



An
Coimisiún
Pleanála

Inspector's Report

PL-500545-KY-26

Development	Construction a modular unit to be used as a sensory building and all associated site works.
Location	Derrynane Beg, Caherdaniel, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560625
Applicant(s)	Darragh & Sara O'Riordan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Darragh & Sara O'Riordan
Observer(s)	None
Date of Site Inspection	
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.267 hectares, is in a rural location, accessed from a side road off the N70/Ring of Kerry/Wild Atlantic Way, approximately 2 kilometres by road northwest of the village of Caherdaniel. The site has a farm gate with signage, set back from the roadside, with an area of hardstanding to allow for a car to pull in. A gravel track has been laid to the upper part of the site. The site is under grass, with a number of flower beds, flower pots, and recently planted trees and shrubs. The ground was solid underfoot on the date of the site visit. It slopes steeply downwards from the entrance.
- 1.2. The site is part of a larger landholding of approximately one hectare. The side road is narrow, with grass in the middle, and lightly trafficked. A two-storey house (not associated with the site) is located directly opposite the site entrance, on the west side of the road.

2.0 Proposed Development

- 2.1. Construction of a single-storey modular unit (c. 44.5 sqm) to be used as a sensory building, with wastewater treatment unit and soil polishing filter, and all associated site services.
- 2.2. The proposed building has a pitched roof, a sheltered outdoor area attached to one gable, and internally it has a toilet and shower room, a tool store, a veg prep area/sink, and an open plan sensory area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused by order dated 27 November 2025 for the following two reasons:

- 1. The proposed modular unit to be used as a sensory building is not located within the curtilage of a dwelling house and would not function ancillary to any existing dwelling house in the immediate vicinity of the application site. The proposed development would be a discordant structure in the rural landscape and would constitute haphazard*

and disorderly development. The proposed development, and the precedent it would set, would be contrary to the proper planning and sustainable development of the area.

2. It is considered that traffic movements generated by the proposed development on a road along which the vertical and horizontal alignment are substandard and where sight distances are severely restricted, would interfere with the safety and free-flow of traffic on that road. The proposed development would, therefore, endanger public safety by reason of traffic hazard and an obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Two reports, the first dated 11/9/2025 requesting further information, the second dated 26/11/2025 recommending a refusal.
- The first report noted the location and character of the site, the Development Plan policy, submissions, and sought further information on connections with a dwelling house, mode of travel to the site, reasons why the sensory unit is not located in their own garden, comments on the third party submission, and further details on the wastewater treatment.
- The second report noted the responses received and recommended refusal.

3.2.2. Other Technical Reports

- Site Assessment Unit – report dated 10th September 2025, requesting further information in the form of a new trial hole near the polishing filter. Report dated 19th September 2025, following inspection of the trial hole, recommending conditions in the event of a grant.

3.3. Prescribed Bodies

3.4. No reports received.

3.5. Third Party Observations

One received, from the owner of the neighbouring property across the road to the west, noting that there is a covenant on the folio prohibiting developments that would restrict the view from that property.

4.0 Planning History

4.1. None on file.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-28

The following designations apply to the appeal site:

- Rural Type Area – the appeal site is located in a rural area designated as ‘Other rural areas’.
- Visually Sensitive Areas and Views & Prospects – Map L – the appeal site is located in a Visually Sensitive Area, with protected views and prospects from the adjacent road.

Landscape

Section 11.6 sets out policies and objectives in relation to landscape protection.

The following objectives relate to protection of the rural 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.

11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance

with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

5.2. Natural Heritage Designations

- SAC: 000365 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC – 300 metres to the west

6.0 EIA Screening

- 6.1. 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 Act).

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:

- This application is for a sensory garden facility for a young person with medical and psychological challenges.
- It is ancillary to the young person's grandparents' permanent home at Lamb's Head, which cannot accommodate this facility, as there is not enough space. This land was owned by the grandparents, and is an ideal distance from the main dwelling, providing support, and developing independence. It contains the necessary natural features - mature trees, a small stream, varying ground levels – essential for a sensory environment.
- The proposed structure is not a dwelling house, but a sensory building to support sensory regulation and provide shelter during inclement weather during visits to the garden. It is not a discordant building, but a modular unit congruent with other farm and rural buildings.
- The immediate neighbours have welcomed the development.
- It would be totally compatible with the rural residential planning of the area.

