



An
Coimisiún
Pleanála

Inspector's Report

PL-500896-KY-26

Development	Construction of three dwellings and associated site works.
Location	Doon Road, Doon West, Ballybunion, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2561185
Applicant(s)	Anthony Bennett
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Anthony Bennett
Observer(s)	None
Date of Site Inspection	27/04/2026
Inspector	Lorraine Dockery

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.098 hectares, is located just over 1km to the north of Ballybunion town centre, Co. Kerry. The site has frontage onto the R551 to the east and sea views to the west. It is located at the 50kph speed limit sign- a small portion of the site is within the 50kph limit with the majority located within the 60kph zone.
- 1.2. Ground levels slope from north to south and the site is currently under grass. The roadside boundary is defined by a natural sod boundary.
- 1.3. The site is considered infill in nature with residential development along the R551 on either side of the site.

2.0 Proposed Development

- 2.1. The proposal consists of the construction of three residential units (one no. detached dwelling and 2 no. duplex apartments), together with associated site works including provision of 6 no. car parking spaces and provision of 2m wide footpath along site boundary. Private open space is proposed to the rear of each proposed property.
- 2.2. The total stated floor area of the three units is 386m². A new connection to the mains water supply is proposed, together with a new connection to the public sewer.
- 2.3. It is stated that the applicant intends to use the detached property as his permanent residence and the apartment units for his sons. He is a long-term local resident and business operator based in Main Street, Ballybunion, employing between 80–120 people annually in the region. He is separated and currently resides in a bedsit in his father's property, with limited capacity to accommodate his sons.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for one reason as follows:

1. The Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP5-14, Rural Housing Policy 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 be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Reflects the decision of the planning authority; recommends refusal of permission

3.2.2. Other Technical Reports

Listowel Roads Office- No objections, subject to conditions

Housing Estates Unit- A number of queries raised in relation to boundary treatments, sightlines and other transport matters and stormwater. Conditions recommended

3.3. **Prescribed Bodies**

Uisce Eireann- Further Information requested in relation to feasibility of connection to the public water/wastewater

infrastructure

3.4. **Third Party Observations**

One observation was received by the planning authority raising concerns regarding overdevelopment, impacts on residential and visual amenity, together with traffic concerns.

4.0 **Planning History**

4.1. The most recent relevant history on this site is as follows:

25/60657- Permission REFUSED to construct three dwellings and all ancillary site works for similar reason as this current appeal

08/779- Permission REFUSED for 4 no. dwellings relating to policy context, piecemeal development, ribbon development, amenity matters and traffic concerns

5.0 **Policy Context**

5.1. National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Guidelines on the Information to be Contained in Environmental Impact Assessment Reports
- Climate Action Plan 2025 (as informed by Climate Action Plan 2024)

Other policy documents of note:

- National Planning Framework, First Revision
- Regional Spatial & Economic Strategy for the Southern Region
- Our Rural Future: Rural Development Policy 2021-2025

5.2. Local Planning Policy

Development Plan

The Kerry County Development Plan 2022-2028 applies.

Listowel Municipal District Local Area Plan 2020-2026 (adopted 21/09/2020)

Section 3.3 deals with Ballybunion- site is located outside of the settlement boundary of Ballybunion (Ballybunion North zoning map)

The following designations are relevant to the appeal site:

- Rural Type Area – the appeal site is located in a rural area designated as ‘Rural Area Under Urban Influence’ (Vol 3.
- Located adjacent to a designated Visually Sensitive Area

Chapter 5 Rural Housing

Section 5.5 outlines the applicable rural housing policy framework for new dwellings

Section 5.5.1.2 Rural Areas Under Urban Influence

This section notes that the key challenge in such areas is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.

Objective KCDP 5-14 – This sets out the criteria which applicants need to satisfy when seeking to build a house in a ‘Rural Area Under Significant Urban Influence’ as follows:

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 of 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..

Other Relevant Objectives:

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

KCDP 8-28 Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes

Chapter 11 Environment

Section 11.6 Landscape

Section 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.

Volume Six of the Plan includes (1) Development Management Standards & Guidelines.

Section 1.5 refers to Residential Development

5.3. **Natural Heritage Designations**

The Lower River Shannon SAC (Site Code: 002165) is located due west of the site.

