

An
Coimisiún
Pleanála

**Commission Order
PL-501285-KY-26**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 2660157

Appeal by Lorraine Smith against the decision made on the 22nd day of April 2026, by Kerry County Council to refuse planning permission for the proposed development.

Proposed Development: Change of use of part of the ground floor of the existing dwelling into a toilet block for the use of the childcare service, and the change of use and extension of the existing detached office/storage building at the rear of the dwelling into a childcare service and all ancillary site works at number 27 Glencairn, Caherslee, Tralee, County Kerry.

Decision

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 the location of the proposed development where the zoning is 'Existing Residential' in the Tralee Municipal District Settlements Plan as set out in the Kerry County Development Plan 2022-2028, within which childcare facilities are permissible, the limited nature and extent of the proposed childcare use ancillary to the main dwelling house on the site, and the limited parking requirement of the facility given the nature of the activity associated with the proposed development, it is considered that the proposed extension and change of use to a part time childcare facility would be in accordance with the zoning for the site, would not seriously injure the amenities of property in the vicinity and would not result in a traffic safety hazard or obstruction of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

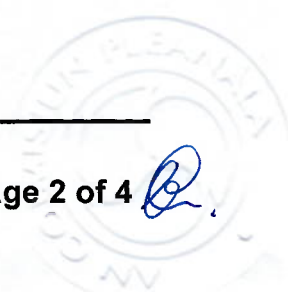
Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of February 2026, except as may 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed childcare facility shall not operate outside the period of 0900 to 1400 hours Monday to Friday inclusive except public holidays.

Reason: In the interest of residential and visual amenity.



3. The number of children to be accommodated within the premises shall not exceed 16 at any time on any day.

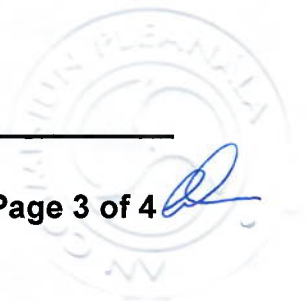
Reason: To limit the development in the interest of residential amenity.

4. Prior to the opening of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by customers of the childcare facility. The mobility strategy shall be prepared and implemented by the owner/occupier of the facility. The specific details of the mobility management plan shall include provisions for staggered drop-off and pick-up from the childcare facility. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: In the interest of encouraging the use of sustainable modes of transport.

5. Water supply and drainage arrangements, including attenuation and disposal of surface water shall comply with the requirements of and shall be submitted for written agreement with the planning authority for such works and services.

Reason: In the interest of public health.



6. 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.



Mick Long

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

Dated this 28th day of August, 2026