



An
Coimisiún
Pleanála

Commission Order
ABP-321284-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Authority Reference Number: EX1272

WHEREAS a question has arisen as to whether the occasional use of lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion, County Kerry is or is not development or is or is not exempted development,

AND WHEREAS Fiona Mulcare and Marion Foley care of Carey Architects of St. Ita's, Church Street, Tarbert, County Kerry requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 29th day of October, 2024 stating that the matter is development and is not exempted development,

AND WHEREAS Fiona Mulcare and Marion Foley referred this declaration for review to An Coimisiún Pleanála on the 19th day of November, 2024,

AND WHEREAS in considering the referral the Commission had regard to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 3(2)(b)(i) of the Planning and Development Act 2000, as amended,
- (d) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (e) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (f) Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (g) the planning history of the site,
- (h) the pattern of development in the area, and
- (i) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the use of the lands for the sale of goods from a mobile coffee trailer constitutes a material change of use and is, therefore, development, being works which come within the scope of Section 3(2)(b)(i) of the Planning and Development Act 2000, as amended,
- (b) the land upon which the mobile coffee trailer is parked for the sale of takeaway beverages has not been designated for the purposes of a casual trading area under Section 4(1)(k) of the Planning and Development Act 2000, as amended, and

- (c) the occasional use of the lands for the provision of a takeaway coffee service from a mobile coffee trailer does not come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as it is not undertaken in connection with the use of the lands for a local event.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the occasional use of lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion, County Kerry is development and is not exempted development.



Declan Moore

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



Dated this **12th** day of **JANUARY** 2026.