

An
Coimisiún
Pleanála

Commission Order
ABP-320803-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/266

APPEAL by Martyn Charles Hicks care of Brendan O'Connell and Associates of 11 Market Place, Tralee, County Kerry against the decision made on the 16th day of August, 2024 by Kerry County Council to refuse permission.

Proposed Development: Build a private single storey dwelling, construct a private garage, install a mechanical aeration unit and sand polishing filter and all associated site works, all at Tiduff, Ballyheigue, County Kerry.

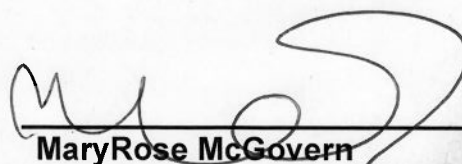
Decision

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

Reasons and Considerations

1. Having regard to the location of the site within a 'Rural Area Under Urban Influence', as identified in the Kerry County Development Plan 2022-2028, and in an area where housing is restricted to persons demonstrating local need in accordance with Policy Objective KCDP 5-15 of the development plan, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the development plan for a house at this location. In the absence of any identified locally based need for the proposed house, the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within a 'Visually Sensitive Area' as set out in the Kerry County Development Plan 2022-2028, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion. The site is also adjacent to a local road which is part of the Wild Atlantic Way with designated 'Views & Prospects' in both directions and which it is the policy of the planning authority to preserve. Having regard to the exposed nature of this coastal site, its sloping topography, and the location of the proposed development between the road subject to the designated 'Views & Prospects' and the coast, in a location where expansive coastal views are experienced from the said road, it is considered that the proposed development would form an obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



MaryRose McGovern

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



Dated this 15th day of December 2025.