



Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/377 (Listowel)

Appeal by Noel O'Hara care of Noel Lynch of Main Street, Ballylongford, County Kerry against the decision made on the 25th day of August, 2017 by Kerry County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (as revised by further public notice received by the planning authority on the 31st day of July, 2017), Retention of dwellinghouse as erected on site and also retention of extension to domestic garage/outhouse at Gortagurrane West, Ballyconry, Lisselton, Listowel, County Kerry.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** conditions numbers 3 and 5 so that they shall be as follows for the reasons set out.

3. The golf antiques shop use on this site, which does not have the benefit of planning permission, shall be discontinued or if already discontinued, shall not be recommenced. The artist's studio use within the former garage of the dwellinghouse shall be reinstated. The utility room use, which was incorporated into the golf antiques shop, without the benefit of planning permission, shall be returned to private residential use as part of the dwellinghouse, and shall not be incorporated into any reinstated artist's studio use within the former garage area. The artist's studio and the dwellinghouse, of which it forms part, shall be jointly occupied/used.

Reason: To clarify the extent of this permission, in the interest of orderly development and the residential amenities of the area.

5. The gallery and framehouse use, as provided for under planning register reference number 108/98, shall be retained for joint use/occupation. If this space is not required by the occupant of the dwellinghouse, then its use shall revert to storage/shed, for purposes ancillary to the enjoyment of the dwellinghouse.

Reason: To clarify the extent of the permission, in the interest of orderly development and the residential amenities of the area.

