



An
Coimisiún
Pleanála

Inspector's Report PL-500495-KY-25

Development

Retention Permission to retain demolition works on existing building, replace with new structure, elevation changes, alterations to floor levels and service room extension with all associated works.

Location

Laune Valley Farmhouse B&B,
Bansha, Killorglin, Co. Kerry, V93
Y9EP

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

25/60592

Applicant(s)

Killorglin Westfield Ltd

Type of Application

Retention

Planning Authority Decision

Grant Retention with Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Jerome O'Regan and Others

Observer(s)

None

Date of Site Inspection

22nd May 2026

Inspector

Suzanne White

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1.0 Site Location and Description

- 1.1. The appeal site is located approximately 2km to the northeast of Killorglin town centre, Co. Kerry, in the rural area of Bansha.
- 1.2. The subject site comprises an existing single storey building which has been recently refurbished/modified. The building was unoccupied during my site inspection. This building forms the western side of a hard surfaced yard, which also includes outbuildings and disused farm buildings. There is an existing vehicular entrance from the L-4036, located to the east of the refurbished building. The application site includes a field to the southwest of the building.
- 1.3. The application site is part of a wider site which includes the lands and buildings to the west, which are in the same ownership. Those buildings have an established use providing accommodation for persons seeking international protection. A separate vehicular entrance from the L-4036 serves that site.
- 1.4. Grounds levels fall from the adjoining public road through to rear of site.
- 1.5. The stated site area is 0.81ha.

2.0 Proposed Development

- 2.1. The proposed development seeks retention permission for:
 - (a) the demolition works that have taken place to part of the existing building
 - (b) replacement of the demolished works with new structure
 - (c) elevational changes to the existing building
 - (d) alterations to internal floor levels within the existing building
 - (e) 5m² service room extension to the rear of the existing building and all associated site works.
- 2.2. It is stated that the building is to be used as a BnB/Guesthouse. The gross floor area of the building to be retained is 232.50sqm. The floor plans for the building, revised by a further information submission to the Planning Authority, show 7no. bedrooms with a total of 16no. single beds, together with a kitchen and sitting room. A separate wash house and bin store would be attached to the building on the southern side.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development, by order dated 25th November 2026.

3.1.1. Conditions

Condition 3 requires that the new building on site shall be used as a B&B/guesthouse.

Condition 4 requires that the applicant/owner carry out specified upgrade works to the existing on-site wastewater treatment system within 6 months of the date of grant of planning permission.

3.1.2. Prior to making a decision on the application, the Planning Authority requested further information from the applicant on 20th October 2025 in relation to the following matters:

- The applicant was requested to address the description of development on the public notices, as it was not considered to reflect the extent of works that have taken place on site;
- Elevations of the original dwelling and attached shed/s to be submitted.
- Clarification of the amount of demolition of sheds on site.
- Clarification of the intended use of the main building on site i.e. IPAS centre or guesthouse.
- Clarification of the previous use of the subject building and supply evidence of same.
- Submission of a revised site layout map showing the location of the existing septic tank and percolation area and clarification as to whether it serves the hotel (hostel) building also.
- Certificate from a suitably qualified person confirming that the existing effluent treatment system complies with the relevant regulations and is capable of treating wastewater from the proposed development.

- Submission of a plan to show sight distances in both directions at the junction with the public road.
- Clarification as to position of the proposed access to the site, as access was from the west, via the hostel site, on the date of site visit by the Area Planner.

Planning Authority Reports

3.1.3. Planning Reports

The main points raised in the initial Planner's Report may be summarised as follows:

- On inspection of history documentation surrounding this application, in particular Planning Enforcement File No.10021 and Section 5 Application No. EX1314 it is clear that substantial demolition works have taken place to the original dwelling and attached shed/s on site. The development description does not detail the extent of the works and unauthorised works that have taken place on site. Further information (FI) to be provided to address this matter.
- Notes that the adjoining building on site is in use as an IPAS centre and states that clarification is required as to the proposed use of the subject structure.
- Screened out for AA. The proposal is not one which needs EIA screening or EIA.

