



An
Coimisiún
Pleanála

Commission Direction
CD-000889
PL-500503-KY-25

The submissions on this file and the Inspector's report were considered at a meeting held on 14 July 2026.

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

Planning Commissioner:

Liam McGree

Date:

16th day of July 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to Rural Settlement Policy Objective KCDP 5-15 (Rural Areas under Urban Influence) of the Kerry County Development Plan 2022-2028, and Rural

Housing Objective KCDP 5-22 of the Development Plan, which seeks to ensure that the design of housing in rural areas comply with the Building a House in Rural Kerry Design Guidelines 2009 (or any update of the guidelines), and Section 11.6.3.1 (Visually Sensitive Area) of the Development Plan, and having regard to the location, nature, scale and design of the proposed development, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the established rural and visual amenities of the area, and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 2nd October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence, and not as a holiday home, by the applicant,

members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area

3. A comprehensive boundary treatment and landscaping scheme, with hedgerow screening and native tree planting, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing front boundary trees and hedgerow shall be retained except to the extent that its removal is necessary to provide for the entrance to the site with adequate sight lines.

Reason: In the interest of visual amenity.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

6. The applicant, and any subsequent owner(s) of the development, shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and packaged tertiary intermittent filter media system with the manufacturer or such suitably qualified person in perpetuity. A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the commissioning of the system. A maintenance contract for the effluent treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the completion of installation and subsequent commissioning of the proposed effluent treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation.

Reason: In the interest of public health and to prevent pollution.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

(c) The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas contiguous with the dwelling shall have separate drainage pathways.

(d) Full design details, including drainage along the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

8. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann.

Reason: in the interest of public health.

9. The garage and home office shall only be used for the purpose incidental to the enjoyment of the dwelling house and shall not be separately occupied, used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of clarity and to restrict the use of the garage and home office in the interest of residential amenity.

10. All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be

agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.