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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/231**

**APPEAL** by Diarmuid Breen care of Frank Coffey of Daly's Lane, Killorglin, County Kerry against the decision made on the 4<sup>th</sup> day of May, 2018 by Kerry County Council to refuse permission to the said Diarmuid Breen.

**Proposed Development** Retention of agricultural machinery and storage shed at Ardmore, Sneem, County Kerry.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the location of the development for which retention is sought with access onto the N70 National Secondary Road, at a location where the maximum speed limit of 100 km/h applies, the Board is not satisfied, on the basis of the submissions made with the planning application and the appeal, that the development for which retention is sought constitutes an exceptional circumstance or meets the criteria for which an access onto this National Road can be considered as per section 7.2.1.2 of the current Kerry County Development Plan. It is considered that the subject development, by itself or by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, due to the nature of the traffic likely to be generated by the use of this shed for agricultural contracting, as proposed, would be contrary to national policy in relation to the control of development on national roads, as set out in the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network, and would contravene materially objective RD-17 of the Kerry County Development Plan to preserve the level of services and carrying capacity of the National Secondary Road. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Philip Jones**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this                      day of                      2018.**