



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323480-25

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 25/150**

**APPEAL** by Greenfield Management Company care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 28<sup>th</sup> day of July, 2025 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** (a) Planning permission for one bedroom wheelchair accessible modular building and (b) planning permission for a wheelchair accessible parking area for the modular unit with all associated site works at Killhane, Firies, County Kerry.

## **Decision**

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

## Reasons and Considerations

1. Having regard to the planning history of the site, in particular the use of this part of the estate as open space serving the overall development as permitted by planning register reference number 05/1018, it is considered that the proposed development would result in a material reduction in the quality of open space available within the estate, would set an undesirable precedent for other similar type development and, accordingly, would seriously injure the residential amenity of existing residents by reason of loss of open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of development in the area, which comprises of two-storey residential unit with dormer, hipped and gabled roof forms, all externally finished in part render and part timber cladding, it is considered that the form and design of the proposed development would be out of character with the existing residential properties in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the size and internal layout of the proposed building, it is considered that the proposed development would result in a substandard residential unit that would provide an unsatisfactory standard of residential amenity for future occupants of the building. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. On the basis of the information submitted and submissions received as part of the application and appeal, the Commission is not satisfied that the applicant has demonstrated that they have sufficient legal estate or interest in the land the subject of the application to carry out the proposed development, or have the approval of the person who has such sufficient legal estate or interest. In these circumstances, the Commission is precluded from granting permission for the development the subject of the application.

*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



**Dated this 10 day of December 2025.**