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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/1039**

**APPEAL** by Alan Horgan of Loughgittane, Killarney, County Kerry against the decision made on the 31<sup>st</sup> day of May, 2019 by Kerry County Council to grant subject to conditions a permission to Ben Nash care of Broadstone Architects of Unit 2 Brunswick Court, North Brunswick Street, Dublin.

**Proposed Development:** (a) Planning permission to construct a single storey grass roofed, stone and concrete clad private outbuilding ancillary to the existing single family dwelling and for the use of meditation and family congregation, all with associated ramp access, landscape and ancillary works and new soakaways for surface water drainage, (b) retention permission is also sought for the groundworks carried out on the site and to retain existing dwellinghouse all within revised site boundaries, all at Cappagh, Killarney, 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**

On the basis of the information provided with the application and the appeal, and in the absence of a Natura impact statement, the Board cannot be satisfied that the proposed development and the development proposed to be retained, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site code 000365), or any other European Site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development and for the development proposed to be retained.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**