The main points raised in the Planner's Report following receipt of Further Information may be summarised as follows:

- The revised notices submitted now reflect the extent of the new development works that have taken place on site.
- The applicant has submitted a report on the existing septic tank system on site and the Site Assessment Unit has recommended conditions in the event of a grant of permission.
- The intended use of the building on site has been stated as guesthouse/B&B use. It is accepted that there may have been a similar use in the previous building on site at some stage in the past given the connection of this site with the former hostel building on the adjoining site to the west – both sites appear to have been previously in the one ownership.

- The detail in relation to sight distance from what is likely to have been the original entrance to the site is considered acceptable. The reduction in the height of the roadside boundary fencing that has now taken place would aid sight distances on exit and is now deemed acceptable from a visual impact point of view.
- The responses received in relation to demolition of former sheds on site are noted.
- It is accepted that some minor elements of the original building on site have remained. This new building is to be used as a guesthouse/B&B.
- There is evidence from the Planning Enforcement file relating to the site, from maps, from the site inspection and images from Google Streetview that there was a cottage style dwelling house on site up until relatively recently.
- The visual impact of the replacement building that has been constructed on site is deemed acceptable. It is accepted that the former building on site had a vernacular character that is somewhat lost in the new building. However the former building on site was not a Protected Structure and the new building on site retains elements of traditional design that are considered appropriate for the site and this rural general area.
- It is accepted that there may have been a former guesthouse use on site, particularly when one relates the site ownership with the adjacent hostel site. It is possible that the guesthouse use was abandoned as put forward by the third party submission.
- Having regard to the former guesthouse use on site, and the permitted hostel use on the adjoining site, it is considered that the proposed guesthouse use can be deemed ancillary to the hostel and is acceptable in this case.

3.1.4. Other Technical Reports

- County Archaeologist (16/07/2025) – no mitigation required.
- Site Assessment Unit, Environment (19/11/25): no objection subject to conditions.

- Environment Assessment Unit (18/08/25) – the proposed development would not have required AA or an EIA.

3.2. Prescribed Bodies

No reports received by the Planning Authority.

3.3. Third Party Observations

The Planning Authority received one third party submission in objection to the proposed development, from the Appellant in this case. I consider that the matters raised are covered in the grounds of appeal and therefore I have not repeated them here.

4.0 Planning History

Application site:

ABP-322072-25 (EX1314) – Section 5 referral application in respect of “Whether the refurbishment and construction works are exempted development and whether the temporary change of use from farm house/B&B to house international protection/temporary protection refugee and asylum seekers is or is not development or is or is not exempted development.”

Decision: Is development and is not exempted development.

Adjacent site: Laune Valley Hostel

25/60472 – Killorglin Westfield Ltd. Withdrawn.

Planning Permission sought to (a) construct a ground floor extension, (b) part removal of existing awning and all associated site work.

25/60393 – Killorglin Westfield Ltd. Withdrawn.

Planning Permission sought to install a portacabin for a period of 3 years. The portacabin is to be used as a meeting room for residents with 3rd parties and for administration purposes at Laune Valley Farm Hostel.

25/60392 - Killorglin Westfield Ltd. Withdrawn

Planning Permission sought to erect timber fence around existing gas tank and all associated site works all within site boundaries.

92/1617 – Permission granted to Ann Foley to: retain dwelling and convert portion to hostel.

90/590 - Permission granted for a bungalow.

5.0 Policy Context

5.1 Development Plan

Kenmare Municipal District Local Area Plan 2024-2030

The stated purpose of the LAP is to guide future plan led coordinated sustainable and equitable development within the towns and villages of the area. It should be read in conjunction with the Kerry County Development Plan 2022-2028. Section 2.4 relates to rural areas and notes that the rural area types have been identified in Chapter 5 of the KCDP 2022-2028.

Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028, in conjunction with the Kenmare MD LAP 2024, is the statutory development plan for the area. The relevant policies and objectives pertaining to the proposed development are set out below.