6.0 **EIA Screening**

6.1. See completed Form 1 on file. 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). Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- Site located within defined boundary of Ballybunion and is zoned for residential use under the Listowel/Ballybunion Functional Local Area Plan 2013-2019, where

principle of residential is supported- cites a number of policies deemed relevant in this regard

- Site identified as being within Rural Area Under Significant Urban Influence in Kerry County Development Plan 2022. However, physical characteristics of site clearly demonstrate that it functions as an urban infill site as it lies within built-up area of Ballybunion, is contiguous with established residential development, is fully serviced and is located less than 1km from Main Street
- Contends that accordingly, the proposal does not constitute rural one-off housing and Objective KCDP 5-14 (Rural Housing Policy) is not applicable in this instance.
- Doon Road forms part of established residential environs of Ballybunion
- The site is bounded by existing dwellings to the north and south and forms a logical consolidation of the existing streetscape; proposal represents urban infill development rather than peripheral expansion or rural housing
- Contends proposal is in compliance with abovementioned LAP 2013
- Outlines applicant's local need and family circumstances, which it is contended directly supports the housing and community sustainability of LAP
- Proposed development aligns with national, regional and local policy by utilising serviced land within existing urban fabric; promoting compact growth; avoiding greenfield expansion; supporting family-based housing; improving pedestrian infrastructure and enhancing the streetscape. There is no material contravention of Development Plan policy
- Proposal does not represent rural encroachment or ribbon development
- Includes statement on behalf of applicant
- Rejects any interpretation that the proposal constitutes rural one-off housing within a Rural Area Under Significant Urban Influence; to apply this would represent a misapplication of Development Plan objectives and would undermine that NPF's compact growth strategy

7.2. Applicant Response

N/A

7.3. **Planning Authority Response**

None

7.4. **Observations**

None

7.5. **Further Responses**

None

8.0 **Assessment**

8.1. Having regard to the requirements of the Planning and Development Act, 2000 (as amended), this section considers the likely consequences for the proper planning and sustainable development of the area. 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, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of proposed development/policy context
- Other matters

8.2. **Principle of proposed development/policy context**

8.2.1. I note the appellant references the Listowel/Ballybunion Functional Local Area Plan 2013-2019. This Plan has not expired and the Plan currently in place is the Listowel Municipal District Local Area Plan 2020-2026 (adopted 21/09/2020). Section 3.3 deals with Ballybunion. It is noted that the subject site is located outside of the settlement boundary of Ballybunion (Ballybunion North zoning map), as per the Listowel Municipal District Local Area Plan 2020-2026.

8.2.2. Lands immediately to the west of the site are designed as being 'Visually Sensitive' (Map A of Development Plan), although it appears that there are no designated Views or Prospects at this point. There are designed Views and Prospects further north along this roadway.

- 8.2.3. The subject site is located in an area identified as “Rural Areas under Urban Influence”, as set out in Map 5.1 of Vol 4 of the operative County Development Plan. Therefore, Objective KCDP 5-14 relates to the subject site. Objective KCDP 5-14 states that 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 of 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 a number of categories of housing need. Each of the four categories relate to connections with the rural area, building on the family farm lands (aside for (d) which relates to life limiting conditions). Objective KCDP 5-14 further states that preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house. This is a greenfield site and there are no existing dwellings on this landholding.
- 8.2.4. The only reason for refusal in this case states that he Planning Authority is not satisfied on the basis of submissions made in relation to the application, that a rural housing need has been demonstrated in accordance with Objective KCDP5-14, Rural Housing Policy 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 be contrary to the proper planning and sustainable development of the area.
- 8.2.5. The main thrust of the appellant’s appeal relates to their consideration that the site should not be designated as being a Rural Areas under Urban Influence, given its locational context proximate to Ballybunion (a small element of the site is located within the 50kph speed limit). They argue that Doon Road forms part of established residential environs of Ballybunion and highlight that the site is bounded by existing dwellings to the north and south and forms a logical consolidation of the existing streetscape. They further state that the proposal represents urban infill development rather than peripheral expansion or rural housing. I acknowledge the case put forward by the appellant and would not disagree with elements of that case. The site could be considered an infill site, with existing established development to both its north and south. Many of the sites along Doon Road have been developed with single dwellings, while this site remains undeveloped. The proposal, if permitted would not lead to the further expansion of the town further north than currently exists. It is partly within the 50kph speed limit zone and is serviced.

