



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/895

Appeal by Manfred Meyer care of Diarmuid Twomey, Planning, Engineering and Architectural Services of Annagloor, Millstreet, County Cork against the decision made on the 15th day of October, 2019 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: Change of use of the existing private leisure building to residential use ancillary to the primary residence/existing dwelling house on the property at Oysterbed Road, Drimnamore, Sneem, County Kerry.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2015-2021, to the location of the site in a Structurally Weak Area, to the nature and scale of the site and of the development and to the existing pattern of development in this remote location, it is considered that subject to compliance with the conditions set out below, the proposed development would not materially contravene the County Development Plan or a condition of a previous planning permission, would not seriously injure the amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 8th day of November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the structure shall be used as guest accommodation ancillary to the main dwelling house on the site only. The proposed guest accommodation unit shall be occupied together with the main dwelling house as a single integral unit, in single ownership and shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling house on the site, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provisions replacing or amending them, no room in the proposed guest accommodation unit shall be used for the purposes of providing overnight paying guest accommodation unless authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020