



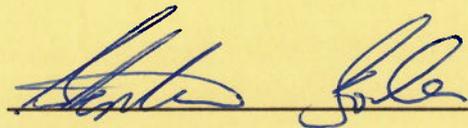
An
Coimisiún
Pleanála

Commission Direction
CD-000162
PL-500188-KY

The submissions on this file and the Inspector's report were considered at a meeting held on 20 February 2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning Commissioner:



Stephen Bohan

Date:

24th day of February 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. The site is located in an elevated and open position in an area designated in the current Kerry County Development Plan 2022-2028 as a 'Visually Sensitive Area' by reason of its landscape quality, in relation to which Policy Objective

KCDP 11-78 seeks to ensure that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area. The proposed development would appear as an obtrusive feature on this sensitive landscape, detracting to an undue degree from the character and scenic amenities of the area. The proposed development would, therefore, interfere with the character, integrity, distinctiveness and scenic value of the landscape, which it is necessary to preserve, contrary to Objective KCDP 11-78 of the Kerry County Development Plan and to the proper planning and sustainable development of the area.

[Note:

1. The Commission had regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with Objective 5-15 of the Kerry County Development Plan 2022-2028, it is considered that the applicant has not demonstrated that they would come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and

would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Commission also had regard to the steep gradient of the proposed polishing filter area and to the absence of any details of trial hole assessment carried out adjacent to that area, it is considered that the proposed wastewater treatment system would not be in accordance with the EPA Code of Practice 2021. Consequently, it has not been adequately demonstrated that wastewater generated by the proposed development can be appropriately disposed of on this site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be contrary to KCDP 13-19, which requires that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and would be prejudicial to public health.

3. Furthermore the Commission had regard to the location of the proposed entrance to the application site, directly adjacent to the development permitted under PL08.246437, to the route of the extended driveway through that site as indicated on the submitted site layout plan and to the position of that driveway outside the application site boundary, it is considered that the

proposed entrance to the application site would result in a loss of amenity to the adjoining occupiers due to the impact on their private amenity space and, that it has not been demonstrated that the proposed access is feasible, having regard to the approved layout of the development directly adjoining to the west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

However, given the substantive reason for refusal set out above, it was decided not to pursue these matters in the context of the current appeal.]

[Please issue a copy of this Direction with the Board Order to the parties.]