

An
Coimisiún
Pleanála

Commission Order
ABP-322285-25

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/427

Appeal by John Daly of Tooreenmore, Knocknagoshel, County Kerry against the decision made on the 19th day of March, 2025 by Kerry County Council to grant subject to conditions a permission to Niall B. Murphy care of Des O'Sullivan of Bedford, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of agricultural machinery storage shed and hay and straw storage shed, as constructed, and permission to complete same, all on farmyard at Tooreenmore, Knocknagoshel, County Kerry, as revised by the further public notices received by the planning authority on the 21st day of February, 2025.

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the agricultural nature of the development proposed to be retained and completed within a rural area and within an existing farm complex, the separation distance to the nearest neighbouring property, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not be prejudicial to public health, would not give rise to a traffic hazard, would not seriously injure the character of the landscape or the amenities of the area or of property in the vicinity, and would be in accordance with the provisions of the Kerry County Development Plan 2022-2028. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of November, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways.

Uncontaminated water shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

3. All soiled waters and slurry generated by the development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

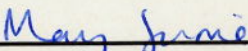
Reason: In the interest of public health.

4. The sheds shall be used for the storage of farm machinery and the storage of hay and straw associated with the existing farmyard only. The sheds shall not be used for the housing of farm animals, for human habitation or for any commercial purposes other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

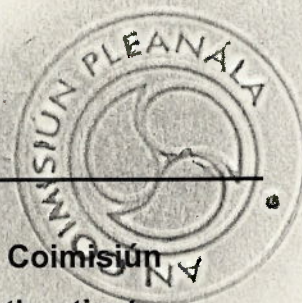
5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mary Gurrie

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



Dated this 05 day of August 2025.