Ireland Planning

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FREE GUIDE · REPUBLIC OF IRELAND

Retention Planning Permission & Unauthorised Works

Warning letters, enforcement, the 7-year rule and selling a property

What retention permission is, how councils assess it on the normal planning merits, how to respond to a Warning Letter or Enforcement Notice, why the 7-year rule does not make works lawful, and how to regularise a property for a sale or remortgage.



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INSIDE THIS GUIDE

Contents

01 What is unauthorised development? 3

02 Retention, Section 5 or something else? 4

03 How councils assess retention 5

04 Planning enforcement: how it works 6

05 Responding to a Warning Letter 7

06 The 7-year rule: what it does and does not do 8

07 Selling or remortgaging: planning on title 9

08 Preparing a retention application 10

09 Decision, refusal and next steps 11

10 Common mistakes and FAQs 12

11 Checklist, sources and contact 13

About this guide

Unauthorised works are more common than most people think: an extension slightly larger than the exemption allows, a garage converted to a bedroom, a change of use that started without permission, or a house built a few metres from its permitted position. These issues usually surface at the worst moment, during a sale, a remortgage or after a neighbour complaint. This guide explains the options calmly and accurately.

PLANNING LAW IN TRANSITION · NOVEMBER 2026

The remaining parts of the **Planning and Development Act 2024** come into operation on **26 November 2026**, with new regulations. Applications lodged before midnight on 25 November 2026 continue under the **Planning and Development Act 2000 (as amended)**. Section numbers change under the 2024 Act, but most core concepts and time limits carry through. This guide uses the familiar 2000 Act terms and flags the main 2024 Act equivalents.

Important: please read

This guide is general information about the planning system in the Republic of Ireland. It is not legal advice and not advice about any particular property. Legislation, regulations, development plans and fees change, and every site is different. Always check the current position with your planning authority and, where relevant, a qualified professional before starting work, buying property or submitting an application. Information is correct at the time of writing, November 2026. Where this guide summarises legislation, the official text takes precedence.

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STEP 1 · THE BASICS

What is unauthorised development?

Development is **unauthorised** if it needed planning permission and does not have it, or if it does not comply with the permission or its conditions. Carrying out unauthorised development is an offence (section 151 of the 2000 Act), although most cases are resolved through the enforcement process or a retention application rather than prosecution.

Common examples

- ✕ Extensions exceeding the exempt limits (now 45 m² in total, 12 m² or 20 m² above ground level).
- ✕ Side extensions or front porches over 2 m², built as if exempt.
- ✕ Garden rooms used as bedrooms or rental units.
- ✕ Dormers that are larger than permitted or face the front.
- ✕ Houses built in a different position, or larger, than the approved drawings.
- ✕ Changes of use without permission, for example a shop to a takeaway or an office to a clinic.
- ✕ Short-term letting of a non-principal residence without permission.
- ✕ Breach of conditions: occupancy conditions, opening hours, landscaping, sightlines.
- ✕ New or widened entrances onto public roads.
- ✕ Works to a Protected Structure without permission.

Why it matters even if no one has complained

- **Exemptions are lost**: you cannot rely on exempted development to extend or alter an unauthorised structure (Article 9(1)(a)(viii)).
- **Sales and lending**: purchasers' solicitors and lenders ask for evidence of compliance (page 9).
- **Insurance and Building Regulations**: unauthorised works may also lack Building Regulations certification.
- **Future applications**: the council may refuse or defer new applications until existing breaches are dealt with.

PLANNING AND BUILDING CONTROL ARE SEPARATE

Retention permission deals with **planning**. It does not certify Building Regulations compliance. Where works needed a Fire Safety Certificate and none was obtained, a separate **Regularisation Certificate** may be required from the building control authority.

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STEP 2 · CHOOSING THE ROUTE

Retention, Section 5 or something else?

Before applying for retention, confirm what you actually need. Some works thought to be unauthorised are in fact exempt, and some cannot be retained at all.

Situation	Likely route	Notes
Works may be exempt, but the position is unclear	**Section 5 Declaration** (section 10 of the 2024 Act)	A formal decision on whether the works are development and exempt. Useful on a sale.
Works needed permission and do not have it	**Retention permission**	Assessed on the normal planning merits. No guarantee of a grant.
Works partly acceptable, partly not	**Retention and permission** (combined)	Retain what is acceptable and get permission for modifications, for example reducing a dormer or obscuring a window.
Minor deviation from approved drawings	Architect's opinion; possibly retention	Councils and solicitors distinguish minor, immaterial deviations from material ones.
Development needing EIA or appropriate assessment	**Substitute consent** (An Coimisiún Pleanála)	Retention cannot be granted where EIA or AA is required. A separate process applies.
Long-running short-term let	Simplified STL retention application	Introduced by S.I. No. 500 of 2026; no detailed plans or maps required.