- This is a proposal for a single family, and would not increase traffic movements or interfere with safety or free flowing traffic. The entrance is away from the N70, and there is a large drive set back from the minor road it accesses.
- Supporting documentation from medical and educational professionals is provided to demonstrate the benefits of this type of development. This is a unique opportunity to facilitate such a development and make use of a rural unused site which would otherwise be overgrown and abandoned.

Letters of support with detailed personal information have been provided for the file by healthcare professionals (occupational therapist, psychiatrist, general practitioner, clinical psychologist) and from the child's school principal.

7.2. **Planning Authority Response**

None received.

7.3. **Observations**

- Referred to Heritage Council. No comments received.
- Referred to DAU/NPWS. No comments received.

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:

- The location of the development and connection to a dwelling
- Traffic and access

8.1.1. **The Location of the development and connection to a dwelling**

8.1.2. The appellants clarified in their Further Information submission that they live with their son (the end user of the facility) in Crosshaven, Co. Cork. The site was previously in the ownership of the child's grandparents as part of a larger landholding. They note in the appeal that the site is close to the child's grandparents' permanent home at Lambs Head,

Rath, which is in the same parish as Caherdaniel, and this is where the child stays. They state that neither home is suitable for a sensory garden or a sensory room; their house in Cork is in a large housing estate, with a limited garden, and there is not enough space at the grandparents' house. I note the appellants' address given in the initial application (and that in the appeal, albeit with an incorrect Eircode – that of their agent in Tralee) is that of a rural house set on 0.25 hectares in Ballycarnahan, on the Lambs Head peninsula, a four-kilometre drive to the south. In the absence of further details, I would infer that this is the grandparents' house. However, two of the letters of support state that the grandparents' house is 3 kilometres from the site. In any case, it is not contiguous to the site, and the applicants note that they would be driving to the site.

- 8.1.3. I note the letters of support submitted by the child's educational and medical team in Cork, as well as the supporting material linked to by the applicants in their document *Neurodiversity and Sensory Gardens*. The benefits of a sensory garden are not in doubt. The applicants and the boy's support team note that the proposed structure is to support the use of the sensory garden, by providing sanitary services (shower and toilet), storage, and shelter from inclement weather, as well as to provide sensory rooms.
- 8.1.4. I note the council planner's report states that '*any modular unit/sensory garden is supposed to be ancillary to the use of a dwelling*'. I did not find any policy, objective, or guideline within the Development Plan setting this out; I found no policies regarding this particular type of land use. Furthermore, the supporting material submitted by the applicants in their document *Neurodiversity and Sensory Gardens* refers to numerous academic studies and policy documents on sensory gardens provided in educational, community, medical, or recreational settings, rather than domestic examples.
- 8.1.5. However, the proposed development is not ancillary to a school, hospital, club, or any other service. The site is a rural one, disconnected not just from any relevant residence but also from other services and settlements, and entirely car dependent. It is located 1.8 kilometres from the village of Caherdaniel, a small tourist village providing a basic range of services, just off the N70, a national road which has no provisions for cycling or walking, and which forms part of the Wild Atlantic Way/Ring of Kerry.
- 8.1.6. The appeal states that the site is the ideal distance from the main dwelling (the child's grandparents' house), allowing him to benefit from family support while developing independence and practical skills close to where he stays. In my view, as the site is

disconnected from the grandparents' house (some three or four kilometres away), and is not independently accessible by the child, the suitability of the location is overstated. I further note that none of the letters of support submitted by the medical and educational professionals suggest that an isolated or rural location is required or preferred.

8.1.7. Road Safety and Traffic Hazard

8.1.8. There is no transport or roads report on the council file. The site has been provided with a gated vehicular entrance in recent years (publicly available mapping, including Google Street View from 2010 and the ordnance survey map submitted, shows no gate). The appeal states that there would be no increase in traffic movements, as this is a private development for one family. In my view, the construction of the building with sanitary facilities would be likely to increase the use of the site, and therefore increase trips to the site. Having undertaken a site visit, I concur with the view of the Local Authority that increased traffic movements on this narrow local road would be a safety concern. The local road to the south forms part of the Kerry Way, a tourist walking route. The local road joins the N70 to the north at a narrow junction with a steep slope.

