

An
Coimisiún
Pleanála

Direction
ACP-322954-25

The submissions on this file and the Inspector's report were considered at a meeting held on 13/01/2026.

The Commission decided, as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether the restoration of an existing structure at Knocknaskeha, Killarney, Co. Kerry is or is not development or is or is not exempted development:

AND WHEREAS Mr. John Dooley requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 16th day of June 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Mr. John Dooley (c/o Mr. Frank Curran) referred this declaration for review to An Coimisiún Pleanála on the 3rd day of July, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the provisions of the Kerry County Development Plan 2022-2028
- (g) the planning history of the site,
- (h) relevant precedent referrals and judgements, and
- (i) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The works and alterations to be carried out to facilitate the residential use of the now derelict structure would constitute "works" that are "development" under Section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would now constitute a change of use that is material, having regard to the potential for consequences in planning terms. It would, therefore, constitute development, which development does not come within

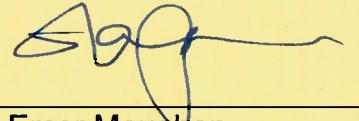
the scope of any of the legislative provisions for exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (X) (x) of the 2000 Act, hereby decides that the restoration of the subject structure is development and is not exempted development.

Planning

Commissioner:

Date: 13/01/2026



Emer Maughan