

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/770

APPEAL by Frank Curran of Turret Field, Cahersiveen, County Kerry against the decision made on the 1st day of September, 2021 by Kerry County Council to grant subject to conditions a permission to John and Denice Kilmartin care of Walsh Architectural of Lakelands House, Waterville, County Kerry.

Proposed Development: (1) Permission to retain and complete variations to farmhouse redevelopment PI. Reference Number 982438 and (2) permission to decommission existing septic tank and fit new mechanical treatment unit, intermittent filter and polishing filter at Bolus, Ballinskelligs, 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

Section 3.3.5 of the Kerry County Development Plan 2015-2021 provides that in Prime Special Amenity Areas, it is the policy of the planning authority to confine the renovation or restoration of existing and vacant buildings situated in rural areas to dwellings which are to be occupied by a person as their primary place of residence and who are sons and daughters of traditional landholders, the landholding having been in the applicant's or applicant's family's ownership for a period in excess of ten years while being the location of the principal family residence. This policy is considered reasonable.

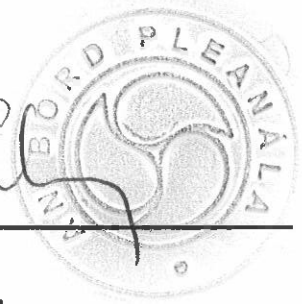
Having regard to the location of the site in an area of Prime Special Amenity as identified on Map 12.1p of the development plan, and to the information contained on the file including the recent condition of the structure on the site, it is considered that the development to be retained would not comply with Section 3.3.5 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.



In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the information contained on the file including the recent condition of the structure on the site and considered that the development to be retained would not comply with Section 3.3.5 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.



Handwritten signature of John Connolly in cursive script.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 23rd day of MARCH 2022