



An
Coimisiún
Pleanála

Inspector's Report

PL-500371-KY-25

Development	Construction of dwelling, waste water treatment and associated site works.
Location	Manor East, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560800
Applicant(s)	Maurice Sugrue
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Maurice Sugrue
Observer(s)	None
Date of Site Inspection	20 March 2026
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The application site is irregular in shape, heavily overgrown with self-seeded trees and overgrowth, and measures some 0.241 hectares. It is located on a cul-de-sac (the old Killarney Road, now superseded by the R875 and N21), It is bordered to the west by a two-storey house; to the south by a recently completed bungalow; and to the south and west a two-storey house. Some 50 metres to the west is the Mile Height Retail Park, and further west of this is the Manor West Retail Park, Shopping Centre, and Hotel (c. 10 minutes' walk or 2 minutes' drive). The site is c. 2.7 km (40 minutes' walk or 7 minutes' drive) to Tralee town centre.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:

- Construction of a three-bedroom bungalow of 211 sqm with a double garage (partly open-sided), and a maximum ridge height of c. 5.1 metres
- New vehicular entrance
- New waste water treatment system and sandcell tertiary system
- All hard and soft landscaping and associated site works

Materials include natural stone cladding, nap white plaster, and zinc roofing.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Permission was refused for the following reason:

The Planning Authority is not satisfied on the basis of information submitted with the planning application that a rural housing need has been demonstrated in accordance with Objective KCDP 5-14 of the Kerry County Development Plan 2022 – 2028 having regard to the location of the application site in an area designated as a Rural Area Under Significant Urban Influence. The proposed development would, therefore, contravene Objective KCDP 5-14 of the said Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- Report dated 03/11/2025, recommending a refusal of permission.

3.3.2. Other Technical Reports

- Tralee MDO – Roads and Transportation Department – approval recommended subject to conditions on surface water management and construction.
- Site Assessment Unit – no objection subject to conditions.
- Flooding, Coastal & Marine Unit – no significant flood risk identified, applicant to provide SuDS proposal and details of drainage system.

3.4. Prescribed Bodies

3.4.1. No reports on file.

3.5. Third Party Observations

3.5.1. None on file.

4.0 Planning History

4.1. None noted on site in planner's report.

- Adjacent site to south – reg ref 21119, Manor East and Manor West Tralee, Co. Kerry. Permission granted for single-storey dwelling, mechanical treatment system and sand polishing filter, and vehicular access.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-28

5.1.1. Volume 4 Maps

The following designations apply to the appeal site:

- Rural Type Area – the appeal site is located in a rural area designated as 'Rural Area Under Significant Urban Influence'.

- Visually Sensitive Areas and Views & Prospects – Map F – the appeal site is located in an area designated as ‘Rural General’.

5.1.2. **Chapter 5 Rural Housing**

5.1.3. Objectives KCDP 5-19 to CKDP 5-22 relate specifically to Rural Housing as follows:

It is an objective of the Council to:

KCDP 5-19 Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

KCDP 5-20 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

KCDP 5-22 Ensure that the design of housing in rural areas comply with the Building a house in Rural Kerry Design Guidelines 2009 or any update of the guidelines.

5.5.1 Identifying Rural Area Types

The Rural Area Types map has been prepared in accordance with the Sustainable Rural Housing Guidelines (2005) which state that it is vitally important that a process of research and analysis be carried out into population and development trends in rural areas.

In this case, the policies and objectives applicable relate to Rural Areas Under Significant Urban Influence.

5.5.1.1 Rural Areas Under Significant Urban Influence

These are areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the larger towns and villages, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Objective KCDP 5-14

In Rural Areas under Significant Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting condition) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.*
- b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*
- c) Other persons working full-time in farming or the marine sector for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.*
- d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.*

Preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

Chapter 11 Environment

Section 11.6 Landscape sets out policies and objectives in relation to Landscape

Objective KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Objective KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

11.6.3 Landscape Designations

In the preparation of landscape designations for the County, the Planning Authority has had regard to the Landscape Review of County Kerry which outlines the quality of a landscape itself, but also the level of existing development and the ability of the landscape to absorb further development without altering it to an unacceptable degree. Designations are not wholly dependent on a hierarchy of the quality of landscapes. Designations also reflect the importance of a landscape to the overall amenity of a locality and its importance to communities within these areas. There are two landscape designations for the county.

1 Visually Sensitive Areas

2 Rural General

It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

Volume 6 of the Plan contains development standards for residential development on rural and non-serviced sites.

Section 1.5.10 Standards for Residential Development in Rural and Non-Serviced Sites

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1. National Planning Framework – Project Ireland 2040

5.2.2. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key

objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.2.3. National Policy Objective 19 (National Policy Objective 28 in the 2024 update) refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations, having regard to the viability of smaller towns and rural settlements. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.4. National Policy Objective 33 (National Policy Objective 44 in the 2024 update) is to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2.5. **Sustainable Rural Housing Development Guidelines 2005**

5.2.6. The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'. 5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.2.7. EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

5.2.8. The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS. The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

5.3. Natural Heritage Designations

5.3.1. Ballyseedy Wood SAC 002112 – 700 metres south.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

One appeal was received from the first party against refusal. Issues raised are summarised as follows:

- The applicant has a long-standing local connection, as his family has owned the site since 1983, and he and his family have lived in the community for decades. The

applicant's family home was across the road from the site, and the lands were previously owned by the applicant's ancestors as far back as 1852 (Griffith's Valuation record supplied). The applicant needs to stay in the area, to allow for support and visits from children and grandchildren who live nearby.

