

An
Coimisiún
Pleanála

Direction
ACP-324040-26

The submissions on this file and the Inspector's report were considered at a meeting held on 28/07/2026.

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

WHEREAS a question has arisen as to whether the conversion of two residential units (ground floor level bungalow and basement level apartment to the rear) to one residential unit is or is not development and is or is not exempted development.

AND WHEREAS Anthony O'Donoghue requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 12th day of January 2026, stating that the matter was development and was not exempted development:

AND WHEREAS Anthony O'Donoghue referred this declaration for review to An Coimisiún Pleanála on the 23rd day of January 2026;

NOW THEREFORE 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 3(3) of the Planning and Development Act, 2000,

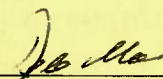
- (d) Section 4(1)(a) of the Planning and Development Act, 2000, as amended
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Class 14 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The combination of two smaller dwellings to one larger dwelling is a material change of use, and constitutes development, and
- (b) no evidence has been put forward that the structure was previously used as a single dwelling, and therefore the development does not come within the scope of Class 14 of Part 1 of Schedule 2.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the Planning and Development Act 2000 (as amended), hereby decides that the conversion of two residential units (ground floor level bungalow and basement level apartment to the rear) to one residential unit is development and is not exempted development.

Planning Commissioner:


Declan Moore

Date: 28/07/2026