



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/60440

Appeal by John Crowley of Cools, Headford, Killarney, County Kerry against the decision made on the 16th day of July, 2024 by Kerry County Council to grant, subject to conditions a permission to Gavin Kelly care of Hickey Design and Associates of 10 Priory Paddocks, Muckcross Road, Killarney, County Kerry.

Proposed Development: Retain existing dwelling house and septic tank as constructed at Cools, Headford, Killarney, County Kerry.

Decision

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

Reasons and Considerations

At its meeting held on the 13th January, 2025, the Board was not satisfied that the applicant met the requirements for rural housing, as set out in Objective KCDP 5-15 of the Kerry County Council Development Plan 2022-2028, or that the existing wastewater treatment system complied with the 2021 EPA Code of Practice for Domestic Wastewater Treatment Systems, and sought further information from the applicant under section 132 of the Planning and Development Act, 2000.

While the applicant's response satisfied the Board with respect to rural housing need, the information resubmitted by the applicant was insufficient to demonstrate the wastewater system's compliance with the EPA's Code of Practice.

Accordingly, it is considered that the area of the site is inadequate for the satisfactory disposal of septic tank effluent. The proposed development would, therefore, be prejudicial to public health.



Declan Moore

Member of An Bord Pleanála

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

Dated this 24th day of MARCH 2025.