8.1.9. Other issues

The site is in close proximity to the Wild Atlantic Way, with views from this route protected in the Development Plan. The proposed structure is small in scale, not immediately adjacent to the route, screened by vegetation in summer months, and within a visual cluster of houses. There are no official pull-in viewing points in the immediate vicinity, and as such the site would only be visible (subject to lack of vegetation cover in winter) in passing views; the visual impacts would be acceptable.

9.0 AA Screening

9.1.1. 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 300 metres from the nearest European site.

The proposed development comprises a building with a 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.

10.0 Water Framework Directive

- 10.1.1. The subject site is located in a rural area, bordered by the Coomnahorna_River_010 on one side, and within that sub basin. It is located on top of the ground water body Beara Sneem (IE_SW_G_019).
- 10.1.2. The proposed development comprises the provision of a sensory room and wastewater treatment plant.
- 10.1.3. No water deterioration concerns were raised in the planning appeal.
- 10.1.4. 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.
- 10.1.5. The reason for this conclusion is as follows:
 - the small scale and nature of the development
 - the proposed treatment of wastewater, and the site suitability report on file
- 10.1.6. 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 a refusal.

12.0 Reasons and Considerations

1. The proposed modular unit to be used as a sensory building is not located within the curtilage of a dwelling house and would not function ancillary to any existing dwelling house in the immediate vicinity of the application site. Furthermore, it is a car dependent urban-generated development in a rural area, located at a distance from services and settlements. The proposed development would constitute haphazard and disorderly development. The proposed development, and the precedent it would set, would be contrary to the proper planning and sustainable development of the area.

2. It is considered that traffic movements generated by the proposed development on a road along which the vertical and horizontal alignment are substandard and where sight distances are severely restricted, would interfere with the safety and free-flow of traffic on that road. The proposed development would, therefore, endanger public safety by reason of traffic hazard and an obstruction to road users. The proposed development would, therefore, 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Natalie de Róiste
Planning Inspector

7 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500545-KY-26
Proposed Development Summary	Sensory room and wastewater treatment unit
Development Address	Derrynane Beg, Caherdaniel, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> 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)?	
<input type="checkbox"/> 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

<input checked="" type="checkbox"/> 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?	
<input checked="" type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> 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)	State the Class and state the relevant 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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)

	[Delete if not relevant]
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

Inspector: _____

Date: _____

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	PL-500545-KY-26	Townland, address	Derrynane Beg, Caherdaniel, Co. Kerry			
Description of project	Sensory building and wastewater treatment unit					
Brief site description, relevant to WFD Screening,	The site is a rural one, with a proposed mains water connection. It is located on top of a locally important aquifer (Beara Sneem) with an extreme vulnerability. It is not in an area of known floodrisk.					
Proposed surface water details	Soakpits					
Proposed water supply source & available capacity	Existing mains connection					
Proposed wastewater treatment system & available capacity, other issues	Packaged waste water treatment system and polishing filter					
Others?	n/a					

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

Groundwater body	underground	Beara Sneem	Good	Not at risk	No pressures	Drainage to ground	
River	250	Coomnahorna River	Good	Review	No pressures	Runoff	
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Groundwater body	Beara Sneem (IE_SW_G_019)	underground	spillages	Standard good construction practices	no	Screened out
2.	River	Coomnahorna River (IE_SW_21C070 720)	Run off	Pollution and sedimentation	Standard good construction practices	no	Screened out
OPERATIONAL PHASE							

3.	Groundwater body	Beara Sneem (IE_SW_G_019)	Underground	Pollution	WWTS to EPA CoP standards, soakpit, SuDS features	No	Screened out
4.	Coastal	Coomnahorna River (IE_SW_21C070 720)	Run off	Pollution and sedimentation	WWTS to EPA CoP standards, soakpit, SuDS features	No	Screened out
DECOMMISSIONING PHASE							
5.	n/a						