- The applicant's existing residence is no longer suitable, as it does not meet the requirements of an aging family, being multi-level with narrow doorways and stair access. Due to age related mobility issues, the applicant requires an accessible home close to services, including medical services. The local housing market is challenging, with rising prices, and many properties available for rent or purchase are substandard. This house has been designed as a permanent, accessible, age-friendly home, allowing the applicants to age in place in the community.
- The dwelling is a sustainable high-quality design which integrates with the landscape, respects the character of the area, and has appropriate materials.
- The proposal complies with all aspects of the Development Plan, providing compact growth within an established residential environment.
- The council had no concerns regarding the design of the building, or any environmental impacts. The Commission is requested to overturn the refusal and grant permission.

A letter of support from the owners of the neighbouring house has been submitted as part of the appeal, stating it has been previously used for illegal dumping and grazing of horses.

A letter from a medical practitioner is appended in support of the application.

Land folio documents are appended to demonstrate family land ownership of the site since 1983.

7.2. Planning Authority Response

None received.

7.3. Observations

None

7.4. Further Responses

None

8.0 **Assessment**

8.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, the material submitted with the application, and the planning history. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues to be considered as follows:

- Compliance with Rural Housing Strategy

8.2. **Compliance with Rural Housing Strategy**

- 8.2.1. The site is located in a '*rural area under significant urban influence*'. Objective KCDP 5-15 sets out that applicants shall satisfy the planning authority that they have an exceptional rural generated housing need based on their social and/or economic links to a particular rural area, in 1 of 5 categories of housing need, (enumerated above under the policy section). The planning authority refused permission for one reason, that the applicant has not demonstrated a rural housing need in accordance with this policy.
- 8.2.2. No Part B application form (supplementary information to be provided for residential development in the rural area) was submitted with the original application. Minimal information is submitted with the appeal regarding the appellant's current living situation. However, a quantity of information was submitted with the planning application as part of the Planning and Design Statement.
- 8.2.3. This identifies the applicant's existing house as Ballyseedy House, a bungalow in the townland of Ballyseedy, approximately 3.4 kilometres away (2.1 kilometres to the southeast as the crow flies). It is located on a local road off the N21, c 5 km from Tralee town centre. An estate agent's letter is appended, confirming it was being offered for sale.
- 8.2.4. The applicant also supplies details of his length of residence in Ballyseedy (33 years), and business and social connections, as well as medical information.

- 8.2.5. Regarding the categories of housing need identified in Objective KCDP 5-15, all categories of rural generated housing need identified in the Development Plan involve the construction of a first home as a permanent residence. Categories a, b, and c concern farmers and their families, agricultural and marine workers, none of which are categories relevant to the current appeal. Category d concerns persons who currently live with a lifelong or life limiting condition who can clearly demonstrate a need to live adjacent to immediate family.
- 8.2.6. While the applicant has demonstrated that he has spent a substantial period of his life living in Ballyseedy, he has not demonstrated any exceptional rural generated housing need. Notwithstanding the medical information submitted, category d refers to people who need to live adjacent to immediate family because of their lifelong or life limiting condition. While the appeal refers to children and grandchildren visiting, there is no indication that the applicant's family lives in close proximity to the site, or that the applicant needs to live close to their family to manage any condition. The GP letter notes that living in a manageable home with access to medical services, nearby shops, and footpaths for walking is essential for both the applicant and his wife. These requirements are general requirements that might reasonably be fulfilled by housing in the town and its suburbs, and do not constitute an exceptional rural housing need.

9.0 **AA Screening**

I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located over 700 metres from the nearest European site.

The proposed development comprises a house and wastewater treatment system.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows

- Nature of works

- Distance from nearest European site and lack of connections

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1.1. The development comprises a house and wastewater treatment system. No water deterioration concerns were raised in the planning appeal.

10.1.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.1.3. The reason for this conclusion is as follows:

the small scale and nature of the development

the distance from the nearest water bodies and the lack of hydrological connections

10.1.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend permission be refused for the following reason:

12.0 Reasons and Considerations

The site is located on unzoned land which is identified in the Kerry County Development Plan 2022- 2028, as a rural area under significant urban influence. Objective KCDP-5-14 sets out that applicants must demonstrate that they comply with one of five categories of housing need [set out the policy requirements]. This policy is consistent with National Policy Objective 28, as set out in the Revised National Planning Framework 2025, which requires that in areas under urban influence, applicants are required to demonstrate an economic or social need to live in the rural area. Having regard to the submissions made, it is considered that the applicant does not come within the scope of the housing need criteria for a house at this location. In the absence of an identified locally based need for a house, the proposed development would contribute to the encroachment of random rural development in the area, and would militate against the efficient provision of public services and infrastructure. The proposed development would contravene the Objective and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Natalie de Róiste
Planning Inspector

27 August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500371-KY-25
Proposed Development Summary	Dwelling and wastewater treatment plant
Development Address	Manor East, Tralee, Co. Kerry.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, no further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3) [Delete if not relevant]
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500371-KY-25
Proposed Development Summary	Dwelling and wastewater treatment plant
Development Address	Manor East, Tralee, Co. Kerry.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	The development is situated in on the outskirts of Tralee, between the town and the ring road. The development is removed from sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan.

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)