

The submissions on this file and the Inspector's report were considered at a meeting held on 21 September 2026.

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

1.

Having regard to the location of the development in a rural area away from existing settlements, it is considered that the development for use as guesthouse/ B&B as described in the application plans and particulars, would contravene Policy Objectives KCDP 10-11 and KCDP 10-29 and Section 1.12.1 of Volume 6 (Development Management Standards & Guidelines) of the Kerry County Development Plan 2022-2028. These policy objectives are considered reasonable. The development for which retention permission is sought and the proposed use of the development by itself and by the precedent it would set, would undermine the integrity of these development plan objectives, would create haphazard development in this rural area, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

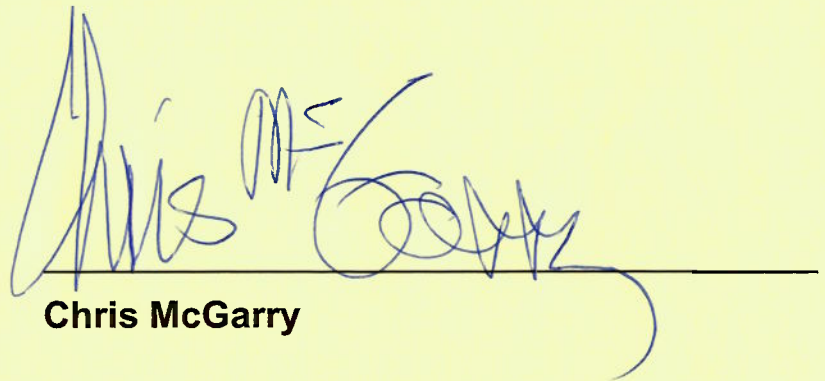
2.

Having regard to the presence of a Regionally Important Aquifer underlying the site, to historic aerial photography indicating features associated with poor drainage/high water table on site and adjacent, to the age of the existing wastewater treatment system and percolation area, to the absence of percolation testing in the vicinity of the existing percolation area submitted as part of the application, which could inform assessment as to the suitability of the site for discharge to ground, and given the proposed change of use of the structure and potential increased occupancy of the building, noting the number of bedrooms and number of bedspaces described in the plans and particulars submitted with the application, it has not been demonstrated that the existing wastewater treatment system on site can adequately dispose of wastewater generated by the development for which retention permission is sought and the proposed use of the development. The development for which retention permission is sought and the proposed use of the development would therefore be prejudicial to public health and would be contrary to Policy Objectives KCDP 13-17 of the Kerry County Development Plan 2022-2028, which require that wastewater treatment systems for commercial and tourism uses in rural areas are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2009 and Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centre and Hotels, EPA 1999', and any updated versions of these documents during the lifetime of the Plan. The development for which retention permission is sought and the proposed use of the development would, therefore, be contrary to the proper planning and sustainable development of the area.

note: The Commission noted the existence of a hostel use on adjoining lands identified in blue, as being within the control of the applicant. That separate use appears to be derived from a 1993 permission to change the use of a portion only of a dwelling house to hostel. Furthermore, on the facts of the application currently before the Commission, there is no clear understanding as to if and if so, how these two activities might be related if at all, in functional terms such that a different engagement with development plan policy might be considered.

Specifically, the Commission did not share the view that the current proposed use could be reasonably described as ancillary to the separate hostel use, from the facts as presented on file and considered that no benefit in policy terms (such as for example considering the overall site as a proposed extended integrated tourism accommodation resource) could reasonably be applied to the current proposal from the information as presented in this case. On this basis the use proposed in the current application has been examined on its own stand alone terms.

Planning Commissioner:



Chris McGarry

Date:

22nd day of September 2026