

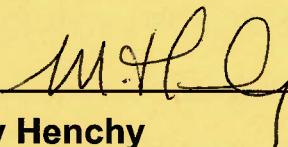
An
Coimisiún
Pleanála

Commission Direction
CD-000486
PL-500578-KY-26

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

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

Planning Commissioner:



Mary Henchy

Date:

28th day of April 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Notwithstanding the location of the site, which is approximately 200 metres to the south of an area designated as a 'Visually Sensitive Area', and having regard to the elevated and open nature of the site relative to the nature of the adjoining landscape, the scale and height of the proposed dwelling and garage,

and the design of the proposed dwelling, which fails to adhere to the 'Building a House in Rural Kerry Design Guidelines (2009) in terms of siting, mass and building form, it is considered that the proposed development would be contrary to Policy Objective KCDP 5-22 (Design of Rural Houses) and Policy Objective KCDP 1 1-78 (Protecting Landscapes) of the Kerry County Development Plan 2022-2028, would appear incongruous on the landscape, would seriously injure the visual amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the ground conditions on the site, and notwithstanding the proposal to use a tertiary treatment system and infiltration area, the Commission is not satisfied that it has been adequately demonstrated that effluent arising from the proposed development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). The proposed development would be contrary to Policy Objective KCDP 13-19 of the Kerry County Development Plan 2022-28, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

Based on the information submitted by the applicant with this planning application the Commission was not satisfied that the applicant has adequately demonstrated an exceptional rural housing need as set out in objective KCDP 5-15 of the Kerry County Development Plan 2022-2028, however given the substantive reasons for refusal set out above, decided not to pursue this matter further.