Protected Structures and European sites

Unauthorised works to a **Protected Structure** are treated seriously, and reinstatement may be required. Where a site is near a **Special Area of Conservation** or **Special Protection Area**, screening for appropriate assessment is needed. If AA is required, retention is not available.

Start with the facts

Before deciding the route, gather the **planning history**, any approved drawings, dates of construction (photographs, invoices, aerial imagery), and an accurate **measured survey**. Many problems are resolved more simply once the facts are clear.

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STEP 3 · THE ASSESSMENT

How councils assess retention

A retention application is assessed in the **same way** as an application for new development: against the development plan, national policy and proper planning and sustainable development. The fact that works are already built does not make permission more or less likely.

What the planner considers

- [ ] Zoning and development plan policy.
- [ ] Residential amenity: overlooking, overshadowing, overbearing impact.
- [ ] Design and visual impact on the street or landscape.
- [ ] Traffic safety and sightlines at entrances.
- [ ] Drainage and, in rural areas, wastewater treatment.
- [ ] Heritage, ecology and flood risk.
- [ ] Submissions from neighbours and prescribed bodies.

What it does not consider

- ✕ The cost of removing the works.
- ✕ Hardship from a sale falling through, as such.
- ✕ Whether the builder or previous owner was at fault.

These points can matter to how you manage the situation, but the planning decision turns on planning merits. Do not assume a grant: **approval is never guaranteed**.

Fees and practical points

- ✓ Statutory fees for retention are higher than for a standard application. For a domestic extension the minimum is currently **€102**, compared with €34 for a new application.
- ✓ Development contributions may apply as they would for a new application.
- ✓ Conditions may require changes, for example obscure glazing, reduced hours or landscaping, within a set period.
- ✓ Where the works breach the conditions of an earlier permission, the application needs to explain how the scheme now complies or why the change is acceptable.

> **Improving the chances of a grant**
>
> Address the obvious concerns in the application, not later. If a first-floor window overlooks a neighbour, propose obscure glazing. If a sightline is short, show how it can be improved. A **retention and permission** application that fixes the weak points is often the most robust route.

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STEP 4 · ENFORCEMENT

Planning enforcement: how it works

Enforcement is set out in **Part VIII** of the 2000 Act. From 26 November 2026, **Part 11** of the 2024 Act takes over, with broadly similar stages. Planning authorities have a duty to investigate complaints that are not trivial or minor.

1. **Complaint or detection**: most cases start with a complaint from a neighbour, a member of the public or the council's own inspection.
2. **Warning Letter** (section 152): issued where it appears unauthorised development may have been, or is being, carried out. You can make submissions within **4 weeks**.
3. **Investigation and decision**: the authority investigates and decides, as soon as practicable, whether to issue an Enforcement Notice.
4. **Enforcement Notice** (section 154): requires specified steps within a set period, such as stopping a use, removing works or complying with a condition. The authority's costs can be recovered.
5. **Prosecution**: failure to comply with an Enforcement Notice is an offence, with significant fines and potentially imprisonment, plus daily fines for continuing offences.
6. **Injunction** (section 160): the planning authority or **any person** can apply to the High Court or Circuit Court for an order to stop or remedy unauthorised development.

Does a retention application stop enforcement?

No. Lodging a retention application does not suspend enforcement. In practice, councils often consider an application in progress before taking further action, but this is a matter of discretion, not a right.

Is enforcement public?

Enforcement Notices are entered on the planning register, which purchasers' solicitors search. Warning Letters are not always visible, but they should be disclosed where relevant.

Section numbers refer to the 2000 Act. Enforcement action commenced under the 2000 Act is subject to the transitional provisions of the 2024 Act.

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STEP 5 · ACTING PROMPTLY

Responding to a Warning Letter

A Warning Letter is a serious but manageable stage. A clear, factual and timely response, within the **4-week** period, often determines whether the matter escalates.

1. **Read it carefully**: note the date of service, the development described and what the authority alleges.
2. **Do not ignore it, and do not over-commit**: acknowledge it and confirm you are taking advice.
3. **Establish the facts**: planning history, dates of construction or use, measured drawings and photographs.
4. **Identify the route**: exempt (with evidence), immune from enforcement under the 7-year rule (with evidence), retention, modification or removal.
5. **Make a written submission** within 4 weeks, setting out the facts and your proposed course of action and timescale.
6. **Follow through**: if you say you will apply for retention, lodge a complete application promptly and keep the enforcement section informed.