Chapter 10: Tourism and Outdoor Recreation

KCDP 10-7 Promote and facilitate sustainable tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of facilities such as hotels, aparthotels, guesthouses, bed and breakfasts, tourist hostels, caravan and camping, glamping, cafes, restaurants, visitor attractions and activity tourism.

KCDP 10-11 Encourage tourism developments, increased visitor accommodation, interpretation centres, and commercial / retail facilities serving the tourism sector to be located within established settlements thereby fostering strong links to a whole range of other economic and commercial sectors and sustaining the host communities.

Section 10.3.5 The Council supports the development of tourism throughout the county by encouraging the provision of a wide range of tourist accommodation types and will therefore direct new tourist accommodation including hotels, guesthouses,

hostels, B&Bs, holiday homes glamping/camping/caravan and campervan sites to towns and villages with good spatial spread throughout the county.

KCDP 10-29 Direct tourism-based development including Hotels, Guesthouses and B&Bs to towns and villages where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

KCDP 10-30 Encourage the sensitive redevelopment and / or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development. As part of this, potential for impact on wildlife should be taken into account as outlined in S 4.3.4 of this plan.

The site is located within the 'Rural General' landscape sensitivity designation.

11.6.3.2 Rural General

Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

Proposed developments 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.

Chapter 13: Water and Waste Management

KCDP 13-10 Ensure that all wastewater treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses' or any amending/replacement guidance or standards.

KCDP 13-19 Ensure that proposed wastewater treatment system for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and are maintained in accordance with approved manufacturer's specifications and subject to compliance with the Water

Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.

Chapter 14: Connectivity

KCDP 14-29 Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.

5.4 Natural Heritage Designations

The site is not located within a designated area. The nearest designated areas are:

- Castlemaine Harbour SAC (000343) c. 0.61km to the west.
- Castlemaine Harbour SPA (004029) c. 0.77km to the west.
- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365) c. 6.71km to the south.
- Lough Yganavan and Lough Nambrackdarrig SAC (000370) c. 7.43km to the southwest.
- Slieve Mish Mountains SAC (002185) c. 7.7km to the north.
- Killarney National Park SPA (004038) c. 11.99km to the southeast.
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) c. 14.64km to the north.
- Tralee Bay SPA (004188) c. 14.69km to the north.

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations 1994).

7.0 The Appeal

7.1. Grounds of Appeal

The third-party grounds of appeal may be summarised as follows:

- The site contains a pre-1963 cottage and agricultural buildings. The buildings were not used as a guesthouse or commercial accommodation. Parts of the structure were derelict since at least December 2009 and used for housing farm animals, as evidenced by streetview imagery. No documentary evidence has been produced by the applicant to show historic guesthouse/B&B use.
- Demolition beyond the 100sqm exemption has been undertaken without permission. The existing floor plan submitted at RFI stage does not show all of the walls demolished. Drawing P010 omits the cottage from the demolished structures.
- Considers that it is procedurally unsatisfactory that the Planning Authority proceeded to grant retention permission for works which were subject to the Section 5 referral, which was undecided at that time.
- The site layout plan is vague and does not show any parking, turning areas or footpaths for the guesthouse.
- Intensification of commercial traffic turning onto national roads is a road safety concern. No transport statement or road safety assessment was submitted with the application. Impact of adding a guesthouse at this junction not assessed.
- The existing septic tank predates modern wastewater regulations. Consider that the issue of wastewater has not been assessed fully.
- Transparency is listed as a key concern. Reference is made to a commencement notice dated 2nd July 2024. It is stated that historic street view imagery is blurred. The floorplans submitted at RFI stage do not align with imagery which shows the building with decayed roof and in use for housing cattle. In this way the original layout was misrepresented and the scale of works is understated. The roadside agricultural building was approx. 30sqm, not 10sqm as stated. Unsolicited information dated 26th August 2025 was redacted from the public file. The agent is closely aligned with the applicant company.

