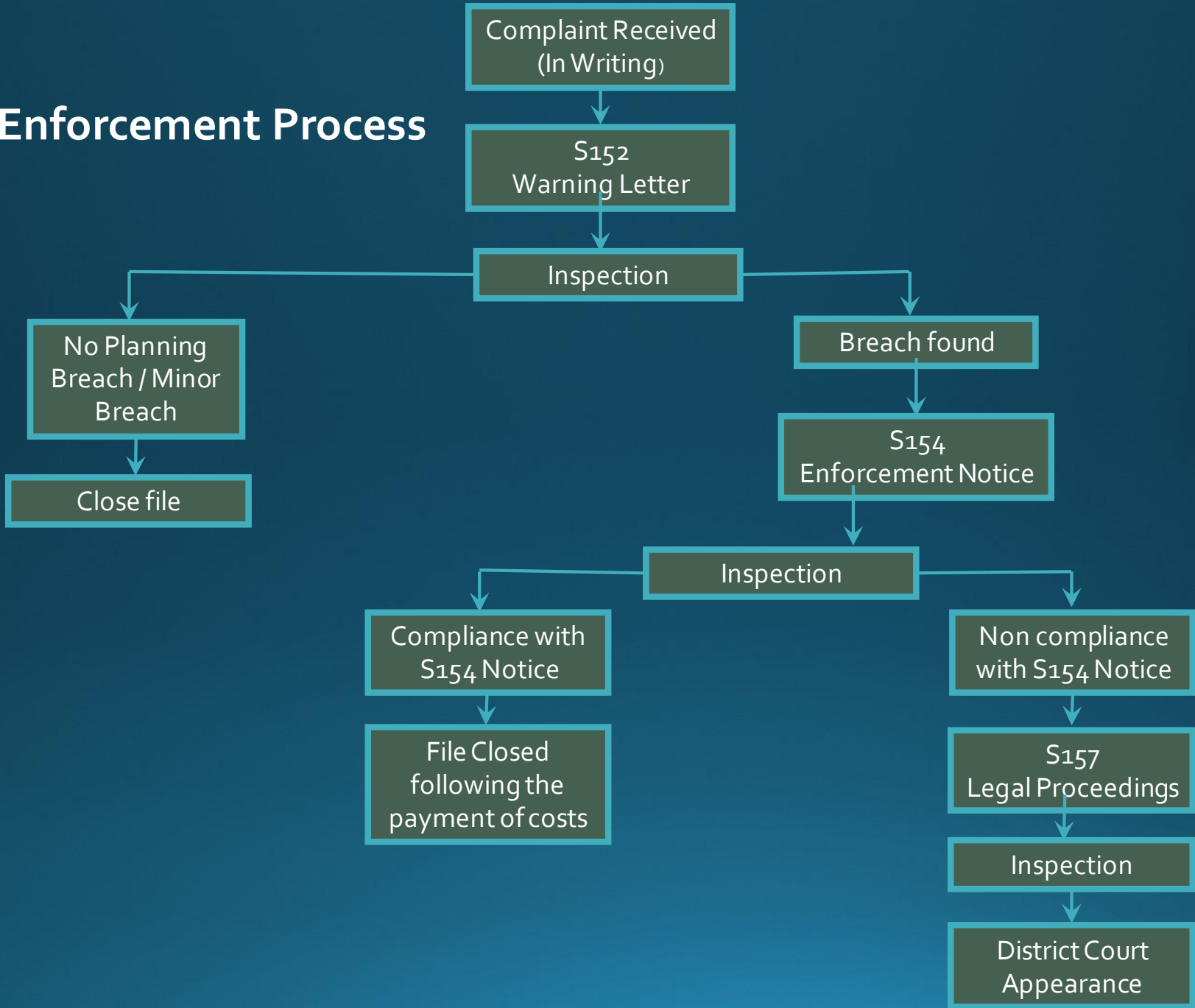


Section 5 : Declaration and referral on development and exempted development

- **any person** may request in writing from the relevant planning authority a declaration on a question as to whether or not a development is or is not exempted development.
- A planning authority shall issue a decision to a particular question within 4 weeks from the date the request was received.
- The decision maybe appealed to An Bord Pleanála for review following the local authority's decision.