A good response

- Is factual and polite.
- Includes evidence, not assertions.
- Offers a realistic timetable.
- Addresses neighbour concerns where possible.

Avoid

- Missing the 4-week deadline.
- Continuing works that are under investigation.
- Claiming exemption without measuring.
- Relying on the 7-year rule without dated proof.

Received a Warning Letter or Enforcement Notice?

Send us the letter, the Eircode and a short history of the works. We will advise on the facts, the realistic options and a response within the deadline, in confidence.

Ask for a confidential review → irelandplanning.ie/contact

Or call 01 223 2496 · info@irelandplanning.ie · Monday to Friday, 9am to 5pm

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STEP 6 · TIME LIMITS

The 7-year rule: what it does and does not do

Under section 157(4) of the 2000 Act, and section 353 of the 2024 Act, enforcement action generally cannot be commenced more than **7 years** after unauthorised development began or, for development with permission, 7 years after the permission expired.

What it does

- ✓ Prevents a Warning Letter, Enforcement Notice or prosecution being started after the time limit.
- ✓ Applies similarly to most injunction applications under section 160.
- ✓ Gives some practical comfort for long-standing minor works.

What it does not do

- ✗ It does **not** make the development authorised or lawful.
- ✗ It does not protect against enforcement of **conditions concerning the use of land**, such as occupancy conditions, which can be enforced at any time.
- ✗ It does not allow you to rely on exempted development to extend or alter the unauthorised structure.
- ✗ It does not cure Building Regulations issues.
- ✗ It does not answer a purchaser's or lender's questions.

> **Why banks and solicitors still ask for regularisation**
>
> A property with unauthorised works is "immune from enforcement" only in a limited sense. The works remain unauthorised, future exemptions are lost, and a purchaser may face the same issue on resale. Lenders and purchasers' solicitors therefore often require **retention permission**, a **Section 5 Declaration** where the works are arguably exempt, or a professional opinion with supporting evidence, before completing.

Proving dates

If you rely on the 7-year rule, you need **dated evidence**: invoices, photographs, statutory declarations, aerial imagery, utility or rates records. The burden is effectively on you. Use-related breaches are harder to prove than built works, because use can change over time.

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STEP 7 · CONVEYANCING

Selling or remortgaging: planning on title

In an Irish property sale, the purchaser's solicitor raises **planning requisitions**. The seller must show that every development since 1 October 1964 either has permission, complies with it, or is exempt.

Document	What it shows
Grant of permission and approved drawings	That the works were permitted.
Opinion or certificate of compliance	An architect's or engineer's opinion that the works comply with the permission and its conditions, including any financial contributions.
Opinion on exemption	An architect's or engineer's opinion that works were exempted development, with measurements and reasoning.
Section 5 Declaration	The planning authority's formal decision that works are exempt. Stronger where the point is arguable.
Retention permission	Regularises works that needed permission.
Building Regulations evidence	Commencement Notice, certificates and, where relevant, Fire Safety or Regularisation Certificates.

Timing is the main risk

A retention application takes at least **8 weeks** to a decision and a further **4 weeks** for the appeal period before a final grant, longer if Further Information is requested or there is an appeal. That is rarely compatible with a closing date set after the problem is discovered.

- [ ] **Sellers**: commission a planning review before going to market.
- [ ] **Buyers**: ask questions at offer stage, not contract stage.
- [ ] **Remortgaging**: lenders may accept an undertaking and a lodged application, but practice varies.

> **Regularise before you sell**
>
> Dealing with planning issues before listing a property protects the price and the timeline. It also avoids rushed decisions under pressure from a purchaser's solicitor.

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STEP 8 · THE APPLICATION

Preparing a retention application

A retention application follows the normal planning application procedure. The difference is that the drawings record what **exists**, and the notices must say that **retention** is being sought.

Drawings and documents

- [ ] **Measured survey** of the works as built, not as originally designed.
- [ ] Site location map and site layout plan to the prescribed scales, with the site outlined in red.
- [ ] Floor plans, elevations and sections, existing and, if modifications are proposed, as proposed.
- [ ] Photographs of the works and the context.
- [ ] Planning report explaining the history, policy compliance and any mitigation.
- [ ] Specialist reports where relevant: wastewater (site characterisation), sightlines, flood risk, AA screening, conservation.

Public notices

- [ ] The **newspaper notice** and **site notice** must describe the development accurately and state that permission for **retention** is sought.
- [ ] If modifications are also proposed, describe both: "retention of ... and permission for ...".
- [ ] Errors in the notice can invalidate the application, wasting weeks.
- [ ] The site notice must be visible from the public road and maintained throughout the submission period.