- All four tests set out in ABP-317633-23 in respect of abandonment are met in this case: the building was abandoned as a dwelling; use was discontinued from 2009/11 to 2025; the intervening use was agricultural not accommodation; and the building was derelict, unfit for habitation.
- Question the Planner's conclusion that the site can be considered ancillary to the hostel, given that there is no evidence of any former guesthouse use, there is separate access to each site, independent marketing of 'Laune Valley Farmhouse B&B' and the neighbouring building is operating as an IPAS/emergency centre under temporary exemption rather than its original hostel permission.
- The appendix to the grounds of appeal includes streetview and google earth imagery, photos of the building works underway, a photo of the junction with the N70, aerial imagery dated March 2025 and a marked-up image indicating demolished structures.

7.2. Applicant Response

The applicant's response to the grounds of appeal may be summarised as follows:

- In relation to the use of the building, the applicant states: the B&B, hostel and farm was run as an integrated unit; the farmhouse was used for shortterm letting and overflow accommodation; Michael Moriarty, employed as caretaker and farmhand, resided full time in the Farmhouse B&B until his death in 2020; local property tax was continuously paid, electricity supply was never disconnected; the building only fell into disrepair after the death of both long-term occupants. A fire c. 2011 damaged part of the structure but did not extinguish the use. Supporting information in the form of RIP notices for the occupants; Bord Failte registration for the accommodation complex and a Tripadvisor review are submitted.
- Considers that the extent of works proposed, including demolition, was understood by the Planning Authority, given that it was the subject of a further information request.

- The retention mechanism under Section 34 of the Planning and Development Act is specifically designed to address situations where works have been undertaken and require regularisation.
- The roadside piggery was demolished due to structural instability, falling under the exemption under Class 50 of the Planning and Development Regulations for demolition of dangerous structures.
- The haybarn roof was partially destroyed during a storm event in December 2024. The remainder of the roof was removed, but the walls, columns and internal divisions remain in place.
- The farmhouse footprint remains consistent with the original pre-1963 building, with the exception of a 5sqm service room extension.
- The demolition works were either exempted development, necessary for safety reasons or appropriately regularised through the retention process.
- The four tests of abandonment are not met in this case. The Planning Authority correctly recognised that the use is consistent with the historic and functional relationship between the farmhouse and the hostel and can be regarded as ancillary to the permitted accommodation use on the adjoining site.
- As part of the Further Information response, the applicant submitted Drawing P020, which sets out the sightline assessment in accordance with DMRB standards and shows that the removal of the roadside piggery significantly improved visibility to the west when exiting the farmyard. The access arrangements have been professionally evaluated. Also, the farmyard is no longer used for heavy agricultural traffic.
- The applicant submitted details of the existing effluent treatment system on site, including a condition survey and septic tank report, and these were accepted by the Local Authority's Site Assessment Unit. The wastewater treatment arrangements have been professionally assessed and deemed to be acceptable by the Planning Authority.
- Maintains that the applicant has acted transparently and in good faith throughout the process.

- The Section 5 referral submitted to the Council, and subsequently to An Coimisiún Pleanála, sought clarification on whether certain works and uses associated with the farmhouse fell within the scope of exempted development. Whilst awaiting a decision on that referral, the applicant submitted a planning application to the Planning Authority seeking to regularise any works that may be deemed to require permission.
- The applicant's response to the grounds of appeal includes as Appendix 1 supporting documents in relation to the historic use and occupation of the building, its tourism use, planning and building control documentation and technical reports and drawings.

7.3. Planning Authority Response

None received.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Wastewater treatment
- Traffic impact
- Other issues

I note that consideration was given to other relevant matters as part of the planning authority's assessment of the application, including visual amenity. The Planner's

Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment. █

8.1. Principle of development

- 8.1.1. The 3rd party appellant, in their grounds of appeal, raises a number of issues relating to the principle of development. They state that the subject building was a cottage and was not used as a guesthouse and they point to a lack of evidence submitted as part of the application to demonstrate historic use as a guesthouse/B&B. They also consider that the use of the building as a dwelling was abandoned. Lastly, they question the conclusion in the Planner's Report that the subject building can be considered ancillary to the hostel located on the wider site. █
- 8.1.2. The applicant, in their response to the grounds of appeal, maintains that the B&B, guesthouse and farm was run as an integrated unit and that the use of the subject building was not extinguished. They also consider that the Planning Authority correctly recognised that the use is consistent with the historic and functional relationship between the farmhouse and the hostel and can be regarded as ancillary to the permitted accommodation use on the adjoining site.
- 8.1.3. There is no planning history on file for the original building. The building appears on the first edition 6 inch map, surveyed between 1829-41. Based on the details on file and reference to historic mapping, the subject building was in existence prior to 1st October 1964. This is undisputed between the parties and I am satisfied, based on the information on file, that this is the case. █
- 8.1.4. The applicant describes the existing/established use of the building as a farmhouse B&B. The Planning Authority requested clarification of the previous use as further information at application stage. In their response to the FI request, the applicant stated that the previous owner operated the property as a B&B prior to developing the adjoining hostel in 1991. They add that the subject building was then let out on a short term basis up until more recent times and used for over flow from the hostel. Supporting information submitted by the applicant, including a Bord Failte registration certificate and Tripadvisor review relate to the hostel and do not confirm

B&B use of the subject building. However, B&B use may have operated through the exemption available under Article 10(4) of the Regulations, which provides for the use of not more than 4 bedrooms in a house, where each bedroom is used for accommodation of not more than 4 persons as overnight guest accommodation. This exemption is commonly utilised for B&B use, with guest accommodation remaining ancillary to the principal use of the property as a residential dwelling. Based on the applicant's description of the use, B&B use may have ceased in 1991. Overall, based on the information on file, I consider that the previous use of the building was residential. █

8.1.5. The applicant maintains that the use of the building was not extinguished. Figure 1 of the Appellant's grounds of appeal is a photo of the building dated 2009. This photo indicates that the northern part of the structure, with red corrugated roof, was in use as a shed. The photo shows the remainder of the structure with windows and roof intact (possibly recently repaired). The site is currently blurred out on Google Streetview and there is limited other information that would help to confirm the use of the building in recent years. The applicant states in their response to the grounds of appeal that the building was occupied by the former owner and/or caretaker up to 2021 and has submitted two RIP notices to support this. I consider that these are not conclusive as they do not state the dates of occupation and could relate to the hostel building, noting that a portion of that building was retained in private residential use under PRR 92/1617. Overall however, having regard to the information available, I do not consider that there is sufficient evidence to demonstrate that residential use of the building was abandoned. █

8.1.6. The proposed use of the remodelled structure is guesthouse/B&B. The proposed floorplans for the remodelled structure show 7no. bedrooms and 16no. single beds, together with a kitchen and sitting room. Given that the bedrooms all have single beds and there is no dining room or private living accommodation for a B&B operator, I consider that the internal layout is more typical of a guesthouse or hostel than a B&B. The proposed use of the building as a B&B/guesthouse would therefore constitute a change of use from residential use, in my view. █

8.1.7. Policy Objective KCDP 10-11 seeks to encourage increased visitor accommodation and other facilities serving the tourism sector to be located within established settlements. Policy Objective KCDP 10-29 similarly seeks to direct

Guesthouses and B&Bs to towns and villages, unless the proposal involves re-use or diversification of an existing building, subject to normal planning criteria. KCDP 10-30 encourages the sensitive redevelopment and/or return to suitable use, of derelict vacant or redundant buildings in appropriate locations in order to provide for visitor accommodation. █

