

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/243

Appeal by Liam O'Keeffe against the decision made on the 25th day of November, 2025 by Kerry County Council to grant subject to conditions a permission to MaryAnn Doherty in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse (253 square metres floor area) and detached garage/home office (40 square metres floor area), c/w new mechanical treatment unit (Tricel Novo treatment unit and Tricel Tero module) with a 90.25-square-metre polishing filter and all associated site works, all at Shanara Upper, Beaufort, Killarney, County Kerry.

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

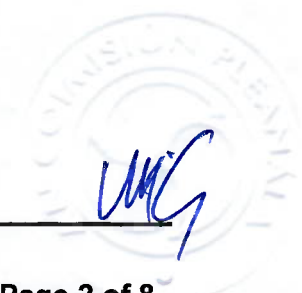
Reasons and Considerations

Having regard to Rural Settlement Policy Objective KCDP 5-15 (Rural Areas under Urban Influence) and Rural Housing Objective KCDP 5-22 of the Kerry County Development Plan 2022-2028, which seeks to ensure that the design of housing in rural areas comply with the Building a House in the Rural Kerry Design Guidelines (2009), or any update of the guidelines, and Section 11.6.3.1 (Visually Sensitive Area) of the development plan, and also having regard to the location, nature, scale and design of the proposed development, and the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the established rural and visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence, and not as a holiday home, by the applicant, members of the applicant's immediate family, or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. A comprehensive boundary treatment and landscaping scheme, with hedgerow screening and native tree planting, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing front boundary trees and hedgerow shall be retained except to the extent that its removal is necessary to provide for the entrance to the site with adequate sight lines.

Reason: In the interest of visual amenity.

5. (a) The wastewater treatment system unit hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning application and shall be in accordance with the standards set out in the document entitled Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) – Environmental Protection Agency (2021).

- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) – Environmental Protection Agency (2021).

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

6. The applicant, and any subsequent owner(s) of the development, shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and packaged tertiary intermittent filter media system with the manufacturer or such suitably qualified person in perpetuity. A signed and approved maintenance contract/agreement shall be submitted to the planning authority prior to commissioning of the system. A maintenance contract for the effluent treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the completion of installation and subsequent commissioning of the proposed effluent treatment system and, thereafter, shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the date of the installation.

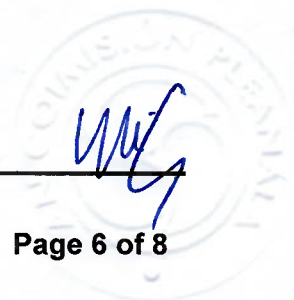
Reason: In the interest of public health and to prevent pollution.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The positioning of all soakaways shall comply with the 2021 Environmental Protection Agency Code of Practice. All soakaways shall be designed in accordance with BRE DG 365:2016. All hardstanding areas contiguous with the dwelling shall have separate drainage pathways.
- (d) Full design details, including drainage along the public road, shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

8. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

Reason: In the interest of public health.

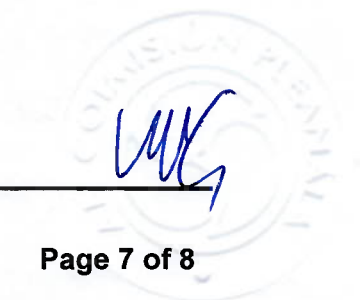


9. The proposed garage and home office shall only be used for the purpose incidental to the enjoyment of the dwellinghouse and shall not be separately occupied, used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of clarity and to restrict the use of the garage and home office in the interest of residential amenity.

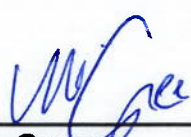
10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.



11. 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 prior to commencement of development 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.


Liam McGree

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



Dated this 22nd day of JULY 2026.