



An  
Coimisiún  
Pleanála

**Commission Order  
ABP-321450-24**

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/1248**

**APPEAL** by Laura and Graham Foster and Andrius Krusa care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork against the decision made on the 10<sup>th</sup> day of May, 2022 by Kerry County Council to grant, subject to conditions a permission to Tulfarris CG Limited care of John Phelan Architects of 26 Castlecountess, Tralee, County Kerry for the proposed development.

**Proposed Development:** (a) Demolish residual structures on site; (b) construct an apartment building comprising of 19 apartments including associated site works, roads, pavements and services on the old Jones Joinery site at New Canal Road, Tralee, County Kerry as amended by the further public notice received by the planning authority on the 3<sup>rd</sup> day of March, 2022 which included as follows:- retain demolition of derelict structures and full permission to (a) demolish residual structures on site; and (b) construct an apartment building comprising of 19 apartments including all associated site works, roads, pavements and services.

## Decision

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

## Reasons and Considerations

The proposed development includes the regularisation of works undertaken during the planning process to include the retention of a demolition of part of a commercial building. On the basis of submissions received in connection with the planning application and appeal, it appears to the Commission that the works undertaken may not have been adequately detailed during the application and appeal and would be inappropriate for the Commission to undertake an assessment of a retrospective retention request in this instance. Accordingly, it is considered inappropriate for the Commission to consider the grant of permission for the proposed development and development proposed to be retained in such circumstances.



  
Declan Moore

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

Dated this 30<sup>th</sup> day of September 2025