

An
Coimisiún
Pleanála

**Commission Order
PL-500578-KY-26**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60594

Appeal by John Griffin against the decision made on the 5th day of December, 2025 by Kerry County Council to grant subject to conditions a permission to Joseph O'Sullivan for the proposed development.

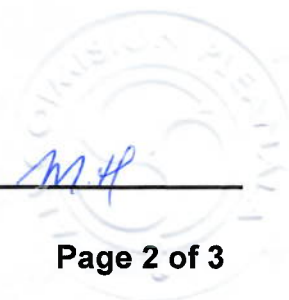
Proposed Development: Construction of a dwellinghouse and private domestic garage to be served by a mechanical treatment tank and percolation area, new entrance and all associated site works, all at Knockeenawaddra, Portmagee, County Kerry.

Decision


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

Reasons and Considerations

1. Notwithstanding the location of the site, which is approximately 200 metres to the south of an area designated as a 'Visually Sensitive Area', and having regard to the elevated and open nature of the site relative to the nature of the adjoining landscape, the scale and height of the proposed dwelling and garage and the design of the proposed dwelling, which fails to adhere to the 'Building a House in Rural Kerry Design Guidelines (2009) in terms of siting, mass and building form, it is considered that the proposed development would be contrary to Policy Objective KCDP 5-22 (Design of Rural Houses) and Policy Objective KCDP 11-78 (Protecting Landscapes) of the Kerry County Development Plan 2022-2028, would appear incongruous on the landscape, would seriously injure the visual amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. Having regard to the ground conditions on the site, and notwithstanding the proposal to use a tertiary treatment system and infiltration area, the Commission is not satisfied that it has been adequately demonstrated that effluent arising from the proposed development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (PE<10 (EPA 2021)). The proposed development would be contrary to Policy Objective KDCP 13-19 of the Kerry County Development Plan 2022-2028, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



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



Dated this 30th day of April 2026.