

The submissions on this file and the Inspector's report were considered at a meeting held on 16 September 2026.

The Commission decided to refuse permission generally in accordance with the following reasons and considerations.

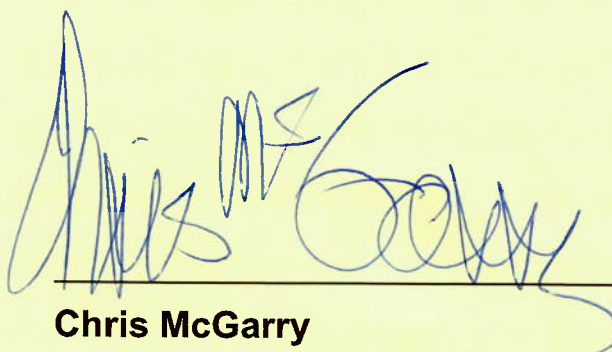
Reasons and Considerations

Having regard to the relevant provisions of the Kerry County Development Plan 2022-2028 as varied, in particular the zoning objective 'Community facilities' which applies to the subject site, to the nature, scale and extent of the proposed development which includes a change of use to storage/warehouse with retail, to the documentation on file, it is considered that the proposed development would not be in accordance with the zoning objective for the site, would not constitute a change/extension to a non-confirming use insofar as the proposed development would not only expand the physical floor area of the established premises but would also introduce a new form of retail use within the site, in conflict with the provisions of the development plan by reference to retail development, and would not constitute an acceptable form of land use at this location zoned for community facilities. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Note: the Commission noted the recommended reason for refusal of the inspector relating to alleged unauthorised use at the subject site. While this issue might

ordinarily warrant further consideration and potentially further information, having regard to the substantive reason for refusal noted above, and to the fact that this constituted a new issues, it was decided not to pursue this matter in the context of the current appeal. The Commission also noted the commentary of the inspector that the proposed retail use would be an ancillary element and not comparable to a retail warehouse. However the Commission considered on a review of the totality of the documentation submitted, including the response of the applicant to a further information request, received by the planning authority by date 11/09/2025, which confirmed that customers will be able to browse products on display at ground floor level and purchase goods. This equates to a new form of use which the Commission considered to be material, significant in scale, given the extent of ground floor area within the two proposed units, and would create an effective retailing function at this location contrary to the relevant provisions of the development plan. In this context the Commission did not agree with the inspector that the retailing element could be considered ancillary or otherwise equate with any reasonable interpretation of modest shop use of up to 100sq.m. at this location, given the clearly interlinked function of overall space within each of the two proposed sub-divided units, to provide a retail type service with significant areas of display and associated storage at upper levels.

Planning Commissioner:



Chris McGarry

Date:

16th day of September 2026