



An  
Coimisiún  
Pleanála

**Commission Order  
ABP-320572-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 24/176**

**Appeal** by Cornelius O'Shea of 6 New Market Street, Cahirciveen, County Kerry and by Kevin O'Connor of 3 Top Street, Cahersiveen, County Kerry against the decision made on the 23<sup>rd</sup> day of July, 2024 by Kerry County Council to grant subject to conditions a permission to Thomas Dennehy care of The Johnson Dennehy Group of Trinity House, 8 Lighthouse Dwellings, School Road, Knightstown, Valentia Island, County Kerry.

**Proposed Development:** Demolish existing redundant structure and erection of one detached two-storey two-bedroom dwelling at Top Street, Cahirciveen, County Kerry, as revised by the further public notices received by the planning authority on the 26<sup>th</sup> day of June, 2024.

## **Decision**

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

## Reasons and Considerations

Having regard to the entirety of the information on file, the Commission is not satisfied that the applicant has satisfactorily demonstrated a sufficient legal estate or interest in the entirety of the site or has the approval of the person who has such legal estate or interest in the site to make a planning application. In such circumstances, the Commission is precluded from giving further consideration to the granting of permission for the proposed development the subject of the application.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission noted that ownership of part of the site, namely Folio KY16185, is disputed and that such disputes are not a matter for the Commission to resolve. However, in the circumstances of this case, and having regard to the information submitted by the third parties, and in particular the submission of Cornelius O'Shea in relation to his claim to ownership of the disputed part of the site, the Commission considered that the applicant had not provided sufficiently robust evidence in either the planning application, or by way of a response to the submissions made on the appeal, to demonstrate the applicant's legal interest in the land or to counter the doubt raised by the third parties.



*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

**Dated this 05 day of December 2025.**