



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

**Planning Authority: Kerry County Council**

**Planning Authority Reference Number: EX1393**

**WHEREAS** a question has arisen as to whether renovation works to a detached ruin cottage and the construction of a single storey extension (floor area 39 square metres approximately) to the rear at Knocknaskeha, Killarney, County Kerry is or is not development and is or is not exempted development:

**AND WHEREAS** John Dooly requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 16<sup>th</sup> day of June, 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** the said John Dooly referred this declaration for review to An Coimisiún Pleanála on the 3<sup>rd</sup> day of July, 2025:

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly 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,

- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the provisions of the Kerry County Development Plan 2022-2028,
- (g) the planning history of the site,
- (h) relevant precedent referrals and judgements, and
- (i) the pattern of development in the area:

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (a) the works and alterations to be carried out to facilitate the residential use of the now derelict structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000, as amended, and
- (b) the existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would now constitute a change of use that is material, having regard to the potential for consequences in planning terms. It would, therefore, constitute development, which development does not come within the scope of any of the legislative provisions for exempted development.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that renovation works to a detached ruin cottage and the construction of a single storey extension (floor area 39 square metres approximately) to the rear at Knocknaskeha, Killarney, County Kerry is development and is not exempted development.



Emer Maughan

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

Dated this 15<sup>th</sup> day of January 2026.