- 8.1.8. The appeal site is located in a rural area, outside a settlement boundary. I consider that Policy Objective KCDP 10-29 is key in this case and note that the wording of the Objective is directive, requiring Guesthouses and B&Bs to be located in towns and villages, unless the exception, consisting of re-use or diversification of an existing building, applies and then, subject to normal planning criteria. As per my assessment above and the applicant's position, I consider that the use of the building was residential and that there is insufficient evidence available to conclude that that use was extinguished. I do not therefore consider that the exception relating to 're-use' of the building is applicable in this case.
- 8.1.9. In relation to diversification, the Objective does not list any uses which may be appropriate for diversification to visitor accommodation. Section 10.3.5.2 of the Development Plan refers to diversification within existing farm operations for tourism facilities and Policy Objective 10-69 encourages on-farm accommodation. The application site is no longer part of a working farm, as stated by the applicant. █
- 8.1.10. The Planner's Report considered that, having regard to the former guesthouse use on site, and the permitted hostel use on the adjoining site, that the proposed guesthouse use can be deemed ancillary to the hostel was acceptable. The applicant, in their response to the grounds of appeal, endorses this conclusion. I note that there are no reception or staff facilities proposed within the subject building and therefore, if it were part of a diversification project, it would rely on the hostel building for management and services. However, the hostel building on the wider site is in use as an IPAS centre and there is no indication in the application and appeal documents that the use may revert to hostel. Therefore I do not consider that the proposed guesthouse could be considered ancillary to the neighbouring IPAS centre use. In addition, I note that the application site boundary excludes the hostel and proposes to utilise a separate entrance. I therefore consider that the proposed B&B/Guesthouse is presented as a standalone proposal.

- 8.1.11. Section 1.12.1 of Volume 6 (Development Management Standards) of the Development Plan is relevant. This section excludes accommodation from the type of tourism development permitted outside settlements. It adds that accommodation will only be permitted when subsidiary and connected to an existing tourism infrastructure facility.
- 8.1.12. Overall therefore, I consider that the change of use of the existing building, as remodelled, from residential use to guesthouse/B&B would be contrary to Policy Objectives KCDP 10-11 and KCDP 10-29 and Section 1.12.1 of Volume 6 (Development Management Standards) of the County Development Plan 2022-2028. A refusal is recommended on this basis.

8.2. Wastewater treatment

- 8.2.1. The third-party grounds of appeal raise issue that the existing septic tank predates modern wastewater regulations and state that they consider that the issue of wastewater has not been assessed fully.
- 8.2.2. The applicant's response to the grounds of appeal notes that the applicant submitted details of the existing effluent treatment system on site, including a condition survey and septic tank report, and these were accepted by the Local Authority's Site Assessment Unit. They therefore consider that the wastewater treatment arrangements have been professionally assessed and deemed to be acceptable by the Planning Authority.
- 8.2.3. The report of the Council's Site Assessment Unit (Environment), following receipt of further information, states no objection to the proposed development, subject to conditions requiring implementation of the proposed upgrade works to the wastewater treatment system.
- 8.2.4. The Septic Tank Report submitted by the applicant to the Planning Authority as further information states that the existing septic tank is believed to have been installed prior to 1st October 1964. The Report states that the existing septic tank exceeds the capacity requirements of an 8PE (6bedroom) dwelling and that, on the day of inspection, there were no visual signs of failure of the septic tank. As noted above, the revised floorplans also submitted as further information to the Planning Authority show a 7bedroom unit with a total of 16no. single beds as built. The

Report states that the percolation area could not be inspected as it is underground, but that there was no visual evidence of its failure. The Report concludes that the current effluent treatment system does not need to be replaced or redesigned and recommends upgrade works to the septic tank and construction of an inspection chamber to the percolation area.

- 8.2.5. The Site Assessment Desk Study submitted by the applicant to the Planning Authority as further information includes a series of maps showing the characteristics of the underlying aquifer and groundwater vulnerability. Attached to the Septic Tank Report is a completed Condition Survey Form, issued by Kerry County Council, which provides commentary on the site characteristics. The bedrock aquifer is Regionally Important - Karstified (diffuse). According to GSI mapping, groundwater vulnerability is Moderate. The completed form states that there are no adverse indicators (for percolation) visible on site and no evidence of ponding or leaks. It states that the system has been recently desludged. It notes the presence of an existing drain running along the southern boundary.
- 8.2.6. As noted above, the site is underlain by a Regionally Important Aquifer - Karstified (diffuse) and a groundwater body of moderate vulnerability. The percolation area is stated to have been installed pre 1st October 1964 and originally served a cottage/B&B. From review of aerial mapping for the site, I note the presence of a pond in the southern portion of the site on images dated 2010, 2011, 2015 and 2018. By late 2018 the pond has reduced in size and rushes are evident in its place. Rushes are also evident in the field directly south of the site, down gradient of the subject site, and a stream is apparent joining that field from the northwest. The stream is also evident on historic mapping. A drainage ditch is evident on the south boundary of the subject site from November 2025. The ponding and rushes on site and nearby in the past may indicate that the groundwater table is close to the surface.
- 8.2.7. Having regard to the presence of a Regionally Important Aquifer underlying site, historic aerial photography indicating features associated with poor drainage/high water table on site and adjacent, the age of the existing wastewater treatment system and percolation area, the absence of percolation testing in the vicinity of the existing percolation area which could inform assessment as to the suitability of the site for discharge to ground and given the proposed change of use