The Enforcement Process





Examples of
Enforcement Action
Taken By
Dublin City Council



A 2000 sq/ft extension constructed without planning permission.

Enforcement action taken and following court proceedings the structure was removed.



An owner of 2 adjoining properties constructed two extensions for habitable use without planning permission.

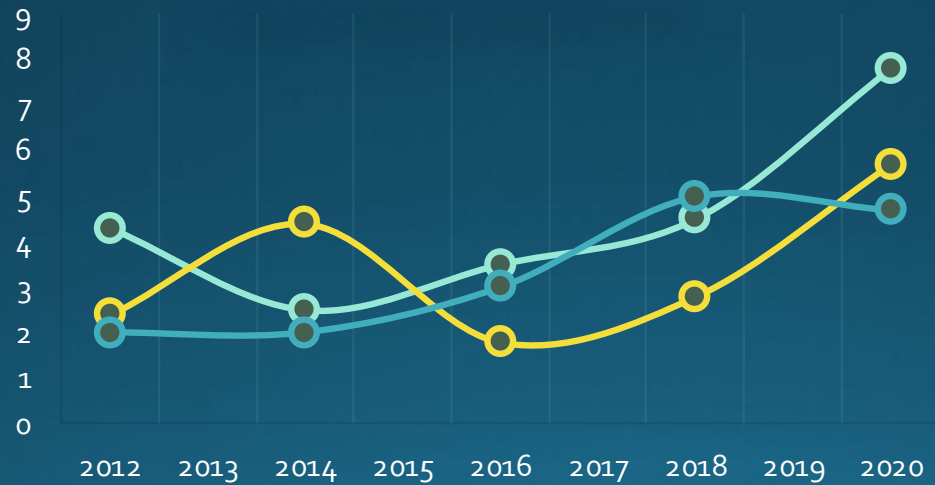
Enforcement Action taken and the structures were removed.



The painting of a mural on the side gable end of a building.

Enforcement Action was taken and the mural was removed.

Enforcement Statistics



Planning Enforcement Statistics

	General Enforcement: 2020	STL Enforcement: 2020
Investigations Commenced	1003	573
Warning Letters	928	613
Enforcement Notices	155	10
Legal Proceedings	43	3
Inspections	1368	969
Cases Resolved	849	399

CURRENT STAFFING OF THE PLANNING ENFORCEMENT SECTION

The enforcement section is managed by A/Planning Enforcement Manager

General Enforcement

- 1 Senior Staff Officer
- 1 Staff Officer
- 2 Assistant Staff Officers
- 1 Clerical Officer
- 7 Planning Enforcement Officers

STL Unit

- 1 Senior Staff Officer
- 4 Assistant Staff Officers
- 5 Planning Enforcement Officers
- Executive Planner
- 1 Law Researcher



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Short Term Letting Regulations:

Principal private residence which is occupied by the resident (owner or licensor),

Short Term Letting of part of a house
(owner/licensor present at time of letting)

No restrictions on the number of days subject to

- Maximum of 4 bedrooms used and maximum of 4 people per bedroom.
- The owner/licensor must be residing in the property at the time of letting.

Form 15 Statutory Notification form is sent to Dublin City Council no later than 2 weeks before the commencement of the first Short Term Let of the year, for that property.
This is a one off submission.

Short Term Letting of the entire house
(owner/licensor absent at time of letting)

Restricted to a maximum of 90 days in a calendar year

- Form 15 notification is sent to Dublin City Council no later than 4 weeks from the commencement of each year and before the use commences, whichever is sooner.
- Form 17 notification relating to the previous years activity is sent to Dublin City Council no later than 4 weeks from commencement of each year
- Form 16 notification is sent to Dublin City Council if the 90 days threshold has been exceeded.

Planning permission is required for non principal private residence (Second Property)