



An
Coimisiún
Pleanála

Commission Order
ABP-321088-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60092

APPEAL by Philomena and James O'Donnell care of CW Planning and Engineering Services Limited of Castleshannon, Causeway, County Kerry against the decision made on the 27th day of September, 2024 by Kerry County Council to refuse permission for the proposed development:

Proposed Development: (1) Construction of a domestic dwelling house, (2) construction of domestic garage, (3) installation of on-site wastewater treatment system and (4) all associated site works at Ballyenaghty, Tralee, County Kerry.

Decision

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

Reasons and Considerations

1. Having regard to the location of the site within a 'Rural Area under Significant Urban Influence', as identified in the Kerry Development Plan 2022-2028, and on the basis of submissions made in connection with the planning application and appeal, it is considered that the applicant has failed to adequately demonstrate a rural generated housing need. Accordingly, permitting the proposed development would contravene Objectives KCDP 5-4 and KCDP 5-14 of the Kerry Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development seeks the construction of new rural dwelling on the landholding instead of the renovation and restoration of an existing vernacular farmhouse in which the applicant currently resides. Policies and objectives in the Kerry Development Plan 2022-2028 seek to preserve the county's rural vernacular architecture, protect its built heritage, and give preference to the renovation and restoration of existing rural buildings for use as permanent primary residences. On the basis of the submissions made in connection with the planning application and appeal, it is considered that the applicant has failed to adequately demonstrate that it is not feasible to renovate and restore the existing farmhouse on the landholding. Accordingly, permitting the proposed development would contravene Objectives KCDP 5-19, KCDP 5-25 and KCDP 5-26 of the Kerry Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The siting and design of the proposed development fail to sufficiently accord with best practice outlined in the planning authority's 'Building a House in Rural Kerry: Design Guidelines'. Furthermore, the siting of the proposed development would result in the creation of, contribution to, and/or exacerbation of ribbon development at this rural location. Accordingly, permitting the proposed development would contravene Objectives KCDP 5-22 and KCDP 5-4 of the Kerry Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Liam McGree

Liam McGree

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



Dated this *06th* day of *OCTOBER* 2025.