of the structure and potential increased occupancy of the building, I do not consider that it has been demonstrated that the existing wastewater treatment system on site can adequately dispose of wastewater generated by the proposed development. The proposed development would therefore be prejudicial to public health and would be contrary to Policy Objectives KCDP 13-10 and KCDP 13-19 of the Kerry County Development Plan 2022-2028, which require that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021'. A refusal is recommended on this basis. █

8.3. Access, traffic and parking

- 8.3.1. The third-party grounds of appeal raise concern in relation to road safety, in that the proposed development would result in an intensification of commercial traffic at the junction with the N70 National Road c. 470m to the west. In this regard, they note that no transport statement or road safety assessment was submitted with the application. The grounds of appeal also state that the site layout plan is vague and does not show any parking, turning areas or footpaths for the guesthouse. █
- 8.3.2. The applicant, in their response to this issue, observes that, as part of their Further Information response to the Planning Authority, they submitted Drawing P020, which sets out the sightline assessment in accordance with DMRB standards and shows that the removal of the roadside piggery significantly improved visibility to the west when exiting the farmyard. █
- 8.3.3. The Planning Authority sought clarification as further information from the applicant in respect of which of the two existing site entrances was proposed to serve the application site and sight distances at the junction with the public road. On receipt of that information, the Planner's Report concluded that sight distance was acceptable, improved by the reduction in the height of the roadside boundary fencing. There is no report from the Municipal Engineer or Roads Section of the Council on the file. █
- 8.3.4. Policy Objective KCDP 14-29 of the Development Plan seeks to protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County. Section 1.20 of Volume 6 (Development Management Standards and Guidelines) of the Development Plan states that proposals seeking access to public

roads will be accessed in accordance with the relevant design standards; the Design Manual for Roads and Bridge (DMRB), 2011 in rural areas.

- 8.3.5. It is proposed to utilise an existing entrance to the farmyard and cottage from the L4036. The speed limit on the public road is 60km/hr. A shed, described as a piggery, previously located directly on the western side of this entrance and impeding sightlines to the west, has been demolished. Sightline distances are indicated on Drawing P-020, submitted to the Planning Authority as further information. The minimum sight stopping distance, measured from 2.4m back from the road edge and at driver's height, is shown to meet the minimum distance of 90m required by the DMRB manual in both directions. Having regard to the existing nature of the entrance and to the sightlines demonstrated, I consider that the proposed development is acceptable in terms of access.
- 8.3.6. In relation to the Appellant's concern regarding intensification of movements at the junction with the N70, given the pre-existing use of the subject structure as a B&B, the limited amount of extended floor area proposed and occupancy of the structure, I do not consider that the proposed development would result in a material increase in traffic movements at the junction of the L4026 and the N70. For the same reasons and given my conclusion above that the existing entrance would meet the required sight distance standards, I do not consider that a transport statement or road safety assessment is justified in this case.
- 8.3.7. Overall, I consider that the proposed development would be acceptable in terms of traffic and access, in accordance with Policy Objective KCDP 14-29 and Section 1.20 of Volume 6 (Development Management Standards and Guidelines) of the Development Plan.
- 8.3.8. The Appellant also raises an issue that the layout plan is vague and does not show any parking, turning areas or footpaths for the guesthouse. Section 1.20 of Volume 6 (Development Management Standards and Guidelines) of the Development Plan sets out car parking standards. The standard for guesthouses in 'other areas' is 1 space per double bed or 2 single beds. Based on 16no. single beds this would result in a requirement for 8no. spaces. I consider that there is sufficient space within the former farm yard. Noting the size of the farm yard and that it would have accommodated large vehicles in the past, I consider that there would be sufficient

turning area to serve the proposed use. I therefore conclude that the proposed development is acceptable with regard to parking. In the event of a grant of permission, I recommend that a condition is attached requiring details of parking to be submitted for agreement with the Planning Authority.

