

An  
Bord  
Pleanála

## Board Order ABP-319904-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2460080**

**Appeal** by Jeremiah O'Halloran care of Tadhg Casey Architects of The Phoenix, 11 The Mall, Tralee, County Kerry against the decision made on the 17<sup>th</sup> day of May, 2024 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Retain an existing agricultural storage shed as constructed, retain an existing concrete post and panel fence, retain existing two number access gates, and all associated ancillary site works on a site within the curtilage of Ballyheigue castle, a protected structure (RPS KY-21301401 14-1-A) at Castlelawn, Ballyheigue, County Kerry.

### Decision

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

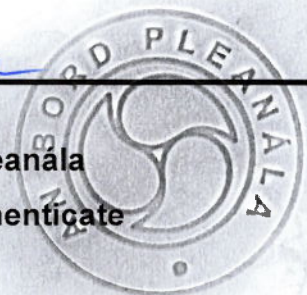
## Reasons and Considerations

Having regard to the location of the development proposed to be retained, within the walled gardens and curtilage of the Protected Structure, Ballyheigue Castle, which is designated within the Record of Protected Structures in the Kerry County Development Plan 2022-2028 (reference numbers RPS-KY-0121 and RPS-KY-0122), to the 'G3 -Conservation' zoning of the site and to the stone walls of the site being designated for preservation under the land use zoning map of the Listowel Municipal District Local Area Plan 2020-2026, to the proximity of the development to the historic stonewalls of the Protected Structure and to the nature, scale and design of the development, it is considered that the development proposed to be retained would result in a detrimental effect on the character and setting of the Protected Structure and would seriously injure the visual amenities and architectural and historical interest of the area. The development proposed to be retained would be contrary to Objectives KCDP 8-40, KCDP 8-42 (Record of Protected Structures) and KCDP 8-50 (Historic Landscapes) of the Kerry County Development Plan 2022-2028 and Objectives BE-GO-04 and BE-GO-07 of the Listowel Municipal District Local Area Plan 2020-2026, which all seek to preserve and protect buildings, stonewalls and historic designed landscapes. Furthermore, the development would be contrary to the principles set out in the 2011 Architectural Heritage Guidelines for Planning Authorities in relation to the curtilage of protected structures and gardens. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.



**Marie O'Connor**

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



Dated this 28 day of May 2025.