



An
Coimisiún
Pleanála

Commission Order
PL-501443-KY

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/61166

APPEAL by Hillary McCarthy against the decision made on the 5th day of May, 2026 by Kerry County Council to grant subject to conditions a permission to Mark O'Shea in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of house as constructed within revised site boundaries and all associated site works, all at Coomatloukane, Caherdaniel, County Kerry.

Decision

GRANT permission for the above 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 planning history of the site, the provisions of the Kerry County Development Plan 2022-2028, the nature and scale of the development proposed to be retained, and the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of April, 2026, 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 within three months of the date of this Order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall comply with the relevant conditions attached to the parent planning permission under planning register reference number KCC 20/569.

Reason: In the interest of proper planning and orderly development.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing:
 - (i) The roadside boundary shall be provided with a natural stone boundary wall.
 - (ii) Proposals to provide the western site boundary with hedgerow screening and native tree planting. Details of screen planting which shall not include *cupressocyparis x leylandii* shall be submitted.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and shall not include *prunus* species.
 - (b) All works shall be carried out within six months of the date of this Order, and the developer shall submit a certificate of compliance prepared by a suitably qualified person with professional indemnity insurance stating that all landscaping conditions pertaining to the grant of planning permission have been complied with.
Photographic evidence shall also be submitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. 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 within three months of the date of this Order 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.



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

Dated this 7th day of SEPTEMBER 2026.