Describe the works honestly

Understating the works, or describing them inaccurately, risks invalidation and can undermine the permission later. Measure carefully and describe precisely.

> **Under the 2024 Act**
>
> From 26 November 2026, applications are made under Part 4 of the 2024 Act using the new prescribed forms and notices in the 2026 Regulations. Applications lodged before midnight on 25 November 2026 continue under the 2000 Act. Use the correct forms for the date of lodgement.

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STEP 9 · AFTER LODGEMENT

Decision, refusal and next steps

1. **Validation**: the authority checks the application and notices.
2. **Submissions**: anyone may make a submission within **5 weeks** of receipt (€20 fee).
3. **Decision** within **8 weeks**, unless **Further Information** is requested. Respond fully and within the time allowed.
4. **Appeal period**: **4 weeks** from the decision for appeals to An Coimisiún Pleanála by the applicant or by people who made submissions.
5. **Final grant** issues if no appeal is made. Comply with any conditions within the time set.

If retention is refused

1. Read the reasons

Identify whether the objection is to the principle, the scale, a specific impact or missing information.

2. Consider a revised application

Modifying the works (reducing, re-siting, obscuring, improving access) and applying for **retention and permission** is often the most practical route.

3. Appeal, where justified

An appeal to An Coimisiún Pleanála must be lodged within 4 weeks. The Commission decides afresh. Appeals suit refusals that misapply policy; they are not a substitute for fixing a weak scheme.

4. Plan for compliance

If works cannot be retained, agree a realistic timetable with the enforcement section for removal or reinstatement to avoid prosecution.

Early advice reduces risk

Most refused retention applications share a feature: they were lodged in a hurry without addressing obvious issues. A short feasibility review before lodging is the best protection.

AVOID THE PITFALLS

Common mistakes and FAQs

Common mistakes

- ✕ Assuming the 7-year rule makes works lawful.
- ✕ Waiting until a sale is agreed to deal with planning.
- ✕ Missing the 4-week deadline after a Warning Letter.
- ✕ Applying for retention for works that were exempt anyway.
- ✕ Inaccurate notices that invalidate the application.
- ✕ Ignoring a breach of an occupancy condition.
- ✕ Extending an unauthorised structure using an "exemption".

Will retention be granted because the work is already built?

No. It is assessed on the same merits as a new application. There is no guarantee.

Can a neighbour object to retention?

Yes. Anyone can make a submission within 5 weeks, and those who do can appeal the decision.

I bought the house with the works already done. Am I responsible?

Planning enforcement attaches to the land, so the current owner is usually the person who must regularise. You may have separate remedies against others.

How long does it take?

Allow at least 3 months from lodgement to a final grant if there is no Further Information or appeal; preparation time comes on top.

Can I continue using the premises while I apply?

Take advice. A retention application does not suspend enforcement.

Need to regularise works?

Tell us your Eircode, what was built or changed, and when. We will review the planning history and give a clear view of the route, in confidence.

Ask about my property → irelandplanning.ie/contact

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CHECKLIST, SOURCES AND CONTACT

Regularisation: checklist

- [ ] Planning history and approved drawings obtained
- [ ] Measured survey of the works as built
- [ ] Exemption tested (Section 5 if arguable)
- [ ] Dated evidence of construction or use gathered
- [ ] EIA or AA screening considered
- [ ] Protected Structure and ACA status checked
- [ ] Route chosen: retention, retention and permission, or removal
- [ ] Notices worded for retention
- [ ] Warning Letter answered within 4 weeks
- [ ] Building Regulations and fire safety considered
- [ ] Solicitor briefed on timeline for sale or remortgage
- [ ] Conditions of any grant diarised

Sources

- Planning and Development Act 2000 (as amended), sections 2, 3, 5, 34(12), Part VIII (sections 151 to 164) and Part XA.
- Planning and Development Act 2024, Part 11 (incl. section 353) and commencement notice of 12 November 2026.
- Planning and Development Regulations 2001, Article 9 and Schedule 9 (fees); Planning Authority Fees Regulations 2026 (IPI summary).
- Office of the Planning Regulator, Planning Leaflet 6: A Guide to Planning Enforcement in Ireland.
- S.I. No. 500 of 2026 (short-term letting retention) and DETE guidance.
- An Coimisiún Pleanála: substitute consent and appeals guidance.
- Building Control Acts 1990 to 2014 (Regularisation Certificates).

PO

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Ready to resolve a planning issue?

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