- 8.2.6. Notwithstanding all of the above, however, the fact remains that the site is outside the development boundary of Ballybunion, as set out in Development Plan mapping including Ballybunion North zoning map, as per the Listowel Municipal District Local Area Plan 2020-2026. It is zoned as being a Rural Areas under Urban Influence and therefore the policies and objectives relating to same must be applied. It may be open to the applicant to put forward case to the planning authority to initiate a material contravention process or during the Development Plan review process to change the zoning, but that is outside remit of this appeal, a matter for the planning authority. It is noted that applications on the lands in 2008 and 2025 were refused permission on policy context grounds (including other matters). The zoning/designations have not changed since the 2025 decision issued from the planning authority. The lands remain unzoned since the 20008 decision issued.
- 8.2.7. As stated above, given that the subject site is located with a “Rural Areas under Urban Influence”, Objective KCDP 5-14 relates to the subject site. In support of their application, the first party outlines their personal circumstances which include that he intends to use the detached property as his permanent residence and the apartment units for his sons. He is a long-term local resident and business operator based in Main Street, Ballybunion, employing between 80–120 people annually in the region. He is separated and currently resides in a bedsit in his father’s property, with limited capacity to accommodate his sons. I acknowledge the case put forward but consider, having examined Objective KCDP 5-14 that the applicant is not in compliance with same. While the applicant appears to have connections to Ballybunion (Main Street), he has not outlined any links to the rural area nor any connections with farming or demonstrated any life-limiting conditions. Based on the information before me in this regard, I consider that the decision of the planning authority should be upheld as based on the information provided, it has not been adequately demonstrated that the proposal constitutes an exceptional rural generated housing need based on the applicant’s social (including lifelong of life limiting condition) and / or economic links to this particular local rural area, and in this regard, the applicant has not demonstrated that they comply with any of the categories of housing need. The proposal is therefore considered not to be in compliance with Objective KCDP 5-14 of the County Development Plan in relation to its rural settlement policy and is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

8.3. Other Matters

- 8.3.1. As stated above, lands immediately to the west of the site are designed as being 'Visually Sensitive' (Map A of Development Plan). There are clear views from Doon Road towards the coast across this site, although these views are restricted by existing development. Any development located on this site may negatively impact on this designated Visually Sensitive area and may detract from the scenic amenities of the area. Furthermore, there is significant ribbon development along this stretch of roadway. A grant of permission may further exacerbate this ribbon development.
- 8.3.2. Concerns were raised in the third-party submission to the planning authority regarding overdevelopment, impacts on residential and visual amenity, together with traffic concerns. I am generally satisfied with the height, design and layout of the proposal and consider it to generally comply with Development Plan standards in relation to residential development. I do not consider the proposal to represent overdevelopment of the site. I am satisfied that the proposal would not impact on the character or amenities of the area to such an extent as to warrant a refusal of permission. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that the proposed units would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. Matters raised in the report of the HEU could be adequately dealt with by means of condition, if An Coimisiún were disposed towards a grant of permission.
- 8.3.3. I note the Further Information request by Uisce Eireann in relation to feasibility of connection to the public water/wastewater infrastructure. This matter would require clarification in any future application on the lands.

9.0 AA Screening

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 European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections

- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams etc where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- Taking into account screening report by the PA

I conclude that 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water body 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. The reason for this conclusion is as follows.

- The nature of the proposed development
- The location of the nearest water bodies
- Connection to mains infrastructure
- Lack of hydrological connections

11.0 Recommendation

11.1 I recommend that permission be REFUSED

12.0 Reasons and Considerations

1. Objective KCDP5-14, Rural Housing Policy of the Kerry County Development Plan 2022-2028 states that 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 of 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 a number of categories of housing need. Based on the information provided, it has not been adequately demonstrated that the proposal constitutes an exceptional rural generated housing need based on their social (including lifelong of life limiting condition) and / or economic links to this particular local rural area, and in this regard, the applicant has not demonstrated that they comply with any of the categories of housing need. The proposal is therefore considered not to be in compliance with Objective KCDP 5-14 of the Kerry County Development Plan 2022-2028 and the proposal is therefore inconsistent with 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.

Lorraine Dockery
Senior Planning Inspector

5th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500896-KY-26
Proposed Development Summary	Construction of three dwellings and associated site works.
Development Address	Doon Road, Doon West, Ballybunion, 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 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 checked="" 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)	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
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)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Lorraine Dockery

Date: 5th May 2026