8.4. Other issues

Demolition of structures

- 8.4.1. The third-party appellant raises concern that the extent of demolition on site exceeds the 100sqm exemption applicable to farmyard complexes as provided by Class 50 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) and has been undertaken without permission. In respect of this issue I note that the retention of works to the farmhouse cottage, including partial demolition and rebuilding/alteration, falls within the scope of the current application. Consideration as to whether demolition of other structures on the site constitutes unauthorised development warranting enforcement action falls within the jurisdiction of the Planning Authority.

Procedural matters

- 8.4.2. The Appellant raises issues in respect of procedure. They contend that it is procedurally unsatisfactory that the Planning Authority proceeded to grant retention permission for works which were subject to the Section 5 referral which was undecided at that time and they raise concern that unsolicited information submitted by the applicant to the Planning Authority was redacted from the public file. With regard to the first point, I note that the Planning Authority is required by Section 34(8)(a) of the Planning and Development Act 2000 (as amended) to determine an application submitted under that section within 8 weeks of receipt, or where further information is received, within a further 4 weeks.
- 8.4.3. In terms of the redaction of material on the public file, this is a matter for the Planning Authority.
- 8.4.4. The Appellant also raises concerns relating to transparency, principally in terms of the description of the existing site and proposed works by the applicant. I have dealt with these issues as part of my assessment above, utilising other sources of information where possible for verification.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects Castlemaine Harbour SAC (000343) and Castlemaine Harbour SPA (004029) or any other European Site, in view of the conservation objectives of these sites, and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The separation distance to the nearest European Sites and lack of hydrological or other pathways.
- The qualifying interests of the above identified European Sites.
- Taking into account the screening determination of the planning authority.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission is refused.

12.0 Reasons and Considerations

1. Having regard to the location of the development in a rural area away from existing settlements, it is considered that the development for use as guesthouse/B&B would contravene Policy Objectives KCDP 10-11 and KCDP 10-29 and Section 1.12.1 of Volume 6 (Development Management Standards & Guidelines) of the Kerry County Development Plan 2022-2028. The proposed development would set a precedent for further haphazard development in rural areas, would erode the landscape quality of the area, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the presence of a Regionally Important Aquifer underlying the site, to historic aerial photography indicating features associated with poor drainage/high water table on site and adjacent, to the age of the existing wastewater treatment system and percolation area, to the absence of percolation testing in the vicinity of the existing percolation area submitted as part of the application, which could inform assessment as to the suitability of the site for discharge to ground, and given the proposed change of use of the structure and potential increased occupancy of the building, it has not been demonstrated that the existing wastewater treatment system on site can adequately dispose of wastewater generated by the proposed development. The proposed development would therefore be prejudicial to public health and would be contrary to Policy Objectives KCDP 13-10 and KCDP 13-19 of the Kerry County Development Plan 2022-2028, which require that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021'.

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.

Suzanne White
Senior Planning Inspector

15th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PI-500495-KY-25
Proposed Development Summary	Retention Permission to retain (a) the demolition works that have taken place to part of the existing building (b) replacement of the demolished works with new structure (c) elevational changes to the existing building, (d) alterations to internal floor levels within the existing building, (e) 5m2 service room extension to the rear of the existing building and all associated site works at Laune Valley Farmhouse B&B, Bansha, Killorglin, Co. Kerry, V93 Y9EP. The building is to be used as a BnB/Guesthouse.
Development Address	Laune Valley Farmhouse B&B, Bansha, Killorglin, Co. Kerry, V93 Y9EP
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)	
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 15/09/2026