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

**Planning Authority: Kerry County Council**

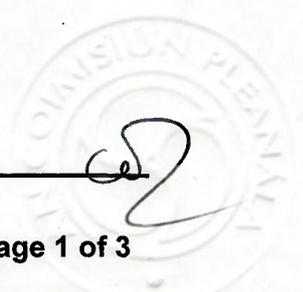
**Planning Register Reference Number: 24/302**

**APPEAL** by Gary O'Driscoll care of QDM Architecture against the decision made on the 25<sup>th</sup> day of July, 2025 by Kerry County Council to refuse permission.

**Proposed Development:** Construction of nine detached dwelling units, all necessary ancillary site works, including associated site services, the provision of footpaths, boundary treatments and landscaping, all at Sandhill Road, Ballybunion, Listowel, County Kerry, as amended by the further public notices received by the planning authority on the 26<sup>th</sup> day of June, 2025.

## **Decision**

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



## Reasons and Considerations

Having regard to Objective KCDP 6-27 of the Kerry County Development Plan 2022-2028, which seeks, inter alia, to support development of outreach and community services for an expanding and ageing population, the location of the subject site on lands zoned "Community Services Facilities" under the Listowel Municipal District Local Area Plan 2020-2026, which is an area designated for educational, institutional and civic land uses, and generally includes community-related development, including schools and colleges, residential healthcare institutions and, where appropriate, the provision of ancillary accommodation and facilities, and having regard to the zoning sub-categorization of the subject site of "Education (S1)", which has an objective to provide for educational facilities, described in the Kerry County Development Plan 2022-2028 as areas 'Providing for the wide range of educational facilities and related development. Where appropriate the provision of ancillary accommodation and facilities will be accommodated', it is considered that the proposed development of nine detached dwelling units, which is not ancillary to educational facilities, would constitute a material contravention of the zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

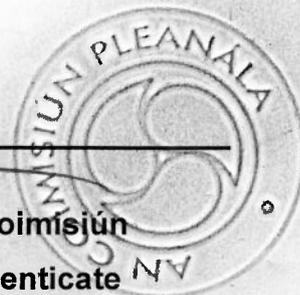
In reaching its decision to refuse permission, the Commission agreed with the Inspector that the subject site is located within a Small/Medium Town Edge where, in accordance with the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024), it is a policy and objective that densities in the range of 25dph to 40dph (net) shall generally be applied. The Commission agreed that the density of the proposed development, stated to be 11 units/hectare, would not be in compliance with these guidelines, and would be unacceptable at this location, resulting in an inefficient, wasteful and unsustainable use of serviceable, zoned land within the settlement boundary of Ballybunion. The Commission also agreed with the Inspector that the proposed narrow tract of approximately 280 square metres of public open space, located at the entrance to the proposed development, close to the roadway, was not centrally located within the scheme, and appeared to be residual space, incidental in nature, remaining after the placement of the proposed dwellings and drainage infrastructure. The Commission agreed with the Inspector that the public open space provision did not meet the requirements of the Kerry County Development Plan 2022-2028. The Commission considered, however, that the issues of density and public open space could be satisfactorily addressed as part of the design of an amended scheme, but as a result of the refusal reason outlined above, these matters were not pursued any further as part of this appeal.



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**MaryRose McGovern**

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



Dated this *4<sup>th</sup>* day of *February* 2026.